In Context

Giving Contextualization its Rightful Place in the Study of Argumentation

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Abstract 'In Context' is aimed at giving contextualization its rightful place in the study of argumentation. First, Frans H. van Eemeren explains the crucial role of context in a reconstructive analysis of argumentative discourse. He distinguishes four levels of contextualization. Second, he situates his approach to context in the field of argumentation studies by comparing it with Walton's approach. He emphasizes the importance of distinguishing clearly between a normatively motivated theoretical ideal model and empirically-based communicative activity types. Third, van Eemeren concentrates on the 'macro-level' of contextualization: contextualization in institutionalized communicative activity types. He makes clear that the macro-context of a communicative activity type can be characterized argumentatively by describing the disctinctive features of the empirical counterparts of the four stages of a critical discussion in the activity type concerned. Fourth, he points out what the consequences of the macrocontextualization of argumentative discourse in a certain communicative activity type are for the strategic maneuvering that may takes place and the identification of fallacies as derailments of strategic maneuvering. Fifth, van Eemeren draws some general conclusions regarding the role of contextualization in the analysis and evaluation of argumentative discourse.

Keywords Communicative activity type · Context · Contextualization · Fallacy as derailment of strategic maneuvering · Reconstructive analysis · Strategic maneuvering

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1 The Role of Context in a Reconstructive Analysis

The need for argumentation, the requirements of argumentation, and the structure of argumentation are all adapted to a context in which doubts, opposition, objections, and counterclaims arise. In argumentative practice there are a great many of such contexts. In some of them argumentation is put forward to support a descriptive standpoint, in other contexts it may support an evaluative or a prescriptive standpoint. Some argumentation theorists concentrate in the first place, or even exclusively, on argumentation put forward in defence of descriptive claims about factual states of affairs, other argumentation theorists tend to focus on argumentation relating to evaluative judgments of the ethical quality of a disputed way of life or the esthetic quality of a work of art, and still others deal almost exclusively with argumentation in favour of prescriptive incitements to carry out some particular action or to refrain from doing so. Unlike Aristotle and his fellow rhetoricians, these argumentation theorists usually connect their analysis and evaluation of argumentation only implicitly with the specific context of communicative activity or the domain of communication in which the argumentative discourse takes place. In my opinion, however, argumentation theorists should not only pay equal attention to argumentation for all types of standpoints, but also take the contextual embeddedness of argumentative discourse explicitly into account in their analysis and evaluation—thus giving contextualization its rightful place in the study of argumentation.

In order to be able to give a fair evaluation of an argumentative text or discourse, a reconstructive analysis is needed of all argumentative moves made that are analytically relevant because they play a potential part in resolving a difference of opinion on the merits.[1] This analysis should result in an "analytic overview" that provides a reconstruction of the various components of the discourse that are pertinent to judging the quality of the resolution process.[2] In the reconstruction process, the difference of opinion defined in the confrontation stage could, for instance, be identified as a "mixed difference of opinion" (as in "I do not agree at all; in my opinion, it is just the opposite") and an argument that has been advanced in the argumentation stage to resolve the difference of opinion could, for instance, be identified as a "symptomatic argument" (as in "Paula will do her utmost, because North Americans are competitive"). In an analytic overview, all ingredients of the discourse relevant to resolving a difference of opinion on the merits are thus identified and described in terms of well-defined analytic categories, so that the

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[1] For analytic and evaluative relevance, see van Eemeren and Grootendorst (2004, pp. 71, 73, 88) and, more in particular, van Eemeren and Grootendorst (1992b).

[2] Due to a variety of factors, argumentative reality seldom resembles the ideal of a critical discussion—as is to be expected when comparing reality with an ideal. The obvious fact that in ordinary argumentative discourse the various stages of a critical discussion are often implicit, unclear, distorted and accompanied by diversions, should neither give rise to the premature conclusion that the discourse is deficient nor to the superficial conclusion that the ideal model of critical discussion is not realistic. The former is contradicted by pragmatic insight concerning the conduct of ordinary discourse, the latter by dialectical insight concerning the requirements for resolving differences of opinion. See van Eemeren and Grootendorst (1984, chapter 4; 1992a, chapter 5); and van Eemeren et al. (1993, chapter 3).

overview constitutes an appropriate point of departure for a systematic evaluation of the discourse concerned.[3]

A reconstructive analysis of argumentative discourse aimed at constructing an analytic overview of the discourse boils down to carrying out some specific analytic operations that can be characterized as "reconstrution transformations" (van Eemeren and Grootendorst 2004, ch. 5). The transformations carried out in the reconstruction process consist in the first place of leaving out of consideration all speech acts performed in the discourse that do really not play a part in the resolution process. This transformation boils down to a "deletion" of all irrelevant elements, such as repetitions and unnecessary digressions. In the second place, the reconstruction involves rearranging in an insightful way those speech acts whose order does not correctly reflect their function in the resolution process. This "permutation" transformation amounts to bringing together separate parts of the discourse that belong together viewed from the perspective of resolving a difference of opinion on the merits. In the third place, a reconstructive analysis means making explicit all argumentative moves that remain implicit in the discourse but are pertinent to the resolution process. This transformation involves, among other things, the "addition" of implicit premises and the completion of elements that were expressed elliptically in the discourse. In the fourth place, the reconstruction includes reformulating in an unequivocal way those speech acts performed in the discourse whose function in the resolution process would otherwise be opaque. This "substitution" transformation leads to the replacement of confusingly ambiguous expressions referring to vital elements of the resolution process by univocal paraphrases.

The analytic overview resulting from a reconstructive analysis should be accounted for theoretically and empirically, so that it becomes clear that all transformations that have been carried out are indeed justified.[4] The transformations that go beyond a naïve reading of the discourse should be analytically pertinent and faithful to the commitments that may be ascribed to the speaker or writer concerned. Only when both requirements have been fulfilled, can the reconstruction process result in an analytic overview that constitutes an appropriate basis for carrying out an evaluation of the discourse. The evaluation should bring to light which of the analytically relevant moves that were made may be considered evaluatively relevant as well because they comply with the dialectical norms incorporated in the rules for

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[3] The components of an analytic overview are all pertinent to judging the soundness of an argumentative discourse. If it is not clear exactly what difference of opinion underlies the discourse, there will be no way of telling whether the difference has been resolved by the discourse. If it is not clear precisely which positions the parties have adopted in the difference of opinion, it will be impossible to tell in whose favor the discussion has ended. If implicit or indirect premises are not taken into account, crucial arguments may be overlooked, so that the evaluation is inadequate. If the argument schemes employed in supporting standpoints and sub-standpoints are not recognized, it cannot be determined whether the links between the individual reasons and the standpoints are resistant to the kinds of criticism their specific make-up are bound to elicit. If the structure of the argumentation advanced in favor of a standpoint is not laid bare, it cannot be judged whether the argumentation put forward in defense of the standpoint constitutes a coherent whole that provides sufficient support for the standpoint.

[4] These requirents follow from the fact that the analysis carried out can be characterized as a theoretically motivated and empirically justified pragma-dialectical reconstruction of what is going on in the discourse.

conducting a critical discussion aimed at resolving a difference of opinion on the merits. In accounting theoretically for a reconstructive analysis and in identifying in the evaluation the fallacies committed in the discourse in a theoretically justified way. The pragma-dialectical ideal model of a critical discussion and the code of conduct for conducting such a discussion are the proper heuristic, analytical and critical instruments.

In accounting empirically for a reconstruction leading to a particular analytic overview the analyst can refer to various sources. First, there is the *text* of the discourse (and its visual accompaniments, if any). In giving an empirical justification of a reconstruction the text is always the primary source. In his account the analyst should refer to those lines of the discourse that support his analysis, if necessary complemented by a reference to functional and structural properties of the discourse supporting the analysis.

Second, there is the *context* in which an extract from the discourse whose reconstruction is to be accounted for appears. As far as context is concerned, the analyst's source for justification can be the *micro-context* consisting of the text immediately preceding or following the extract at issue, which is also referred to as the "linguistic" context.[5] The contextual source exploited by the analyst in accounting for his reconstruction can also be the context in a wider sense. This is the case when the analyst refers to the *meso-context* or "situation"—sometimes also referred to as the "constitution"—in which the reconstructed extract occurs,[6] to the *macro-context* of the "speech event"—more generally, the "communicative activity type" in which the extract is used—or to the *intertextual* or *interdiscursive context* of other speech events the extract concerned, or the speech event in which it occurs as a whole, is in some way or other connected with.[7] The context—in any of the forms just mentioned—may be a decisive source, for instance, in accounting for the reconstruction of a "pragmatic optimum" when making an unexpressed premise explicit.

Apart from the text and the context, third, there are inferences the analyst can make and use as a source for accounting for his reconstructive analysis. Next to references to a *logical reasoning process* providing the basis for including certain presuppositions and implications of what is said in the discourse in the analysis, the analyst may refer in his account of his reconstruction to *pragmatic inferences* based on common sense, by pointing, for instance, to Gricean implicatures or pragmatic inconsistencies in the discourse.

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[5] It goes without saying, however, that in particular in oral argumentative discourse the so-called paralinguistic phenomena need to be taken into account too.

[6] The "meso"-context is also referred to as the "extra-linguistic" context, but the extra-linguistic context includes also what I call the "macro"-context and the "intertextual" context, and in these contexts linguistic phenomena play a part too.

[7] The analysis of Willem of Orange's *Apologie*, for instance, in which Orange defends the Dutch revolt against King Filip of Spain, can only be accounted for if it is taken into account that the *Apologie* is a response to Filip's *Ban Edict* (van Eemeren and Houtlosser 1999, 2000). Wodak distinguishes "interdiscursivity" from "intertextuality" (2009, pp. 39–40). In her usage, intertextuality refers to "the linkage of all texts to other texts, both in the past and in the present" (p. 39), whereas interdiscursivity indicates "that topic-oriented discourses are linked to each other in various ways" (p. 40).

Fourth, and finally, there is *background information* that can be referred to by the analyst as a source of justification for his analysis. The *general background information* he may refer to includes knowledge of certain general rules and regulations that are instrumental in understanding the extract. In justifying his reconstruction of the argumentation advanced in "Bart cannot have gone to the swimming pool because his swimming trunks are on the line," for instance, the analyst may refer to the generally shared background information that men are obliged to wear swimming trunks in public swimming pools—and that they normally own just one pair of them (which may in certain cases be contradicted by special background information). More often than not, the analyst may be able to refer also to *specific background information* as a source of justification for his reconstruction. Such specific background information can be *inside information*, such as that Bart has just bought new swimming trunks, which is available only to those familiar with the matter at issue—friends, family, colleagues, or other people who are in the know. Specific background information can also consist of *expert information*, possessed only by those having special knowledge of the topic or field at issue.

In a great many cases, most certainly in the problematic ones, the analyst has to refer to a combination of sources in accounting for his reconstruction. Then, he must make sure that the sources referred to do indeed reinforce each other, instead of instigating results that are in fact inconsistent. In my present contribution to the contextualization of the analysis and evaluation of argumentative discourse, which is titled *In Context*, I aim to highlight the contextual factor. Although context is sometimes taken to be something fixed, the context and its interpretation by the participants in the discourse change in fact continually during the argumentative exchange—if only because by every argumentative move that is made the context is reshaped. Having thus unraveled the complicated notion of context by distinguishing between micro-, meso-, macro- and intertextual context, today I would like to concentrate on the macro-context of argumentative discourse—the most relevant dimension of context when it comes to conventionalization.

2 Walton's Postmodern View of Argumentation in Context

The problem of how to conceptualize the macro-contextual dimension of argumentation has led Douglas Walton to propose an approach of the contextuality of argumentation centering on the concept of "dialogue types" as "conversational contexts of argument" and given shape together with Erik Krabbe (Walton and Krabbe 1995).[8] Walton gives the concept of dialogue types a double function. Not only should they prescribe which argumentative behavior is correct, or reasonable, within the bounds of a well-delineated language game, but they also have to mirror

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[8] Walton argues that the concept of dialogue types revives in fact—as so often happens in the study of argumentation—a classical Aristotelian idea, viz., that the soundness or fallaciousness of argumentation depends not just on form, but on the context of dialogue (1992: 143). One may add that Aristotle developed a rhetorically-minded conceptualization of the contexts of argumentation in his division of the deliberative, the forensic and the epideictic genre.

in their structure "the typical conversational settings," or—as Hymes (1972) calls them—"speech events," characteristic of a given communicative reality. According to Walton, each *dialogue type* constitutes a separate normative model of argumentation, with its own specific rules prescribing what good and fallacious argumentation is. Thus Walton proposes—as he acknowledges in so many words—a "postmodern and relativistic standard of rationality" (1998b, p. 30).

As used by Walton, the notion of context is limited to dialogue types understood as rule-governed and generic conversational entities.[9] Walton and Krabbe organize the plurality of dialogues types they observe in a typology of six "general types:" *persuasion dialogue,*[10] *negotiation*, *inquiry*, *deliberation*, *information-seeking dialogue*, and *eristics* (1995, p. 66). These types of dialogues are primarily distinguished through their main goals: "resolution of […] conflicts by verbal means" (persuasion dialogue), "making a deal" (negotiation), "reaching a (provisional) accommodation in a relationship" (eristics), etc. Next, the six basic types differ as regards the initial situation, the participants' aims (not to be confused with the goal of a dialogue as such), and the side benefits of each.

According to Walton and Krabbe, the usefulness of the concept of dialogue types to argumentation theory lies in its capacity to account systematically for the difficulties related to the contextuality of fallacies. As I have indicated, their dialogue types are supposed to fulfill a normative function. In the simplest formulation this context-dependent normativity amounts to the claim that "a good argument is one that contributes to a goal of the type of dialogue in which that argument was put forward" (Walton and Krabbe 1995, p. 2). In sum, their solution to the problem of the contextuality of argumentation is that each dialogue type (after sufficient specification, pp. 66–67) yields a separate normative model of argumentation, with its own specific rules prescribing what good argumentation is.[11]

The practical value of any theoretical approach of context by argumentation theorists depends on how useful this approach is to the analysis and evalution of actual argumentative discourse. For Walton and Krabbe's theoretical framework to be of practival value, two interrelated problems need to be resolved. First, there is the unclear relation between the six normative (general) dialogue types they distinguish to the plethora of types of communicative contexts actually encountered and perceived by the arguers. Second, there is the unexplained way in which fallacies occur in the various types of dialogue.

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[9] Recently, Walton and Macagno introduced a notion of "dialogue context" referring to "a broader notion of dialogue," which includes, among other things, "common ground," "interpersonal relationship," and "social constraints" between arguers (2007, p. 110). This approach extends the contextual considerations pertinent to argumentation analysis and evaluation beyond the goal-directed and rule-governed structure of the dialogue types, bringing Walton's theoretical framework closer to being a rhetorical perspective.

[10] Confusingly, because in pragma-dialectics the term *critical discussion* has been in use for many years to refer to a theoretical construct rather than a communicative activity type or dialogue type, and in using the term *critical discussion* Walton and Krabbe refer to the pragma-dialectical concept but change its content. See van Eemeren and Houtlosser (2007, p. 64).

[11] Basically the dialogue types are empirical entities and only if the rules and goals are precisely laid down by a theorist one gets a normative model (see Walton and Krabbe 1995, pp. 66–67).

Because Walton and Krabbe are well aware that their six basic types of dialogue cannot cover all ordinary speech events, in dealing with the first issue they assume that a great many speech events are composites of two or more of the six dialogue types (1995, p. 82). In other words, they take it that there is a "synchronic multiplicity" of various types of dialogue constituting together a particular speech event. A political debate, for instance, as we know it in Western democracies, escapes any one-speech-event-to-one-dialogue-type classification. Walton (1998b, p. 223) regards Question Period, a specific kind of political debate he distinguishes, as a type of context for argumentation that involves, next to two subtypes of the persuasion dialogue, a mixture of no less than four (out of six) general types of dialogue. It is partly an information-seeking dialogue, partly an eristic dialogue, partly a negotiation, and partly a persuasion dialogue. In such complex cases, some obvious problems arise concerning how the evaluation should take place and what useful role the distinction between the six dialogue types still has to play in this endeavor. By which standards associated with the six basic types of dialogue, for instance, should the arguer's performance in the "mixed" speech event of a political debate be judged? Walton's easy solution that "it is conditionally permissible to evaluate a political debate […] from the point of view of a critical discussion" (1998b, p. 224) begs the question and undermines in fact his very approach to context.

The second issue, regarding the fallacies, is dealt with by viewing the problem as a problem of a "diachronic multiplicity" of dialogues. The conceptual tool to solve this problem is the notion of "dialectical shifts." Walton's central observation is that discussions that emerge and develop are liable to take turns that—in his theoretical framework—can be perceived as shifts from one type of dialogue to another. The central distinction between such shifts is the normative division between *licit* and *illicit* shifts. Licit shifts are overt and mutually agreed upon moves away from the dialogue the participants were originally supposed to carry out to another type of dialogue that still serves, or at least does not block, reaching the goals of the original dialogue (Walton 1992, pp. 138–139). By contrast, illicit shifts are covert and unilateral attempts to change the original type of dialogue into another one, which is wrongly presented as being in line with the original dialogue. It is the illicit type of shift, which is often "associated," as Walton puts it, with the informal fallacies. The problem, however, seems to me that it is hard, if not impossible, for an analyst to determine when exactly a "dialectical shift" has taken place and whether or not it is illicit.

As I have explained more elaborately elsewhere (van Eemeren 2010), all in all, in my view, Walton's approach to the contextualization of the analysis and evaluation of argumentative discourse does not offer a satisfactory perspective. In my search for a more promising alternative I hope to avoid at least some of the obstacles that prevent Walton's approach from offerig good prospects. To begin with, after distinguishing first between various types of contexts, I already indicated more precisely with what type of context I am presently concerned with, so that the complicated notion of context does not remain elusive because it is a *mer à boire*. Other alternatives I would like to suggest can be summarized in the following questions. Is viewing the various types of macro-contexts as dialogue types really

the most appropriate approach or would it be better to define macro-contexts in relation with the institutionalized communicative environments in which they play a part? Would it not be expedient to avoid mixing empirical description with critical normativity in one and the same notion and distinguish, instead, clearly between, on the one hand, the empirical dimension of describing the argumentative practices that can be distinguished in argumentative reality and, on the other hand, the critical dimension of assessing the quality of the argumentative discourse conducted in the various argumentative practices?

3 Contextualization in Institutionalized Communicative Activity Types

In my own dealings with macro-contexts, I start from the observation that "argumentation" is not just a theoretical concept given shape in analytical models such as the ideal model of a critical discussion but also, and even in the first place, an empirical phenomenon that can be observed in a multitude of communicative practices. Because these communicative practices are connected with specific kinds of institutionalized communicative contexts in which they serve a variety of institutionally relevant purposes, they have become conventionalized in accordance with varying kinds of requirements.[12] Due to the context-dependency of communicative practices, the possibilities for strategic maneuvering between dialectical reasonableness and rhetorical effectiveness taking place in the argumentative discourse conducted in such practices are to some extent determined by the institutional preconditions prevailing in the communicative practice concerned. This makes it necessary to situate the analysis and evaluation of strategic maneuvering in the macro-context of the "communicative activity type" in which the maneuvering occurs (van Eemeren and Houtlosser 2005).

The macro-context of a communicative activity type can be characterized by describing, starting from the domain of communicative activity to which the communicative practice concerned belongs, the institutional conventions that are instrumental in realizing, through the employment of a particular "genre" of communicative activity, the "institutional point" of the communicative practice.[13] Assuming that the conventionalization of communicative activity types has come into being for the purpose of realizing the institutional point of the communicative practices concerned, the conventionalization of every speech event which can be recognized intersubjectively as representing a communicative practice may be deemed dependent on the institutional rationale of that communicative practice.[14]

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[12] I use the terms *institution*, *institutional* and *institutionalized* in a very broad sense, so that they refer to any established macro-context in which certain communicative conventions have developed.

[13] This concept of activity type was introduced in van Eemeren and Houtlosser (2005) and is explained in more detail in van Eemeren (2010). Levinson uses the term activity type in the meaning of "fuzzy category whose focal members are goal-defined, socially constituted, bounded, events with constraints on participants, setting, and so on, but above all on the kinds of allowable contributions" (1992, p. 69).

[14] My approach connects with "rational choice institutionalism" within New Institutionalism as practiced in political science, economics, anthropology and sociology. In dealing with the question of how to construe the relationship between institutions and behavior, new institutionalism emphasizes the

Such an institutional rationale reflects the institutional needs the communicative practice aims to satisfy and manifests itself in the domain of communicative activity in which the communicative activity type has developed in concrete speech events. Sometimes we are interested exclusively in one particular historical speech event, as when Peter Houtlosser and I analyzed the Apologia pamphlet that William the Silent published in 1580, in response to the Ban Edict issued by King Philip II of Spain, to justify his role in the Dutch Revolt (van Eemeren and Houtlosser 1999, 2000). Generally, however, when communication and argumentation theorists study speech events they are examining them as "tokens," "instantiations" or "representations" of a communicative activity type.

Viewed in this way, communicative activity types are conventionalized communicative practices whose conventionalization serves the institutional needs of a certain domain of communicative activity through the implementation of a specific genre of communicative activity.[15] The genres of communicative activity prototypically employed in a communicative activity type may vary from "adjudication" in the legal domain, "deliberation" in the political domain, "mediation" in the problem-solving domain, "disputation" in the scholarly domain, et cetera.[16] Realizing the institutional point of a communicative activity type through the use of the appropriate genre of communicative activity amounts to accomplishing the institutional mission undertaken when engaging in this activity type in a certain domain of communication. In some cases, the conventions governing a particular communicative activity type, or "family" of communicative activity types, consist of fully explicit constitutive or regulative rules; in other cases, of rules of that are largely implicit, or are to be derived from established practices.

Footnote 14 continued

relative autonomy of political institutions and the importance of symbolic action to understanding institutionalized behavior (March and Olsen 1984, p. 734). According to Hall and Taylor, rational choice institutionalism draws our attention to "the role that strategic interaction between actors plays in the determination of political outcomes" (1996, p. 951). Generally this approach is highly "functionalist" in the sense of explaining the origins of an institution largely in terms of the effects that follow from its existence, "intentionalist" in the sense of assuming that the process of institutional creation is a highly purposive one, and its analyses are highly "voluntarist" in the sense that they tend to view institutional creation as a quasi-contractual process marked by voluntary agreement among relatively equal and independent actors (Hall and Taylor 1996, p. 952).

[15] As explained by van Eemeren and Houtlosser (2005), communicative activity types are not on a par with theoretical constructs such as the pragma-dialectical ideal model of a critical discussion. While these theoretical constructs are based on analytic considerations concerning the best way of reaching a certain (abstract) objective such as resolving a difference of opinion on the merits, the various communicative activity types are empirically-based prototypes of conventionalized communicative practices. Unlike theoretical constructs such as the model of a critical discussion, which are designs for identifying the constitutive parts of a problem-valid procedure for achieving a specific normative objective, the various communicative activity types and their associated speech events represent communicative practices that have come into being and have been conventionalized in the culturally established pursuit of realizing the institutional point of a communicative activity. By distinguishing in this way between an ideal model and argumentative activity types, and making a fundamental theoretical distinction between these two categories of concepts, we deviate in an essential way from approaches to argumentative discourse types such as Walton's (1998a) and Walton and Krabbe's (1995).

[16] Such genres can also be viewed as "families" or "conglomerates" of communicative activity serving certain clusters of communicative activity types.

Among the communicative activity types that have come into being in the legal domain, where arbitration is the dominant genre, are—to mention just a few disparate examples—court proceedings, arbitration and summoning. Communicative activity types in the political domain, where the genre of deliberation is most prominently used, are, for instance, the General Debate in Dutch parliament, American Presidential Debates and Prime Minister's Question Time in British Parliament. The general institutional point shared by the communicative activity types I just mentioned for the adjudicatory legal activity types is guaranteeing that justice will be done, and for those mentioned for the deliberative political activity types that democracy is preserved. More specifically, a General Debate in Dutch Parliament, for instance, has the institutional aim of confronting the government of the day with the views of the elected representatives of the people concerning policy plans and their financial backing. The institutional conventions of the communicative activity type of a General Debate are established by parliamentary tradition and its format is laid down in parliamentary procedure. The more specific institutional aim of Prime Minister's Question Time, to give another example, is to hold the Prime Minister to account for his government's policies. The institutional conventions of this communicative activity type and its format are determined by existing regulations of the House of Commons Procedure Committee and the parliamentary rule of order. Other individual activity types can be characterized in a similar way by describing the specific aims they are supposed to serve, the institutional conventions that need to be taken into account, and the procedural format.[17]

To illustrate the relationship between communicative activity types.certain genres of communicative activity, and certain concrete speech events, I have listed in Table 1 on your handout the communicative activity types just mentioned together with some other communicative activity types from other domains of communicative activity. I have mentioned *in italics* for the italicized communicative activity types some concrete speech events in which the activity types have manifested themselves.

Communicative activity types may be non-argumentative, but in a great deal of them—directly or indirectly—argumentation plays a part, whether structurally or incidentally, so that the activity types concerned are partly or wholly argumentative. A parliamentary debate, for instance, is inherently argumentative, a political interview argumentative in essence, whereas a love letter or a prayer is as a rule not

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[17] In "Accusing someone of an inconsistency as a confrontational way of strategic manoeuvring," Andone (2009a) demonstrates that the argumentative activity type of a political interview creates, through a set of rules and conventions, certain contextual preconditions for the performance of confrontational argumentative moves in strategic maneuvering. Besides Andone's (2009b) study of strategic maneuvering in political interviews, which I here briefly discuss, other pragma-dialectical studies of political communication making use of deliberation are Mohammed (2009a), who examines Prime Minister's Question Time in British parliament, Tonnard (2009), who concentrates on the general debate in Dutch parliament, and Lewinski (2010), who analyzes Internet Forum discussions. Ihnen (in preparation) focuses on law-making debates in British parliament. Pragma-dialectical studies regarding communicative activity types making use of other genres of communicative activity are carried out by Feteris (2009) for adjudication in the legal domain and Pilgram (in preparation) and van Poppel (in preparation) for consultation in the medical domain.

Table 1 Examples of communicative activity types implementing certain genres of communicative activity in particular speech events in various domains of communicative activity

Domains of communicative activity	Genres of communicative activity	Communicative activity types	Concrete speech events
Legal communication	Adjudication	*Court proceedings* Arbitration Summoning	Defense pleading at O.J. Simpson's murder trial
Political communication	Deliberation[a]	*Presidential debate* General debate in parliament Prime Minister's question time	1960 Nixon–Kennedy television debate
Problem-solving communication[b]	Mediation	*Custody mediation* Counseling Informal intervention	Mediated talks between Richard and Tammy about custody Vanessa
Diplomatic communication	Negotiation	*Peace talks* Trade treaty Diplomatic memorandum	Israeli–Palestinian exchanges at Camp David[c]
Medical communication	Consultation	*Doctor's consult* Prescription Health rubric	Bart's February 13 visit to his doctor
Scholarly communication	Disputation	*Book review* Scientific paper Conference presentation	Dr. Apt's critique of the Controversy and Confrontation volume
Commercial communication	Promotion	*Advertorial* Sales talk Classified ad	Shell's newspaper message about its role in Nigeria
Interpersonal communication	Communion	*Chat* Love letter Apology	Dima's talk with Corina about how they spent the weekend

[a] My conception of the genre of deliberation, which is different from Walton and Krabbe's (1995) and Walton's (1998b) conception, includes Auer's (1962, p. 146) *debate*, defined as: "(1) a confrontation, (2) in equal and adequate time (3) of matched contestants, (4) on a stated proposition, (5) to gain an audience decision," but is also allows for the possibility of communicative activity types such as television debates which do not always start from a stated proposition and an explicitly decisive audience (Martel 1983, p. 3). Cf. Perlof (1998, pp. 380–381)

[b] In contradistinction with legal dispute resolution by adjudication, problem-solving by mediation is also known as *Alternative Dispute Resolution* (ADR), but I avoid using this terminology because negotiation and certain types of adjudication, such as arbitration, are also reckoned to belong to ADR, in spite of vital differences between them and mediation. My division of domains of communicative activity is certainly not mutually exclusive and there may be combined or overlapping communicative activity types, such as "arb-med" (Ross and Conlon 2000)

[c] As an illustration of the problems of classification it might be mentioned that the peace talks leading to the Camp David Accords in 1978 are sometimes treated as a case of mediation, but this goes against some major characteristics of these talks as they are described by the participants and it requires the mediator to have a completely different set of qualifications than the usual ones in mediation: those of being neutral and disinterested

argumentative, although at times even they might be argumentative. Communicative activity types which are inherently or essentially argumentative are called "argumentative activity types," but in analytic practice the term *argumentative activity type* is used for all communicative activity types that have an argumentative dimension (van Eemeren and Houtlosser 2005).

The ideal model of a critical discussion developed in pragma-dialectics can be instrumental in characterizing a communicative activity type as an argumentative activity type. In argumentative reality, the four stages of a critical discussion are "realized" in different fashions in the various argumentative activity types, depending on the prevailing institutional requirements. For each communicative activity type at issue in an analysis it must therefore be determined in what way it can be characterized argumentatively by describing the distinctive features of the empirical equivalents of the four stages of a critical discussion: the initial situation, the procedural and material starting points, the argumentative means and criticisms, and the possible outcome. To illustrate what such argumentative characterizations involve, I have indicated in Table 2 on your handout the argumentatively relevant institutional conventions defining the families of communicative activity types making prototypically use of adjudication, deliberation, mediation, and negotiation.

4 Macro-Contextual Conventionalization and the Identification of Fallacies (4 pp)

Argumentation theorists are out to develop tools for judging the quality of argumentative discourse. Finding a theoretically-based method for identifying the fallacies that may occur in argumentative discourse plays a crucial role in this endeavor. The way in which tithe fallacies are tackled can even be seen as the acid test for any normative theory of argumentation.

In my view, the treatment of the fallacies has to start from a general and coherent theoretical perspective on argumentative discourse that provides a common rationale for the identification of the fallacies.[18] The starting point of the pragma-dialectical theory, that argumentative discourse is always aimed at resolving a difference of opinion on the merits, puts the study of argumentative discourse in such a general and coherent perspective. This perspective provides a common

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[18] A fundamental problem that threatens fallacy theory, in particular when each fallacy gets its own theoretical treatment, is that not only the treatments of the various fallacies are at variance with each other, but also the general perspectives from which these treatments start. Although in principle giving each fallacy its own treatment does not prevent the theorist from making all fallacy judgments from the same perspective (say a formal perspective as favored by Woods (1992) or an epistemological perspective as favored by Biro and Siegel (1992)), in practice often one perspective is used in one case and another in an other case, and different perspectives may even get mixed up. In such cases, ethical or moral considerations, for instance, all of a sudden get the upper hand over logical (or other) considerations relating to the perspective claimed to have been chosen. Wagemans (2003) provides a good illustration when he discusses Walton's (1999) treatment of the *argumentum ad ignorantiam*. In his analysis, Walton introduces an epistemic norm to condemn such "arguments." Next, however, he starts classifying exceptions to this norm, and mentions, instead of epistemic considerations, practical considerations relating to the consequences of applying the norm.

Table 2 Argumentative characterizations of communicative activity types making prototypically use of certain genres of communicative activity

Critical discussion	Confrontation stage	Opening stage	Argumentation stage	Concluding stage
Genres of communicative activity	Initial situation (empirical counterpart of confrontation stage)	Procedural and material starting points (empirical counterpart of opening stage)	Argumentative means and criticism (empirical counterpart of argumentation stage)	Possible outcome (empirical counterpart of concluding stage)
Adjudication	Dispute; 3rd party with jurisdiction to decide	Largely explicit codified rules; explicitly established concessions	Argumentation from facts and concessions interpreted in terms of conditions for the application of a legal rule	Settlement of the dispute by a motivated decision 3rd party (no return to initial situation)
Deliberation	Mixed disagreement; decision up to a non-interactive 3rd party audience	Largely implicit intersubjective rules; explicit and implicit concessions on both sides	Argumentation defending incompatible standpoints in critical exchanges	Resolution difference of opinion for (part of) 3rd party audience (and/or deliberate return to initial situation)
Mediation	Conflict at deadlock; 3rd party intervening without jurisdiction to decide	Implicitly enforced regulative rules; no explicitly recognized concessions	Argumentation conveyed in would-be spontaneous conversational exchanges	Mutually accepted conclusion by mediated arrangement between conflicting parties (or provisional return to initial situation)
Negotiation	Conflict of interests; decision up to the parties	Semi-explicit constitutive rules; sets of conditional and changeable explicit concessions	Argumentation incorporated in exchanges of offers, counteroffers and other commissives	Conclusion by compromise parties as mutually accepted agreement (or return to initial situation)

rationale to the study of the fallacies because the reason for considering an argumentative move as fallacious is in each particular case that this move is in some way or other prejudicial or harmful for the realization of the general goal of resolving a difference of opinion on the merits.

Because a theory of errors cannot be constructed independently of a theory of correctness,[19] a unified theory of the fallacies must be incorporated in a normative theory of argumentation that defines the standards or rules for sound argumentative discourse. Only in this way can it be made clear in what sense a fallacy represents a

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[19] Jacobs (2002, p. 122) correctly observes that "no list of categories will ever exhaustively enumerate all the ways in which argumentation can go wrong."

kind of wrongness and can all fallacies be related to the observation of certain general norms of soundness. In the pragma-dialectical theory of argumentation, this requirement is realized by relating all fallacies systematically to the soundness norms expressed in the rules for critical discussion. In principle, each of the rules constitutes a distinct standard for critical discussion. Any argumentative move that is an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of the difference of opinion and must therefore (and in this particular sense) be regarded as fallacious. In this way, fallacies are defined as speech acts that prejudice or frustrate efforts to resolve a difference of opinion on the merits.

When it comes to the identification of fallacies, the pragma-dialectical evaluation procedure starts with identifying the moves made in the discourse as particular kinds of speech acts creating certain sets of commitments for the participants. Next it is to be determined whether the performance of these speech acts agrees in every particular case with the rules for critical discussion. If a (reconstructed) speech act proves to violate any of the pragma-dialectical rules, it must be determined precisely what kind of norm violation this entails. In practice, this determination can be achieved only if it is clear exactly which soundness criteria for satisfying the critical norm pertain in that particular stage of the resolution process to the case concerned. The implementation of these criteria may vary to some extent depending on the macro-context of the communicative activity type in which the argumentative discourse takes place.

In tackling the "demarcation problem" of how to distinguish in actual argumentative discourse between sound and fallacious moves I have proposed to view fallacious moves as derailments of strategic maneuvering in which a rule for critical discussion has been violated. This means that in such cases the dialectical criteria pertaining to carrying out the mode of strategic maneuvering concerned have not been satisfied and the pursuit of rhetorical interests has gained the upper hand.[20] When reflecting upon the criteria that can be brought to bear to distinguish between sound and fallacious strategic maneuvering, I make a distinction between general criteria for judging fallaciousness that are context-independent and more specific criteria that may be dependent on the macro-context in which the strategic maneuvering takes place. The specific context of the communicative activity type requires an implementation of the general criteria that is geared with the communicative activity type concerned. In any particular case it must be determined to what extent, and in what way, in the macro-context of the communicative activity type the general soundness criteria for using the mode of strategic maneuvering at issue need to be further specified, amended or supplemented with context-dependent

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[20] This approach differs considerably from how the demarcation problem is dealt with by other argumentation theorists. On the one hand, there are argumentation theorists, such as Biro and Siegel (1992) and Johnson (2000), who give precedence to epistemological considerations and view fallacies as argumentative moves that obstruct in some way or other the search for the truth. On the other hand, there are rhetorically-minded theorists such as Willard (1995) and Leff (2000) who go primarily by empirical standards and view the fallacies in a more relativistic way as argumentative moves that are not accepted in a certain communicative community. Although in some cases the results of the theorizing may be virtually the same, these perspectives from which the fallacies are approached are fundamentally different from each other and from ours.

specific soundness criteria. In some particular cases—among them are most textbook examples and similar clear-cut cases of fallacious maneuvering—there is no real need to take the conventionalization of the macro-context into account because it is already clear that the context-independent general soundness criteria pertaining to that mode of strategic maneuvering have not been satisfied.

As a case in point, I would like to discuss the demarcation of non-fallacious and fallacious moves in the mode of strategic maneuvering known as appealing to an authority to defend a standpoint. Like using other symptomatic arguments, using arguments from authority is potentially a sound mode of strategic maneuvering. In a great many cases, we are fully justified in supporting our claims by referring to an authority who is supposed to know—in argumentative reality this is in fact often the only sensible thing we can do. If, however, one or more of the "critical questions" for checking if the general criteria for judging arguments from authority have been fulfilled cannot be answered satisfactorily, an appeal to authority is not justified. Among the general soundness conditions are, for instance, that the parties in the discussion should agree in principle on appealing to an authority,[21] that the source referred to does indeed have the professed authority, that this authority is pertinent to the topic at issue in the difference of opinion, that the source was serious when he made the statement that is quoted, that he is quoted regarding correctly, and on a point where this is relevant to resolving the difference of opinion (cf. Woods and Walton 1989, pp. 15–24; van Eemeren and Grootendorst 1992a, pp. 136–137). If there are good reasons to think that any of these conditions has not been fulfilled (e.g., when the authoritative source is evidently misquoted), the strategic maneuvering by an appeal to authority has derailed because it violates the Argument Scheme Rule and must be viewed as an *argumentum ad verecundiam* (van Eemeren and Houtlosser 2003).[22]

More often than not, in the end, fallacy judgments are—or should be—contextual judgments that depend on the specific conventionalization of the communicative activity type in which the argumentative discourse takes place. In those cases, it is necessary for determining whether or not a dialectical norm incorporated in the rules for critical discussion has been violated to resort to specific soundness criteria that depend on the institutionalized conventions of the specific communicative activity type in which the argumentative moves concerned are made. Basically, these specific soundness criteria indicate how the general soundness criteria need to

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[21] In argumentative practice it may happen that one of the parties does not agree with appealing to an authority or with appealing to this particular authority because, for instance, this party is interested only in learning what the other party himself has to say on the matter ("Why do you refer to Professor Schama? You said yourself that this is such a beautiful painting and now I would like to hear what *your* arguments are for giving such a positive judgment").

[22] Woods and Walton (1989, pp. 17–21) formulated, for instance, the following general "adequacy conditions" for the argument from authority: (1) "The authority must be interpreted correctly"; (2) "The authority must actually have special competence in an area and not simply glamour, prestige, or popularity"; (3) "The judgment of authority must actually be within the special field of competence"; (4) "Direct evidence must be available in principle"; (5) "A consensus technique is required for adjudicating disagreements among equally qualified authorities."

be interpreted, amended or supplemented in the specific macro-context of this communicative activity type.[23]

Let us return to the argument from authority to illustrate the case I am making. Imagine that you and I are playing a game of scrabble and have decided to do this in English. You know that I am a Dutchman who cannot be trusted with the English language. On top of that, you also know that I am always eager to win such inconsequential games. At a certain moment I claim to have compiled a *word*, but you doubt that the combination of letters I have laid out really constitutes an English word. Now I use an argument from authority to defend my claim: "This is an English word, because it is in the dictionary." Whether my appeal to authority is in this case a sound strategic maneuver or a fallacy depends in the first place on the existing agreement as to the testing procedure for deciding whether or not a combination of letters that is claimed to be an English word does indeed count as an English word.

If you and I had agreed—or if this was an existing agreement in this macro-context—that a combination of letters would be regarded as an English word if both of us recognized it as an English word, it would be hard for me to defend my claim that the combination of letters I laid out constitutes an English word by means of a reference to the dictionary. However, if we had agreed that in case of doubt we let the dictionary decide, and I cite the dictionary correctly, then there is nothing wrong with my argumentative move. The move "This is an English word, because it is in this dictionary" would even be conclusive, unless you and I had also agreed in advance that the *Concise Oxford Dictionary* would be the ultimate judge while in my argument I am referring to *Webster's*. If nothing had been agreed upon between the two of us concerning how to decide a case like this, my appeal to the authority of the dictionary could not be considered "fallacious," because there would be no decision criterion that could be applied—or ignored, for that matter. If there is no decision criterion available that we explicitly or implicitly agree upon, it has to be decided in the second instance whether I referred to an admissible source of expertise when appealing to the dictionary, or whether this would only be so if I referred (correctly) to the *Concise Oxford Dictionary*.[24]

In the scenarios just sketched, different specific criteria are used for complying with the soundness norm incorporated in the argument-from-authority variant of the Argument Scheme Rule. This illustrates how the specific soundness criteria for judging arguments from authority may vary depending on the agreements reached (or implicitly accepted) in the opening stage of the discussion taking place in a certain communicative activity type. In a great many macro-contexts the conventionalization of a particular communicative activity type preconditions such agreements, and they affect not only the use of arguments from authority but also

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[23] Because the general soundness criteria need to be applied in widely diverging macro-contexts in which different institutional needs must be satisfied, the exact meaning of the general criteria and the ways in which their fulfillment can be checked may vary. Who or what counts as an authority, for instance, will be different in a scientific debate than in a political interview.

[24] A precondition for being allowed to consider this appeal to authority (and the other appeals to authority I have mentioned) fallacious is, of course, that the criterion applied may be considered problem-valid in the first place.

the use of other modes of strategic maneuvering. This means that the specific soundness criteria for judging the various modes of strategic maneuvering may vary—at least to some extent—from communicative activity type to communicative activity type. The examples I have just given concern explicit agreements made between the parties, but such agreements between the parties could just as well remain implicit. In actual practice, more often than not such agreements are not really made between the parties but imposed upon them when they engage in a particular communicative activity type, so that for certain modes of strategic maneuvering the specific soundness criteria can be regarded as given. For some communicative activity types, such as a chat or an apology, they will have been acquired in primary socialization when becoming familiar with these communicative activity types; for other communicative activity types, such as an academic review or a writ, they will be known only to those who chose to make themselves familiar with them in secondary socialization.

In the various communicative activity types constituting the macro-contexts of strategic maneuvering in argumentative discourse, different implementations of the general soundness criteria have developed to realize the institutional point of the communicative activity type concerned in an optimal way. These different implementations may result in different sets of specific soundness criteria for the same mode of strategic maneuvering in different communicative activity types. The specific soundness criteria pertaining to strategic maneuvering by appealing to an authority, for instance, will be different in some respects in the macro-context of a criminal trial in the legal domain, where arguments from authority may take the special form of eyewitness testimony and require authenticity, compared to those in the macro-context of a scientific dispute in the scholarly domain, where arguments the use of from authority consists in quoting qualified experts and is governed by mutually recognized conventions.[25]

5 Conclusion

My conclusion is that in analyzing and evaluating argumentative discourse we need to take account not only of the intrinsic dialectical and rhetorical aims of strategic maneuvering but also of the extrinsic conventional constraints imposed on the strategic maneuvering by the macro-context of the institutionalized communicative activity type in which the argumentative discourse takes place, because the conventionalization of the communicative activity type disciplines the strategic maneuvering. By viewing contextualization in this way, my approach to context differs crucially from Walton's. To start with, my notion of institutionalized communicative activity types is purely empirical, and sharply distinguished from normative ideal models such as a critical discussion, whereas the theoretical status

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[25] According to de Groot (1984), ideally, the Scientific Forum will keep considering the decision and may eventually come to a different decision in the future. See also de Groot (1969). Together with the problem-validity requirement this continuity of the assessment process is to protect scientific and scholarly claims to truth from being based merely on a temporary consensus of a momentary collection of experts.

of Walton's notion of dialogue types is not clear, but the notion lays claim to both a normative and a descriptive status, because dialogue types are at the same time defined as "normative ideal models" and as "conventionalized activities."[26] This conflation of normative and descriptive perspectives obscures the status of the goals Walton ascribes to the various dialogue types,[27] and indicates that he ignores a distinction pertinent to the study of rule-governed linguistic behavior.

In studying linguistic behavior, it must be clearly distinguished between, first, behavioral regularities or patterns of language use, second, the norms underlying these regularities as they have been internalized by ordinary language users, and, third, the external norms for judging language use as they are stipulated on analytic grounds by the theorists. Next to a first corresponding research tradition in linguistics and the study of language use concentrating on describing regularities in language use, there is a second corresponding research tradition in "emic" descriptive pragmatics and discourse analysis focussing on tracing internal normativity shared by language users, and a third one in "etic" normative pragmatics and critical discourse analysis focussing on developing external norms for judging the quality of language use. In the study of argumentation, the last kind of focus is chosen by all dialecticians, whether formal, pragma-dialectical or other—just as logicians and lawyers have done in other fields. These dialecticians have a similar general aim: to develop ideal models that point out what optimally reasonable argumentative behavior amounts to, so that argumentative behavior that falls short of this ideal can be characterized as the commitment of some kind of fallacy. To which of the three traditions Walton's research on dialogue types belongs is a question that is hard to answer.

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[26] One of the reasons why it does not become clear that Walton and Krabbe's types of dialogue are—contrary to their normative claims—empirical categories is that the norms pertaining to the various dialogue types are not unequivocally related to the goals of the activity types concerned. On the one hand, normative concerns are given priority, which is made explicit when Walton and Krabbe emphasize that "structures or systems of dialogue are normative models that represent ideals of how one ought to participate in a certain type of conversation if one is being reasonable and cooperative" and warn that they should not be confused with "an account of how participants in argumentation really behave in instances of real dialogue that take place […] in a speech event" (1995, p. 67). On the other hand, however, their concept of dialogue types has unmistakably a strong empirical flavor, as is evident in Walton's characterization of the various types of dialogue. When, for instance, he makes his case for the context-dependent fallaciousness of *ad baculum* arguments, he supports his position by observing that "during a negotiation type of dialogue, threats and appeals to force or sanctions are quite typical and characteristic" (1992, p. 141). In this case, and in many more cases adduced by Walton, the observation of an empirical regularity—describable in quantitative terms such as "often," or quantifiable terms such as "typically" and "characteristically"—creates in his approach the normative basis for giving a fallacy judgment.

[27] Are they formulated based on empirical analyses or are they stipulated based on theoretical considerations? In other words, are these goals familiar, or at least reflectively recognizable, to the discussants or are they formulated by some theorist, in this case Walton and Krabbe themselves? The enormous diversity of the goals Walton and Krabbe assign to the various dialogue types raises the additional question of which of these dialogue types are really argumentative: what definition of "being argumentative" is applied in determining this quality? Whichever interpretation Walton and Krabbe may have intended to enforce, it seems to me that the point has to be made that there must be a theoretical rationale for considering discourses or verbal moves to be argumentative that is independent of the specific empirical environment—or type of dialogue—in which they occur.

Granting that intersubjective agreement concerning the acceptability of argumentative moves is indeed a prerequisite for reaching in argumentative reality a resolution of a difference of opinion, in order to reach a resolution of the difference of opinion *on the merits*, as pragma-dialecticians have in mind, the "problem-solving validity" of the norms applied in judging the acceptability of these moves comes first—that is, before their "conventional validity." On the meta-level too, before external norms such as those incorporated in the rules for critical discussion can be tested for their conventional validity, their problem-solving validity is to be established first.[28] A prerequisite for being able to do so is that the "emic" and the "etic" study of the norms for sound argumentative discourse are clearly kept separated. Apparent acceptability and institutional appropriateness cannot be automatically equated with external reasonableness which has passed the problem-validity test. Nevertheless, this is what Walton seems to do—with a certain kind of "postmodern" relativism as a result. I think that, instead of being decided on dubious grounds in advance, the issue of the extent to which the criteria for judging the quality of argumentative discourse may be context-dependent should be dealt with on the basis of a careful analysis of the various communicative activity types in which argumentation plays a part. Rather than a postmodern relativization of reasonableness, I go for a contextual specification of general criteria for judging whether "universal" dialectical norms of reasonableness have been fulfilled.

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[28] See van Eemeren et al. (2009).

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