Vol. 17.1 2019

Research in Language

WYDAWNICTWO
UNIWERSYTETU
ŁÓDZKIEGO

RL Vol. 17.1 2019

Research in Language

WYDAWNICTWO
UNIWERSYTETU
ŁÓDZKIEGO

ŁÓDŹ 2019

EDITORS

Iwona Witczak-Plisiecka, Ewa Waniek-Klimczak, Jan Majer – University of Łódź
Faculty of Philology, Department of English Language and Applied Linguistics
90-236 Łódź, Pomorska 171/173

All papers published in “Research in Language” have been blind-reviewed by at least two independent readers

INITIATING EDITOR
Agnieszka Kałowska

EDITING AND TYPESETTING
Michał Kornacki

COVER DESIGN
Katarzyna Turkowska

Printed directly from camera-ready materials provided to the Łódź University Press

© Copyright by Authors, Łódź 2019
© Copyright for this edition by Uniwersytet Łódzki, Łódź 2019

Published by Łódź University Press

First Edition. W.09189.19.0.C

Printing sheets 6.75

ISSN 1731-7533
e-ISSN 2083-4616

Łódź University Press
90-131 Łódź, Lindleya 8
www.wydawnictwo.uni.lodz.pl
e-mail: ksiegarnia@uni.lodz.pl
phone (42) 665 58 63

CONTENTS

Martin Hinton and Agnieszka Budzyńska-Daca
A comparative study of political communication in televised pre-election debates in Poland and the United States of America 1

Cristina Corredor
Advocacy and enactment: exercitives and acts of arguing 21

Samira Allani
Confrontational argumentative strategies in the discourse of foreign policy experts 39

Jean H. M. Wagemans
Four basic argument forms 57

Stanisław Goźdź-Roszkowski
Marriage, *liberty* and *constitution*: a corpus-assisted study of value-laden words in legal argumentation 71

Martin Hinton
Language and argument: a review of the field 93

A COMPARATIVE STUDY OF POLITICAL COMMUNICATION IN TELEVISED PRE-ELECTION DEBATES IN POLAND AND THE UNITED STATES OF AMERICA

MARTIN HINTON
University of Łódź, Poland
martin.hinton@uni.lodz.pl

AGNIESZKA BUDZYŃSKA-DACA
University of Warsaw, Poland
a.budzynska@uw.edu.pl

Abstract
This paper combines quantitative and qualitative methodologies to study the persuasive strategies employed by candidates taking part in televised pre-election debates in Poland and the United States between 1995 and 2016. First, the authors identify the key strategies and calculate the frequency with which they are used by individual candidates. This allows for numerical comparisons between politicians in the two polities, as well as between winners and losers, and candidates of the right and the left politically. These statistical results led the authors to look more closely at the individual styles of two contrasting debaters. We conclude that the rhetorical landscape of political communication does not differ greatly between the two countries; although the data suggest noticeable differences in the approach of political parties and between individuals.

Keywords: Persuasion, political communication, political dialogue, rhetoric, debates.

1. Introduction

The research presented in this paper investigates differences in the political communication strategies of candidates running for the highest government office, the presidency and premiership, in the United States of America and Poland. The aim is to identify and compare typical argument strategies found in the persuasive speeches of American and Polish politicians directed at the public during election campaigns. The analysis is performed on material from televised election debates, a type of pre-election communication which has a particular importance: not only through the responses of those who watch the broadcast, but also because the impact of candidates in these debates is measured in opinion polls, the results of which are widely publicised and reach those who did not experience the performances at first hand. No other type of communication used

in the campaign has the same persuasive potential, or ability to focus the electorate, as a debate (Kraus, 2000; Minow and Lamay, 2008; Schroeder, 2000).

Election discourse is characterised by intensive attempts at persuasion, aimed at attracting supporters. Politicians address themselves to the audience with persuasion and encouragements, and the electorate address themselves to politicians, positively or negatively by voting for that candidate or an opponent. This type of political discourse we suggest, then, aims to achieve a specific response. The analysis below shows what means are used to achieve that aim, and how the work of convincing and motivating voters differs between American and Polish politicians.

1.1. Election debates

The origins of pre-election televised debates lie in the United States, where the first, historic, debate between Nixon and Kennedy took place in 1960. After an hiatus of several years, debates were resumed in 1976 and have continued up to the present. Their influence on debates in other countries has been great: even when the organisation of debates in other countries differs from the American model, research shows a good deal of similarity remains (Benoit and Henson, 2011; Benoit and Klyukovski, 2006; Benoit and Sheafer, 2006; Benoit and Wen, 2007; Jalilifar and Alavi-Nia, 2012). Research on debates has been carried out using a variety of methodologies (argumentational, deliberative, and functional analyses) and from the perspective of various disciplines (political marketing, media communication, sociology, linguistics, and rhetoric). As long ago as 2004, Diana Carlin and Mitchell McKinney counted more than 800 articles, chapters, and books on the topic (McKinney and Carlin, 2004: 204).

Such debates are currently held in 84 different countries around the world (Debates International, 2018) including some of those which score poorly on the Democracy Index and have authoritarian governments (Budzyńska-Daca, 2016). It is worth investigating, therefore, what manner of dialogue with citizens they contain.

Stephen Coleman has presented four main arguments for the value of debates to democracy and political communication.

1. Television debates are the best way to attract large numbers of people, particularly those who are less interested in following the campaign, and for whom the debate may be the only source of knowledge about the candidates.
2. Debates have an educational influence on the electorate, giving them information, and stimulating further pursuit of information on the parties and candidates.
3. Debates provide equal chance for candidates to reach a wide audience, and give candidates with lower support in opinion polls a chance to appear on prime-time television.

4. Debates allow the voters to assess candidates when under stress. (Coleman, 1997: 9).

It should be noted, however, that alongside those enthusiasts who consider the televised debates to be amongst the most important events of the campaign, there are also sceptics. While the first group argue that, in terms of providing information, debates have great advantages over other forms of communication (they are longer than advertising spots which allows a deeper presentation of elements of the programme; they illustrate the differences between the candidates, both in terms of policy and personality; candidates behave more naturally than in carefully prepared, pre-recorded election broadcasts (Benoit and Henson, 2007: 36–48; Faas and Maier, 2004: 56; Faas and Maier 2011: 75–91)), the sceptics question their influence at the ballot box, and refer to the 'myth' of the first American debate, between Kennedy and Nixon, and its impact on the vote (Meadow, 1983: 36). They emphasise that due to the short time allowed for answers, the debating candidates can only address serious political issues in a brief manner, presenting general positions already well-known throughout the campaign (Bitzer and Rueter, 1980; Meadow, 1983). A key role is played by journalists assessing the course of the debate and spin doctors interpreting its outcome. This element of the debate involves so-called post-debate strategies (Friedenberg, 1997: 84). The post-debate period, in which campaign teams employ a multiplicity of persuasion strategies to convince voters that their candidate won, is now, in the era of social media, perhaps as important as the debate itself.

1.2. Corpus and Rhetorical approach

The perception of the debate as a phenomenon of democracy, serving the democratic process is important for researchers, and political commentators observing the events from a distance, but for politicians they are simply a tool for communication with voters, in order to gain support. In this paper we are interested in the perspective of the politicians, and the strategies they employ in their dialogue with the electorate.

The corpus of texts identified for analysis in this research covers the last 20 years of presidential campaigns in Poland and the United States (see appendix A for a full list). The analysed material allows conclusions to be reached on the nature, differences and similarities, of strategies of political dialogue in the two polities. For this reason, those fragments of the debates in which candidates address themselves directly to the electorate, the closing statements, have been chosen.

The structure of debates can be clearly divided into the following, proceeding in order:

1. Introduction by the moderator.
2. Main debate – (depending on the format: questions to candidates, exchange of arguments, timed speeches).
3. Summarising closing statements, directed to voters. (Our focus)
4. Ending of debate by the moderator.

Closing statements are the final act persuading the electorate to commit to one side. This makes them a particularly important part of a particularly important event in the election campaign, and an element to which we would expect candidates to dedicate their utmost attention and most skilful rhetoric.

In assessing that rhetoric we follow the classical Aristotelian (1926: 1,2) division of argumentation, considering the three basic elements of the persuasion process as speaker, speech, and audience. This allows us to analyse the performance of candidates as they attempt to address each of those elements in their dialogue with the electorate, a dialogue in which the response they seek is a performative one: voting. The three tasks facing the candidates, then, correspond to the three pillars of persuasion: ethos, logos and pathos. They are:

1. Building credibility (ethos)
2. Presenting the matter of the address (logos)
3. Moving the audience to action (pathos)

All three elements require the attention of the speaker; they all contribute to the overall performance, and it is not easy to divide them cleanly from one another. The ability of the speaker to perform tasks 2 and 3 well is dependent on the ability to perform task 1 and build sufficient ethos to be listened to; while work put into achieving tasks 1 and 2 will go to waste if the speaker cannot move the audience enough to motivate their actually voting in the ballot.

It is also true that persuasion carried out in natural language inevitably takes on a figurative form which may never be truly neutral. Since even the most logical argument must be put into words in order to be persuasive, its expression will necessarily also contain elements affecting the realms of ethos and pathos. ‘For although it may seem that proof is infinitesimally affected by the figures employed, none the less those same figures lend credibility to our arguments and steal their way secretly into the minds of the judges’ (Quintilian, 1922: 9,1 19).

Since figurative expressions form the building blocks of argumentation, it is not possible to separate out the strands of the three impulses of ethos, logos and pathos in persuasive discourse and it is for this reason that while we categorise the rhetorical tropes and figures of speech as mainly affecting one of the three spheres, they are understood, potentially, to have simultaneous effects within the others.

2. Method

The similarities in the basic format of Polish and American televised election debates made them prime candidates for the conducting of an analysis and

comparison of the communication strategies favoured by politicians standing for election in those two polities. The first step was to determine exactly what materials would form the basis of that analysis. Since the full text of each debate is of considerable length and it is the purpose of this study to cover a range of different candidates across a reasonably extended timescale in considerable detail, it was decided to focus solely on the closing statements in each debate. This approach has the advantage of both limiting the amount of text to a manageable size and removing from consideration the question of who is being addressed, the voters or the opponent. Closing statements in both the USA and Poland are directed to the camera, with interruptions not allowed (though occasionally occurring in Poland). They are a chance for the candidate to appeal to the audience in a style of communication unaffected by the strategies of the opponent or the probing of the moderator.

The first free, post-Communist presidential election in Poland took place in 1990, but without televised debates between candidates. The first available material, therefore, comes from the 1995 race. As a consequence, although American debates have been organised for far longer, the first material from the USA which is considered is from the 1996 election, in order to keep the data sets as closely related as possible. All debates in which final addresses featured have been taken into consideration, up to and including the 2015 campaigns in Poland and the 2016 Trump vs Clinton race in the USA. During this time there were a number of agreed debate formats which did not feature final statements, and in Poland in 2000 the sitting president was re-elected in the first round of voting, meaning that no head-to-head debates were held. In order to better balance the number of addresses reviewed, debates between candidates for the position of Prime Minister of Poland have also been included, where the format was comparable. This gave a total of 13 Polish debates, so 26 performances, and 12 American ones, so 24 addresses. A full list of the relevant debates detailing participants and date of transmission is given in appendix A.

The research reported upon in this paper employs a mixed approach of quantitative and qualitative methodologies. The section below describes how a statistical analysis was carried out, and the subsequent section details the close textual analysis of selected fragments.

The two authors involved in the analysis are both experienced teachers and researchers in rhetoric and argumentation, and both speakers of English and Polish, with one native speaker of each language. Polish examples given in English have been translated by the authors.

The first stage of the research involved the identification of a range of rhetorical devices used by the candidates in their speeches and the recording of how often and by whom they were used. This would allow a statistical comparison between politicians from the two countries, from different parties, across time, or according to any other division.

Step one was for the two researchers to read through all the texts and note down the devices they came across. The two lists were then compared and discussed.

Devices which appeared to have only occurred once or twice were eliminated and others were divided or agglomerated. The final agreed list consisted of 26 rhetorical devices and communication strategies. The items on this list were then categorised as most pertaining to logos, ethos, or pathos. This sub-division was not without difficulty since certain strategies might be considered to have an effect on two of those spheres, as discussed above, but ultimately the following categorisation was accepted.

Table 1. Communication strategies.

	No.	Device	Example
Logos	1	Make promises	'I'll never give a veto' – Kerry 2
	2	Stress need for change	'America needs a new direction' – McCain 1
	3	Emphasise importance of election	'This election is important' – Dole 1.
	4	Cite policies	'I want anti-ballistic missiles' – Bush 1
Ethos	5	List aspirations	'I want to reduce ...' – Gore 2
	6	Suggest opponent lacks qualities	'sense, not fanaticism' – Kopacz 1
	7	Insult opponent	'band of hooligans' – Walęsa 1
	8	Warn against opponent	'if the President were to be re-elected...' - Romney 1
	9	Cite their own qualities	'I've kept that promise' – Obama 2
	10	Stress differences between them	'we have our differences' – Dole 2
Pathos	11	Antithesis	'I'm not talking about leaving, I'm talking about winning' – Kerry 3
	12	Praise the audience/nation	'We are the greatest country on the face of the earth' – Dole 1
	13	Appeal to authority	'like Franklin Roosevelt' – Kerry 1
	14	Appeal for help/action	'I hope you will help me' – Clinton 1
	15	Appeal to fear	'powerful forces against you' – Gore 1
	16	Call for unity	'let's come together' – Bush 1
	17	Appeal to emotion	'speak to the hopes and aspirations of the future' – Bush 2
	18	Use anecdotes	'a woman named Winifred Skinner' – Gore 1
	19	Give examples	'a company in Minnesota' – Obama 2
	20	Identify with voters	'somebody who grew up living in a basement apartment' – Dole 2
	21	Moral justification	'I have kept the faith with our country' – Gore 3
	22	Address the audience	'ladies and gentlemen' – Clinton 1
	23	Metaphors	'calm the waters of the troubled world' – Kerry 1
	24	Repetition	'not a nation, not a country, not an institution' – Kerry 2
	25	Name audience	'young people of America' – Dole 1
	26	Direct appeal for votes	'I'm asking for your vote' – Bush 2

Many of these devices are self-explanatory, such as 23 (metaphors) or 24 (repetition), but others require a few words of explanation. The differences among 1 (make promises), 4 (cite policies) and 5 (list aspirations) are not always obvious, but there were felt to be relevant distinctions between promising to improve something (1) and giving an actual policy proposal (4) which would achieve that end, and between statements of what a candidate would do if elected (1 and 4) and descriptions of the nation that the candidate would like to see (5), especially as this last device speaks more to the ethos of the speaker, what sort of person that candidate wants to be seen as, than to any definite commitment to action.

Once these 26 devices had been agreed upon, all the texts were analysed by the two researchers and instances of the use of each strategy noted. Multiple uses by the same candidate in one speech were not counted. This analysis was then tabulated and a comparison made between the two assessments. The texts were re-assessed by each researcher in the light of the second opinion and any remaining discrepancies were discussed until agreement was reached, with the native speaker of the language in question given the final say.

The final set of data was then used to create the tables of overall statistics and comparison presented in the results section below.

While the statistical results are presented below in section 3, section 4 contains a close analysis of chosen fragments of the debates looking at the use of strategies by individuals who stand out in some way statistically from the other debaters. The data presented in the tables below highlighted certain aspects of the addresses which merited a closer examination; the choice of which speakers and which fragments to analyse, therefore, was motivated by the statistical description of the corpus.

3. Results and Comparison

The data for the speeches were categorised and compared in three ways: Poland vs USA, Winners vs Losers, and Right vs Left. This obviously allows for analysis of combinations of categories, such as American Right vs American Left, or Polish Winners vs Polish Losers. Winners and losers refers to the result of the election following the broadcast, not the perceived result of the debate. One Polish debate, in a three way race, was between two losing parties.

The top five strategies were registered in 25 or more performances:

Table 2. Most Popular Strategies

Strategy	USA	Poland	Total
22. Addressing the audience	6	23	29
24. Repetition	14	15	29
5. List aspirations	14	13	27
1. Making promises	16	10	26
17. Appeal to emotion	13	12	25

The difference in frequency in the employment of the strategy 'addressing the audience', or *apostrophe*, between the Polish and American speakers is, at least in part, a result of the different systems of address in the two languages (Kerbat-Orecchioni, 1992, 2014). In Polish, the forms 'Szanowni Państwo' (literally: Respected Ladies and Gentlemen) and 'Proszę Państwa' (a polite form of address where literal translation is of little use) are used very frequently in media communication (Kostro and Wróblewska-Pawlak, 2016: 165-166) with the latter also being a common feature of everyday speech. Modern speakers of English clearly do not pepper their conversation with the equivalent 'dear sir', however, the phrase 'ladies and gentlemen' is in current use - Bill Clinton employs it twice - and the decision of others not to do so must be considered a deliberate choice. Similarly, John Kerry's use of the address 'my fellow Americans' follows an established part of the political tradition of the USA; in his inaugural address John F. Kennedy employed both 'my fellow Americans' and 'my fellow citizens', as well as the all-encompassing 'fellow citizens of the world'; while Barack Obama began his own first inauguration speech with the words, 'My fellow citizens' and appealed twice to 'my fellow Americans' in his second[1]. The lack of these examples in the debate corpus would suggest, therefore, that such phrases are considered a part of formal speech-making and that the final address of the televised debate is not treated as such an occasion.

The other most popular strategies are evenly distributed between the two countries. Repetition is a very widespread and simple rhetorical device, and the prevalence of promises and aspirations in an election campaign is hardly surprising.

By subtracting the Polish total from the US total and ignoring the sign of the result, the strategies which show the greatest difference between the two sets of data can be identified. Only five categories showed a magnitude of difference of more than 6. They were:

[1] Texts of all the inaugural presidential addresses can be found at: https://en.wikisource.org/wiki/Portal:Inaugural_Speeches_by_United_States_Presidents

Table 3. Differences between the countries

Strategy	USA	Poland	Difference
21. Addressing the audience	6	23	17
16. Call for unity	6	16	10
12. Praise the audience/nation	15	6	9
7. Insult their opponent	0	9	9
6. Suggest opponents lack qualities	2	10	8

The first of these differences has been mentioned above, and the others are quite readily explained. The use of strategy 16 by Polish candidates may reflect a perception of the country as being fractured politically, while the Americans apparently believe the country is best united in praise of itself.

The call for unity is often a response by one candidate to the attempts of another to divide the electorate. The characteristic is repeated in a remarkably similar way in a number of the Polish debates:

1995. Lech Wałesa: patriotism or a return to Communism / Aleksander Kwaśniewski: There is one Poland
2005. Lech Kaczyński: A Poland of solidarity or of Liberalism / Donald Tusk: There is one Poland
2015. Bronisław Komorowski: two visions of Poland /Andrzej Duda: There is one Poland
2015. Ewa Kopacz: healthy good-sense or fanaticism / Beata Szydło: together

Praising the audience is an element of political rhetoric not found in the early Polish debates, but employed increasingly in recent years, a fact which may reflect the development of rhetorical awareness among Polish politicians. In American debates this is a highly important *topos* and praise often carries great emotional and stylistic amplification. (See Romney's torch, section 4.)

The two remaining strategies in the table, insulting an opponent, and suggesting an opponent lacks certain abilities are of an eristic nature, designed to damage the ethos of that opponent. In the American debates these tactics are not used, possibly as a result of a culture of respect for opposing candidates, or possibly because they are seen as counter-productive with voters. Indeed, there are a number of instances of candidates speaking positively of their opponents, something which does not happen in the Polish debates. The two instances of strategy 6, however, in the US come from participants in more recent debates, Romney and, unsurprisingly, Trump, and might reflect a change in mood as candidates become more distanced from each other ideologically. Table 4 below shows that even the more respectful warnings about opponents tend to be the domain of losing candidates.

Another difference worth noting between the two sets of debates is in the use of *exemplum*, listed as no. 19, use of examples and no. 18, use of anecdotes. This

distinction was designed to separate reference to what might be called solid facts, events in the world which might be checked by the audience, and more personal anecdotal stories of encounters with voters which are not open to independent verification. In the Polish debates these strategies appeared 6 times (2 anecdotes, 4 examples), compared to 13 times in the American debates (5 anecdotes, 8 examples). Examples provide both evidence for claims and clarification of them, and are chosen to evoke the desired associations and reach the widest possible section of the audience. Anecdotes can be used both to bring issues closer to voters and to make candidates seem more connected with the electorate, as they tend to feature the problems of 'ordinary' people.

It is worth noting, however, that the differences in frequency for most strategies were small, suggesting that the general pattern of rhetorical frameworks is not so different between the polities.

The same technique is used below to illustrate the differences in strategy use between the winners and losers of the subsequent elections, but the negative signs are kept. Six strategies registered a difference of 5 or more occurrences.

Table 4. Comparison of winners and losers

Strategy	Winners	Losers	Difference
12. Praise the audience/nation	15	6	9
5. List aspirations	17	10	7
9. Cite their own qualities	8	14	-6
1. Make promises	16	10	6
8. Warn against opponents	4	9	-5
26. Direct appeal for votes	6	11	-5

Clearly, praising the electorate makes a good impression, and listing promises and aspirations (citing actual policies also had a positive balance) are expected from candidates in an election. The strategies which had the worst record might give some cause for optimism: boastful candidates and those who were negative about opponents were more likely to be losers, as were those who made a direct appeal for votes. This final category is all the more remarkable as 5 of the 6 instances where the strategy was used by a successful candidate came from one man, twice-winner George W. Bush. This meant that in the US the overall balance was even, but in Poland, the strategy was strongly linked to failure.

The division into candidates of the right and of the left politically is simple in the US and very difficult in Poland. Since all of the American candidates were either Republicans (right) or Democrats (left), each debate can be easily categorised in this way, and the main differences between the strategies employed can be found in the table below. It is understood, of course, that some candidates are much closer to the centre than others, and that, on many issues, the ideological differences between the two main American parties are not great.

Across the 24 American candidates, only three strategies showed a difference in use of more than 3 instances between the two parties.

Table 5. Comparison of Right and Left - USA

Strategy	Right (Republican)	Left (Democrat)	Difference
15. Appeal to fear	8	2	6
26. Direct appeal for votes	8	2	6
14. Appeal for help/action	3	8	5

In Poland, however, the political scene is more fractured and changeable, and, thus, more complicated. The first debate takes place between Aleksander Kwaśniewski, a former communist government minister (1985-9), and Lech Walęsa, freedom-fighter and hero of the anti-communist resistance, but the ideological clear water between the candidates begins to narrow rapidly after that. Kwaśniewski's reformed socialist party, SLD, has been in opposition since 2005 and currently has no representatives in parliament. He is the only 'leftist' to feature in this analysis. All the other debates are between members of two parties which emerged from the right of Polish politics, after the collapse of Walęsa's Solidarity movement as an electoral force. The table below, therefore, does not include data from that first debate and refers only to those candidates from Civic Platform, (PO - Platforma Obywatelska), a more socially liberal, business friendly, and pro-EU party; and Law and Justice, (PiS - Prawo i Sprawiedliwość), a more conservative, nationalistic, and religious one.

The results of this analysis are fascinating, and show markedly different approaches being used. Despite the smaller number of analysed performances, just 20, as many as 7 categories showed differences in use of 4 or more instances, with a number of strategies not being used at all by one of the parties.

Table 6. Comparison between PO and PiS

Strategy	PO (liberal)	PiS (conservative)	Difference
17. Appeal to emotion	1	8	7
26. Direct appeal for votes	6	0	6
3. Emphasise importance of election	5	0	5
2. Stress need for change	1	5	4
8. Warn against opponents	4	0	4
15. Appeal to fear	4	0	0
21. Moral justification	0	4	4

The differences here are stark and seem to confirm the assumption that Polish political parties have traditionally been further apart in spirit and policy than American ones. The more conservative PiS party, with strong links to the Catholic Church, presents its programme as morally justified, employing strategy 21. It

also makes a direct appeal to the emotions of voters, through the frequent use of strategy 17. It is part of the complexity of the Polish political scene that it is the conservative party who use strategy 2, and call for change. This is because one of the foundations of their political movement is the belief that the post-communist settlement in Poland was profoundly unfair and corrupt: in this way they can be both socially conservative and anti-establishment at the same time.

PO, on the other hand, by the use of strategies 26, 3, 8 and 15 show how they consider their opponents to be a danger to the progress they believe the country is making, and want voters to understand that they must not allow any disruption to that progress to happen. In this way the more socially 'progressive' party becomes the champion of the status quo.

The final section of this analysis looks at the overall use of strategies and how they are divided into logos, ethos and pathos, which shows little difference between the two countries with the Poles using 233 strategies in 26 performances (av. 8.96) compared to the Americans' 211 in 24 (av. 8.79). Several candidates reached a total in one performance of 15, with current Polish president Andrzej Duda standing out by reaching that number in both his debates. This was topped, however, by the recently removed Polish prime minister (2015-2017), Beata Szydło, who managed to employ 16 strategies in her one debate. Former Polish president Lech Kaczyński was clearly the most reluctant user of the listed strategies, employing only 11 across his three debates, less than half the average. The differences in style of certain individuals are discussed in greater depth in section 4 below.

The breakdown into the three rhetorical categories is given in the table below. It must be remembered here that there were many more strategies included in pathos than in either logos or ethos, and that a number of them might easily have been assigned differently, with the distinctions not always clear-cut.

Table 7. Breakdown of strategy use into logos, ethos, and pathos.

Rhetorical Category	United States	Poland
Logos	41 (18%)	33 (14%)
Ethos	48 (22%)	58 (24%)
Pathos	134 (60%)	149 (62%)

The figures in this table show the number of times strategies from a particular group were recorded, with the percentage that number represents of the total number used. The table makes clear that there are no significant differences between the overall rhetorical approaches of candidates in the two polities, with the breakdown revealing very similar percentages. The scores for individual performances obviously show wide variations, but are based on too little data to be the basis for any conclusions. Most of the possible comparisons of groups reveal an even distribution in usage, but there are three possibly interesting differences: Republicans in the US employed ethos strategies 29 times (24%),

compared to the Democrats' 19 (18%), and in Poland, ethos was evoked 34 (27%) times by losers and only 24 (21%) by winners, while in the US, pathos was more popular with winners, reaching 63% of strategies used, than losers, with 57%. These rather small differences, however, probably do no more than confirm the lack of any significant advantage to leaning more heavily on one type of rhetorical strategy than others.

4. Individual rhetorical strategies

It was noted above that the sample size for each candidate is too small for the statistics to allow us to make any meaningful quantitative statements about the approach of individuals, but a qualitative textual analysis can reveal some interesting patterns. This section begins with some general remarks on style and then considers the language of two candidates in detail, comparing and contrasting their approach. Since nuances of style may suffer badly in translation, the candidates chosen for this closer analysis are both from the United States, but in other respects have been selected to contrast with each other.

One problem with applying the statistical methods detailed above to individuals is that the lengths of the addresses are not consistent, and some candidates feature several times, others just once. Another is that the tables include only instances of those strategies which the researchers were looking for and it is possible that other, less common, strategies were being applied by speakers with lower scores. However, the gulf between the most recent (2015) Polish candidates, Szydło (15), Duda (15, 15), Komorowksi (11, 14) and Kopacz (14), and Lech Kaczyński (4, 2, 5) ten years before is striking and may reflect a change of style in Polish political communication or may have been linked to the atmosphere and circumstances of the 2015 elections. Kaczyński's addresses were slightly shorter, but his style stands out and can be likened to that of a job candidate at interview (Budzyńska-Daca, 2015) as he lists his experience in responsible government positions and assures the voters of his readiness to step into the role of president. There are few flourishes: just one metaphor and some emotional language when listing the current ills of the state, and no mention of his opponent. If this approach was designed to make Kaczyński look like a straightforward, no-nonsense character, it worked, as he was elected to the presidency, though died in an accident before having the chance to stand for re-election.

There is an interesting difference along party lines in the styles of the 2015 Polish candidates. Although the four listed above all had very heavy use of strategies, Kopacz and Komorowski of PO, the incumbents as prime minister and president, both have an equal balance of ethos and pathos, against the overall trend in favour of pathos, with some concentration on criticism of their opponents. Szydło and Duda, of PiS, on the other hand, registered the highest scores for pathos, in what looks like a deliberate attempt to 'move' the electorate emotionally. Whether this marks a real change in the communication strategies of

Polish politicians or merely reflected the fact that the ruling party had little to offer but fear of change and the opposition a programme based on an appeal to the heart rather than the head, only future elections will show.

What this suggests is that the style of communication employed may be a result of the character, or at least the political persona, of the candidate, it may be a necessary corollary of the party's ideology or programme, or it may be a response to the electoral reality the speaker experiences.

In the American debates, the most frequent users of strategies were Bill Clinton (9, 14) and Mitt Romney (9, 15). Clinton shows a clear interest in connecting with the audience, with as many as 9 strategies from pathos employed, while Romney has a more balanced 6 from pathos and 5 from ethos. Since these two have contrasting backgrounds and fortunes, a winning Democrat and a losing Republican, and both provide a lot of material, they make good candidates for closer inspection.

When looking at the texts of the debate, there are a number of aspects in which the two speakers differ which are visible at first glance. Some of these are explained by the difference in their positions: Clinton is standing for re-election, Romney is attempting to unseat the incumbent, Barack Obama; but others appear to reflect a real difference in their approach to communication. Their positions, as president and challenger, explain their differing assessment of the status quo – remembering that they are not talking about the same period – as Clinton is, naturally, far more positive about the preceding four years than Romney.

Clinton makes the claim 'I'm proud of the fact that America is stronger and more prosperous and more secure than we were four years ago. And I'm glad we're going in the right direction', in contrast to Romney's 'I'm concerned about the direction America has been taking over the last four years'. While this is understandable, Romney then allows himself to get very involved with who his opponent is and what he might do. In both performances, Romney refers to 'the President' four times, and also mentions Obama by name once. It is highly questionable whether putting so much attention onto one's opponent, and reinforcing in the minds of the audience that he is the president, is a wise communication strategy. What is more, since he can hardly praise Obama's record, this leads Romney into a lot of negative territory. He blames the incumbent for 'incomes going down and prices going up', 'chronic unemployment', and 'dramatic cuts to our military' which are 'devastating', while expecting 'to see health premiums go up by some $2,500 per family' and America with '$20 trillion in debt heading towards [a situation like] Greece.'

To balance this rather frightening scenario, and perhaps realizing that his attacks did not create the best impression, Romney does try hard to strike a brighter note in the second debate, saying 'I'm optimistic', 'I'm excited', and making the vague claim that: 'This nation is the hope of the Earth'. These words sit alongside more discussion of President Obama, however, and the overall

impression is very much that the election is a chance to dismiss Obama, not an opportunity to install Romney.

In contrast, Clinton only refers to his adversary, Bob Dole, once: ‘One thing I would like to say is I agree with what Senator Dole said. It's a remarkable thing in a country like ours, a man who grew up in Russell, Kansas, and one who was born to a widowed mother in Hope, Arkansas, could wind up running for president.’ This comment, as well as striking a friendly, conciliatory note, is a direct reference to the myth of the American Dream: anyone from anywhere can get to the top in this country. Everything else he says, however, is very much about Bill Clinton. In the first debate he boasts of what he has done, and in the second talks of what he is still going to do.

While a challenger is always obliged to criticise the status quo and call for change, he must also fight against the inertia of the electorate who already know and accept as president the incumbent. In this context, Romney’s focusing on Obama looks like an error, and Clinton is wise to keep himself centre-stage.

The briefest glance at the typescript reveals that Romney has a love of statistics. As well as the figures quoted above in his warnings of the effect of another Obama presidency, he notes ‘We've had 43 straight months with unemployment above 8 percent’ and promises to ‘help create 12 million new jobs.’ He also suggests Obama plans ‘a $716 billion cut to Medicare [affecting] 4 million people’, and mentions the ‘20 million people out of work’. As well as being powerful in themselves, the use of statistics suggests preparation, competence and a businesslike approach. There is a danger, however, that some voters may not relate well to very large numbers, and others may be sceptical of their significance.

Again, Clinton has a different approach. He does mention in his plans ‘100,000 police’, but everything he says in praise of his own record is put in emotional, human terms, not numbers. We have: ‘The auto worker in Toledo who was unemployed when I was elected and now has a great job’, and also: ‘All the people I've met who used to be on welfare who are now working and raising their children’, not to mention ‘the man who grabbed me by the shoulder once with tears in his eyes and said his daughter was dying of cancer and he thanked me for giving him a chance to spend some time with her without losing his job because of the Family and Medical Leave Act.’ In short, he concentrates on ‘the people whose lives I have seen affected by what does or doesn't happen in this country’, not macro-economic indices.

Clinton twice repeats the phrase ‘I've done my best’, encouraging the audience to see him as just a man, who can’t be expected to do everything for everyone. He mentions ‘the people I grew up with and went to school with and who I stay in touch with and who never let me forget how what we do in Washington affects all of you out there in America’, reinforcing both the message that politics is about impacts on people, and the fact that he is still just one of the guys, that he has not lost his humanity walking the corridors of power. This last consideration might also account for his use of ‘ladies and gentlemen’ and ‘folks’ to address the voters.

There are two techniques common to both men which are also worth mentioning. Firstly, they both stress the choice before the electorate. Clinton says: ‘This election is about two different visions,’ and Romney, in both debates: ‘there are two very different paths’. Whether ‘vision’ is a more inspiring word than ‘path’ is a matter for debate, but there is a clear difference in how the men follow up their focus on this dichotomy. Clinton uses his statement to lead into his grand metaphor, the bridge to the future: ‘Would we be better off, as I believe, working together to give each other the tools we need to make the most of our God-given potential, or are we better off saying, you're on your own? Would we be better off building that bridge to the future together so we can all walk across it or saying you can get across yourself?’ Clinton may be raising strawmen here – his opponent never says ‘you’re on your own’ – but, put like that, the choice is a clear one. Romney, on the other hand, on both occasions concentrates immediately on the Obama path and the terrible consequences of following it. So where Clinton opens up division in order to close it at once with the promise of a cooperative, shared future, Romney seeks to widen the gap by portraying his opponent as dangerously incompetent.

The second common element is the use, already mentioned in the case of Clinton, of one grand metaphor by both candidates. Clinton’s bridge appears in both debates and represents not only the pathway to a better future, but also a cooperative enterprise undertaken for the good of all: ‘we can build that bridge to the 21st Century, big enough and strong enough for all of us to walk across, and I hope you will help me build it’; and bridges, unlike paths, may carry one safely across a dangerous abyss. The combination of these elements, combined with the familiarity of the object, makes it a powerful metaphor.

Romney has instead a torch, but lights it only in the second debate. Of the previous generation he says: ‘They've held a torch for the world to see -- the torch of freedom and hope and opportunity. Now, it's our turn to take that torch.’ While the metaphor of a torch bringing light where there was darkness, and representing hope in the midst of despair, could be an effective one, it has little impact for two reasons: firstly, Romney only mentions it in this line, he does not build upon it or make it a recurring theme as Clinton does, and, secondly, unlike the bridge which has a defined destination on the other side, it isn’t clear for whom this torch is burning – it seems to be no more than a vague reference to America’s traditional self-perception as a ‘city on a hill’ setting an example to other nations, yet it comes straight after a passage describing how ‘Washington is broken’, and no reference is made to world affairs at all.

The degree to which the success of Clinton and the failure of Romney can be attributed to their style of communication with voters is something well outside the scope of this paper. What can be said for certain is that the two men show, in very few words, very different approaches. Clinton seeks to be positive, focused on his record, and interested in people, and he uses rhetorical techniques cleverly to achieve his goals. Romney relies on attacks on his opponent, giving more

reasons to vote against Obama than for Romney, and the frequent use of statistics. His use of antithesis and metaphor is less effective than Clinton's, as he is unable to build these devices into a coherent rhetorical structure.

5. Conclusion

The study recorded in this paper is as much analytic as it is investigative. The corpus of material from televised pre-election debates in the USA and Poland has been subjected to both a thorough statistical description as well as a partial textual analysis. As authors, we recognise a certain limitation in the inevitably subjective nature of some of this and in the relatively small samples of speech of each individual, despite the total of 50 speeches in the corpus. Any conclusions drawn are, naturally, subject to these limitations. There are, however, several points on which we can be reasonably bold.

Firstly, the wider rhetorical landscape of political communication does not differ greatly between the two countries. The vast majority of strategies were used more or less equally in both and the division into the categories of logos, ethos and pathos was near identical.

Secondly, the data do suggest some differences in approach between political parties, particularly in Poland. This is an area which requires further and deeper investigation.

Thirdly, the study of individuals, although based on short fragments, did show up noticeable differences, both quantitative and qualitative, among the speakers. Any suggestion that all politicians sound the same has found no support here.

References

Aristotle. 1926. Rhetoric. *Aristotle in 23 Volumes, Vol. 22*. Translated by Freese J. H. Cambridge and London. Harvard University Press; William Heinemann Ltd.

Benoit, William and Jayne Henson. 2007. A Functional Analysis of the 2006 Canadian and 2007 Australian Election Debates. *Argumentation and Advocacy* 44. 36-48.

Benoit, William and Andrew Klyukovski. 2006. A Functional Analysis of the 2004 Ukrainian Debates. *Argumentation* 20. 209-225.

Benoit, William and Tamir Sheafer. 2006. Functional Theory and Political Discourse: Televised Debates in Israel and the United States. *Journalism and Mass Communication Quarterly* 83(2). 281-297.

Benoit, William, Wen, Wei-Chun and Tzu-hsiang Yu. 2007. A Functional Analysis of 2004 Taiwanese Political Debates. *Asian Journal of Communication* 17. 24-39.

Bitzer, Lloyd and Ted Rueter. 1980. *Carter vs. Ford: The Counterfeit Debates of 1976*. Madison, Wis.: University of Wisconsin Press.

Blake, Aaron. 2016. The Final Trump-Clinton Debate Transcript, Annotated. *The Washington Post*. [Online] Available at: https://www.washingtonpost.com/news/the-fix/wp/2016/10/19/the-final-trump-clinton-debate-transcript-annotated/?utm_term=.0aabed5feedc [Accessed on: 10 September 2017]

Budzyńska-Daca, Agnieszka. 2016. 'Dlaczego (i dla kogo) warto poprawić polskie debaty przedwyborcze.' In Agnieszka Budzyńska-Daca (ed.) *20 lat polskich telewizyjnych debat przedwyborczych*. Warsaw: Wydawnictwo Polonistyki UW, pp. 215-242.

Budzyńska-Daca, Agnieszka. 2015. *Retoryka debaty. Polskie wielkie debaty przedwyborcze 1995-2010*. Warsaw: Wydawnictwo Naukowe PWN.

Coleman, Stephen. 1997. Televised Leaders' Debates. An Evaluation and Proposal. *King Hall Papers*. London: The Hansard Society.

Debates International. 2018. *A Global Resource on Candidate Debates*. [Online] Available at: http://www.debatesinternational.org. [Accessed on: 05 January 2018].

Faas, Thorsten and Jürgen Maier. 2004. Chancellor-Candidates in the 2002 Televised Debates. *German Politics* 13(2). 300-316.

Faas, Thorsten and Jürgen Maier. 2011. Miniature Campaigns' in Comparison: The German Televised Debates, 2002-09. *German Politics* 20(1). 75- 91.

Friedenberg, Robery. 1997. 'Patterns and Trends in National Political Debates: 1960-1996.' In Robert Friedenberg (ed.), *Rhetorical Studies of National Political Debates – 1996*, 61-91. Westport, CT: Praeger.

Jalilifar, Alireza and Maryam Alavi-Nia. 2012. We Are Surprised; Wasn't Iran Disgraced There? A Functional Analysis of Hedges and Boosters in Televised Iranian and American Presidential Debates. *Discourse & Communication*, 6(2). 135-161.

Kerbat-Orecchioni, Catherine. 1992. *Les interactions verbales*, Vol.2, Paris: Armand Colin.

Kostro, Monika and Krystyna Wróblewska-Pawlak. 2016. *Panie Prezydencie, Monsieur le Président… . Formy adresatywne w polskim i francuskim dyskursie polityczno-medialnym*. Warsaw: Wydawnictwo Uniwersytetu Warszawskiego.

Kraus, Sidney. 2000. *Televised Presidential Debates and Public Policy*. Edition: 2nd. Hillsdale, NJ: L. Erlbaum Associates.

McKinney, Mitchell and Diana Carlin. 2004. 'Political Campaign Debates.' In Linda Kaid (ed.) *Handbook of Political Communication Research*, 203-234. Mahwah, NJ: Lawrence Erlbaum Associates.

Meadow, Robert. 1983. 'Televised Presidential Debates as Whistle Stop Speeches.' In William Adams (ed.), *Televised Coverage of the 1980 Presidential Campaign*, 89-102. Norwood, NJ: Ablex.

Minow, Newton and Craig Lamay. 2008. *Inside the Presidential Debates: Their Improbable Past and Promising Future*. Chicago: University of Chicago Press

OECD. 2015. *PISA 2015. Poland.* [Online] Available at: http://www.compareyourcountry.org/pisa/country/POL?lg=en [Accessed on: 10 September 2017]

Quintilian, Marcus Fabius. 1922. Institutionis Oratoriae. *Quintilian with an English Translation*. Translated by Butler H E. London: Heineman.

Schroeder, Alan. 2000. *Presidential Debates: Forty Years of High-Risk TV*. New York: Columbia University Press.

Appendix A – A list of the debates in the corpus used in this study.

The United States of America

Transcripts of American debates from 1960 to 2012 are available in full at http://www.debates.org/index.php?page=debate-transcripts

The transcript of the 2016 debate featured was taken from the Washington Post (Blake, 2016)

The debates featuring closing statements and fitting the timeframe were:

1996	October, 6	Clinton, W (1) – Dole (1)
	October, 11	Clinton, W (2) – Dole (2)
2000	October, 3	Bush (1) – Gore (1)
	October, 11	Bush (2) – Gore (2)
	October, 17	Bush (3) – Gore (3)
2004	September, 30	Bush (4) – Kerry (1)
	October, 8	Bush (5) – Kerry (2)
	October, 13	Bush (6) – Kerry (3)
2008	October, 15	McCain (1) – Obama (1)
2012	October, 3	Obama (2) – Romney (1)
	October, 22	Obama (3) – Romney (2)
2016	October, 19	Clinton, H (1) – Trump (1)*

* The Clinton – Trump debates were not supposed to feature final statements, but in the last of them, the mediator, Chris Wallace, asked for a final, apparently unprepared, summary.

The Republic of Poland

Transcripts of the Polish debates from 1995-2010 were taken from Budzyńska - Daca, 2015. The debates from 2015 were transcribed by the authors.

1995	November, 12	Wałęsa (1) – Kwaśniewski (1)
	November, 15	Wałęsa (2) – Kwaśniewski (2)
2005	October, 6	Kaczyński, L (1) – Tusk (1)
	October, 20	Kaczyńksi, L (2) – Tusk (2)
	October, 21	Kaczyński, L (3) – Tusk (3)
2007	October, 1	Kwaśniewski (3) – Kaczyński, J (1)
	October, 12	Kaczyński, J (2) – Tusk (4)
	October, 15	Kwaśniewski (4) – Tusk (5)
2010	June, 27	Komorowski (1) – Kaczyński, J (3)
	June, 30	Komorowski (2) – Kaczyński, J (4)
2015	May, 17	Komorowski (3) – Duda (1)
	May, 19	Komorowski (4) – Duda (2)
	October, 19	Szydło (1) – Kopacz (1)

ADVOCACY AND ENACTMENT: EXERCITIVES AND ACTS OF ARGUING*

CRISTINA CORREDOR
University of Valladolid, Spain
corredor@fyl.uva.es

Abstract
Goodwin and Innocenti (2016) have contended that giving reasons may be a form of enactment, where a claim is supported by the very activity of making the claim. In my view, the kind of interaction that these authors are considering should be analysed as a form of advocacy, and therefore as an exercitive speech act. In this paper I will suggest that acts of advocating, *qua* illocutions, institute a normative framework where the speaker's obligation to justify cannot be redeemed by a mere "making reasons apparent". In general, giving reasons is part of the procedure in virtue of which the advocate's authority to exert influence is recognised by their addressees. This illocutionary effect should be distinguished from other perlocutionary consequences.

Keywords: Advocacy, enactment, exercitive speech acts, acts of arguing, Austin

1. Introduction

In an insightful paper, Jean Goodwin and Beth Innocenti (2016) have contended that giving reasons may be a form of enactment, where a claim is supported by the very activity of making the claim. Following their study of two egregious cases of suffragist women defending the right to vote, they conclude that these women showed, by giving reasons in the public sphere, that they were rational beings, able to think and reason. According to the authors, the suffragists' conveying this idea was accomplished by means of the enactment of "making reasons apparent", and not due to their arguments performing a certain defining function or goal. In particular, they resist the idea that goals such as justifying a claim to an audience, rationally persuading an audience, or critically testing a claim in order to rationally resolve a disagreement can be seen as intrinsic, essential or constitutive goals of argumentation.

This paper takes Goodwin and Innocenti (2016) as a point of departure, and respectfully aims to contribute to the line of thought that they have opened. I am indebted to their joint reflection, which I find challenging and in many respects

* I am indebted to Dr Martin Hinton for making this issue possible. I am also grateful to two anonymous referees whose comments and criticisms have helped me to improve my paper. Any shortcomings that remain are my sole responsibility. This research has been financed by the Ministry of Economy and Competitiveness (MINECO) of the Government of Spain, research project FFI2016-79317-P.

illuminating in what concerns the historical import of the early suffragist movement. The plan of this paper is the following. In section 2, I summarise some of the main tenets of the above-mentioned paper. Section 3 is also mainly expositive and takes into account some available views in the literature on the notion of advocacy and other related issues. In section 4, after a brief presentation of the Austinian framework I endorse, I will argue for a view of acts of advocating as exercitive speech acts. In connection with this, I will suggest, in section 5, that the required authority the speaker needs for her exercitive is granted to her, precisely, in virtue of her act of putting forward reasons in support of her position. Section 6 applies the proposed view to a reflection on the connection between advocacy and enactment, which is further illustrated in section 7 by taking into account Goodwin and Innocenti's (2016) case analyses. Section 8 briefly considers the notion of acts of arguing, before coming to certain conclusions (section 9).

2. Advocacy as a rhetorical form in enactment

Taking as a point of departure O'Keefe's distinction between argument$_1$ (the premise-conclusion units people exchange) and argument$_2$ (the transactions between speakers and audiences in which context the first occur), Goodwin and Innocenti present two case studies[1] with which they aim to demonstrate that making argument$_1$s can accomplish different tasks from changing an audience's beliefs or attitudes relating to a claim. These case studies come from the early women's suffrage movement in the US, one from 1848 and one from 1869-1875.

In their reconstruction of these cases, the following statements hold: (1) a speaker makes a reason apparent; (2) the speaker cannot expect her audience to accept (infer, adhere to, take as justified) her claim; (3) the speaker does something by making a reason apparent. According to the authors, what the speaker does in (3) is to support her claim "by the activity of making the claim" (2016: 453). This move is identified as a rhetorical technique, namely, that of *enactment*, where the speaker is said to incarnate the argument, in the sense of being the proof of the truth of what is said (cf. Campbell and Jamieson, 1978: 9). According to Goodwin and Innocenti, their case studies show that, given the strong opposition against the suffragist movement, together with the prejudices concerning the role of women and their (lack of) intellectual capacity, it was

[1] The two cases discussed by Goodwin and Innocenti are not particular instances of speech but general, historical frameworks where certain arguments where put forward in the public sphere. The first case mentions the speech that Elisabeth Cady Stanton gave several times after the first women's rights convention of 1848 (available at: *The Elizabeth Cady Stanton & Susan B. Anthony Papers Project*, retrieved from http://ecssba.rutgers.edu/docs/ecswoman1.html). The second case concerns the period between 1869-1875 in the United States and the authors refer back to the works by other scholars (in particular, J. M. Balkin and E. C. Du Bois) to give support to the reconstruction of the argument that is here presented and discussed in section 7.

unlikely that the audiences would take their demands for the vote seriously. Notwithstanding this, they contend (cf. p. 456) that the women's giving reasons in support of their claim in a public space showed to their audiences, and to themselves:

C.1. that their attempts to vote were reasoned, and
C.2. that the activity of a woman voting is supportable by reasons.

Thus, according to the authors, making reasons apparent was a strategy for accomplishing the goal of having a voice in the public sphere and being taken seriously.

I think this conclusion is sound and illuminates the kind of effect that the speech act of advocacy can achieve through the technique of enactment. Yet the authors go on to say,

> Here we provide an argument that many asserted functions are parasitic on making reasons apparent. In order to affect an audience in any way (to persuade them, to induce them to alter their standpoint, etc.) a speaker first has to make a reason apparent. (2016: 458)

The suffragists' aim to have a voice in the public sphere and to be taken seriously was to be accomplished by means of a strategic making apparent of reasons. In the general case, the authors draw the conclusion that a speaker's argumentation can have the "mode of action" of making reasons apparent. Moreover, even if this action is unlikely to have an impact on the intended addressees, merely making reasons apparent could accomplish important individual and social tasks.

In my view, it is undeniable that giving reasons and making those reasons public can contribute to a variety of goals. Nevertheless, I doubt that, in the particular case of advocating in favour of a position (idea, person, course of action, and the like), mere enactment can accomplish the same effects as arguing. My aim in the next section will be to examine the notion of advocacy in its relationship to other related notions.

3. Advocacy, critical discussion, persuasion, and deliberation in argumentative interactions

Advocacy is sometimes identified with arguing for a viewpoint. It is also taken to be a biased form of argument, where the arguer does not make efforts to solve a difference of opinion, but tries to persuade the audience.

At one end of the assessment, Daniel O' Keefe (2007) has highlighted the conflict that exists between the practical interests of an advocate who tries to persuade, and other normative interests, such as the interest to convey accurate information. What is more, he takes it that maximal effectivity in advocacy "may require abandoning what we would ordinarily take to be normatively desirable

practices of advocacy" (2007: 159). It is worth mentioning that the author supports his critical conclusions by appeal to several social-scientific research findings that seem to raise doubts about the role and efficacy of normatively-proper advocacy. O´ Keefe sees these findings as a manifestation of the wider conflict of weighing between aims and ends. Interestingly, his views presuppose a normative conception of advocacy practices that are available to the analyst.

A contrasting, more positive point of view can be found in Marcin Lewinski, for whom in multi-party deliberation "advocacy is instrumental to making a reasonable decision" (2017: 91). He distinguishes two approaches to collective deliberations, namely, issue-based dialectics vs. what he terms role-based dialectics. Issue-based dialectics discusses one or many options on an issue by pooling all possible pro and con arguments on each option, based on their internal merits. In contrast, in role-based dialectics the parties' positions are clearly defined and advocated by them. The goal is to select, upon critical examination, "the best" of these positions (cf. p. 101). Lewinsky rightly notes that a requirement of consistency in each party's argumentative commitments is in force all through the deliberation.

From a more neutral point of view, Goodwin (2013) notices that advocacy can be equated to persuasion. As such, a positive or negative assessment would depend on the context in which it takes place. Whereas in persuasion dialogues, advocacy "promotes the collective goal of coming to a consensus or mutual understanding", in information-seeking dialogues "advocacy will be taken as biased, irrelevant and possibly fallacious" (2013: 2). She herself puts forward a normative account where "The activity of advocating would be structured around two sets of obligations: obligations to the person, organization or cause advocated for, and obligations to the audience and other actors in the communication setting" (2013: 11-12). This author acknowledges that both sets of obligations may be in mutual tension, and considers that it will be the advocate's task to decide in the face of the dilemma.

Although the three positions here considered contrast with each other in their overall assessment, they jointly contribute to a nuanced view of advocacy. The three of them coincide in seeing this practice as subjected to certain norms or obligations, and in contrasting (O'Keefe) or, assuming this contrast, trying to conciliate (Lewinsky, Goodwin) its instrumental goals with promoting decisions based on merit. It is relevant for our discussion that in the three cases, advocacy is seen as pre-eminently oriented to persuasion and, to that extent, as an argumentative activity, or at least as embedded in argumentative forms of dialogue. It seems to me that this idea, in part tacitly assumed, is worth of a more detailed analysis.

4. Advocacy as an illocutionary speech act

My suggestion is that two different approaches to advocacy can and should be distinguished, namely, advocacy as a complex communicative activity that aims to persuade and gain adherence in favour of a position (Adv1), and the illocutionary speech act of advocacy (Adv2). Although I am not able to discuss (Adv1),[2] it can be pointed out that this is the approach mainly undertaken by the authors whose points of view have been considered in the preceding section. My present aim is to approach the notion of advocacy as a type of speech act and offer an account of it within an Austinian framework. As a preliminary remark, it is worth noticing that acts of advocacy in this second sense do not need to be accompanied by argumentation, nor do they need to be embedded into a persuasion dialogue. (Imagine e.g., a speaker who merely declares, "S is the best candidate for the job", in a context where a candidate has to be selected). Nevertheless, I will suggest that there is an inner, built-in connection between the speech act of advocacy and the activity of arguing, in a way to be clarified below.

With respect to the speech act of advocating, and following Austin (1962), my suggestion is to see it as a subtype within the general type of exercitive speech acts. Exercitives are characterised for transferring or assigning an obligation, responsibility, or commitment on the addressee, by virtue of the influence, power, or authority accorded to the speaker. As Austin says,

> An exercitive is the giving of a decision in favour of or against a certain course of action, or advocacy of it. It is a decision that something is to be so, as distinct from a judgement that it is so: it is advocacy that it should be so, as opposed to an estimate that it is so (1962: 154)

It may seem slightly puzzling for our discussion that Austin chose to characterise the general type of exercitives by appealing to the very action of advocacy. This move suggests that he considered advocating to be a primitive notion within his theory. In my view, however, such a way of proceeding only reinforces the consideration that acts of advocating are exercitive speech acts - one might say even that they are prototypical exercitives. To give support to this point of view, it can be taken into consideration that the general category of exercitives includes verbs such as urge, plead, beg, and others closely connected.

Furthermore, I endorse an Austinian approach to speech acts (as put forward by Marina Sbisà, see e.g. 2006 and 2009; see also Maciej Witek, 2015). This approach sees speech as a form of action and focuses on the normative aspects of the interpersonal and social relations that are established and affected through communicative interaction. The approach can be characterised by means of two theses, namely:

---

[2] Some brief comments will be added below, in relation to the role of argumentation in both approaches to advocacy.

(T.1) To make a speech act is to bring about a series of changes in one's social environment (the context of interpersonal relationships, and/or the social world).
(T.2) These changes impinge on the interactants' normative stances, namely, their duties, obligations and commitments, as well as their entitlements, rights and authorisations, as mutually recognised and/or socially acknowledged.

Within this framework and following Austin, exercitives are taken to be illocutionary acts consisting of the making of a decision, or the exercise of authority or influence. Furthermore, in what affects the normative positions of speaker and addressees, exercitives presuppose some degree of authority or authoritativeness on the part of the speaker, and assign or cancel rights or obligations to or from the addressee (cf. Sbisà, 2006: 165). It is worth noticing that for the illocution to be successful it is not required that it effectively exercises influence or gains adherence. Even if the addressees are not moved accordingly, and assuming other conditions hold, it is their recognition of the type of act that has taken place, together with their recognition of the way in which it has affected their mutual normative positions, that makes of the speech act the illocution it is. (A particular act of advocating could result in the assignment of a commitment to adhere to the advocate's position, but also in the transference of a right to raise doubts and objections).

In my view, as said above, whenever a speaker advocates for a position, she is performing an exercitive speech act. If certain conditions are in place, with her performance the speaker presents herself as requiring from her addressees that they support her position, in what can be seen as an exercise of influence (provided the appropriate authority has been granted to the speaker). And, as already noticed, this is not the same as saying that in order for the speech act to be successful her audience must be influenced and moved accordingly. A speech act of advocating, whenever it is recognised as such by the interactants, also confers upon them a right to raise doubts and objections and ask for justification. Such a dialectical move brings about a corresponding obligation on the part of the speaker, namely, the obligation to adduce reasons in support of her claim. Apart from these illocutionary effects, I take it that if and when the illocution achieves the goal of persuading the audience, this latter effect should be seen as perlocutionary in Austin's original sense.[3]

In the particular case of acts of advocating, what is characteristic is that they are usually embedded in a wider argumentative discourse, in which reasons are adduced even before other interactants ask for them. My suggestion is that the argumentative explicitness that characterises the activity of advocating, beyond and above its being a means to achieve the goal of persuading, redeems an obligation that is constitutively present in the speech act. Notice that, as said before, acts of advocating *qua* exercitives presuppose some degree of authority

[3] Arguments in support of this viewpoint are to be found in section 4 below.

(or authoritativeness) on the part of the speaker. It is in virtue of this authority's being recognised that the speaker's speech act can be seen as an exercise of influence. However, in a context where an advocate strives to gain the adherence of her addressees, her authority need not be initially granted, nor will it be granted in the general case. The person who advocates has to obtain the addressees' recognition that she has the appropriate authority (or else she needs to receive from them the required authorisation) to exercise her influence and pursue their adherence. The means that at her disposal, in a direct and attainable form, are those of the reasons she can give in support of her position. It is in virtue of the reasons adduced, and to the extent that those reasons can be understood and assessed by the addressees, that the advocate can be credited with the authority she needs for her speech act to be successfully performed.

A possible objection to the view I have outlined in the preceding paragraph would bring to the fore the fact that, in real contexts, advocacy aims to achieve the addressees' adherence, and for that (as O'Keefe, 2007, shows) every means available are instrumental and will be valued for their efficacy, including arguments. I think this possible objection is double-sided. On one reading, it appeals to the empirically attested fact that advocates acting in the public domain will try to gain support for their position by resorting to every means available to them; this effort may in some cases be exerted in dubious, not to say illegitimate ways (for example, by means of bribery or threat; we may think, for instance, of a conditional threat or bribe of the form, "If you support my position, I will/I won't…"). My answer to this reading of the objection is that the speech act, in such cases, could no longer be counted as advocacy. Instead, the corresponding illocution should be categorised as a different act.[4]

The second reading of the objection concerns the advocate's authority and how she manages to have it, so as to exert influence on her addressees. I address this point in the next section.

5. Authority in the exercitive speech act of advocating

In certain institutional settings, the position of the advocate is well-defined beforehand and her authority is correspondingly pre-established. In other, more informal settings, however, the advocate's authority must be accorded by means of a different procedure.[5] My suggestion is that this authority takes the form of

[4] There is ample literature discussing acts of threatening and their status as illocution. Many authors follow Searle (1975) in treating threats as directive speech acts (which in Searle's original taxonomy is the type usually correlated to Austin's exercitives), but this has not been the only view on the matter. I cannot address this interesting issue here, but see e.g. Searle and Vanderveken (1985); Corredor (2001); Kissine (2013); Budzynska and Witek (2014).

[5] I am indebted to an anonymous referee for indicating to me the need to distinguish between an advocate's pre-established authority and her "reason-produced authority". S/he also suggests that the latter seems to involve a mechanism akin to accommodation. Concerning this point, and

authoritativeness, in that it depends on the addressees' crediting the advocate with the capability to perform her act. Whenever they recognise the speaker's situation as one in which she might be willing to try and gain the addressees' adherence (for instance, she is a political leader, or a social activist), it seems correct to consider that the required conditions for the successful performance of the act of advocating have been fulfilled. Also, if they explicitly raise doubts or in some way question the advocate's position, in a tacit way they are acknowledging the speech act as an act of advocacy. But very commonly, the person who advocates takes the initiative of offering reasons in support of her position. In this way, she presents herself as competent and entitled to advocate for her position, a position that is shown to be justifiable.

As a result, the interaction becomes an argumentative dialogue. Here, the advocate's authority is obtained on the merits of the reasons given, on condition that these merits be acknowledged by the addressees. It is in virtue of the force of an arguer's reasons, provided this force is recognised by her interlocutors, that she can be credited with the appropriate authority to influence her addressees' positions. Her authority comes from the authoritativeness that is bestowed upon her by her addressees. The fact that the addressees could be induced to a wrong idea of the true merits of the arguments (for instance, they might be persuaded by a fallacious use of an argument), in itself does not contradict my contention. In the particular case of advocacy, correspondingly, whenever an advocate has resource to argumentation to support her position, she is entering the domain of an argumentative dialogue where authority, in the form of authoritativeness, may be bestowed upon her on the merits of her arguments.

A possible objection here is that in advocacy, authority does not seem to be the key mechanism of influence; instead, the merits of the case itself (not who happens to be making the case) would be the driving force.[6] In respect of the first part of the objection, as related to the power the advocate has to influence her addressees, I think the observation is right. However, I take it to be concerned with the perlocutionary effect of the speech act. As already pointed out, the effectivity of the act of advocating in gaining adherence is perlocutionary. As such, it is different from its illocutionary effect, which has to be seen as conventional. Within the Austinian approach to speech acts I endorse, this effect is so seen

although I agree with the idea that there can be accommodation in the way interlocutors assign and recognise each other's illocutions, it is unclear to me whether this type of contextual adjustment does answer to the effect that adducing reasons has in interaction. If the speaker argues for her position, she presents herself as competent in relation to the issue at stake and entitled to support it; moreover, with her reasons she transfers the same competence and entitlement to her addressees, who may be influenced accordingly. This argumentative interaction goes beyond a mere spontaneous attribution of the required authority to the speaker, as the case might be, if only accommodation were at work. Instead, it seems to me that acts of advocating commit the speaker to justify her position if required, as a constitutive feature of the act.

[6] Again, I am grateful to an anonymous referee for raising the objection I am here taking into account, thus helping me to better clarify this point.

because it is the result of the interactants' joint recognition that it has taken place. Moreover, it is an effect on the normative positions of the interactants (their obligations, responsibilities and commitments, and their rights, entitlements and authorisations, etc.), as mutually assigned and recognised.

In the general case, exercitives are categorised as the exercising of powers, rights, or influence; equivalently, making a decision in favour or against a certain course of action, or advocacy that it should be so, are exercitive speech acts. Respecting the illocutionary, conventional effect of such an act, as Austin puts it, "we would rather say that they confer powers, rights, names, &c., or change or eliminate them." (Austin, 1962: 155). Now, in the particular case of acts of advocacy, my suggestion is that their illocutionary effect consists of the mutual recognition that the speaker is giving support to a position (an idea, person, course of action, etc., possibly with different degrees of personal commitment and force), usually with the aim of gaining others' support as well. The addressees' recognition of the advocate's act as an act of the exercitive type presuppose that certain conditions are fulfilled, namely, (i) that the speaker is in a position to give her support; (ii) that the advocated position is supportable, in the sense that it can be shown to be correct, or that it is acceptable to other people; (iii) that the advocated position will not be effected in the normal course of events, etc. The exercitive speech act, whenever successful, assigns the speaker a right to give support to the advocated position, and commits her to being consistent with it; the exercitive also confers her addressees the right to take sides in favour of or against it. Moreover, and since the advocated position must be supportable, the exercitive also institutes certain dialectical obligations and rights. The addressees are entitled to raise doubts and objections, and the speaker is correspondingly obliged to answer to them. She can redeem this obligation by means of giving reasons that show the advocated position to be correct or acceptable to other people.

My contention has been that out of institutional settings, where the advocate's authority to perform her exercitive is pre-established, this authority takes the form of authorisation. The advocate has illocutionary authority in the sense that, if her speech act is correctly performed and successful, she is seen as empowered to give support as she does, in virtue of her addressees' recognition that she is so empowered. Giving reasons helps to show that her advocacy is correct, or that it is acceptable to other people.

In my view, the authority that is needed to try and influence other people is different from the type of authority, or authorisation, that is in force in acts of advocating *qua* illocutions. To influence other people is a perlocutionary effect.

Now, it seems an obligation to ask how this account of advocacy is connected to enactment, understood as a mere making apparent of reasons. In the next section my aim is to address this issue, trying to identify the differences between both types of action. I will argue that whereas advocacy is an illocutionary act, mere enactment should be seen, in the general case, as perlocutionary in its effects.

6. Acts of advocating and enactment

As argued above, in advocating in favour of a position an advocate can give reasons, which in turn may credit her with the authority that is appropriate to influence her addressees. My point has been that this authority has the form of authoritativeness, to the extent that it is bestowed by the advocate's addressees, and this move takes place in virtue of their recognition of the reasons given. My suggestion is now to turn the attention to the types of effect that advocacy and enactment can have, in order to compare them and try to establish their differences.

When considering the outcomes of acts of communicative interaction, one should be careful not to confound perlocutionary and illocutionary effects. According to Austin (1962), illocutionary effects have to be seen as conventional. Perlocutionary effects, in contrast, are consequences in the normal course of events, and as such may be explained in terms of causal relations. In order to clarify this conceptual distinction, Austin said,

> It will be seen that the consequential effects of perlocutions are really consequences, which do not include such conventional effects as, for example, the speaker's being committed by his promise (which comes into the illocutionary act) […] We must notice that the illocutionary act is a conventional act: an act done as conforming to a convention. (Austin, 1962: 102, 105)

The Austinian approach I favour interprets this conventionality as a social recognition or intersubjective agreement (possibly tacit) in that the effect has taken place, an effect that impinges on the normative positions (commitments and obligations, rights and entitlements, and the like) of the interactants. In advocacy, my suggestion has been that acts of advocating are exercitive speech acts; moreover, I have contended that it is in virtue of the addressees' recognition of the advocate's reasons that she is bestowed with the authority required for her exercitive. Other effects, like effectively influencing the addressees in the intended way, should be seen as perlocutionary.

In enactment, it is worth considering whether the effects can be assessed in a similar manner. Remember that, according to Goodwin and Innocenti (2016), a speaker making arguments can have the "mode of action" of making reasons apparent; and even if this action were unlikely to have an impact on the intended addressees, the mere making apparent of reasons might accomplish other individual and social tasks. In the cases they study, the suffragists' acts of advocacy could not have the intended effect on their addressees (that of gaining their support for the suffragists' cause). Yet, as these authors suggest, the suffragists' making reasons apparent would have had the effect of showing to their audiences that "she, a woman, was a person capable of making argument$_1$s" (2016: 454). Innocenti and Goodwin's analysis of the social and interpersonal transactions that were going on seems to me sensible and sound. Undoubtedly,

their diagnosis of the effect that the suffragists' discourses might achieve in their context is also historically accurate. My concern has to do with the tacit contrast that they seem to establish between the rhetorical effect achieved through enactment and the effect that acts of arguing can have on an audience.

It seems to me that stressing the persuasive effects of enactment in advocacy[7] yields the undesirable result of blurring the proper illocutionary effect of the exercitive as such. We should carefully distinguish perlocutionary consequences (e.g. achieving persuasion) and illocutionary effects (the commitments and responsibilities, rights and authorisations, etc. instituted by the speech act). Even if making reasons apparent had the effect of persuading the suffragists' addressees that they were women capable of arguing in the public sphere, this idea (no matter its being right) was induced by means of an implicit inference. In contrast, the historical evidence supports the conclusion that, at this point at least, the women's explicit reasons were, for the most part, not taken into consideration in a serious manner. The conclusion to be drawn is that, in the general case, the induced idea was a perlocutionary consequence, and not an illocutionary effect as based on the recognition granted to the suffragists. To that extent, the women's speech was deprived of being a successful illocution.

I am aware that the above reflection may be disturbing, since it seems to suggest that the capability of performing actions through speech depends, in an essential and constitutive way, on the interlocutors' response. In the literature on speech acts and actions, attention has been paid to forms of interaction conceptualised as *silencing speech* and *subordinating speech*.[8] Here, the impact of certain forms of communication (pornography, hate speech, derogatory speech, and other related forms of discourse) on the addressees has been competently assessed, and this issue is still an open field of research, not to say of social concern. However, to my knowledge, the way in which the interlocutors' responsive actions may impinge on the social and interpersonal meaning and force of a speaker's speech has not been sufficiently studied. Here, the Austinian view emphasises the conventional character of the illocutionary effect, which depends on an interpersonal or social recognition that such an effect has taken place. Whenever this recognition or agreement (possibly tacit) does not take place, the

---

[7] The fact that enactment is seen as having persuasive effects does not entail that Goodwin and Innocenti see advocacy as mere persuasion. This is not the case, and it is only fair to recognise it. In Goodwin (2014), a more complex theoretical approach is undertaken, where the act of advocating is seen as serving "to pick out the point being argued about and to establish the nature and extent of arguers' specific responsibilities to make good arguments" (83). Goodwin sensibly points also to the potential conflict that may arise between this commitment and another one also recognised, namely, the advocate's zeal to support their cause. In the paper here discussed, however, I take it that enactment is mainly seen as a strategy orientated to producing persuasive effects in acts of advocating, and this idea is the target of my discussion. My own view on the matter does not contradict it, but tries to advance an analysis of advocacy in terms of speech acts that categorises persuasion as perlocutionary.

[8] For general overviews, see: Mari Matsuda et al., 1993; Ishani Maitra and Mary Kate McGowan, 2012.

intended speech act may result in an unsuccessful one (not necessarily void and null, but nevertheless faulty in some respect).[9] It is a merit of Goodwin and Innocenti's essay that it brings to the fore a way in which a speaker can be deprived of the pragmatic force that allows one's speech to have an effect on one's social and interpersonal world, and thus on the obligations, commitments, rights, authorisations, etc. of the interactants, as mutually or socially recognised.

7. Discussion of case

In order to sustain and make more precise my point, it is worth paying closer attention to the case studies considered by these authors, and, in particular, at the conclusions they reached. As already seen (sec. 2), when considering the claims that turned out to be conveyed through enactment, they contend that the women's giving reasons in a public space showed to their audiences (and even to themselves),

C.1. that their attempts to vote were reasoned, and
C.2. that the activity of a woman voting is supportable by reasons.

It seems to me essentially correct to say that, in what concerns claims C.1 and C.2, enactment is used as a direct and effective means to induce in the addressees these conclusions. The authors' consideration that enactment showed the correctness of both claims even to the suffragists' themselves, strongly suggests that the claims were not intended by them as conclusions, at least not in a fully conscious and explicit form. If this were the case, then it would reinforce my contention that the inference leading to C.1 and C.2 should be seen as perlocutionary. Nevertheless, even if these two claims had been intended, this fact would not contradict the assessment that the effect so achieved was perlocutionary. For one thing, the addressees did not draw both conclusions because of their recognising the suffragists' authority to influence their opinions (which could have led to a successful illocution). Rather, they had to yield to the evidence that the suffragists' enactment represented for them, in what can be seen as a consequential effect.

Against my assessment, a possible objection would be the following. In the two studied cases, enactment was equivalent to showing the facts that could be adduced, *qua* reasons, in support of claims C.1 and C.2. A liberal conception of argumentation would take it that the giving of reasons can be effected by showing

[9] Austin (1962) distinguished, within the common category of *infelicities* (speech acts incorrectly performed), the subcategories of *misfires* (failures to follow the conventional procedure, in their turn divided into misinvocations and misexecutions) and *abuses*. Only the former were doomed to result in null and void acts; abuses, in contrast, could give rise to a performed action, though faulty in some respect or other, as e.g. insincere promises (cf. 1962: 18, 25). As Marina Sbisà has contended (see ref. in her 2009), this view entails that illocutionary speech acts are subjected to defeasibility, which depends on the social or intersubjective recognition.

relevant facts and evidence, in a straightforward (and even possibly non-verbal) way. The suffragists' arguing in public would qualify as evidence to support both claims.

I am willing to endorse this point of view, in relation to claims C.1 and C.2. But notice that in order to induce these conclusions, the suffragists' discourses could not be random assertions. They had to give reasons of a kind appropriate to be recognised, even by their opponents, as supportive of the suffragists' position. They had to perform genuine acts of arguing. Only in this way, could enactment qualify as showing the facts that supported conclusions C.1 and C.2. To that extent, enactment was apt to become the justificatory redemption of an illocutionary act, namely, that of advocating in favour of C.1 and C.2. The addressees had to acknowledge this public action as appropriate supportive evidence, and, even if they resisted the suffragists' reasons, they nevertheless had to recognise the suffragists' authority to present their case and advocate for it.

Still, my concern is that this approach is not applicable to the general case, nor to other particular claims that the suffragists were trying to vindicate. My contention is that, in the general case, speech acts of advocacy belong to a normative framework within which the speaker's obligation to justify cannot be redeemed by a mere "making reasons apparent". To better see what is at issue here, it is worth considering other claims advocated by the suffragists. According to Goodwin and Innocenti (2016), they also defended the following claim:

C. No state can abridge women's right to vote.

This declaration conveys an elaborated tenet which is in need of grounding. In this particular case, enactment as a rhetorical device, as a mere showing in the public domain that one is able to give reasons, would had fallen short of providing the required justification. Given the historical context, and the strong unwillingness to accept claim C from the part of other relevant agents, the effort to gain support for this declaration was doomed to fail, and the corresponding advocating act was doomed to become null and void. This set of conditions made of the obligation to justify claim C, to sustain it by giving reasons, an imperative move in the interaction.

In fact, women arguing for their right to full citizenship and their right to vote acted accordingly. They assumed their obligation to justify and redeemed this obligation when advocating. Goodwin and Innocenti report that claim C was presented and argued for on many occasions. Their reconstruction of the argument in one of the studied cases (2016: 454) went like this:

P1. Women are citizens of the United States.
P2. Voting is a privilege or immunity of citizenship.
P3. The (new) 14th Amendment to the Constitution provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."
C. Therefore, no state can abridge women's right to vote.

Note that, by giving reasons (P1 to P3), the suffragists provided their addressees with the kind of argumentative support needed for them to recognise the suffragists' advocating exercitive. The suffragists' adducing reasons eventually forced their addressees to credit the suffragists with the appropriate authority for their advocacy. The fact that, historically, it took a long time to influence addressees so that they gave their support to women's voting rights does not prevent the suffragists' discourse from being a successful illocutionary act of advocacy.

Interestingly, the suffragists' redemption of their obligation to give reasons was not prompted by a corresponding request of justification from their addressees, but by their resistance to recognising the suffragists' pursued illocution. In virtue of supporting their cause with reasons, the suffragists' exercitive was to be recognised as such by their audiences. Even if, for a long period of time, these audiences were not moved in their attitudes (a perlocutionary effect), the illocutionary speech act was correctly, successfully performed.

8. Acts of arguing

In the preceding sections, the focus has been on the speech act of advocating as an exercitive. Earlier, a distinction was introduced between two approaches to advocacy, namely, advocacy as a complex communicative activity that aims to persuade and gain support in favour of a position (Adv1), and the illocution of advocating as a type of speech act (Adv2). It was pointed out that an act of advocating can be performed without presenting any arguments and detached from any embedding in a persuasion dialogue. Yet I have tried to show that this illocution is connected in an essential way to acts of arguing, in as much as the advocate's capability to influence her addressees is dependent on the authority she may be credited with by them in virtue of so doing. In contexts of advocacy (as something different from contexts of e.g. threats or bribery), giving reasons is a procedure available to the speaker for her illocution to be recognised and successfully performed. If this contention is correct, then performing the illocution of advocating leads to acts of arguing in a conventional and direct form.

My interest lies in argumentation understood as a special communicative activity. As such, it can serve many different purposes, and the intention to persuade undoubtedly is a prominent one. This makes of argumentation a common

activity connecting the two approaches to advocacy here distinguished. Notice that (Adv1) sees advocacy as entering into persuasion dialogues, and thus also as usually involving argumentation, possibly together with the recourse to rhetorical devices and other means of persuasion. Notwithstanding this, I doubt that argumentation could serve the purpose of persuading (which is, as already said, a perlocutionary consequence), if it were not an essentially justificatory practice. Thus, I endorse the view according to which in argumentation, speakers present reasons, data, evidence, etc. in order to give support to a claim and thus present it as justified.

Moreover, I find insightful the reconstruction of arguments originally put forward by Stephen Toulmin (1958). Following Toulmin's model, I take it that whenever a speaker engages in the activity of giving reasons (facts, evidence, etc.) in order to present a claim as justified, she is presenting herself (usually in a tacit, implicit way) as committed to the inferential license that authorises the step from reasons to claim. I also find correct the point of view according to which argumentation, as a (pre-eminently) linguistic and communicative activity, can be analysed in terms of a speech act complex.[10] To that extent, my references to acts of arguing can be seen as entailing the tenet that giving reasons is part of a more complex speech act, which in any case answers to the general orientation outlined.

9. Conclusion

My point of departure was Jean Goodwin and Beth Innocenti's joint work on the pragmatic force of "making reasons apparent". In my view, the kind of enactment they are considering in their (2016) should be analysed as embedded in acts of advocacy. To the extent that it is so, I have suggested that the speech act, if successful, institutes a normative framework where the speaker's obligation to justify cannot be redeemed by a mere "making reasons apparent", without further qualification.

I have presented a view of acts of advocating as exercitive speech acts. My contention has been that, out of institutional settings where the advocate's authority is pre-established, the authority the speaker needs in order to perform her illocution successfully, that is to say, in order to be recognised by her addressees as an agent capable of giving support to a position (idea, cause, course of action, etc.) is bestowed upon her in view of the reasons she can give, and they can acknowledge, in support of her position. It is in virtue of the advocate's giving reasons that she can be credited with the capability to try and exert influence on

[10] As is well known, a first treatment of argumentation as a speech act complex (and the introduction of the term) is due to the joint work of Frans van Eemeren and Rob Grootendorst (1982, 2004). A more recent use of the term, within the framework of an original and compelling theoretical model, is due to Lilian Bermejo-Luque (2011). Although I do not endorse in their entirety these (different) theoretical frameworks, I am indebted to both of them.

the addressees. This authority, in the form of authorisation or empowerment, is bestowed on her by the addressees' recognition that her position may be and is defended with reasons. I have contended also that the effective influence that the advocating act can, or cannot achieve - its effectively influencing the advocate's addressees as intended by her - should be considered a perlocutionary consequence, as something different from the conventional effect due to the illocution.

The previous ideas impinge on the relation between advocacy and enactment. To the extent that enactment is characterised as a mere "making reasons apparent", its power to induce certain inferences on the addressees (and other social agents) should be seen as a perlocutionary consequence. This general assessment does not contradict the possibility that, in certain cases, the very activity of arguing in public might qualify as directly showing the evidence that supports a particular claim. Here, my contention has been that this is only possible in certain particular cases, and only if the activity of "making reasons manifest" can be recognised as a correct performance of genuine acts of arguing.

References

Austin, John L. 1962. *How to Do Things with Words*. Oxford: Oxford University Press.

Bermejo-Luque, Lilian. 2011. *Giving Reasons: A Linguistic-pragmatic Approach to Argumentation Theory*. Dordrecht: Springer.

Budzyńska, Katarzyna and Maciej Witek. 2014. Non-Inferential Aspects of Ad Hominem and Ad Baculum. *Argumentation* 28(3). 301-3015.

Campbell, Karlyn K. and Kathleen H. Jamieson. 1978. 'Form and Genre in Rhetorical Criticism: An Introduction.' In Karlyn K. Campbell and Kathleen. H. Jamieson (eds.), *Form and Genre: Shaping Rhetorical Action*, 9-32. Falls Church: Speech Communication Association.

Corredor, Cristina. 2001. A Comment on Threats and Communicative Rationality. *Theoria: An International Journal for Theory, History and Foundations of Science* 16(1). 147-166.

Eemeren, Frans van and Robert Grootendorst. 1982. The Speech Acts of Arguing and Convincing in Externalized Discussions. *The Journal of Pragmatics* 6(1). 1-24.

Eemeren, Frans van and Robert Grootendorst. 2004. *A Systematic Theory of Argumentation: The Pragmadialectical Approach*. Cambridge: Cambridge University Press.

Goodwin, Jean. 2013. Norms of Advocacy. *OSSA Conference Archive* 61. [Online] Available at: https://scholar.uwindsor.ca/ossaarchive/OSSA10/papersandcommentaries/61 [Accessed on: 7 March 2019]

Goodwin, Jean. 2014. Conceptions of Speech Acts in the Theory and Practice of Argumentation: A Case Study of a Debate about *Advocating*. *Studies in Logic, Grammar and Rhetoric* 36(49). 79-98.

Goodwin, Jean and Beth Innocenti. 2016. 'The Pragmatic Force of Making Reasons Apparent.' In Dima Mohammed and Marcin Lewiński (eds.), *Argumentation and Reasoned Action: Proceedings of the 1st European conference on argumentation*, Lisbon, 2015, Vol. II, 449-462. London: College Publications.

Kissine, Mikhail. 2013. *From Utterances to Speech Acts*. Cambridge: Cambridge University Press.

Lewinski, Marcin. 2017. Practical Argumentation as Reasoned Advocacy. *Informal Logic* 37(2). 85-113.

Maitra, Ishani and Mari Kate McGowan (eds.) 2012. *Speech and Harm*. Oxford: Oxford University Press.

Matusuda, Mari, Lawrence III, Charles R., Delgado, Richard and Kimberle Williams Crenshaw (eds.) 1993. *Words that Wound: Critical Race Theory, Assaultive Speech and the First Amendment*. Boulder, CO: Westview Press.

O'Keefe, Daniel J. 2007. Potential Conflicts Between Normatively-responsible Advocacy and Successful Social Influence: Evidence from Persuasion Effects Research. *Argumentation* 21. 151-163.

Sbisà, Marina. 2006. 'Communicating Citizenship in Verbal Interaction: Principles of a Speech Act Oriented Discourse Analysis.' In Heiko Hausendorf and Alfons Bora (eds.), *Analysing Citizenship Talk*, 151-180. Amsterdam: John Benjamins.

Sbisà, Marina. 2009. Uptake and Conventionality in Illocution. *Lodz Papers in Pragmatics* 5.1 / *Special Issue on Speech Actions*. 33-52.

Searle, John R. 1975. 'A Taxonomy of Illocutionary Acts.' In Keith Gunderson (ed.), *Language, mind and knowledge*, 344-369. Minneapolis, MN: University of Minnesota Press.

Searle, John R. and Daniel Vanderveken. 1985. *Foundations of Illocutionary Logic*. Cambridge: Cambridge University Press.

The Elizabeth Cady Stanton & Susan B. Anthony Papers Project. [Online] Available at: http://ecssba.rutgers.edu/docs/ecswoman1.html [Accessed on: 7 March 2019]

Toulmin, Stephen. 1958. *The Uses of Argument*. Cambridge: Cambridge University Press.

Witek, Maciej. 2015. An Interactional Account of Illocutionary Practice. *Language Sciences* 47, 43-55.

CONFRONTATIONAL ARGUMENTATIVE STRATEGIES IN THE DISCOURSE OF FOREIGN POLICY EXPERTS

SAMIRA ALLANI
Universidad Politécnica de Madrid, Spain
samira.allani@upm.es

Abstract
The aim of this study is to explore the discursive practices of foreign policy experts. While policy decisions involving war and peace keep people alarmed all over the globe, most of these decisions are shaped by policy experts who work on influencing public opinion through the media (Manheim, 2011). This study adopts a critical discursive stance and uses argumentation analysis to examine the ideological backdrop to the discourse of thirty opinion articles authored by American foreign policy experts in print media. Drawing on the Pragma-dialectical method of augmentation analysis (van Eemeren and Grootendorst, 2004), and more particularly on its notion of strategic maneuvering, the analysis examines the confrontational strategies used by this group of experts and attempts to determine the rhetorical goals pursued by these strategic maneuvers.

Keywords**:** argumentation, discourse, experts, foreign policy, strategic maneuvering.

1. Introduction

The political opinion sections of the print media offer a major forum for public debate. They bring together politicians, government officials, policy experts, and journalists to discuss the suitability of policies and put forward their analysis and resolutions about policy decisions. In matters which are hard for the public to access, however, such as foreign policy (FP henceforth), expert opinions help the public understand what is at stake in international relations and engage them in the processes of policy-making (Blower, et. al., 2005). Nonetheless, in practice, experts with their cognitive authority (Wilson, 1983) and their positions as knowledgeable people, tend to benefit and legitimize their partisan views. The problem lies in that "what is *agreed to be fact* is the product not of open debate, but of the authority of experts and even more, the public is more or less under the cultural or intellectual control of the experts" (Turner, 2001: 126, italics in original).

This study aims to explore the ideologies underlying the discourses of FP experts in the American print media. The analysis focuses on the debate about the Iraq war during what is referred to as "the Surge", a policy adopted for the period from late 2006 through September 2007. In their opinion articles issued in print media, FP experts debated the US military policy in Iraq and its counter-insurgency strategies. At that time, the US had launched a security plan dubbed "The New Way Forward" aimed at increasing the number of American troops who

would restrain sectarian violence in Iraq. The plan was harshly criticized, and Americans were worried about the war costs and the high death toll of the troops and expectant of troop withdrawal from Iraq. FP experts from different political factions in the meantime attempted to gear the debate to their respective benefits.

2. Argumentation in political discourse

The study of political discourse in the media requires particular awareness of its inherent argumentative nature and also knowledge of the most influential theories and analytic tools developed within the discipline of argumentation theory (Toulmin, 1958; Perelman and Olbrechts-Tyteca, 1969; van Eemeren and Grootendorst, 2004; Walton, 2015), as well as those in pragmatics (Johnson, 2000; Wilson 1990). Argumentation theory "contributes to a wide range of fundamental social processes, from political debates to legal disputes, scientific inquiry, and interpersonal conflicts (Lewiński and Mohammed, 2016: 1); it is hence crucial in the study of the discursive practices of any social group, not to mention those shaping public opinion and decisions involving war-waging. Indeed, political argumentation is "about gaining and using power, about collective decision-making for the public good, about mobilizing individuals in pursuit of common goals, about giving effective voice to shared hopes and fears" (Zarefsky, 2008: 318).

FP discourse, like most types of political discourse, is commonly mediated by the mass media and is produced not only by politicians, but more heavily by FP experts, such as policy analysts, media columnists and interest groups working for policy institutions (Morin and Pequin, 2018). Both the media and the political institutions jointly constrain the discursive practices of experts and shape their roles in discursively constructing political public opinion (Lauerbach and Fetzer, 2007). However, the power of these experts does not go unnoticed. They are considered "the interpretative elites of political journalism'' owing to their ''ability to interpret complex reality in ways which contribute directly to their readers' evaluation of political rhetoric and action'' (McNair, 2000: 208). Media argumentation "is a powerful force in our lives (…) and can mobilize political action, influence public opinion, market products and even enable a dictator to stay in power" (Walton, 2007: 5).

Political argumentation in the media has been regarded in Critical Discourse Studies (CDS) as crucial in the reproduction of power abuses in discourse, even though argumentative patterns have not been particularly the focus of political discourse analyses, at least not in the work of the main theorists of CDS. Indeed, argumentation has been commonly approached as part of (group) discursive practices (Fairclough, 1992: 71) or as a kind of discursive strategy in the discourse-historical approach, that is typically used to establish positive-Self and negative-Other representation (Reisigl and Wodak, 2001: 44), or as an ideological discursive strategy (van Dijk, 1998). More recently, however, and focusing not

only on the pragmatic and interactional dimension of discourse, but also on the role of cognition in discursive processes, argumentation has started to gain much attention in discourse analysis, in the study of Hart (2013), for instance, or Oswald, Herman and Jacquin (2018) and Ihnen and Richardson (2011), to name a few. Most of these studies carried out on argumentative strategies and their effects on discourse point to the need for synergy between cognitive linguistics and argumentation theory.

3. Theoretical framework

The current study on FP experts´ discourses relies on the multidisciplinary character of critical discourse studies mainly advocated by the socio-cognitive approach (van Dijk, 1998) and draws on the analytic framework proposed by Pragma-dialectics (van Eemeren and Grootendorst, 2004). The study aims to reiterate the need for argumentation theory to assist the analysis and evaluation of the argumentative discourse of FP experts in the media. Pragma-dialectics specializes in argumentative discourse and picks up the traditional philosophical theories on argumentation in order to adapt them to more contemporary research needs by integrating a pragmatic dimension into the traditional and purely dialectal approaches (van Eemeren, 2018). The socio-cognitive approach, by contrast, extends its focus to all discourse and text types, as is the case with most CDS approaches, and pays specific attention to the discursive practices of social group members, mainly those delineating (power) abuses. However, these two approaches have more in common than one can perceive at first glance. The most crucial common features are related to the multidisciplinary critical stance they both adopt in the analysis of discourse, their emphasis on the pragmatic and interactional dimensions of discourse, and their agreement on the importance of the notions of context and relevance in the interpretation and the evaluation of the argumentative discursive practices of language users.

Pragma-dialectics as a theory of argumentation proposes a systematic method for critically analyzing argumentative discussions (van Eemeren and Grootendorst, 2004). It starts with the assumption that speakers or writers engage in “a critical discussion” for the purpose of resolving a difference of opinion and, it delineates an ideal model aimed at facilitating the systematic assessment of argumentation (van Eemeren and Houtlosser, 1999: 480). This model indicates the different stages involved in an ideal process of a difference of opinion resolution. Pragma-dialectics integrates the notion of strategic maneuvering aiming to create standards for reasonableness that have a functional, rather than a structural focus. Strategic maneuvering is defined as the “efforts arguers make in argumentative discourse to reconcile aiming for rhetorical effectiveness with maintaining dialectical standards of reasonableness” (Eemeren and Houtlosser 2006: 383). Three levels of strategic maneuvering, topic potential, adaptation to audience and presentational devices, are distinguished in Pragma-dialectics for

analytic purposes, while in practice, it is believed that they act together and synchronize to realize the argumentative goals of the discussion participants. Strategic maneuvering is believed to derail if the arguers mishandle the balance to maintain between their goal to persuade and their commitment to the dialectical norms. Van Eemeren and Houtlosser (2006: 387) contend that since the "derailments of strategic maneuvering always involve a violation of a rule for critical discussion; they are on a par with the wrong moves in argumentative discourse designated as fallacies (See the rules for a critical discussion: van Eemeren and Grootendorst 2004: 187-196).

4. Methodology

4.1. The corpus

The corpus under study consists of thirty opinion articles authored by policy experts and published in American newspapers in 2007. Three main criteria are observed for data selection. First, the articles should be published in newspapers scoring highest in circulation (based on Audit Bureau of Circulation, 2007). These newspapers have the highest national and international reach and are, therefore, regarded as the most influential channels on public opinion. Second, the topics should revolve around the issue of the "Surge" in Iraq, an American policy implemented from late 2006 through September 2007, the date on which General Petraeus, the Commander-in-chief deployed in Iraq to control the insurgency, was scheduled to report to Congress. Third, the articles were exclusively retrieved from sections referred to as: "Op-ed" (opposite the editorial page), "Columns", "Commentary" or "Opinion", depending on the way each paper names the section in which an article states a FP expert opinion about current international events. The texts display an average length of 900 words per opinion article, an amount considered manageable for conducting a detailed critical analysis of the discursive and argumentative strategies of FP experts discussing the war. Table 1 below displays the list of newspapers from which the articles were retrieved.

Table 1. The top 10 US newspapers by largest reported circulation in 2007
Source: *Audit Bureau of circulations* (2007)

Newspaper/ Ranking	Circulation figures
1. USA Today	2,528,437
2. Wall Street Journal N.Y	2,058,342
3. New York Times, N.Y.	1,683,855
4. Los Angeles Times	915,723
5. New York Post	724,748
6. The Daily News –NY	718,174
7. Washington Post	699,130
8. Chicago Tribune	566,827
9. Houston Chronicle	503,114
10. The Boston Globe	477,425

Research was also carried out on the authors of these opinion articles to examine their respective professional background and political affiliations, and the kinds of institutions they work for. Figure 1 reveals that more than half of the experts (53.3%) are think tank pundits and that the other half is divided between politicians (20%), policy analysts (13%) and columnists (13%). The findings conform to FP communication trends in the US, where the opinion sections in newspapers are highly exploited by experts working for think tanks. These are organizations that perform research and advocacy and focus on addressing political questions of national and international interest. Think tanks commit to holding themselves responsible in society for the accomplishment of democratic principles and for engaging citizens in decision making by "clarifying world issues and being a knowledge source for them" (Morin and Pequin, 2018: 196).

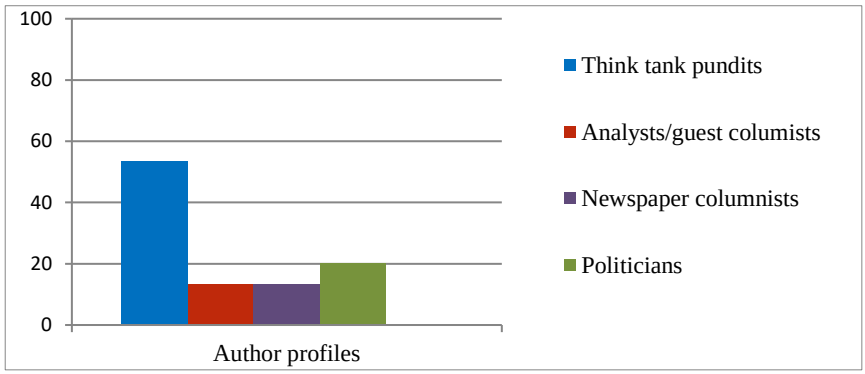

Figure 1: The professional profiles of authors in the data corpus

As for the politicians, their opinions on foreign policy events are expected to faithfully transmit their party´s position and decisions on these issues. Even though their positions may be equally as scientifically founded as those of professional foreign policy experts, they are generally regarded as inclined towards the political interests of the party leaders. The analysis of the argumentative strategies employed by these FP experts focuses on their confrontations, which is the stage where they externalize a standpoint and advance a position for defense.

4.2. Research procedures

Based on Pragma-dialectics, the research proceeded as follows. First, a preliminary analysis of the data was initiated. It consisted in identifying the critical stages of each text, reconstructing the critical discussions and elaborating an analytic overview. Second, focusing on the confrontational stages, the topics selected for discussion were weighed up against the disagreement spaces available. This task involved classifying the standpoints and grouping them based on their themes and goals, so as to allow the delineation of the range of positions addressed, and to determine what topics came high in the agenda of experts in this corpus. The notion of disagreement spaces clarifies the arguer's decisions on topical choices. For Pragma-dialectics, a standpoint is a selection from a particular disagreement space which in turn is a collection of the entirety of "virtual" standpoints related to a given issue (Van Eemeren, et al., 1993: 95). Furthermore, van Eemeren and Garssen argue "whether to expand around one of the potential points of disagreement is a matter of strategy, for not all disagreements need resolutions" (2008: 17). This means that by deciding which area of the space is worth discussing, arguers leave evidence of their intentions, their political agendas and, more importantly, their ideological positions. Finally, the last step was concerned with determining the kinds of strategic maneuverings through which the authors attempted to gear the discussion towards the most effective results, and towards resolving the difference of opinion to their maximum benefits.

5. Findings and discussions

This section presents the results dealing with the discursive strategies adopted by the FP experts in the confrontation stage of their discussions. Confrontation is the dialectical stage in which the arguers identify the issues at the origin of the conflict, advance their standpoints and contextualize their positions (van Eemeren and Grootendorst 2004: 57). The systematic analysis and reconstruction of this stage has given due insight into the arguers´ strategic moves, including the kinds of rhetorical aims they pursue and the ideological motivations behind them.

After reconstructing the argumentative texts, the disagreement spaces representing the margins of the conflicting positions were examined in order to

find out how the arguers´ confrontations are built from them. Table 2 displays the main disagreement spaces from which the standpoints have been advanced in the corpus. The findings show that "withdrawing troops from Iraq" was the dominant space chosen by almost three quarters of the opinion authors. This overriding disagreement space may show the oratory nature of the positions, which is a deliberative posture inherent in decision-making. The remaining topics draw on different spaces, related to morality and justice.

Table 2. Top 3 disagreement spaces

Top 3 spaces	**Disagreement spaces**	%
1	Withdrawal from Iraq	73.3
2	Decision makers behavior	16.6
3	War legitimacy	6.6

Not only do the disagreement spaces point to the positions adopted by the arguers, but they also indicate the nature of the dispute. Indeed, the prevailing space concerned with the troop withdrawal designate a deliberative kind of debate in which the dispute focuses on either the expediency or the untimeliness of the proposed policy. Whether the proposal was equitable or not seems to remain a secondary consideration in this type of oratory, even though in most cases arguers in this corpus did integrate other oratory types for a more persuasive effect.

As indicated in table 2, most arguers (73.3%) in the corpus draw on the same disagreement space in advancing their positions over the most practical policy to adopt in Iraq. This is the same space under which conflicting views on what to do in Iraq were discussed, either by defending staying or leaving Iraq, or by proposing different types of action. Two different strategic maneuvers related to this disagreement space were identified. These were maneuvering by polarization and maneuvering by shifting the topic. In the first case, the arguers choose to present their positions by polarizing them with those of their opponents. This involves using moves which highlight a situation of disagreement in the debate and explicitly point to opposing views. The second kind of maneuvering, topic shifting, consists of starting a confrontation on a topic and then moving from there to a different disagreement space. A third confrontational strategy identified in the corpus was that of advancing objections to counterarguments. This strategy was adopted by those holding positions selected from various disagreement spaces including the ones related to the politicians' accountability and to the withdrawal of troops from Iraq.

5.1. Polarizing

Most of the arguers setting about a position related to the topic of withdrawal from Iraq introduce their own views by means of polarization. Standard dictionary definitions of polarization emphasize the simultaneous presence of opposing or conflicting principles, tendencies or points of view. Indeed, these arguers introduce the disagreement in the debate as originating from two extreme positions rather than multiple differences. Furthermore, these opponents´ views are often situated as irrational or extreme and balanced with moves emphasizing the credibility of the arguers. It is also somewhat surprising that, in the majority of these confrontations, reference to the opponents´ position is not followed by any refutation-based rhetorical strategy explaining the reason why the counter position is not valid in their view. A possible explanation for this strategy might be that the arguers aim to reduce the disagreement to a binary space by exaggerating one view of the opponents and ignoring other alternative differences of opinion. By polarizing opponents´ views, the arguers seem to accomplish two goals: weakening and disqualifying counter positions from being considered as valid positions, and establishing their own credibility by means of discrediting opponents. The latter goal may be recognized as an appeal to ethos, commonly used by arguers in this dialectical stage to establish credibility with the audience (Rhetoricae, 2003). The recurrent polarizing maneuvering, a common confrontational practice among arguers in this corpus, may give insight into their group shared cognitions such as the kinds of common dispositions behind their discursive behaviors.

The different functions of polarization are explored below in several revealing confrontational cases. In example (1) below, the arguer initiates her debate by polarizing the opposing views with her own by means of dissociation.

(1) In Washington, perception is often mistaken for reality. And as Congress prepares for a fresh debate on Iraq, the perception many members have is that the new strategy has already failed. This isn't an accurate reflection of what is happening on the ground, as I saw during my visit to Iraq in May. (Kimberly Kagan, *Wall Street Journal*)

In the confrontation of this opinion article, the arguer does not seem to refute any counter argument or show a predisposition to argue against any opposing views. Polarization here, realized only at a confrontational stage, indicates that the arguer uses the maneuver for a different purpose rather than engaging in argumentation against opponents´ claims. Indeed, using the terms “perception” and “reflection” discredits the opponents´ positions and presents them as subjective positions, rather than well-founded views. By framing them as mere “perception” and setting them against her own factual knowledge “reality”, the arguer dissociates herself from her opponents through parallelism between her own advantage (knowledge) and her opponents´ defect (ignorance). The strategy risks derailment, even though it is widely adopted, as it can turn into the *ad hominem* fallacy recognized as the

attack on the person rather than the argument. This maneuver seems to be exploited by a great number of arguers where polarization is employed to discredit their opponents´ positions and suggest their untrustworthiness. Example (2) shows how the arguer dissociates himself from his opponents and frames their positions as a mere act of "bickering" which implies a state of unreasonable petty dispute, removed from the "real" event.

(2) While American politicians bicker among themselves from eight-time zones away about whether the Surge led by Gen. David Petraeus is working or not, I turned to Iraq to see for myself. (Michael Totten, *Daily News*)

The arguer, here, does not engage in refuting his opponents' positions, but rather in framing them from this confrontation as not worth arguing against. Indeed, the discussion argumentative core does not consist of any refutation of counter-arguments. It focuses on proving that the Surge was working well based on factual evidence, presented as a warranty to his defense of staying in Iraq and continuing the fight there. The confrontational maneuver strengthens one´s position by weakening an opposing position. Furthermore, this move attempts to build the disagreement as binary, i.e. as representing two opposing poles rather than several.

Another example of maneuvering with counter-positions and presenting them as invalid claims (example 3) is advanced in a confrontational move wrapped up into a series of presuppositions. The arguer presents the decision to withdraw troops as "surrender" and a declaration of "defeat", hence an act of cowardice.

(3) Congress will *finally* deliver on the president's request for emergency war spending for Iraq and Afghanistan - after more than 80 days (*yes*, 80 days) of needless dithering with our national security. (…) it includes a *completely* arbitrary timetable for surrender in . . . er, I mean, withdrawal from Iraq. Sure, Congress has the constitutional power to declare "war," but since when does it have the right to declare "defeat"? (Peter Brookes, *New York Post*)

Polarizing, therefore, seems to fulfill certain rhetorical aims. As seen in most of the above-mentioned examples, one of the aims is to strengthen the arguers´ positions by attacking the authority and the integrity of opponents and by contrasting them with their own credibility. The polarized views, hence, are not only referred to in negative terms, but they are in many cases distorted. The misrepresentation of opponents´ positions is generally identified as a fallacious move producing what is referred to as a *strawman* fallacy.

Derailing strategic moves does not seem to be an obstacle, as misrepresenting the opponents´ views by polarizing them against one´s position turns out to be a widely accepted move, judging from the high occurrence of this practice in the corpus. This is probably due to the lack of any explicit formal or informal institutional restrictions or official conditions on how the arguers should formulate

their opponents´ views in the first place. However, the maneuver turns out to have more consequences than the ones outwardly perceived.

Polarizing positions makes the disagreement space a two-dimensional kind of space and presents it to the audience as a choice between two options rather than a range of alternatives. The strategy reduces the disagreement to a more recognizable and manageable issue, by simplifying it for the audience. This increases the chance of persuading the audience of one option against another, rather than having to persuade them against many options or complex positions. Polarizing makes an "extremely diversified public coalesced into two or more highly contrasting, mutually exclusive groups sharing a high degree of internal solidarity in those beliefs which the persuader considers salient" (King and Anderson, 1971: 244). Polarizing political views in the US has a long and established tradition, given that the variety of political and moral value systems, ranging from traditional to progressive, from absolutist to relativistic, have often been reduced and categorized as falling either into liberal or conservative groups (Prior, 2013). Using this strategy in opinion pieces may ostensibly be oriented towards producing the usual effect of political campaigns and discourses, which appeals to the solidarity and commitment of the group adherents based on sharing the same moral or political values.

5.2. Shifting the topic

Confrontational maneuvering by topic shifts has also been identified in significant numbers in the corpus. In this kind of maneuvering, confrontation is initiated on a topic selected from a certain disagreement space and then moves on to another topic that seems to better serve the interest and goals of the arguers. In most cases, confrontation apparently draws on a topic selected from a small-scale disagreement space, but shifts (usually in a smooth manner) to a higher scale, more polemical disagreement space. In most cases, the arguers tend to set off the debate from a previously settled disagreement, such as the issue of Islamic terrorism and the US leadership on the matter of fighting it (widely shared and accepted views among the American public), to later move to the controversial debate on troop withdrawal. This strategic maneuver is discussed in the examples below, by pointing to their ideological significance.

In example (4), the arguer opens his discussion with an account of some cruel terrorist attacks in Iraq, which powerfully relate to the kinds of images drawn upon in debates on terrorism linking them to a larger space on the legitimacy of the war on Iraq and the very essence of the US interventions in "rogue" states. The arguer exploits this space to bring another issue to the table, namely that of the same predominant disagreement space of troop withdrawal, this time from a different angle and seemingly differentiating it from the deliberative debate over the decisions to be made in Iraq.

(4) Two days ago, al Qaeda detonated four massive truck bombs in three Iraqi villages, killing at least 250 civilians (perhaps as many as 500) and wounding many more. The bombings were a sign of al Qaeda's frustration, desperation and fear. The victims were ethnic Kurd Yazidis, (…) the reason for those dramatic bombings was that al Qaeda needs to portray Iraq as a continuing failure of U.S. policy. Those dead and maimed Yazidis were just props: The intended audience was Congress. (Ralph Peters, *New York Post*)

This kind of confrontational maneuver serves to initiate discussion from the topic of terrorism – related to the disagreement space of war legitimacy - and then shift to the topic related to the deliberation on whether to retreat or not from Iraq. Hence, by starting from a topic of shared agreement, the arguer attempts to build a tension-free confrontation and engage in a concurring discussion on Al Qaeda´s terrorism. The maneuver is obviously aimed at securing communion with the audience (van Eemeren and Houtlosser, 2006: 384) before getting to the actual disagreement space from which the position is taken. Even though the strategy seems to undertake the positive function of mitigating the difference of opinion, it may be identified as manipulative, as it distracts the audience from the arguer´s intended position. Furthermore, confrontation is initiated from the assumption of a common threat of terrorist attacks, hence implying the inevitable obligation of Americans to fight. This kind of maneuver may function as a smokescreen to the actual positions to defend in the discussion and may have crucial consequences on the audience's processing of, and even reactions to, these kinds of standpoints.

The next example (example 5), is a further illustration of an ideologically biased strategic maneuver, possibly motivated by the arguer´s aim of wining the debate in his favor. After an extensive description of some terrorist attacks in Iraq, the arguer disapproves of his opponents´ claims that the US provoked a civil war instead of establishing democracy. The arguer makes a strategic move by means of a series of *erotema* (rhetorical questions); the first is the exact wording of the counter-argument and the next one is a re-formulation of this view, which very probably derails into a *straw man* fallacy. He uses this strategy of topic shift by placing his position within a different disagreement space, namely that of intervention and war legitimacy while in fact, the global speech act may be interpreted as dissuasion from withdrawal of troops from Iraq.

(5) Tens of thousands of Iraqis have died, the overwhelming majority of them killed by Sunni insurgents, Baathist dead-enders and their al-Qaeda allies who carry on the Saddamist pogroms (…). Iraqis were given their freedom, and yet many have chosen civil war. (…) We gave them a civil war? Why? Because we failed to prevent it? (…) Thousands of brave American soldiers have died trying to counter, put down and prevent civil strife. (…) we've been doing everything we can to bring reconciliation. (Charles Krauthammer, *Washington Post*)

Indeed, the analysis reveals that the maneuvering by shifting topic serves to foreground the threat of terrorism and the duty to fight against Al Qaeda to prepare

favorably for the actual position defending the policies adopted in Iraq and eventually staying to accomplish the mission. This position is framed within the US global leadership and its mission of fighting terrorism as a major international threat, and is shifted from the space of the deliberation over withdrawal from Iraq, which evokes the mismanagement of the war and the public condemnation of it. Hence, by blaming Iraqis and Arabs for failure, the arguer recreates solidarity and consensus against others (here Iraqis) and implicitly absolves the Bush Administration from criticism. Furthermore, he shifts the attention away from the controversial issue of withdrawal and seems to initiate a discussion on the US mission and fight against terrorism, while, indeed, he advances (implicitly) a position against withdrawal.

Confronting the audience based on the accommodating topic of national values and virtues, rather than bringing up the responsibility of a political group, is a confrontational strategic maneuver aimed at avoiding the tension produced by the highly controversial topic of withdrawal. Nevertheless, it proves to be a case of manipulation, as the arguer´s basic goals and intention become hard to infer from the discursive construction of a misleading confrontational situation in which the issue is defined in a complex and evasive way.

5.3. Objections to opponents´ positions

Around a quarter of the arguers in the current study choose to frame their confrontation departing from a counter-position of some opponents. Indeed, 24% of them advance argumentation as a reaction and resort, hence, to refutation strategies. This strategy, widely used in mixed discussions where the participants hold a face to face argumentation, points, in the case of op-ed pieces´ non-mixed argumentation, to an explicit reference to disagreement and the disposition to exploit an existent discussion and expand it. This strategy is different from the cases of polarized views in the sense that arguers identify opposing views and commit to refute them within all discussion stages. In all the objection cases inspected, the arguers show consistency when confronting counter-arguments, in the sense that they attempt to report the difference of opinion in a relatively "objective" or fair way, clearly stating their opponents´ views instead of hastily referring to them as an "impression" or perception as is the case for polarizers. This does not mean that they do not harshly criticize them, a task they tend to reserve for the argumentation stage.

5.4. Confrontational maneuvering at the level of presentation

The presentational devices below displayed indicate the ways through which polarizing and topic shifting have been rhetorically accomplished in the confrontation stage. In practice, the three levels of strategic moves, topic selection, audience adaptation and the selection of presentational devices, work together to produce the maneuvers aimed at. Table 3 below displays the top 5 presentational

maneuverings in confrontations, headed by *propositio, apostrophe and enargia,* and illustrated with examples.

Table 3: Maneuvering strategies at the presentational level in the American corpus

Presentational Device	**Device characteristics**	**Functions**	**Example**	**%**
Propositio	provides a summary of the issues, or concisely puts forth the charges or accusation	defining the origin of difference	The mission in Iraq is spiraling to failure. American voters have sent a clear message: bring our troops home, but don´t lose. (W. Clark, USA Today)	46.6
Apostrophe	directly address audience	evoke an emotional response	Keep in mind (…) (**Clifford D. May** *Houston Chronicle)*	33.3
Enargia	vivid, lively description. of an action	inherently moving evoke an emotional response	A female Sunni suicide bomber blew herself up amid students who were ready to sit for exams, killing 40 (T. Friedman, *New York Times*)	23.3
Erotema/ Rhetorical Questions	any question asked for a purpose other than to obtain the information the question asks	affirm or deny a point strongly expressing wonder, indignation, sarcasm, etc.	Sure, Congress has the constitutional power to declare "war," but since when does it have the right to declare "defeat"? (P. Brookes, New York Post)	20
Metaphor	comparison made by referring to one thing as another	various effects/ deviations	When a lame duck, in his 45th month of a failing foreign war and occupation bides his time with warning. (referring to G.W. Bush) (C. Hines, Houston Chronicle)	13.3

It is essential for arguers in such an argumentation activity type to contextualize their positions within the debate and make it clearer for the audience to join the debate. The considerable use of *propositio* demonstrates that the arguers find it optimal to contextualize their claims for their audience by formulating the disagreement in a way that aligns the audience with their own position. Even though this rhetorical device is not commonly recognized for producing bias, such as those devices appealing to emotions for instance, the choice of wording gives the arguers the opportunity to handle and present events the way that suits their

interests by downplaying, exaggerating, highlighting or simply formulating the disagreement in their own terms. The remaining devices employed in the corpus, are equally significant as most are accomplished for emotional effect. A substantial number of maneuvers were indeed performed to appeal to the audience, namely through *apostrophe* (addressing the audience), *enargia*, (vivid description of events), and *erotema* (rhetorical questions). An extract from Ralph Peter´s confrontation illustrates, in example (8) below, a case of a strategic move, maneuvered using different presentational devices, probably aiming at having the maximum emotional effect on the audience. The arguer talks directly to his addressees (*apostrophe*), states a potential doubt they may be cast on his claim (*prolepsis*) and formulates it in the form of a question to shed verisimilitude on the interaction he is having with his antagonists and come across as close to them.

(8) Wait a minute, you say: What about all those recent deadly bombings? (Ralph Peter, *New York Post*)

By involving the audience more directly into the discussion, these devices (among others) make explicit the dialogical nature of the interaction, but also are supposed to produce a positive reception of the positions in question.

6. Conclusions

This article presented the findings from a discursive analysis of foreign policy argumentation in the media. The study aimed to uncover the ideologically driven maneuvering strategies performed by the American FP experts in their debate on the Iraq war. The analysis followed the Pragma-dialectical method and exploited its notion of strategic maneuvering to determine the kinds of moves that indicated the arguers´ effort to reconcile their dialectical and persuasive goals. Strategic maneuverings, as ideologically-prone discourse moves, were examined in the confrontation stage of each text and were guided by the ideal model of a critical discussion, and inspected for cases of derailment. The results showed how the FP experts in the corpus maneuvered when pursing their rhetorical goals in the confrontational stage. The most prominent strategy used by American experts was the polarization of their views with one opposing view, which they framed as invalid, reducing options for their audiences. Others chose topics of shared agreement in their confrontation from which they shifted to a more controversial issue. The topic shifting maneuvering often functioned as a diversion from the real position meant to presume agreement rather than engage in the defense of an acknowledged difference of opinion. Finally, most experts rhetorically maneuvered using *propositio*, a presentational device that lexically influenced the account of the disagreement in their favor.

The notion of strategic maneuvering has sustained the systematic analysis of the ideological structures underlying the argumentative discourse of the FP

experts under study. Indeed, the maneuvers were identified within the discourse moves which marked prominent arguers´ efforts to reconcile their dialectical goals with their rhetorical goals. These maneuvers provided for the interpretation of the arguers' motives put forward through different dialectical moves, such as their briefing on the disagreement. The dialectical goals helped along the characterization of the experts´ rhetorical moves and the ideological structures underlying them. This study has intended to highlight the significance of argumentation theory and methods in tackling the discourse of foreign policy experts and in systematically evaluating its bearing.

References

Audit Bureau of Circulation. 2014. The Top Ten US Newspapers By Largest Reported Circulation as of 2007. [Online] Available at: *http://www.auditbureau.org/* [Accessed on: 2 July 2014]

Blowers, Andrew, Boersema, Jan and Adrian Martin. 2005. Experts, Decision Making and Deliberative Democracy. *Environmental Sciences* 2. 1-3.

Chilton, Paul. 2004. *Analyzing Political Discourse*: *Theory and Practice*. London: Routledge.

Chilton, Paul. 1996. *Security Metaphors: Cold War Discourse from Containment to Common House*. New York: Peter Lang.

Chilton, Paul and Christina Schäffner. 2002. *Politics as Text and Talk: Analytic Approaches to Political Discourse* (Vol. 4). Amsterdam: John Benjamins.

Dijk, Teun. A. van and Walter Kintsch. 1983. *Strategies of Discourse Comprehension*. New York: Academic Press.

Dijk, Teun. A. van. 1998. *Ideology: A Multidisciplinary Approach*. London: Sage.

Dijk, Teun. A. van. 2006. Discourse, Context and Cognition. *Discourse Studies*. 8 (1). 159-77.

Dijk, Teun. A. van. 1995. 'Elite Discourse and the Reproduction of Racism.' In Rita Whillock and David Slayden (eds.), *Hate Speech*, 1-27. Newbury Park: Sage.

Eemeren, Frans. H. van and Peter Houtlosser. 1999. Strategic Maneuvering in Argumentative Discourse. *Discourse Studies*. 1 (4). 479-497.

Eemeren, Frans. H. van and Peter Houtlosser 2006. Strategic Maneuvering: A Synthetic Recapitulation. *Argumentation 20* (4). 381-392.

Eemeren, Frans H. van and Rob Grootendorst. 2004. *A Systematic Theory of Argumentation: The Pragma-dialectical Approach*. Cambridge: Cambridge University Press.

Eemeren, Frans H. van. 2018. *Argumentation Theory: A Pragma-Dialectical Perspective*. Springer.

Eemeren, Frans H. van, et. al. 1993. *Reconstructing Argumentative Discourse*. Tuscaloosa: University of Albama Press.

Eemeren, F.H. van, Grootendorst, Rob and Francisca Snoeck Henkemans. 1996. *Fundamentals of Argumentation Theory. A Handbook of Historical Backgrounds and Contemporary Developments.* Mahwah, NJ: Erlbaum.

Fairclough, Isabela and Norman Fairclough. 2012. *Political Discourse Analysis: A Method for Advanced Students*. London: Routledge.

Fairclough, Norman and Ruth Wodak. 1997. 'Critical Discourse Analysis.' In Teun Adrianus van Dijk (ed.). *Discourse as Social Interaction. Discourse Studies. A Multidisciplinary Introduction, Vol. 2.* 258-284. London: Sage.

Fairclough, Norman. 1992. *Discourse and Social Change* (Vol. 10). Cambridge: Polity Press.

Hample, Dale. 2001. A Pragma-dialectical Analysis of the Inquisition. *Argumentation* 15. 135-149

Hart, Christopher. 2013. Argumentation Meets Adapted Cognition: Manipulation in Media Discourse on Immigration. *Journal of Pragmatics* 59. 200-209.

Ihnen, Constanza and John E. Richardson. 2011. 'On Combining Pragma-dialectics with Critical Discourse Analysis.' In Eveline Feteris, Bart Garssen, and Francisca Snoeck Hannemans (eds.), *Keeping in Touch with Pragma-dialectics: In Honor of Frans H. van Eemeren*, 213-244. Amsterdam: John Benjamins.

Johnson, Ralph. 2000. *Manifest Rationality: A Pragmatic Theory of Argument*. Mahwah: Erlbaum.

King, Andrew and Floyd D. Anderson. 1971. Nixon, Agnew, and the "Silent Majority": A Case Study in the Rhetoric of Polarization. *Western Speech* 35(4). 243-255.

Lauerbach, Gerda and Anita Fetzer. 2007. 'Political Discourse in the Media: Cross-cultural Perspectives.' In Anita Fetzer and Gerda Lauerbach (eds.), *Political Discourse in the Media*, 3-28. Amsterdam: John Benjamins.

Lewiński, Marcin and Dima Mohammed. 2016. 'Argumentation Theory.' In Klaus Jensen, Robert Craig, Jefferson Pooley and Eric Rothenbuhler (eds.), *International Encyclopedia of Communication Theory and Philosophy*, 1-15. New York: John Wiley and Sons.

Manheim, Jarod. 2011. *Strategy in Information and Influence Campaigns: How Policy Advocates, Social Movements, Insurgent Groups, Corporations, Governments and Others Get what They Want*. New York: Routledge.

McNair, Brian. 2000. Journalism and Democracy: a Millennial Audit. *Journalism Studies* 1 (2). 197-211

Morin, Jean Frédéric and Jonathan Paquin. 2018. *Foreign Policy Analysis: A Toolbox*. Cham: Palgrave MacMillan.

Mussolff, Andreas. 2004. *Metaphor and Political Discourse: Analogical Reasoning in Debates about Europe.* Hampshire: Palgrave Macmillan

Oswald, Steve, Herman, Thierry and Jérôme Jacquin. (eds.) 2018. *Argumentation and Language – Linguistic, Cognitive and Discursive Explorations*. Cham: Springer.

Perelman, Chaim and Lucie Olbrechts-Tyteca. 1969. *La Nouvelle Rhétorique: Traité de l'Argumentation*. Paris: Presses Universitaires de France. Trans by J. Wilkinson and P. Weaver, as *The New Rhetoric, Notre Dame, London:* University of Notre Dame Press.

Prior, Markus. 2013. Media and Political Polarization. *Annual Review of Political Science* 16. 101-127.

Reisigl, Martin. 2008. 'Rhetoric of Political Speeches.' In Ruth Wodak and Veronika Koller (eds.), *Handbook of Communication in the Public Sphere*, 243-270. Berlin: Mouton de Gruyter

Reisigl, Martin and Ruth Wodak. 2001. *Discourse and Discrimination*. London: Routledge.

Rhetoricae Silva (2003). The Forest of Rhetoric. [online]. Available from http://humanities.byu.edu/rhetoric/silva.htm. [Accessed: 19th July 2017].

Toulmin, Stephen. E. 1958. *The Uses of Argument*. Cambridge: Cambridge University Press.

Turner, Stephen. 2001. What is the Problem with Experts? *Social Studies of Science* 31 (1). 123-49.

Walton, Douglas. 2015. *Methods of Argumentation*. Cambridge: Cambridge University Press.

Walton, Douglas. 2007. *Media Argumentation: Dialectic, Persuasion and Rhetoric.* New York: Cambridge University Press.

Wilson, John. 1990. *Politically Speaking: The Pragmatic Analysis of Political Language.* Oxford: Basil Blackwell.

Wilson, Patrick. 1983. *Second-Hand Knowledge. An Inquiry into Cognitive Authority*. Westport, Conn.: Greenwood.

Wodak, Ruth. 2011. *The Discourse of Politics in Action: Politics as Usual*. Basingstoke: Palgrave Macmillan.

Wodak, Ruth. 2009. 'Critical Discourse Analysis: History, Agenda, Theory, and Methodology.' In Ruth Wodak and Michael Meyer (eds.), *Methods for Critical Discourse Analysis*, 1-33. London: Sage (2nd revised edition).

Wodak, Ruth. 2016. 'Argumentation, Political.' In Gianpietro Mazzoleni, Kevin. G. Barnhurst, Ken´ichi Ikeda, Rousiley Maia, and Harmut Wessler (eds.), *International Encyclopedia of Political Communication*, 43-52. Oxford, UK: Elsevier.

Wodak, Ruth and Bernhard Forchtner. 2017. 'Introducing the language-politics nexus.' In Ruth Wodak, and Bernhard Forchtner (eds.), *The Routledge Handbook of Language and Politics*, 1-14. (Routledge handbooks in linguistics). Abingdon: Routledge

Zarefsky, David. 2008. Strategic Maneuvering in Political Argumentation. *Argumentation* 22 (3). 317-330.

FOUR BASIC ARGUMENT FORMS

JEAN H. M. WAGEMANS
University of Amsterdam, Netherlands
j.h.m.wagemans@uva.nl

Abstract
This paper provides a theoretical rationale for distinguishing four basic argument forms. On the basis of a survey of classical and contemporary definitions of argument, a set of assumptions is formulated regarding the linguistic and pragmatic aspects of arguments. It is demonstrated how these assumptions yield four different argument forms: (1) first-order predicate arguments, (2) first-order subject arguments, (3) second-order subject arguments, and (4) second-order predicate arguments. These argument forms are then further described and illustrated by means of concrete examples, and it is explained how they are visually represented in the Periodic Table of Arguments.

Keywords: argument classification, argument form, argument schemes, assertion, law of the common term, Periodic Table of Arguments, proposition, types of argument

1. Introduction

The Periodic Table of Arguments is a recently developed classification of arguments aimed at integrating the dialectical accounts of ‘argument schemes’ and ‘fallacies’ as well as the rhetorical accounts of ‘logical’, ‘ethotic’, and ‘pathetic’ means of persuasion into a comprehensive whole. Its theoretical framework consists of three independent partial characterizations of arguments, namely (1) as a first-order or second-order argument, (2) as a predicate or subject argument, and (3) as a specific combination of types of statements (Wagemans, 2016).

When taken together, these partial characterizations constitute a factorial typology of arguments that is used as a tool for analysing the traditional accounts of argument as well as for providing apples-to-apples comparisons of their methods of classification. While the suitability of this typology for these purposes gives some *prima facie* plausibility to the relevance of the components of its theoretical framework, a theoretical rationale for making the distinctions involved is still lacking. In this paper I aim to provide such a rationale for the distinctions involved in the first two characterizations of arguments, i.e., the distinction between first-order and second-order arguments and that between predicate and subject arguments.

The paper is structured as follows. I provide in Section 2 a survey of philosophical and rhetorical definitions of argument. On the basis of these definitions, I formulate in Section 3 a requirement regarding the linguistic constituents of the conclusion and the premise of an argument – the 'law of the common term'. After having examined which arguments comply with this law, I propose in Section 4 a solution for the non-compliant cases on the basis of the pragmatic insight that statements can be expressed in two ways – as a 'proposition' and as an 'assertion'. Then, from the assumptions formulated in the previous sections, I derive in Section 5 four basic argument forms and elucidate how arguments instantiating these forms are visually represented in the Periodic Table of Arguments.

2. What is an argument?

Throughout history, philosophers and rhetoricians have defined an 'argument' as a statement that is put forward in order to support another statement whenever the acceptability of the latter is in doubt. Cicero, for instance, defines an argument as 'a reason which firmly establishes a matter about which there is some doubt (*ratio, quae rei dubiae faciat fidem*)' (*Topica* 8). Quintilian gives a more elaborate definition, which includes a description of the epistemic status of the reason itself. An argument, so he says, is 'the reason that, through things that are certain, provides credibility to that what is dubious (*ratio per ea, quae certa sunt, fidem dubiis adferens*' (*Institutio oratoria* 5, 10, 8 and 20).[1]

The classical tradition of defining an argument as a statement that gives credibility to a statement that is in doubt is carried on by scholars within the contemporary field of argumentation theory. Perelman and Olbrechts-Tyteca in their 'new rhetoric', for example, after having contrasted the aims of their study with those of the logical theory of demonstration, describe the theory of argumentation as 'the study of the discursive techniques allowing us *to induce or to increase the mind's adherence to the theses presented for its assent*' (1969: 4, original italics). Although they do not mention the actual presence or anticipation of doubt regarding such theses explicitly, both their teleological definition of 'argumentation' as aimed at gaining, securing, creating, or increasing the adherence of the minds of those to whom it is addressed (1969: 14, 19, 45) and their definition of an 'audience' as '*the ensemble of those whom the speaker wishes to influence by his argumentation*' (1969: 19, original italics) presuppose that the addressee of an argument does not always (fully) adhere to the thesis that the speaker intends to support. The idea that giving arguments implies an

[1] For these classical definitions see the lemma Argument in Ueding (1992ff., Vol. 1: 889-895), which states that the concept of argument can be found throughout Aristotle's Organon, but that the term 'argument' is first used and defined by Cicero. The cited definition is from Cicero's Topica, and it can also be found in his De oratore 2, 162 and Partitiones oratoriae 5.

anticipation of doubt is also expressed in a passage where Perelman and Olbrechts-Tyteca emphasize that a speaker who is defending a standpoint about a certain action, 'will […] have to excite his audience so as to produce a sufficiently strong adherence, capable of overcoming both the unavoidable apathy and the forces acting in a direction divergent from that which is desired' (1969: 47). Within the new rhetoric, in short, the pragmatic function of argumentation is described as rendering the thesis defended by the speaker (more) acceptable for the audience.

Although van Eemeren and Grootendorst, to give another contemporary example, have criticized the conception of reasonableness that underlies the new rhetoric, their 'pragma-dialectical' approach is premised on a similar definition of argumentation.[2] In the following passage, they state that argumentation is put forward in a situation where there is a difference of opinion regarding the acceptability of a standpoint, thereby understanding 'acceptability' as a gradual rather than an absolute concept:

> If a standpoint is being defended, this means that its *acceptability* is at issue. The arguer acts on the assumption that others either doubt or might doubt the acceptability of his standpoint, even if they need not regard it as totally unacceptable. Thus the purpose of his discourse is to convince someone else of the acceptability of his standpoint. (1992: 14, original italics)

Different from the new rhetoric, pragma-dialectics conceives argumentation in terms of speech act theory by formulating the felicity conditions for performing the complex speech act of putting forward argumentation. A survey of these conditions shows that they conform to the constituents of the classical definition of argumentation. The preparatory condition that 'the speaker believes that the listener does not accept (or at least not automatically or wholly accept) his standpoint with respect to *p*' (1992: 31) reflects the classical idea that an argument supports a matter about which there is some doubt. Another preparatory condition, which states that 'the speaker believes that the listener is prepared to accept the propositions expressed in the elementary speech acts 1, 2, …, n' (*ibidem*), echoes the part of Quintilian's definition that the reason itself should be certain rather than dubious. Finally, the preparatory condition that 'the speaker believes that the listener is prepared to accept the constellation of elementary speech acts 1, 2, …, n as an acceptable justification of *p*' (*ibidem*), can be seen as a speech act theoretical formulation of the functional definition of argumentation as giving credibility to what is dubious (and of its teleological parallel as serving the purpose of rendering a standpoint (more) acceptable).

[2] The pragma-dialectical criticisms regarding the new rhetoric are summarized in van Eemeren et al. (2014: 289-293).

3. The law of the common term

The short survey of classical and contemporary definitions of argument in the previous section was aimed at building the case that an argument is generally conceived as a statement that has the function of establishing or increasing the acceptability of another statement that is in doubt. I now turn to the subsequent issue of how exactly this function is to be fulfilled. How do arguments work? On the basis of what underlying mechanism does a statement that is 'certain' give credibility to a statement that is 'dubious'?

My answer to this question takes Aristotle's theory of the assertoric syllogism as a source of inspiration. One of the basic ideas behind this theory is that, in order to provide an account of syllogisms as configurations of two premises and a conclusion, one should assume that there is a so-called 'middle term', i.e. a term that occurs in both premises, but not in the conclusion. In combination with the assumption that premises and conclusions can be expressed by means of a categorical proposition that consists of a subject term and a predicate term, the requirement of there being a middle term yields four 'figures' or configurations in which syllogisms can be presented.[3]

Different from the theory of the assertoric syllogism, which takes an argument to consist of three statements, the theoretical framework of the *Periodic Table of Arguments* takes an argument to consist of two statements, namely a conclusion – the statement that is doubted – and a premise – the statement that is supposed to take away that doubt.[4] In order to account for this difference in the number of statements that together form an argument, I propose to replace the requirement of there being a *middle* term by the requirement of there being a *common* term. A more precise formulation of this requirement would be that the premise, in order to perform its pragmatic function of rendering the conclusion (more) acceptable, should share exactly one common term with that conclusion. The common term, so to speak, is the 'fulcrum' on which the 'leverage' of acceptability between the premise and the conclusion of the argument hinges.

From a systematic point of view, the common term can be either the subject term or the predicate term of the statements involved. In Table 1, I give an abstract representation as well as a concrete example of each of the two possibilities.[5] Closely following logical conventions, I indicate the subject term with letters *a*, *b*, etc. and the predicate term with letters *X*, *Y*, etc.

---

3 For an exposition of Aristotle's theory of the assertoric syllogism, see for example Kneale and Kneale (1984: 54-81), van Eemeren et al. (2014: 94-105), and Lagerlund (2016: 2-12).

4 Elsewhere I have provided a detailed comparison between the theoretical framework of assertoric syllogism and that of the *Periodic Table of Arguments* (Wagemans, 2018).

5 More detailed analyses of these and other examples can be found on the website of the *Periodic Table of Arguments* (Wagemans, 2017).

Table 1. Arguments having the subject (a) and the predicate (X) as the common term

Common term	Abstract representation	Concrete example
the subject (a)	a is X, because a is Y	The suspect (a) was driving fast (X), because he (a) left a long trace of rubber on the road (Y)
the predicate (X)	a is X, because b is X	Cycling on the grass (a) is forbidden (X), because walking on the grass (b) is forbidden (X)

Apart from explaining how it is possible for the premise to render the conclusion (more) acceptable, the 'law of the common term' also helps the analyst in formulating the underlying mechanism of the argument. If the common term is the subject (*a*), the argument is based on the relationship between the different predicates (*Y* and *X*). In the case of the example mentioned in Table 1, this is the relationship between 'leaving a long trace of rubber on the road' (*Y*) and 'driving fast' (*X*) – the former being an effect of the latter. And if the common term is the predicate (*X*), the argument is based on the relationship between the different subjects (*b* and *a*). For the example mentioned in Table 1, this is the relationship between 'walking on the grass' (*b*) and 'cycling on the grass' (*a*) – the two activities being analogous from a legal point of view. While the common term functions as the fulcrum of the leverage of acceptability from the premise to the conclusion, the relationship between the non-common terms thus functions as its 'lever'.

The above assumptions regarding the linguistic constituents of the premise and the conclusion of an argument, however, also allow for configurations of terms that do not comply with the law of the common term. One of these is when the premise completely differs from the conclusion, a possibility that can be abstractly represented as '*a* is *X*, because *b* is *Y*' or – indicating complete propositions with letters *q*, *r*, etc. – as '*q*, because *r*'. An example is 'He (*a*) must have gone to the pub (*X*) (*q*), because the interview (*b*) is cancelled (*Y*) (*r*)'.

Another possibility is when the premise is exactly the same as the conclusion. In this case, the statements share both a common subject and a common predicate, giving the argument the form '*a* is *X*, because *a* is *X*' or '*q*, because *q*'. Now in logical approaches, it is considered perfectly reasonable to derive a proposition from itself. But since such a derivation does not establish nor increase the acceptability of the proposition at issue, scholars have raised the legitimate question whether an argument of this form should count as an argument at all. This may explain why, rather than in classifications of argument, one usually finds it in lists of fallacies, namely under the heading of 'begging the question', 'circular reasoning' or '*petitio principii*'.[6]

[6] The observation regarding its logical validity features in Hamblin's criticism of the 'standard treatment' of fallacies in prominent twentieth-century textbooks on logic. See van Eemeren et al. (2014: 170-175).

Thirdly, it may be that, although the two statements that make up the argument both consist of a subject term and a predicate term, what they share is not a common term but a common proposition. Such arguments can be represented as '*a* is *X*, because *a* is *X* is *Z*' or '*q*, because *q* is *Z*'. An example is 'We (*a*) only use 10% of our brain (*X*) (*q*), because that (*q*) was said by Einstein (*Z*)', which is known in the literature as the 'argument from authority'. In this case, the elements *a* and *X* respectively function as the subject and the predicate of the conclusion, but neither of them qualifies as the common term because they together function as the subject term of the premise. Nor does the proposition *q* qualify as such, because it only functions as the subject term of the premise and not as that of the conclusion.

The existence of these alternative configurations may suggest that the idea of the need for a common term that facilitates the transfer of acceptability from the premise to the conclusion should be abandoned. In the following section, however, I will introduce a distinction that enables us to leave this idea intact and identify anyway the common term of arguments that instantiate these alternative configurations of terms.

4. Propositions and assertions

In the practice of giving arguments, the speaker has different options for expressing a statement. This can first of all be done by putting forward a simple proposition consisting of a subject term and a predicate term. An example is 'We (*a*) only use 10% of our brain (*X*) (*q*)', which statement functions as the conclusion of the argument from authority mentioned above. In this expression mode, the speaker's commitment to the truth of the proposition is left implicit. But when that commitment is included in the formulation, the nature of the statement turns from a 'proposition' into what is called an 'assertion'.[7] The conclusion of the argument from authority, to use the same example, would then be expressed as 'We (*a*) only use 10% of our brain (*X*) (*q*) is true (T)'.

How does the distinction between these two expression modes of statements play out in the reconstruction of the conclusion and the premise of an argument? In answering this question, I will revisit the examples of arguments that instantiate the alternative configurations discussed above, starting with the example of the argument from authority.

As shown in the discussion of 'We (*a*) only use 10% of our brain (*X*) (*q*), because that (*q*) was said by Einstein (*Z*)', the problem of understanding the pragmatic working of this argument is that it is impossible to identify a common term. But if we add the speaker's commitment to the truth of the proposition as a predicate to the conclusion or, to put it differently, if we reconstruct the statement

[7] See Pagin (2016: 22) for a more detailed account of this way of distinguishing between a 'proposition' and an 'assertion', which can be traced back to the work of Frege.

that functions as the conclusion of the argument as an assertion rather than as a proposition, we can see that the argument does comply with the law of the common term. For it can then be analysed as 'We (*a*) only use 10% of our brain (*X*) (*q*) is true (T), because that (*q*) was said by Einstein (*Z*)', which instantiates the form '*a* is *X* is T, because *a* is *X* is *Z*' or '*q* is T, because *q* is *Z*' and thus has the subject term (*q*) of the statements as the common term. Such a reconstruction is fully in line with traditional analyses of the argument from authority. Cicero even explicitly mentions the predicate 'is true' in his own example of such an argument: 'This is true, for Q. Lutatius has said so (*Hoc verum est; dixit enim Q. Lutatius*)' (*De oratore* 2, 173 as quoted in Ueding, 1992ff., Vol. 1: 892, my translation). Moreover, since the reconstruction makes clear that the argument is based on the relationship between the predicates – in the case of the earlier example, the relationship between 'being said by Einstein' (*Z*) and 'being true' (T), it helps in formulating the underlying mechanism of the argument.

Changing the level of the analysis from that of the proposition to that of the assertion is also helpful for finding the common term in arguments with a premise that is either completely different from or exactly the same as the conclusion it supports. When the statements are completely different, as in 'He (*a*) must have gone to the pub (*X*) (*q*), because the interview (*b*) is cancelled (*Y*) (*r*)', both propositions can be reconstructed as assertions by adding the predicate 'is true (T)'. The argument can then be analysed as 'He (*a*) must have gone to the pub (*X*) (*q*) is true (T), because the interview (*b*) is cancelled (*Y*) (*r*) is true (T)', which instantiates the form '*a* is *X* is T, because *b* is *Y* is T' or '*q* is T, because *r* is T' and thus has the predicate term (T) as the common term. By analysing the argument in this way, it becomes clear that its working draws on the relationship between the subject terms, namely the disjunction of $\neg r$ and q. When the statements are exactly the same, as with the fallacy of begging the question, the same procedure can be followed. The analysis then reveals that the argument draws on yet another relationship between the subject terms, namely the identity of r and q.

Like the arguments that were analysed on the level of the propositions, the arguments analysed on the level of the assertions can be divided into two groups, depending on whether the statements involved share a common subject term or a common predicate term. I provide in Table 2 an abstract representation as well as a concrete example of each of these possibilities.[8]

[8] More detailed analyses of these and other examples can be found on the website of the Periodic Table of Arguments (Wagemans, 2017).

Table 2. Arguments having the subject (*q*) and the predicate (T) as the common term

Common term	Abstract representation	Concrete example
the subject (*q*)	*q* is T, because *q* is *Z*	We (*a*) only use 10% of our brain (*X*) (*q*) is true (T), because that (*q*) was said by Einstein (*Z*)
the predicate (T)	*q* is T, because *r* is T	He (*a*) must have gone to the pub (*X*) (*q*) is true (T), because the interview (*b*) is cancelled (*Y*) (*r*) is true (T)

By shifting the level of analysis from that of the proposition to that of the assertion, it has been demonstrated that the arguments with alternative configurations of terms comply with the law of the common term after all. Moreover, their working can be explained in the same way as the arguments that were analysed on the level of the proposition. The lever of arguments sharing a common subject (*q*) is the relationship between the different predicates (*Z* and T), and that of arguments sharing a common predicate (T) is the relationship between the different subjects (*r* and *q*).

5. Argument forms and their visual representation

The assumptions regarding the linguistic constituents of arguments, the 'law of the common term', and the pragmatic possibilities for expressing a statement allow for a two-fold characterization of arguments. First of all, depending on whether the common term is the subject or the predicate of the statements involved, an argument can be characterized as a 'predicate argument' – in which case the common term is the subject and the leverage of acceptability is based on the relationship between the different predicates – or as a 'subject argument' – in which case the common term is the predicate and the leverage of acceptability is based on the relationship between the different subjects. Secondly, an argument can be characterized as a 'first-order argument' – which means that it can be analysed on the level of propositions in a satisfactory way – or as a 'second-order argument' – which requires the analyst to shift to the level of assertions by adding the predicate 'is true' to the premise and / or the conclusion.

The combination of these two characterizations yields four basic argument forms: (1) first-order predicate arguments, (2) first-order subject arguments, (3) second-order subject arguments, and (4) second-order predicate arguments. In Table 3, for each of these forms I mention the name, the abstract representation, and an example. In order to explain the specific working of arguments instantiating these forms, I also provide an abstract and concrete formulation of the term relationship on which the argument is based, the 'abstract lever' and the 'concrete lever' respectively.

Table 3. Structural and functional aspects of the four basic argument forms

Name	Abstract representation	Concrete example	Abstract lever	Concrete lever
first-order predicate argument	a is X, because a is Y	The suspect (a) was driving fast (X), because he (a) left a long trace of rubber on the road (Y)	relationship Y-X	leaving a long trace of rubber on the road (Y) is an effect of driving fast (X)
first-order subject argument	a is X, because b is X	Cycling on the grass (a) is forbidden (X), because walking on the grass (b) is forbidden (X)	relationship b-a	walking on the grass (b) is analogous to cycling on the grass (a)
second-order subject argument	q is T, because r is T	He (a) must have gone to the pub (X) (q) is true (T), because the interview (b) is cancelled (Y) (r) is true (T)	relationship r-q	either the interview is not cancelled (¬r) or he went to the pub (q)
second-order predicate argument	q is T, because q is Z	We (a) only use 10% of our brain (X) (q) is true (T), because that (q) was said by Einstein (Z)	relationship Z-T	being said by Einstein (Z) is authoritative of being true (T)

As mentioned in Section 1, the theoretical framework of the *Periodic Table of Arguments* consists of three independent partial characterizations of arguments, namely (1) as a first-order or second-order argument, (2) as a predicate or subject argument, and (3) as a specific combination of types of statements. The third characterization consists of labelling the conclusion and the premise of the argument as a statement of policy (P), statement of value (V), or statement of fact (F), which yields nine different combinations. Now that the first two characterizations have been combined in the notion ‘argument form’, I briefly address the issue of the visual representation of the types of arguments in the table.

In one of the earlier attempts to visualize the *Periodic Table of Arguments*, the problem of how to depict the possibilities for the three characterizations in a two-dimensional plane was solved by putting the information regarding the first two characteristics, together with the type of statement instantiated by the conclusion, on the x-axis, and the type of statement instantiated by the premise on the y-axis (see Figure 1).

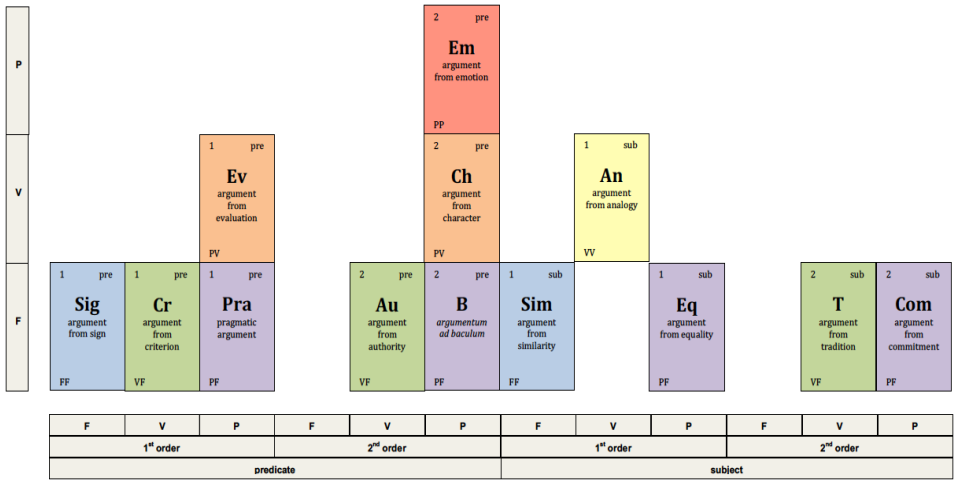

Figure 1. The *Periodic Table of Arguments* as depicted in Wagemans (2016: 10)

A disadvantage of this visualization method is that it is not immediately clear which characteristics of the various types of arguments depicted in the table are shared and which are different. Now the integration in this paper of the first two characterizations in the notion of 'argument form' has suggested an alternative visualization method that does not suffer from this problem. By dividing the two-dimensional plane into four quadrants and situating the types of arguments that share a common form in the same quadrant, it is clear at first sight which characteristics are shared and which are different (see Figure 2, next page).[9]

6. Conclusion

One of the main functions of scientific metaphors is that 'they are a way of creating bridges between notions or fields of study that are not connected yet' and thereby help the scientist to find explanations for phenomena by 'transferring insights from an already known domain towards the unknown' (Frezza, 2016: 25). In a similar vein, one could say that the main function of an argument is to help the addressee to believe something by transferring adherence from an already accepted statement towards the unaccepted. While a metaphor carries our understanding from something that is already known (the source) to something

9 In order to distinguish them from mathematical quadrants, which are indicated by means of Roman numbers I, II, III, and IV, the quadrants in the Periodic Table of Arguments are indicated by Greek letters α, β, γ, and δ. A quick survey learned that these names are also in use within the science fiction series Star Trek, where they serve to indicate the quadrants of the Milky Way. I consider this genre too remote from that of academic research to generate terminological confusion.

that is not yet known (the target), an argument carries our adherence from something that is already accepted (the premise) to something that is not yet accepted (the conclusion).

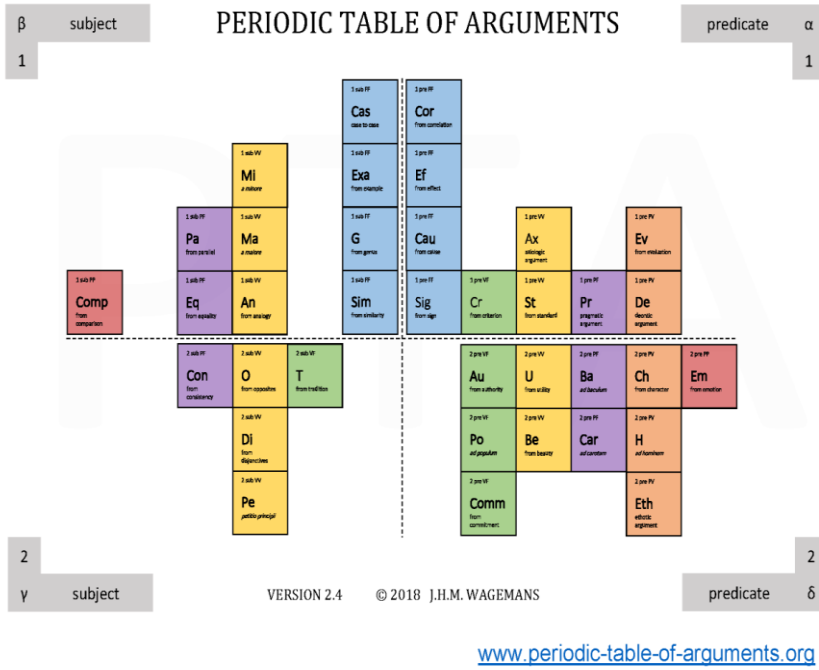

Figure 2. Visualization of the *Periodic Table of Arguments* – version 2.4

In this paper I have elucidated this process of acceptability leverage by assuming the requirement of having a common term in the statements that function as the conclusion and the premise of an argument. More specifically, I have provided a theoretical rationale for distinguishing between four basic argument forms by deriving them from a limited set of assumptions regarding the linguistic and pragmatic aspects of arguments that reflect a generally accepted definition of argument. These assumptions are:

1. An argument consists of two statements, a conclusion, which is doubted, and a premise, which is (more) certain.
2. The linguistic constituents of a statement are a subject term and a predicate term.
3. Statements can be expressed as propositions (‘a is X’) or as assertions (‘q is T’).

4. A premise can only fulfil its pragmatic function of rendering the conclusion (more) acceptable when the premise shares a common term with the conclusion.

In Table 4, I provide an overview of the four configurations of terms that can be formed on the basis of these assumptions.

Table 4. Derivation of the four basic argument forms

Level of analysis	Conclusion	Leverage mode	Premise	Argument form
proposition	a is X	same subject, different predicate	a is Y	a is X, because a is Y
	a is X	different subject, same predicate	b is X	a is X, because b is X
assertion	q is T	different subject, same predicate	r is T	q is T, because r is T
	q is T	same subject, different predicate	q is Z	q is T, because q is Z

The notion of 'argument form' as conceived in this paper corresponds to a combination of the first two partial characterizations of arguments that constitute the theoretical framework of the *Periodic Table of Arguments* and is reflected in the visualization of the table by situating the arguments that instantiate the same form in the same quadrant.

In my view, apart from being helpful for analysing concrete arguments expressed in natural language, the distinction between the four basic argument forms can also play an important role in their evaluation. More particularly, the formulation of the underlying mechanism or 'lever' of the argument enables the analyst to determine whether the acceptability leverage has been successful or not – in other words, whether the argument under scrutiny can be considered as sound or as fallacious. In future research on the Periodic Table of Arguments, I will further explore this connection between argument forms and argument evaluation.

References

Eemeren, Frans H. van, and Rob Grootendorst. 1992. *Argumentation, Communication, and Fallacies*. Hillsdale, NJ: Lawrence Erlbaum.

Eemeren, Frans H. van, Garssen, Bart J. and Erik C.W. Krabbe, A. Francisca Snoeck Henkemans, Bart Verheij, and Jean H. M. Wagemans. 2014. *Handbook of Argumentation Theory*. Dordrecht: Springer.

Frezza, Guilia. 2016. Metaphor: The Good Argument in Science Communication. *Rivista Italiana di Filosofia del Linguaggio*, *10*(2), 21-33.

Kneale, William and Martha Kneale. 1984. *The Development of Logic*. Oxford: Clarendon Press.

Lagerlund, Henrik. 2016. Medieval Theories of the Syllogism. In Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy (Spring 2016 Edition)*. [Online]
Available from: http://plato.stanford.edu/archives/spr2016/entries/medieval-syllogism/. [Accessed on: 7 March 2019]

Pagin, Peter. 2016. Assertion. In Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy (Winter 2016 Edition)*. [Online]
Available from: http://plato.stanford.edu/archives/win2016/entries/assertion/. [Accessed on: 7 March 2019]

Perelman, Chaim and Lucie Olbrechts-Tyteca. 1969. *The New Rhetoric: A Treatise on Argumentation*. Notre Dame: University of Notre Dame Press.

Ueding, Gert. (ed.) 1992ff. *Historisches Wörterbuch der Rhetorik*. 8 Volumes. Tübingen: Niemeyer.

Wagemans, Jean H. M. 2016. Constructing a *Periodic Table of Arguments*. In Pat Bondy and Laura Benacquista (eds.), *Argumentation, Objectivity, and Bias: Proceedings of the 11th International Conference of the Ontario Society for the Study of Argumentation (OSSA), 18-21 May 2016*, 1-12. Windsor, ON: OSSA.

Wagemans, Jean H. M. 2017. *Periodic Table of Arguments: The Atomic Building Blocks of Persuasive Discourse*. Published online December 9, 2017. [Online]
Available from: www.periodic-table-of-arguments.org. [Accessed on: 7 March 2019]

Wagemans, Jean H. M. 2018. Assertoric Syllogistic and the *Periodic Table of Arguments*. In Steve Oswald and Didier Maillat (eds.), *Argumentation and Inference: Proceedings of the 2nd European Conference on Argumentation, Fribourg 2017*. (Vol. I, pp. 573-588). London: College Publications.

MARRIAGE, *LIBERTY* AND *CONSTITUTION*: A CORPUS-ASSISTED STUDY OF VALUE-LADEN WORDS IN LEGAL ARGUMENTATION

STANISŁAW GOŹDŹ-ROSZKOWSKI
University of Łódź, Poland
stanislaw.gozdz@uni.lodz.pl

Abstract
This paper investigates the interplay between judicial argumentation and evaluative or emotive language identified in two US Supreme Court landmark cases on the right of same-sex couples to marry. The analysis of both majority and dissenting opinions leads to two main observations. First, *marriage* and *liberty* are indeed emotive words and they represent two major sites of contention between the concurring and dissenting judges. Second, there are important differences within the argumentative strategies employed by the judges. While (re)defining the concepts remains the major argumentative goal for both types of opinion, the majority opinions tacitly integrate the redefined concept of marriage into their argumentation**. I**t is the dissenting opinions that explicitly raise the issue of (re)definition in order to defend and retain the original sense of marriage.

Keywords: legal argumentation, judicial discourse, evaluative language, US Supreme Court, same-sex marriage

”The nature of marriage is that, through its enduring bond, two persons together can find other freedoms, such as expression, intimacy, and spirituality.”

1. Introduction

The excerpt from the epigraph comes from the majority opinion in *Obergefell vs. Hodges* delivered by a US Supreme Court Justice, Anthony M. Kennedy, in which it was held that the right to marry is a fundamental liberty protected by the Constitution. This example shows an attempt at redefining the highly debated and controversial concept of marriage. The use of the word *nature* implies the universality and acceptability of the new definition. There are also several value-laden words such as *enduring bond*, *freedoms*, *intimacy* or *spirituality* which express a highly positive evaluation of the concept of marriage, thus making it potentially easier to accept for different audiences. The power of emotive words has been recognized and acknowledged in various discourse contexts, including

legal texts (Macagno and Walton 2014). Macagno (2016) in his study of definitional aspects in *Obergefell vs. Hodges* demonstrates how the majority judge resorts to various rhetorical and argumentative moves to present the redefinition of the concepts of marriage and liberty. This study adopts a linguistic perspective to examine how judges, while pursuing their rhetorical and argumentative goals, often employ highly evaluative and emotive language.

According to a stereotypical and somewhat idealized perception of judicial discourse, judges in their decisions should confine themselves to communicating facts and propositional information related to the decision-making process. Judges are expected to draft their decisions in a way that reflects the application of relevant legal norms to the facts of the case with little or no degree of subjectivity. They are expected to speak decisively and to rely on a corpus of law and neutral principles to decide cases (Solan 1993:2). It is surprising to see that, contrary to popular belief, judicial discourse is not devoid of emotive and attitudinal expressions. Indeed, legal battles are fought through language. The language of the courtroom and the ensuing judicial opinions is inevitably highly evaluative and it reflects different and conflicting value systems. This seems particularly true of the controversial and highly divisive issue regarding same-sex union and its marital status.

Despite the long tradition of studying evaluation in linguistics (e.g. Thompson and Alba-Juez 2014), this phenomenon has not been given much attention in rhetorics and argumentation studies. Similarly, while evaluation has been investigated in a range of different discourse contexts, it remains relatively underresearched in legal discourse and especially in judicial opinions.

This paper attempts to demonstrate how value-laden, evaluative language and argumentation are woven together in judicial reasoning. In doing so, it focuses on the three basic concepts of *marriage*, *liberty* and *constitution* which are regarded as ethical or emotive words (Macagno and Walton 2014). It offers a detailed linguistic analysis of their co-occurrences in order to bring to light how these concepts are combined and used in the arguments found in majority and dissenting opinions in two landmark civil rights cases: *United States v. Windsor, and Obergefell et al. v. Hodges et al.* While the latter case is recognized as a judicial precedent effectively recognizing same-sex couples' right to marry on the same terms as opposite-sex couples, it is the former case, decided two years earlier in 2013, that paved the way for *Obergefell et al. v. Hodges et al*.[1] In *United States v. Windsor,* the court's ruling struck down the federal Defense of Marriage Act (DOMA), enacted in 1996, which defined marriage as a legal union between one man and one woman. This provision was at odds with legislation passed in several states which had authorized same-sex marriage. Edith Windsor and Thea Clara Spyer were married in Toronto, Canada, in 2007, and their marriage was

[1] This brief description of these cases is based on information obtained from Cornell's Legal Information Institute (LII), Justia, and Chicago-Kent College of Law found in https://www.oyez.org/about.

recognized by New York state law. After Thea Spyer died in 2009, Windsor became the sole executor and beneficiary of her late spouse's estate. Since their marriage was not recognized by the federal law, she had to pay $363,000 in taxes. If their marriage been recognized, the estate would have qualified for a marital exemption, and no taxes would have been imposed. On November 9, 2010 Windsor filed suit in district court seeking a declaration that the Defense of Marriage Act was unconstitutional. If this case concerned the incompatibility between the federal law and the state law regarding the recognition of same-sex marriage, the Obergefell et al. v. Hodges et al. challenged the constitutionality of certain states' bans on same-sex marriage or refusal to recognize legal same-sex marriages that occurred in jurisdictions that provided for such marriages. Several same-sex couples sued their relevant state agencies in Ohio, Michigan, Kentucky, and Tennessee arguing that the states' statutes violated the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment, and one group of plaintiffs also brought claims under the Civil Rights Act. When their consolidated case appeared before the US Supreme Court, the judges invoking the Fourteenth Amendment affirmed that a state is required to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex that was legally licensed and performed in another state.

2. From evaluative language to values in judicial argumentation

It is relatively recently that the evaluative function of language in legal discourse has begun to attract more attention among legal linguists. This upsurge of interest has taken place in the wake of a similar trend within the study of evaluation in linguistics (Alba-Juez and Thompson 2014: 5) and the existing research into legal discourse has mirrored, to some extent, the proliferation of terms and concepts found in other domains of language use. The preoccupation with judicial discourse as the object of evaluation studies is not surprising given the central importance of stance or evaluation for judicial argumentation. Indicating an attitude towards a legal entity, process or interactant is inherent in the process of legal argumentation. A substantial part of judicial opinions involves expressing agreement or disagreement with decisions given by lower courts, opinions expressed by counsel representing the parties, as well as the opinions arrived at by fellow judges on the same bench. When judges express their opinion, they also reflect their value systems and the ideologies existing in their community and in the legal system at large.

The applicability of the concept of evaluation or evaluative language to judicial argumentation has become the focus of several recent studies (e.g. Heffer 2007, Mazzi 2010, Finegan 2010), Szczyrbak 2014, Goźdź-Roszkowski 2018a; 2018b). These studies are essentially corpus-based or corpus-driven and they aim to identify recurrent patterns of evaluative expression in order to examine their discourse functions. The object of the inquiry stems from the conceptualization of

evaluation as a linguistic resource used to express the speaker's or writer's "attitude or stance towards, view point on, or feelings about the entities or propositions that he or she is talking about. That attitude may relate to certainty or obligation or desirability or any of a number of other sets of values" (Thompson and Hunston 2000: 5). For example, a study reported in Goźdź-Roszkowski (2018b) examines the distribution of a selection of nouns found in a grammar pattern with nouns governing *that*-clauses across different discourse functions. It shows that judicial opinions tend to rely on a range of status-indicating nouns to express five major functions: evaluation, cause, result, confirmation and existence. Interestingly, it is the evaluative function that appears to play a central role in judicial writing and most status-indicating nouns are used to signal sites of contentions, i.e. challenged propositions are likely to be labelled as *arguments, assumptions, notions* or *suggestions*. The goal of these studies is to determine linguistic strategies adopted by judges to make assessments in their opinions. At issue is the important question related to the tension between the judge's own individual position and a position which reflects the epistemological beliefs and values of their professional or disciplinary community. From the linguistic perspective, it is essential to determine whether evaluation is communicated in patterned and systematic ways characteristic of the judicial community, what culturally available resources judges have to align themselves with various audiences, and what boundaries may restrict their authorial 'voice'. In short, linguistically-oriented studies tend to focus on the construal of evaluation in judicial argumentation rather than on any specific content or issue found in it.

One way of moving beyond this linguistic orientation is to shift attention from words and phrases signaling the evaluative function of language to items denoting specific values. If one assumes that the purpose of any legal justification is to define the reasons and arguments for reaching a particular decision, then judicial argumentation may embrace specific values as a starting point. Perelman and Olbrechts-Tyteca (1969) argue that values enter, at some stage or other, into every argument and this is particularly characteristic of law, politics and philosophy. Goźdź-Roszkowski 2018[c] shows how the semantic category of (dis)respect is used in both majority and dissenting opinions as a value premise to advance and develop their arguments.

In a similar vein, this paper focuses on exploring the use of value-laden lexemes which have been identified as significant to two US Supreme Court landmark civil rights decisions. Value-laden words are here understood as ethical words, i.e. words "that have the power of directing attitudes" (Macagno and Walton 201: 31) because defining or redefining such words involves persuading the reader to redirect and intensify their attitudes. Used appropriately, they can become a powerful instrument of persuasion. They are also referred to as emotive words because of the close connection between ethics or value judgments and emotions. Three such words constitute the object of the present analysis: *marriage, liberty* and *constitution.* The definitions of the first two concepts have

become the centre of considerable debate and controversy in these two cases. The third is inevitably drawn into any debate involving the issue of constitutionality. The redefinitions of *marriage* in the majority opinions amounted to an act of persuasion bringing together evaluation and argumentation.

3. Data and methodology

The analysis reported in this study relies on two major data sets: the majority opinions (16,760 words) and the dissenting opinions (31,987) written in the two cases of *United States v. Windsor*, and *Obergefell et al. v. Hodges et al*. In both these cases, Justice Anthony M. Kennedy delivered the opinion of the court (majority opinion). The dissenting opinions in *United States v. Windsor* were written by Chief Justice Roberts, Justice Scalia, and Justice Alito. In the *Obergefell et al. v. Hodges et al.*, there were as many as four dissenting opinions, which means that each judge who voted against the decision chose to write their own opinion. These included Chief Justice C.J. Roberts, the late Justice Scalia, Justice Thomas and Justice Alito.

This study relies on quantitative methods to reveal words which can potentially denote values or evaluative language, but it also relies on close reading of co-texts surrounding these words to determine their semantic content and the function they perform in the analysed texts. The methodological approach adopted corresponds to what is now known as *corpus-assisted discourse studies* or CADS. Partington (2004) is credited with coining this term and defining it as: "that set of studies into the form and/or function of language as *communicative discourse* which incorporate the use of computerised corpora in their analyses" (cited in Partington et al.). 2013: 10). According to this approach, the use of computerised corpora and computational tools provides output which is treated as a starting point for a detailed and thorough qualitative analysis which examines not only the immediate co-texts of a given lexical item, but also the wider institutional, social or legal contexts in which the analysed text or texts are embedded.

The analysis was aided with two computer programmes: *Wmatrix 3* and *Sketch Engine*. The former is the web interface to the USAS and CLAWS corpus annotation tools developed at Lancaster University. This tool enables one to study the characteristics of whole texts by identifying key words and key semantic domains. This is possible by assigning part-of-speech and semantic field (domain) tags which leads to the extraction of key domains by applying the keyness calculation to tag frequency lists (Rayson, 2008). This programme was used to extract keywords in majority and dissenting opinions and then determine which keywords are shared in both types of judicial opinion. It should be pointed out that keywords are understood here as those words whose frequency is unusually high in comparison with some norm (Scott 2008) and their identification requires carrying out a keyword analysis. This type of analysis involves comparing two lists. One wordlist is based on the words from a collection of texts which is the

object of analysis, i.e. majority and dissenting opinions in this study. The other wordlist is a larger reference list. Table 1 shows results for the keyword analysis in both majority and dissenting opinions according to the log-likelihood (significance) test using *Wmatrix*. O1 is observed frequency of words in the two types of opinions, while O2 is observed frequency in the reference corpus (BNC Written). In addition, %1 and %2 values show relative frequencies in the texts. Only words with the frequency cut-off of 5 were considered. The adopted criteria were meant to ensure that only statistically significant words were selected for the analyses.

The *Sketch Engine* is a tool to create and process large collections of text data. In this study, it was used to create word sketches of keywords pre-selected for the analysis. The reason for generating a word sketch is that it provides a convenient summary of the word's grammatical and collocational behaviour. It shows the word's collocates categorised by grammatical relations such as words that serve as an object of the verb, words that serve as a subject of the verb, words that modify the word etc.[2] The word sketches of three value-laden keywords *marriage*, *liberty* and *constitution* provide initial input for subsequent qualitative analyses.

4. Results and discussion

This section starts with an overview of those keywords that are shared by judges writing in both types of opinion. The fact that these items are salient across the entire spectrum of judicial opinion enables one to gain direct insight into the major issues addressed by the judges in their writing.

Table 1 Keywords shared in majority and dissenting opinions

item	O1	%1	O2	%2	keyness
marriage	486	0.95	10	-	3,095.24
sex	300	0.59	52	-	1,682.72
couples	142	0.28	1	-	921.89
same	289	0.57	986	0.08	611.10
doma	88	0.17	0	-	578.56
liberty	155	0.30	0	-	564.62
marry	85	0.17	2	-	539.94
marriages	58	0.11	0	-	381.29
institution	57	0.11	23	-	280.48
majority	136	0.27	481	0.04	279.97
right	191	0.38	1227	0.09	228.48

[2] More information about the programme can be found at https://www.sketchengine.eu/what-can-sketch-engine-do/

item	O1	%1	O2	%2	keyness
woman	42	0.08	10	-	225.94
married	38	0.07	5	-	219.27
their	251	0.49	2079	0.16	216.30
laws	122	0.24	590	0.05	194.82
constitution	127	0.25	670	0.05	186.90
dignity	44	0.09	33	-	186.59
people	95	0.19	359	0.03	186.14
equal	64	0.13	146	0.01	173.62
fundamental	65	0.13	158	0.01	170.20
opposite	44	0.09	46	-	168.02
man	47	0.09	77	-	150.26
freedom	47	0.09	93	-	137.37
society	45	0.09	83	-	136.15
protection	74	0.15	339	0.03	123.96
gays	20	0.04	1	-	123.50
and	1198	2.35	21972	1.68	120.62
lesbians	19	0.04	1	-	117.03
loving	21	0.04	4	-	116.36
rights	96	0.19	623	0.05	113.41
recognition	35	0.07	63	-	107.13
couple	19	0.04	4	-	103.94
family	37	0.07	89	-	97.44
marital	18	0.04	5	-	94.61
definition	57	0.11	267	0.02	93.62
refund	17	0.03	5	-	88.54
spouse	17	0.03	5	-	88.54
intimacy	13	0.03	0	-	85.45
women	21	0.04	20	-	82.75
persons	60	0.12	347	0.03	80.44

One way of looking at the keywords is to examine their evaluative potential. Seen from this perspective, it emerges that there are two general categories. First, there are items with intrinsic evaluative weight, such as *liberty*, *dignity*, *equal*, *protection* or *freedom*. Their (positive) evaluative meaning can be easily detected, even if these items are viewed in isolation, without having recourse to the contexts in which they are used. They signify what are commonly perceived as desirable qualities. Some of these (e.g. *liberty*, *dignity*, *freedom*) represent ethical words "whose descriptive meaning cannot be distinguished from the emotive one" (Stevenson 1944: 206). These items, which are "essentially contested" (Gallie 1955) due to their vague or potentially vague meaning characterised by open-

texture (Hart 1961:120; Bix 1991) raise an interesting issue linked to controversies surrounding their definition.

Second, there are items which are predominantly denotational or deictic and they are generally evaluatively neutral (cf. Partington et al. 2015: 53), at least when considered out of context. Words such as *marriage, woman, constitution, gays, recognition, family, right,* etc. would be found in this category. In fact, it is possible to distinguish two further subcategories. One that groups 'ordinary' lexis encountered in general, non-specialised language (e.g. *people, woman, persons*) and the other which includes more technical words characteristic of legal language such as *doma* (name of the contested federal act), *constitution, refund*, etc. The former consists of items which may trigger different connotations within a culture. Leech (1974: 15 cited in Partington 1998: 66) demonstrates how the word *woman* used to be associated with such attributes as "frail", "prone to tears", "cowardly" and "irrational", but also "gentle", "compassionate" and "sensitive". Baker (2006) offers a corpus-based study of the two lexemes *bachelor* and *spinster* and demonstrates how social attitudes and evaluations reflected in language corpora can vary regarding singlehood. Needless to say, such cultural connotations or evaluations are culture-specific and they evolve over time.

In addition, some of these words may be assigned terminological status characteristic of legal texts, especially in the case of statutory definitions where the legislator may rely on the ordinary use of language. The keyword *marriage* is a good example of a word used in everyday contexts, whose meaning is subject to legislative change. As a result, the traditional denotative meaning of marriage as a legally recognized union between a man and a woman may be substantially changed to include same-sex couples (cf. González Ruiz 2005). In fact, the same process of redefinition occurs as a result of the two precedential cases described in this study (see also Macagno 2016 on argumentation from classification).

In the latter subcategory of denotational or deictic items, even apparently technical terms may also acquire evaluative weight in some contexts and discourses, especially if they tend to be repeated or they are part of a cohesive chain (Partington et al. 2013). Hunston (2010) points out that evaluation can be context-dependent and cumulative. Goźdź-Roszkowski (2013) documents how the term *discovery*, which denotatively refers to the US trial practice and criminal proceedings (Black 1990), tends to be found in US Supreme Court opinions in contexts where judges express their unfavourable evaluation of it.

Importantly, many of the words assigned to this category may also be considered as emotive words which play a significant role in argumentation. Macagno and Walton (2014: 6) point out that in legal argumentation it is possible to find examples of emotive words. This seems to be particularly true for criminal cases where "the emotions of the jury can be appealed [sic] to elicit a specific judgment."

4.1. The keyword *marriage* as a controversial concept

This study starts by considering the most frequent keyword *marriage*. Its very frequent occurrence confirms the centrality of this concept in these two legal cases. The visualization of its collocates shown in Figure 1 identifies its major collocates grouped into four categories: verbs with *marriage* as object (e.g. *recognize, define, allow*), verbs with *marriage* as subject (e.g. *be, have, become*), modifiers of *marriage* (e.g. *same-sex, lawful, opposite-sex*) and nouns modified by *marriage* (e.g. *law, act, licence*). The visualization enables one to notice which category is the most frequent proportionally (modifiers of marriage) and which words within each category are the most frequent (the size of the word circles). Not surprisingly, *marriage* is first of all framed as *same-sex marriage* since both *United States vs. Windsor* and *Obergefell vs Hodges* are concerned with the constitutionality of interpreting marriage as referring to opposite-sex unions and the fundamental right to marry guaranteed to same-sex couples, respectively.

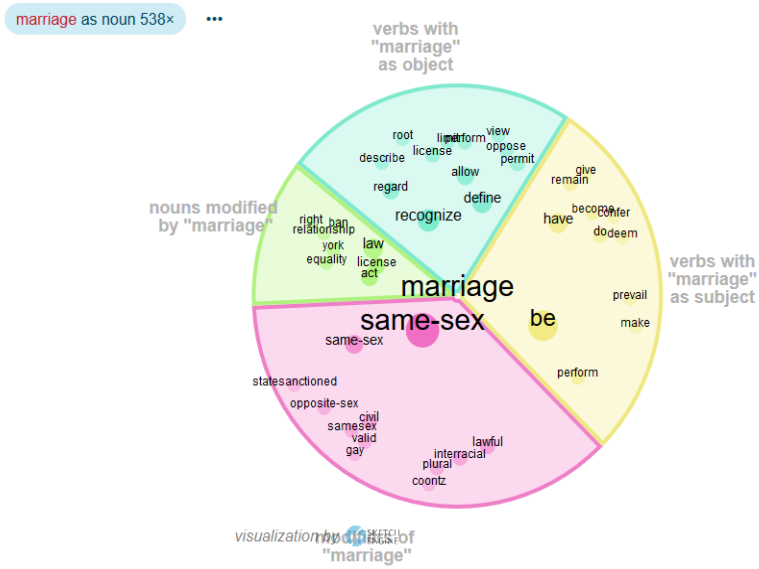

Figure 1. Visualization of the most frequent collocates of marriage in both majority and dissenting opinions

If we consider the most frequent verbal collocates with *marriage* as their object, it emerges that there seem to be two major points made regarding the concept of marriage. First, it is discoursed in terms of its permissibility, i.e. whether or not same-sex marriage should be accepted and considered formally as legal. Second, marriage is a concept that needs to be defined. The first point is reflected in the occurrence of the following collocates (raw frequencies provided in brackets): *recognize* (24), *allow* (10) and *permit* (5). While both majority and dissenting

opinions share these collocates, there are some differences in the way they are used in the respective opinions. There are nine instances (409 per milion words) of *recognize* in the majority opinions, three of which are given as examples below (emphasis in bold added):

1. These cases also present the question whether the Constitution requires States to **recognize** same-sex marriages validly performed out of State.
2. Ijpe DeKoe and Thomas Kostura [petitioners in the *Obergefell vs. Hodges*] now ask whether Tennessee can deny to one who has served this Nation the basic dignity of **recognizing** his New York marriage.
3. It follows that the Court also must hold -- and it now does hold -- that there is no lawful basis for a State to refuse to **recognize** a lawful same-sex marriage performed in another State on the ground of its same-sex character.

These examples aptly illustrate the stance adopted in both majority opinions. Example 1, which comes from *Obergefell vs. Hodges,* illustrates one of the two fundamental legal questions addressed by the Court, whether the Constitution (Fourteenth Amendment) requires a state to license a marriage between two people of the same sex. This general question of recognizing same-sex marriage is reformulated in Example (2) which illustrates how this issue can be addressed in more emotive terms relying on an argument from values. The desire to enter into a lawful marriage by a same-sex couple is viewed as positive and it is justified by the fact that one of the petitioners (Ijpe DeKoe) works full time for the US military. In fact he was for some time deployed in Afghanistan. Since he served his nation, he and his partner are worthy of *the basic dignity of* having their marriage recognised. Unlike in Example (1), which may strike the reader as being a technical point, the question in Example (2) is framed as an ethical issue construed by means of value-laden lexis: *deny, serve this Nation, the basic dignity*. Both questions are answered in the affirmative in Example (3) sampled from the holding, i.e. the final disposition of the case.

In the 15 cases (369 per million words) where the lemma recognize is found in dissenting opinions, a large proportion reflect the practice of reiterating the majority's argument in order to provide its evaluation. This is shown in Example (4) in which the dissenting judge first refers to the majority's decision in Obergefell vs. Hodges and then he evaluates it as a dangerous fiction:

4. The majority's decision today will require States to issue marriage licenses to same-sex couples and to **recognize** same-sex marriages entered in other States largely based on a constitutional provision guaranteeing "due process" before a person is deprived of his "life, liberty, or property." I have elsewhere explained the **dangerous fiction** of treating the Due Process Clause as a font of substantive rights

The same practice can be seen in in example 5, where the Court's decision is assessed as a *drastic step*:

5. Of course, those more selective claims will not arise now that the Court has taken the **drastic step** of requiring every State to license and **recognize** marriages between same-sex couples.

In a similar vein, the co-occurring lexemes *allow* and *permit* provide further textual evidence on how the judges disagree on the issue of (same-sex) marriage. Example (6) brings to light the argument made in the three dissenting opinions written in the *US v. Windsor* case that the Court lacked both the jurisdiction to review the case and the power to invalidate democratically enacted legislation referring to the *Defense of Marriage Act* enacted earlier by the Congress:

6. That position has undeniable appeal; over the past six years, voters and legislators in eleven States and the District of Columbia have revised their laws to **allow marriage** between two people of the same sex. But this Court is not a legislature. Whether same-sex marriage is a good idea should be of no concern to us. Under the Constitution, judges have power to say what the law is, not what it should be.

Justice Samuel A. Alito, Jr. in his dissent argued that the right to same-sex marriage is not "deeply rooted in this Nation's history and tradition" because as shown in (7) such permission was granted as late as in 2003:

7. In this country, no State **permitted same-sex marriage** until the Massachusetts Supreme Judicial Court held in 2003 that limiting marriage to opposite-sex couples violated the State Constitution.

In contrast, the majority opinions focus on the potential impact of legalizing same-sex unions arguing that the change is not likely to bring negative consequences:

8. The respondents have not shown a foundation for the conclusion that **allowing same-sex marriage** will cause the harmful outcomes they describe. Indeed, with respect to this asserted basis for excluding same-sex couples from the right to marry, it is appropriate to observe these cases involve only the rights of two consenting adults whose marriages would pose no risk of harm to themselves or third parties.

In (9) the majority opinion offers a rebuttal to an argument that recognizing same-sex marriage will adversely affect opposite-sex marriages:

9. There are those who think that **allowing** same-sex marriage will seriously undermine the institution of marriage.

These collocates provide linguistic cues as to how the fundamental issue of the legality of same-sex marriage is addressed by the judges, i.e. whether same-sex marriage should be regarded as a lawful union, whether or not it is grounded in the Constitution (the legal question of the constitutionality of same-sex marriage), and which institutional body has jurisdiction to recognize same-sex marriage and enforce the relevant legislation.

The other fundamental and related issue made about *marriage* concerns its definition. Macagno (2016) argues that a deep disagreement about the nature of marriage, its definition and redefinition is at the heart of the dispute about the same-sex couples' right to marry in *Obergefell vs Hodges*. In fact, the same could be said about the earlier case of *US vs Windsor*. The linguistic evidence for the prevalence of this issue in both types of opinion comes from the co-occurrence of the keyword *marriage* and the lemmata define and be. While these linguistic markers are limited in the sense that there are other linguistic resources used to indicate a concern with the definition of marriage, they do bring to light some of the basic points made in the complex argument in majority and dissenting opinions. The data suggest that marriage is a highly controversial concept which reveals the presence of a definitional conflict of opinions. Linguistically, the co-occurrence between *marriage* and the lemma be involves examining the syntactic pattern where *marriage* is in subject position. There are 32 instances of this use in the majority opinions. This linguistic pattern is first of all used by judges to broaden the understanding of marriage and to describe it as a dynamic concept changing over time as illustrated in Examples (10) and (11):

10. The history of marriage is one of both continuity and change. That institution -- even as confined to opposite-sex relations -- has evolved over time. For example, marriage was once viewed as an arrangement by the couple's parents based on political, religious, and financial concerns; but by the time of the Nation's founding it was understood to be a voluntary contract between a man and a woman.
11. Indeed, changed understandings of marriage are characteristic of a Nation where new dimensions of freedom become apparent to new generations, often through perspectives that begin in pleas or protests and then are considered in the political sphere and the judicial process.

There are also several examples indicating the use of reasoning from precedent in the majority argumentation:

12. The laws challenged in Zablocki and Turner did not define marriage as "the union of a man and a woman, where neither party owes child support or is in prison."
13. And in Turner, the Court again acknowledged the intimate association protected by this right, holding prisoners could not be denied the right to marry because their committed relationships satisfied the basic reasons why marriage is a fundamental right. See 482 U. S., at 95 - 96. The right to marry thus dignifies couples who "wish to define themselves by their commitment to each other." Windsor, supra, at ___ (slip op., at 14).

As Macagno (2016: 318) points out *Zablocki v. Redhail* and *Turner v. Safley* are some of the past precedents in which legal restrictions to marriage were invalidated because they breached the fundamental right to marry. They are cited in the majority opinion as an argument from precedent to demonstrate that analogous restrictions should be removed in the case of same-sex unions. As seen in (14), marriage is construed as one of the fundamental rights and liberties protected by the Constitution. This eventually leads the majority to the conclusion that prohibiting same-sex marriage is unconstitutional. The explanation for regarding marriage as a fundamental right is phrased in highly emotive lexis: *a full awareness and understanding of the hurt*:

14. The reasons why marriage is a fundamental right became more clear and compelling from a full awareness and understanding of the hurt that resulted from laws barring interracial unions.

As Macagno explains, restricting the freedom to marry represents a violation of this fundamental right "based on the previous cases in which specific restrictions to marriage (such as interracial marriage or marriage with people imprisoned) were considered as violation of such a right" (2016: 319). It is interesting to note the emotive language used to describe the nature of marriage. While elucidating on the reasons why marriage is a fundamental right, the majority opinion adds:

15. Marriage responds to the universal fear that a lonely person might call out only to find no one there. It offers the hope of companionship and understanding and assurance that while both still live there will be someone to care for the other.

In contrast, the dissenting judges refer to a range of various authorities to defend the traditional definition of marriage. Such historical references while having no legal force, may still retain a certain degree of persuasion (emphasis added):

16. In his first American dictionary, Noah Webster **defined marriage** as "the legal union of a man and woman for life," which served the purposes of "preventing the promiscuous intercourse of the sexes, . . . promoting

domestic felicity, and . . . securing the maintenance and education of children."

17. An influential 19th-century treatise **defined marriage as** "a civil status, existing in one man and one woman legally united for life for those civil and social purposes which are based in the distinction of sex."

Whenever dissenting opinions refer to past precedents, they aim to undermine the argument from analogy:

18. None of the laws at issue in those cases purported to change the core definition of marriage as the union of a man and a woman. The laws challenged in Zablocki and Turner did not define marriage as "the union of a man and a woman, where neither party owes child support or is in prison." Nor did the interracial marriage ban at issue in Loving define marriage as "the union of a man and a woman of the same race."
19. Removing racial barriers to marriage therefore did not change what a marriage was any more than integrating schools changed what a school was. As the majority admits, the institution of "marriage" discussed in every one of these cases "presumed a relationship involving opposite-sex partners."

The dissent's argument points out that these past precedents only remove unconstitutional limitations on marriage according to its traditional definition. By citing such precedents in the context of same-sex union, the majority implicitly redefines the concept of marriage. The dissenting judges object to the broadening of the definition arguing that any substantial change in the definition of marriage lies with the legislative power. Indeed, one of the keywords found in the dissenting opinions is *unelected.* It was Justice Scalia who argued in his dissent in *Obergefell vs Hodges* that the question of whether same-sex marriage should be recognized lies within the jurisdiction of the state legislatures, and this issue should not be decided by judges since such political change should only be brought about through the votes of elected representatives:

20. Allowing **unelected** federal judges to select which unenumerated rights rank as "fundamental"--and to strike down state laws on the basis of that determination--raises obvious concerns about the judicial role.

We now move to consider another keyword *liberty* which has already surfaced as an important axiological component in the argumentation provided in the judicial opinions.

4.2 The keyword *liberty* as a controversial concept

The word *liberty* ranks as the 6th most key word in both *US v. Windsor* and *Obergefell v. Hodges*. The analysis starts by examining the word sketch of *liberty* in order to see how this concept is discoursed in terms of its most frequently co-occurring items as shown in Figure 2. As can be seen, the most frequent category is of words which modify *liberty*: *life, religious, natural, civil*, etc. This is followed by verbs with *liberty* as object: *protect, promise, deny*, etc. When *liberty* is found in subject position, it co-occurs with *be, have,* and *do*, but also with *consist, carry* and *extend*. Finally, rather infrequently, there are nouns modified by *liberty*: *interest* and *implication*. With the corpus evidence available, the quantitative findings summarized in Figure 2 can be accounted for in terms similar to those discussed with regard to *marriage*: the nature and definition of this concept.

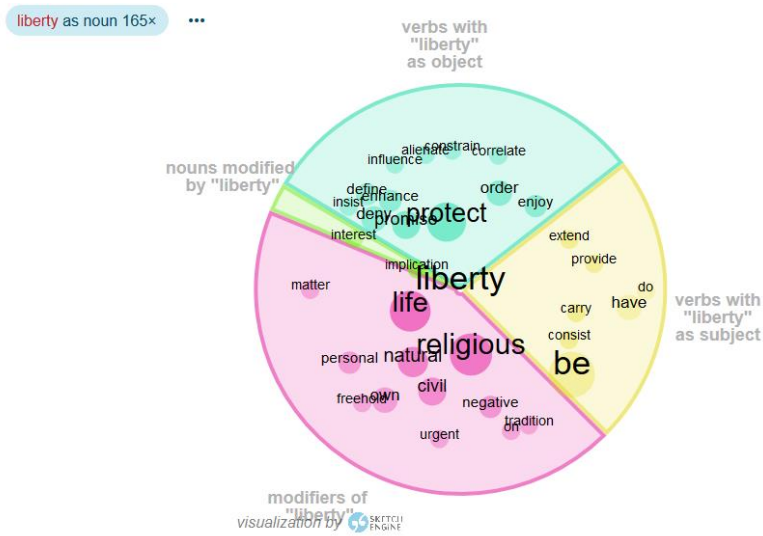

Figure 2. Visualization of the most frequent collocates of *liberty* in both majority and dissenting opinions

Linguistically, this is reflected in the numerous modifiers of *liberty* with *religious, natural, civil, personal* and *negative* being the most frequent. The two types of judicial opinion vary in the degree to which they rely on these qualifications. For example, the phrase *religious liberty* is found more often in dissenting opinions.

21. Today's decision, for example, creates serious questions about religious liberty. Many good and decent people oppose same-sex marriage as a tenet of faith, and their freedom to exercise religion is--unlike the right imagined by the majority--actually spelled out in the Constitution

Excerpt 21 is an example of how the dissenting judge raises the issue of a potential negative impact of recognizing same-sex marriage on the right to practise one's religion. Liberty emerges as a controversial concept in a conflict of values. The right to marry as a fundamental liberty is construed as opposed to religious liberty. In addition, the dissent seems to suggest a hierarchy of values with same-sex marriage evaluated negatively as "the right imagined" and religious freedom held to represent a 'higher' value because it is already enshrined in the Constitution.
As already indicated, there appears to be a similarity between the concepts of *marriage* and *liberty* since both raise important definitional issues. This point is explicitly brought to light in one of the dissenting opinions implying the basic difficulty in arriving at a consensus regarding the meaning of *liberty* that would be acceptable to all audiences:

22. Our Nation was founded upon the principle that every person has the unalienable right to liberty, but liberty is a term of many meanings. For classical liberals, it may include economic rights now limited by government regulation. For social democrats, it may include the right to a variety of government benefits. For today's majority, it has a distinctively postmodern meaning.

The dissent seems to suggest that *liberty* belongs to the category of ethical words, or rather emotive words (Macagno and Walton 2014: 31), which are notoriously difficult to define and any attempt at their redefinition "amounts to an act of persuasion, aimed at redirecting interests and choices."

The predominance of items modifying liberty can be attributed to the frequently cited excerpt from the Fourteenth Amendment as the legal basis for the Court's decision (emphasis added):

23. Under the Due Process Clause of the Fourteenth Amendment, no State shall "deprive any person of **life, liberty**, or property, without due process of law." The fundamental liberties protected by this Clause include most of the rights enumerated in the Bill of Rights.

This textual practice reflects the basic argument made in the majority opinion in Obergefell vs Hodges that the Due Process Clause of the Fourteenth Amendment guarantees the right to marry as one of the fundamental liberties it protects. In addition, the examination of the verbal collocates with *liberty* as subject shows that the lemma be is most frequently found in contexts where different quasi-

definitions of this concept are offered. The corpus data also confirm that the definitional issue underlies the majority's arguments and dissenters' counter-arguments. Macagno (2016: 320) argues that the majority opinion rests on the premise that same-sex union can be classified as marriage, but this redefinition is implicit and it did not "explicitly challenge or rebut the traditional definition." This may explain why the linguistic markers of definition (such as the lemmata define and be) are more frequent in dissenting opinions. The examples (24) and (25) suggest a more restrictive approach whereby *liberty* is defined narrowly by spelling out what this concept does not entail (emphasis added):

24. In the American legal tradition, **liberty** has long been understood as individual freedom from governmental action, **not** as **a right** to a particular governmental entitlement.
25. Or as one scholar put it in 1776, "[T]he common idea of **liberty** is **merely negative**, and is only the absence of restraint."

The dissenting judges are at pains to point out that the concept of *liberty* does not include the right to same-sex marriage. At issue is the question of what *liberty* is under the Constitution. While liberty is not explicitly defined in majority opinions, it is defined in philosophical and legal terms in the dissenting opinions as *negative liberty*, i.e. as a liberty *from something* rather than a liberty *to do something*. Thus the close connection between *marriage* and *liberty* permeates both types of opinion. It is impossible to continue the discussion without taking into account the third concept of *Constitution*.

4.3 The keywords: marriage, liberty and constitution

It should be pointed out that *Constitution* is the 16th most key word in both types of opinion. Just as in the case of *marriage* and *liberty*, the lexical co-occurrences of *Constitution* have been captured in terms of four major categories: verbs with Constitution as subject (e.g. *protect*, *do*, etc.), followed by two almost equally sized categories of modifiers of *Constitution* (e.g. state, federal) and the category of nouns modified by *Constitution*. The most salient co-occurring items shown in the word sketch in Figure 3 reveal that *Constitution* is first of all perceived as a source of protection against the violation of applicable rights guaranteed under the Constitution. As already mentioned in the previous section, the majority's argument in *Obergefell v. Hodges* rests on the premise that the Equal Protection Clause of the Fourteenth Amendment guarantees the right of same-sex couples to marry. The refusal of that right would deny same-sex couples equal protection under the law. But that protection is also at stake in *US vs. Windsor* as the Court held that the Fifth Amendment's guarantee of equal protection was violated by the federal legislation of DOMA. As a result, the majority opinion resorts to the Constitution to argue that the federal law (*DOMA*) violates its relevant provisions

(*US v.. Windsor*) and that the role of the Constitution is to protect the right of same-sex couples to marry (*Obergefell v. Hodges*):

26. The issue before the Court here is the legal question whether the **Constitution protects** the right of same-sex couples to marry.
27. With the exception of the opinion here under review and one other, see Citizens for Equal Protection v. Bruning, 455 F. 3d 859, 864 - 868 (CA8 2006), the Courts of Appeals have held that excluding same-sex couples from marriage **violates the Constitution**.

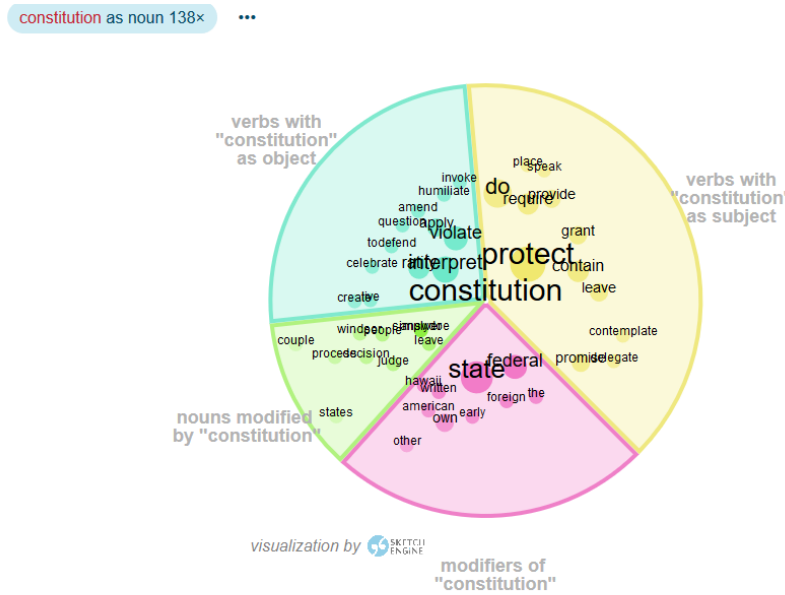

Figure 3. Visualization of the most frequent collocates of *constitution* in both majority and dissenting opinions

The frequent co-occurrence of *constitution* and *interpret* highlights the interpretive doubts and differences contained in the two types of opinion. It is interesting to observe that in the dissenting opinions, the word *constitution* co-occurs with various negation markers in 19% of the cases. This is indicated by the lemma do in the word sketch and other negatively charged lexis such as *neglect*. Examples (28) – (30) show that in the dissenting opinions, *Constitution* tends to be framed in terms of negative evidence, i.e. the absence of evidence for a claim made in the majority argumentation and eventually in the Court's decision:

28. In short, our **Constitution does not** enact any one theory of marriage. The people of a State are free to expand marriage to include same-sex couples, or to retain the historic definition. Today, however, the Court takes the extraordinary step of ordering every State to license and recognize same-sex
29. The **Constitution** itself **says nothing** about marriage, and the Framers thereby entrusted the States with "the whole subject of the domestic relations of husband and wife" (Windsor, 570 U.S).
30. The right it announces has **no basis in the Constitution** or this Court 's precedent. The majority expressly disclaims judicial "caution" and omits even a pretense of humility, openly relying on its desire to remake society according to its own "new insight" into the "nature of injustice."
31. The opinion in these cases is the furthest extension in fact--and the furthest extension one can even imagine--of the Court 's claimed power to create "liberties" that the **Constitution** and its Amendments **neglect to mention**

These examples signal that one consistent line of argumentation, which runs through all the dissenting opinions, is that the majority opinion represents judicial policymaking and judicial activism as it creates a right that does not exist under the Constitution. This is possible if one assumes that the concurring judges indeed imposed a redefinition of the concepts of *marriage* and *liberty* which enabled them to hold that prohibiting same-sex marriage is unconstitutional. Macagno (2016: 328) notes that taking for granted a definition of marriage that is highly controversial and not shared could be interpreted as an alleged act of taking on the power of defining and imposing a definition. And this is exactly what the dissenting opinions seem to suggest.

5. Summary and conclusions

The findings presented in this study bring to light the close connection between evaluation and judicial argumentation. The keyword analysis has led to the identification of statistically significant lexemes which provided a useful insight into the 'aboutness' of the judicial opinions and their major themes. The keywords, identified computationally, provided candidates for selecting ethical or emotive words for further, more qualitative, analyses. Three words marriage, liberty and constitution found in both types of judicial opinion were selected and analysed regarding their co-occurring items. The goal of this stage of the analysis was to compare how these concepts are dealt with in majority and dissenting opinions. The analysis corroborates that marriage and liberty are indeed emotive words and represent two major sites of contention between the concurring and dissenting judges. The scrutiny of their collocational and grammatical environments has revealed important differences within the argumentative

strategies employed by the judges. Crucially, while (re)defining the concepts remains the major argumentative goal for both types of opinion, the majority opinions tacitly integrate the redefined concept of marriage into their argumentation. In other words, majority judges tend to use a redefined concept of marriage without indicating that they have indeed proposed a new definition. It is the dissenting opinions that explicitly raise the issue of (re)definition in order to defend and retain the original sense of marriage. Linguistically, this difference between the two types of opinion is reflected in the more frequent occurrence of linguistic items that construe definitions in dissenting opinions.

Regarding the methodological issue of investigating evaluative language, the analysis provided in this study combines the advantage of identifying the linguistic construal of evaluation with revealing insights into specific issues dealt with in the investigated data. Apart from its emotive and value-laden nature, the analysed words provide access to other evaluative language found in their immediate co-texts. For example, recognizing same-sex marriage in majority opinions is framed in terms of positively-charged lexis showing how concurring judges express positive evaluation of same-sex marriage. In addition, the findings of the analysis can be interpreted as linguistic cues useful in reconstructing argumentative structures or types of argument employed in the respective opinions.

While the study offers a new way of analysing evaluative language in the institutional context of judicial opinions, it is limited in that it looks at a narrow range of linguistic resources used in the argumentation. Further research should focus on other classes of keywords and key semantic domains with a view to building a more complete axiomatic picture of these landmark civil rights cases.

References

Alba-Juez, Laura and Thompson, Geoff. 2015. ‘The Many Faces of Evaluation.’ In Geoff Thompson and Laura Alba-Juez (eds), *Evaluation in Context* [Pragmatics and Beyond New Series 242], 3-23. Amsterdam: John Benjamins.

Baker, Paul. 2006. *Using Corpora in Discourse Analysis*. London: Continuum.

Black, Henry. 1990. *Black’s Law Dictionary with Pronunciations.* New York: West Publishing Company.

Finegan, Edward. 2010. ‘Corpus Linguistics Approaches to ‘Legal Language’: Adverbial Expression of Attitude and Emphasis in Supreme Court Opinions.’ In Malcolm Coulthard and Alison Johnson (eds.), *The Routledge Handbook of Forensic Linguistics*, 65-77. London and New York: Routledge.

Gallie, Walter. 1955. Essentially Contested Concepts. *Proceedings of the Aristotelian Society 56*. 167-198.

González Ruiz, Victor. 2005. ‘Changing the Law on Marriage: The Semantics of Tolerance.’ In Krzysztof Kredens and Stanisław Goźdź-Roszkowski (eds.), *Language and the Law: International Outlooks*, 227-237. Frankfurt: Peter Lang.

Goźdź-Roszkowski, Stanisław. 2013. ‘Legal Terms and Meaningful Units. A Corpus-based Study of the Term Discovery in the United States Supreme Court Opinions.’ In Barbara Lewandowska-

Tomaszczyk and Marcel Thelen (eds.), *Translation and Meaning*, Part 10, 299-306. UPM Universitaire Pers Maastricht.

Goźdź-Roszkowski, Stanisław. 2018a. 'Facts in Law: a Comparative Study of *Fact That* and its Phraseologies in American and Polish Judicial Discourse.' In Stanisław Goźdź-Roszkowski and Gianluca Pontrandolfo (eds.), *Phraseology in Legal and Institutional Settings. A Corpus-based Interdisciplinary Perspective*, 143-159.London. Routledge.

Goźdź-Roszkowski, Stanisław. 2018b. 'Between Corpus-based and Corpus-driven Approaches to Textual Recurrence. Exploring Semantic Sequences in Judicial Discourse.' In Joanna Kopaczyk and Jukka Tyrkko (eds.), *Patterns in Text: Corpus-driven Methods and Applications*. [Studies in Corpus Linguistics 82], 131-158. Amsterdam: John Benjamins.

Goźdź-Roszkowski, Stanisław. 2018c. Values and Valuations in Judicial Discourse. A Corpus-assisted Study of (Dis)respect in US Supreme Court Decisions on Same-sex Marriage. *Studies in Logic, Grammar and Rhetoric* 53 (66). 61-79.

Hart, Herbert. 1961. *The Concept of Law*. Oxford: Oxford University Press

Heffer, Chris. 2007. 'Judgement in Court: Evaluating Participants in Courtroom Discourse.' In Krzysztof Kredens and Stanisław Goźdź-Roszkowski (eds.), *Language and the Law: International Outlooks*, 145-179. Frankfurt am Main: Peter Lang GmbH.

Leech, Geoffrey. 1974. *Semantics*. Harmondsworth: Penguin.

Macagno, Fabrizio. 2016. Defining Marriage: Classification, Interpretation, and Definitional Disputes. *Informal Logic*, vol. 36 (3). 309-332.

Macagno, Fabrizio and Douglas Walton. 2014. *Emotive Language in Argumentation*. Cambridge University Press.

Mazzi, Davide. 2010. 'This Argument Fails for Two Reasons... A Linguistic Analysis of Judicial Evaluation Strategies in US Supreme Court Judgements.' *International Journal for the Semiotics of Law* 23 No. 4: 373-385.

Partington, Alan, Alison Duguid and Charlotte Taylor. 2013. *Patterns and Meanings in Discourse. Theory and Practice in Corpus-Assisted Discourse Studies.* Amsterdam / Philadelphia: John Benjamins.

Partington, Alan. 2004. 'Corpora and Discourse: A Most Congruous Beast.' In Alan Partington, John Morley and Louann Haarman (eds.), *Corpora and Discourse*, 11-20. Bern: Peter Lang.

Partington, Alan.1998. *Patterns and Meanings. Using Corpora for English Language Research and Teaching*. Amsterdam/Philadelphia: Benjamins.

Perelman, Chaïm and Lucie Olbrechts-Tyteca. 1969. *The New Rhetoric. A Treatise on Argumentation.* Notre Dame: University of Notre Dame.

Rayson, Paul. 2008. From Key Words to Key Semantic Domains. *International Journal of Corpus Linguistics*. 13(4). 519-549.

Stevenson, Charles. 1944. *Ethics and Language*. New Haven, CT: Yale University Press

Thompson, Geoff and Susan Hunston. 2000. 'Evaluation. An Introduction.' In Susan Hunston and Geoff Thompson (eds.), *Evaluation in Text. Authorial Stance and the Construction of Discourse*, 1-27. Oxford: OUP.

Solan, Lawrence. 1993. *The Language of Judges*. Chicago IL: The University of Chicago Press. doi: 10.7208/chicago/9780226767895.001.0001

Szczyrbak, Magdalena. 2014. Stancetaking Strategies in Judicial Discourse: Evidence from US Supreme Court Opinions, *Studia Linguistica Universitatis Iagellonicae Cracoviensis* 131. 1-30.

LANGUAGE AND ARGUMENT: A REVIEW OF THE FIELD

MARTIN HINTON
University of Łódź, Poland
martin.hinton@uni.lodz.pl

Abstract
This paper has a dual purpose: it both seeks to introduce the other works in this issue by illustrating how they are related to the field of argumentation as a whole, and to make clear the tremendous range of research currently being carried out by argumentation theorists which is concerned with the interaction and inter-reliance of language and argument. After a brief introduction to the development of the field of argumentation, as many as eight language-based approaches to the study of argument are identified, taking as their perspective: rhetoric, argument structure, argument as act, discourse analysis, corpus methods, emotive argument, and narrative argument. The conclusion makes it clear that these branches of study are all themselves interconnected and that it is the fusion of methodologies and theory from linguistics and the philosophical study of argument which lends this area of research its dynamism.

Keywords: Corpus linguistics, argumentation, informal logic, discourse, rhetoric, fallacy.

1. Introduction

It should be clear at once that arguments are generally expressed in language, and that, therefore, it is both difficult to fully separate them and natural to study them together: both their influence upon one another and the degree to which they get in one another's way. Argument, here, is to be understood in the philosophical sense: arguments are not disputes. Rather they are what rational agents use to try to resolve disputes, to reach the truth and to achieve a consensus. This is what makes argumentation such a special field: the use of arguments, the employment of reasoning within a community, is part of what it means to be human. Arguments are the communication of reason, and it is our ability to communicate and share our reasoning that makes our species so successful, so powerful and, sadly, so dangerous. There can be no study more fundamental to the understanding of the human mind than the study of the arguments with which we attempt to persuade each other, the reasons we give to ourselves and to those with whom we must cooperate if we are to survive and thrive. It should come as no surprise, then, to find that argumentation is a truly cross-disciplinary field of research. As well as philosophers and linguists, lawyers, psychologists and computer scientists all follow and contribute to the development of argumentation theory.

In this paper, as in this issue as a whole, the aim is to present a snapshot of current research at the intersection of linguistics and argumentation. In the paragraphs below, I give a brief introduction to the field, and then in the succeeding sections, address the wide range of contact points where the study of language meets the study of reasoning. This list is not exhaustive, as new developments are appearing all the time, and these points of contact are not fully distinct with many researchers combining elements of the different perspectives in their work; but for simplicity here they are set out individually as having a primary focus on: Rhetoric, Argument structure, Arguing as act, Discourse analysis, and Corpus methods; all of which are represented by articles in this issue; as well as Fallacies of language, Emotive language in persuasion, and Narrative argument, which are only touched upon in the present collection, but have seen interesting recent developments worth taking note of.

Argumentation study as a distinct field, rather than simply a variety of discourse analysis, or an off-shoot of logic, has a relatively short history. It was helped into existence by the publication of two seminal texts which opened up the intellectual space into which it would develop: Stephen Toulmin's *The Uses of Argument*, and *The New Rhetoric*, by Chaïm Perelman and Lucie Olbrechts-Tyteca. Both works were originally published in 1958, although the latter was not translated from the French until 1969. Toulmin's book suggests that the traditional layout of arguments in logic textbooks is unhelpful, and he makes it clear how much is lost in the translation of the natural language items that people actually use into logical standards, such as 'All A's are B's', which rarely feature in real world discourse. This work had a gradual influence and towards the end of the 1970s in North America, the Informal Logic movement began to form. The motivation for these scholars was to go beyond the logical structures of their critical thinking textbooks, which they and their students increasingly found to be inadequate, and actually deal with real arguments in real language.

The New Rhetoric took a wide-ranging approach to argumentational discourse, and looked at the use of persuasion in a variety of areas, including advertising and political debate. The authors also identified certain common patterns of argument, fore-runners of the now common argument schemes which have been most developed by Douglas Walton along with a number of associate authors (see Walton et. al, 2008). Perelman and Olbrechts-Tyteca, then, reinvigorated the study of rhetoric and pulled it towards an approach taking more note of reasoning patterns, not only language devices; while Toulmin, followed by early informal logicians such as Anthony Blair, Ralph Johnson, and John Woods (see Blair and Johnson, 2000), pushed the philosophical study of reasoning through formal logic towards greater consideration of the language used in expressing arguments.

In spite of this greater focus on genuine examples of argumentation, the tendency of the informal logicians was still to focus largely on the soundness of the arguments themselves, which often meant an emphasis on the study of fallacies; this field being given great impetus by the publication of Charles

Hamblin's *Fallacies* (1970). It also meant that real examples of public argumentation needed to undergo a good deal of rephrasing before the inference structure lying behind the words could be discovered, leading back to the simplification of discourse which Toulmin had warned against.

European scholars were more inclined to study arguments as part of linguistic discourse, taking into account the interaction between participants, their goals and motivations, and the whole process of argumentation dialogues. This interest led to the development of the Pragma-dialectical approach to argumentation by Franz van Eemeren and Rob Grootendorst, at the University of Amsterdam. Their approach is summarised in a work completed by van Eemeren after his colleague's death (2004). The pragma-dialectical approach builds on Austinian (1962) speech act theory and thus reconstructs argument dialogues as a series of commitments made by each statement of the participants. These participants put forward and defend standpoints which are theirs, rather than conclusions of impersonalised arguments. Although the authors provide an extensive list of rules by which reasonable arguers should be expected to abide, ultimately, the acceptability of moves in the dialogue is dependent on inter-subjective agreement, rather than externally imposed standards, placing greater importance on the interaction between the two sides in their attempts to reach agreement than more logic-based accounts have done. The theory divides argumentational discourse, what it calls a Critical Discussion, into four stages, only one of which actually involves the exchange of arguments, making it clear that a far more holistic approach to the nature of the activity of rational discussion is taken than an examination of argument structures alone could provide.

Although there was much to divide the philosophers studying critical thinking and the communication scholars looking at argument discourse, once Douglas Walton and others had embraced the importance of pragma-dialectics, the division between the North American and European approaches rapidly lost significance. The two principal journals are named *Informal Logic*, edited from Windsor, Canada; and *Argumentation*, from Amsterdam; but the same topics and authors regularly feature in the pages of both.

The recent upturn in interest in how language and argument affect one another has led to the organisation of a number of conferences, including the series ARGAGE, in Switzerland, and WILL (Workshop on Informal Logic and Linguistics) in Łódź, Poland; as well as the publication of the collection *Argumentation and Language – Linguistic, Cognitive and Discursive Explorations* (Oswald et al. 2018).

2. The importance of language to argument

While there were always scholars looking at the language of arguments, recent years have seen a growing interest in the intersection of argumentation and linguistics, of which the papers in this issue are a product. Many researchers in

the field come from a background in linguistics or communication studies, as well as computer science. Although not touched upon any further here, the development of artificial intelligence and the necessity for software to understand human speech has led to the strong engagement of programmers with the analysis of natural language arguments. The combination of theories and techniques from linguistics with the tradition of fallacy theory and philosophical approaches to inference has created a tremendous number of opportunities for scholars with an interest in reasoning, persuasion and debate in all their manifestations.

2.1. Rhetoric

In spite of its venerable history and association with Aristotle, there is an awkward relationship between rhetoric and philosophy, nicely summed up by Michael Gilbert:

> The rhetorical, on the traditional model, concerns the ways in which something is expressed that make it more or less persuasive, and relies on the convince/persuade dichotomy. […] Clearly, for most philosophers there is no contest. Persuasion and its handmaiden--emotion-are bad, and convincing with its valet, reason, are good. (Gilbert, 2004: 260-261)

Argumentation scholars have therefore been somewhat reticent to engage with forms of persuasion not considered to be based on the offering of sound, reasoned arguments. That distinction is difficult to maintain, however, and it is clear that any investigation into how language is used to put across arguments cannot remain aloof from considerations of rhetorical impact.

Interest in the area of political rhetoric, in particular, has been boosted by recent events and concerns over the use of methods of persuasion considered populist and the phenomenon of ‘fake news’. *Informal Logic* recently published a special issue on *Reason and Rhetoric in the Time of Alternative Facts*, edited by Katharina Stevens and Michael Baumtrog (2018).

The collaboration between Agnieszka Budzyńska-Daca and Martin Hinton in this issue describes and discusses the use of rhetorical and argumentational devices and strategies in the speeches made by politicians seeking election to high office in the United States and in Poland. The traditional division into ethos, logos and pathos is maintained, allowing both the emotional elements of persuasion and appeals to reason to be highlighted and compared. The types of arguments employed are recorded and discussed, alongside stylistic and strategic differences between individual politicians. The study reveals that the overall structure of election debate discourse is similar in the two countries, but also brings to light the clear differences in rhetorical approach found between Poland’s major political parties.

2.2. Argument structure

The role of Stephen Toulmin in the development of the field of argumentation was mentioned in the introduction. Toulmin was concerned that the way in which arguments were set out on paper by logicians meant that some features of the argument, in particular subtle differences in types of premises, were being lost. His division of premises into data, warrants, backing, and rebuttals was not based entirely on linguistic features, but those features were taken into account. Specifically he points out the difference between claiming that 'All A's are B's' based on research into actually existing A's and doing so because B-ness is somehow inherent in the concept of A-ness. The first case would qualify as a warrant, the second as a backing, in his system, but the logician cannot see the difference in meaning if he uses the ambiguous, simplified 'All A's are B's' form. Toulmin, then, suggested that clues found in the actual language in which arguments are made are vital to properly understanding their structure.

Looking to the language of arguments to reveal their deeper structure has also lead to one of the most exciting developments in recent years in the field of argumentation: the construction of the Periodic Table of Arguments by Jean Wagemans. In the past, arguments have generally been grouped together in a fairly *ad hoc* way as representing similar forms of reasoning: that is, employing recognisable patterns of inference. While fallacious arguments were frequently grouped into different categories, such as formal fallacies, fallacies of relevance, and so on, there was little agreement over the categorisation and no place for the non-fallacious. The genius of the system devised by Wagemans consists in his taking an element of the linguistic structure of the argument premises as the fundamental difference between argument forms; thus dividing them as a first step into subject and predicate arguments, then into first and second order, depending on their structure. Although the table itself has been available for some time, in his article in this issue, Wagemans details the rationale for his division into the four basic types of argument: first-order predicate, first-order subject, second-order predicate, and second-order subject. By concentrating on linguistic and pragmatic elements of arguments, Wagemans has created a neater and more elegant categorisation of argument forms than has previously been available, providing a tool of great value to scholars across the field of argumentation.

2.3. Argument as act

Acceptance that arguments may have other impacts and even other motivations than simply to show another by means of reason that a certain proposition is true, has been slow, but a wider view of the purposes and effects of engaging in argumentation is emerging. Some work has been done on the act of arguing as an expression of identity (Hample and Irions 2015, Hinton 2016), and, given the importance attached to issues of identities in modern political debate, this is an area of research which seems ripe for further development.

In such studies, acts of argumentation are fully contextualised and arguing is treated as a practical activity in which people engage. A 2016 paper by Jean Goodwin and Beth Innocenti raised the idea that the act of making certain claims may in itself stand as support for the truth of those claims. They studied the example of women's suffrage campaigners who demonstrated the ability of women to take a full part in public life through the act of arguing that they were able to do so, and this is the starting point for Cristina Corredor's contribution to this issue. Corredor considers advocacy as a rhetorical form in enactment and describes such advocacy in terms of speech act theory, where it becomes an exercitive act, in order to distinguish its perluctionary and illuctionary effects.

2.4. Discourse analysis

The potential for the study of argumentation as part of the wider discipline of discourse analysis is obvious. This ranges from theoretical assessments looking at argumentation as a whole, such as Ruth Amossy's paper which had as its aim 'establishing a dialogue between disciplines like argumentation theories, rhetorical criticism and discourse analysis' (2009: 252), to detailed analyses of specific forms of argumentative discourse in particular communities, such as Zhang and Xu (2018) on television advertisements and Wu (2019) on the pronouncements of the Chinese government foreign ministry.

Samira Allani, in this issue, uses the Pragma-dialectical approach to argumentation in order to carry out an analysis of the discourse of foreign-policy experts in the American media. She analyses newspaper articles published on the subject of the US military policy known as the 'Surge' in Iraq from the perspective of strategic manoeuvring theory, and reveals that the strategy of the polarization of views is employed most frequently, along with topic shifting and the reformulation of disputes.

2.5. Corpus methods

The advent of searchable corpora containing vast amounts of linguistic data has had an enormous impact on linguistics and is increasingly beginning to influence the study of argument too. The majority of this work has, so far, gone into developing software applications for what is called 'argument mining'. These programs are supposed to be able to recognise argument structures automatically from authentic texts, but are still in need of considerable development before they can be of significant use to argument theorists (see Walton and Gordon 2018). A small amount of work, however, has been done using the simpler search techniques of corpus linguistics. Jean Goodwin and Viviana Cortes (2010), for example, looked at the use of spatial metaphor in the description of argumentational discourse, and a recent conference held by the ArgDiaP (Argument, Dialogue, Persuasion) organisation in Warsaw (Budzyńska et al.

2018) was dedicated to the possibilities of using corpus linguistics techniques in research in the field and will soon be followed by a special issue of *Argumentation* on the same theme.

In this issue, Stanisław Goźdź-Roszkowski describes his research into legal argumentation on the basis of the analysis of a corpus of judicial opinions, written both in support of and against the majority decision of the court, on two landmark civil rights case involving same-sex marriage. This analysis allows the identification of the most featured keywords in those judgements and an assessment can then be made as to their emotive quality. Identifying commonly used words in this way also helps to illustrate which topics are of most importance to the two sides in the dispute and on what ground the most significant conflict takes place. This work is an example of just one of the ways in which corpora can be used to study argument: opportunities only now beginning to be understood and explored.

2.6. Fallacies of language

The remaining three areas of research are not directly represented in the papers in this issue, although they are closely related to much of what has already been described. They are worth noting here because all three have attracted the interest of scholars who are more associated with philosophy than linguistics, and, therefore, demonstrate the degree to which the activities of linguists have changed the shape of the field of argumentation study.

Fallacy theory is, and has always been, a major part of that study. The original list of fallacies, Aristotle's Sophisms, was divided into those he considered to be connected with language and those which he did not. Later philosophers were rather less inclined to give language such a central place in their considerations and generally limited the category of linguistic fallacies to cases involving some variety of ambiguity or vagueness. More recently, however, the role of language in other previously identified patterns of reasoning, such as Straw man arguments (Visser et al. 2018, de Saussure 2018), has received more attention. In his book on fallacies, Christopher Tindale (2007) listed both Loaded Questions and Begging the Question as fallacies of language; and a whole range of linguistic abuses, many of them related to the concept of Persuasive Definition (Stevenson 1944), are listed by Andrew Aberdein (2006). Indeed, the translation and publication of Leonard Nelson's *A Theory of Philosophical Fallacies* (2016) has again re-emphasised the degree to which philosophers are often victims of the nature of language, particularly in their attempts at the re-definition of familiar words and concepts.

2.7. Emotive argument

The acceptance of the study of arguments employing emotive and evaluative language in mainstream argumentation has been largely due to the work of

Michael Gilbert, mentioned above, and Fabrizio Macagno. Gilbert argues, quite reasonably, that: 'Emotion, in all its forms, is an integral part of human communication, and, consequently, of human argumentation' (2004: 248) and warns against what he calls the 'idealization' of argumentation as a by-product of the desire of the logician to consider each claim in a neutral, unemotional way. Part of what Gilbert has been encouraging other scholars to consider is the argumentative content which emotions can have and, given that humans cannot communicate without showing them to some degree, he urges acceptance of the fact that emotions themselves are rational.

Macagno has put forward the interesting idea that emotional and evaluative language can contain condensed arguments. He points out that while they may have a purely persuasive, rhetorical effect, that doesn't mean they convey no logical content. He says of emotive words: 'In order to analyze their effects, it is necessary to take into consideration their two distinct and connected dimensions: their logical function as implicit and condensed arguments, and their rhetorical effect consisting in arousing emotions' (Macagno 2014:107). In another paper co-authored with Douglas Walton, Macagno looks at the relationship between emotive words and persuasive definitions, employing the ideas of conceptual framing and argumentativity, among others, in an investigation of what emotive language keeps hidden. Their approach 'treats the persuasiveness of emotive words and persuasive definitions as due to implicit arguments that an uncritical interlocutor may not question, or even be aware of' (Macagno and Walton 2014: 2012). This lack of awareness in the audience makes the study of such implicit arguments of great importance as their effects may be stronger than is immediately apparent. The contribution of linguistic theory to this assessment of argument cannot be overstated and it provides an excellent example of how research can benefit from an interdisciplinary approach.

2.8. Narrative argument

Unlike much of the work described in this brief review, the driving force behind the recent surge in work examining narratives as a form of argument has come from North America. Christopher Tindale has been a leading advocate for the acceptance of narrative as argument, a position which has not met with a universally warm response, given that narratives do not obviously contain anything which might be called a premise, or an explicit conclusion.

The recent collection *Narration as Argument*, edited by Paula Olmos (2017), contains discussions of how arguments can be made with stories and the relationship between narratives and arguments from analogy, as well as studies of particular narrative texts and their argumentational content. In his contribution to that volume, Tindale speaks of how narratives reflect the 'dynamic nature of argument […] insofar as they are alive with meaning and movement, and should only be judged "good" or "bad" in light of consideration of the entire

argumentative situation' (2017: 28). With this statement he illustrates how far the study of the many varieties of persuasive discourse has taken the analysis of arguments from the logic textbooks of the past.

3. Conclusion

The division into as many as eight different areas in which linguistics and the study of reasoning come into contact within the field of argumentation does reveal the multiplicity of approaches being taken by scholars interested in both language and argument, but, at the same time, it hides the important commonalities shared by these methodologies. For example, while the papers by Samira Allani and Stanisław Goźdź-Roszkowski, are placed in different categories, in fact Allani's paper also employs a corpus in its discourse analysis, and, of course, Goźdź-Roszkowski, is analysing legal discourse with his corpus study. The same can be said of the work by Agnieszka Budzyńska-Daca and Martin Hinton, and one might also argue that rhetoric cannot be sensibly separated from discourse analysis anyway, nor from the study of emotive language, and other links can easily be found amongst the papers in this issue.

The important point, and the one which this paper and the collection of articles it appears alongside has sought to make, is that the combination of techniques and theory from linguistics and philosophical approaches to argumentation is proving fruitful within the rapidly developing field of argumentation, and new applications and research directions are continually being uncovered. The intersection of research studies into language and argument is a crowded place with an awful lot to say for itself.

References

Aberdein, Andrew. 2006. 'Raising the Tone: Definition, Bullshit, and the Definition of Bullshit.' In George Reisch and Gary Hardcastle (eds.), *Bullshit and Philosophy*, 151-169. Chicago: Open Court.

Amossy, Ruth. 2009. Argumentation in Discourse: A Socio-discursive Approach to Arguments. *Informal Logic* 29 (3). 252-267.

Austin, John L. 1962. *How to Do Things with Words*. Oxford: Oxford University Press.

Blair, J. Anthony and Ralph H. Johnson. 2000. Informal Logic: An Overview. *Informal Logic* 20 (2). 93-107.

Katarzyna Budzynska, Araszkiewicz, Michał, Budzyńska-Daca, Agnieszka, Hinton, Martin, Lawrence, John, Modgil, Sanjay, Thimm, Matthias, Visser, Jacky, Żurek, Tomasz, Koszowy, Marcin, Atkinson, Katie, Dębowska-Kozłowska, Kamila, Kacprzak, Magdalena, Łupkowski, Paweł, Skowron, Barłomiej, Urbański, Mariusz and Maria Załęska. 2018. Warsaw Argumentation Week (Waw 2018) Organised by the Polish School of Argumentation and Our Colleagues from Germany and the UK, 6th-16th September 2018. *Studies in Logic, Grammar and Rhetoric*, 55 (1). 231-239.

Eemeren, Frans H. van and Rob Grootendorst. 2004. *A Systematic Theory of Argumentation: The Pragma-dialectical Approach*. Cambridge: Cambridge University Press.

Hamblin, Charles. 1970. *Fallacies*. London: Methuen.

Hample, Dale and Amanda Irions. 2015. Arguing to Display Identity. *Argumentation* 29 (4) 389-416. DOI 10.1007/s10503-015-9351-9

Hinton, Martin. 2016. 'Identity as Argumentation: Argumentation as Identity.' In Kamila Ciepiela, (ed.) *Identity in Communicative Contexts*, 175-186. Łódź Studies in Language Vol.48. Frankfurt am Main: Peter Lang.

Gilbert, Michael. 2004. Emotion, Argumentation and Informal Logic. *Informal Logic* 24 (3). 245-264.

Goodwin, Jean, and Viviana Cortes. 2010. Theorists' and Practitioners' Spatial Metaphors for Argumentation: A Corpus-based Approach. *Verbum* 23 (1). 163-78.

Goodwin, Jean and Beth Innocenti. 2016. 'The Pragmatic Force of Making Reasons Apparent.' In Dima Mohammed and Marcin Lewiński (eds.), *Argumentation and Reasoned Action: Proceedings of the 1st European Conference on Argumentation, Lisbon, 2015, Vol. II*, 449-462. London: College Publications.

Macagno, Fabrizio. 2014. Manipulating Emotions. Value-Based Reasoning and Emotive Language. *Argumentation and Advocacy* 51. 103-122.

Macagno, Fabrizio and Douglas Walton. 2014. What We Hide in Words: Emotive Words and Persuasive Definitions. *Journal of Pragmatics* 42. 1997-2013.

Nelson, Leonard. 2016. *A Theory of Philosophical Fallacy*. Cham: Springer.

Olmos, Paula (ed.). 2017. *Narration as Argument.* Cham: Springer.

Oswald, Steve, Herman, Thierry and Jérôme Jacquin (eds.). 2018. *Argumentation and Language – Linguistic, Cognitive and Discursive Explorations.* Cham: Springer.

Perelman, Chaim and Lucie Olbrechts-Tyteca. 1969. La Nouvelle Rhétorique: Traité de l'Argumentation. Paris: Presses Universitaires de France. Trans by J. Wilkinson and P. Weaver, as *The New Rhetoric*, Notre Dame, London: University of Notre Dame Press.

Saussure, Louis de. 2018. 'The Straw Man Fallacy as a Prestige-Gaining Device.' In Steve Oswald, Thierry Herman, and Jérôme Jacquin (eds.), *Argumentation and Language – Linguistic, Cognitive and Discursive Explorations*, 171-190. Cham: Springer.

Stevens, Katharina and Michael Baumtrog (eds.). 2018. Special Issue: Reason and Rhetoric in the Time of Alternative Facts. *Informal Logic* 38. 1.

Stevenson, Charles. 1944. *Ethics and Language*. New Haven, CT: Yale University Press.

Tindale, Christopher. 2007. *Fallacies and Argument Appraisal*. Cambridge: Cambridge University Press.

Tindale, Christopher. 2017. 'Narratives and the Concept of Argument.' In Paula Olmos (ed.), *Narration as Argument*, 11-30. Cham: Springer.

Visser, Jacky, Koszowy, Marcin, Konat, Barbara, Budzyńska, Katarzyna and Chris Reed. 2018. 'Straw Man as Misuse of Rephrase.' In Steve Oswald and Didier Maillat (eds.), *Argumentation and Inference: Proceedings of the 2nd European Conference on Argumentation, Fribourg 2017, Vol. 2*., 941-962. London: College Publications.

Walton, Douglas and Thomas F. Gordon. 2018. How Computational Tools Can Help Rhetoric and Informal Logic with Argument Invention. *Argumentation*. 1-27. https://doi.org/10.1007/s10503-017-9439-5

Walton, Douglas, Macagno, Fabrizio and Chris Reed. 2008. *Argument Schemes*. Cambridge: Cambridge University Press.

Wu, Peng. 2019. Confrontational Maneuvering by Dissociation in Spokespersons' Argumentative Replies at the Press Conferences of China's Ministry of Foreign Affairs. *Argumentation* 33 (1). 1-22. https://doi.org/10.1007/s10503-018-09477-5

Zhang, Chuanrui and Cihau Xu. 2018. Argument by Multimodal Metaphor as Strategic Maneuvering in TV Commercials: A Case Study. *Argumentation* 32 (4). 501-517. https://doi.org/10.1007/s10503-018-9455-0