

Chapter 22

Seizing the Occasion: Parameters for Analysing Ways of Strategic Manoeuvring

Frans H. van Eemeren and Peter Houtlosser

22.1 The Strategic Function of Argumentative Moves

People who are engaged in argumentative discourse are characteristically not only out to conclude their differences of opinion *their way* but also oriented towards reaching this conclusion *in a reasonable way*: they may be regarded committed to norms that are instrumental in maintaining critical standards for being reasonable and to expect others to comply with the same standards. This means in practice that, while being out for the optimal rhetorical result, they may at the same time be presumed to hold at every stage of the resolution process to the dialectical objective of the stage concerned. In their efforts to reconcile the simultaneous pursuit of these dialectical and rhetorical objectives, and to reduce any potential tension between them, they make use of what we have termed *strategic manoeuvring* (van Eemeren and Houtlosser 2002). This strategic manoeuvring takes place by exploiting simultaneously the available topical potential, the opportunities for framing the addressee's perspective and the presentational possibilities. Every move made in argumentative discourse involves strategic manoeuvring and it is dependent on various factors which *strategic function* a certain move can have. Analysing the strategic function of a particular way of manoeuvring therefore requires insight into the parameters that determine the strategic role a particular move may fulfil at the point in the discourse where it is made.

22.2 Parameters Determining the Possibilities for Strategic Manoeuvring

In analysing the strategic function of a particular way of manoeuvring our starting point is that each instance of strategic manoeuvring belongs to *one of four categories*, which are connected with the four stages of a critical discussion (van

Eemeren and Grootendorst 2004): there is strategic manoeuvring that is to be reconstructed as part of the confrontation stage, strategic manoeuvring that is to be reconstructed as part of the opening stage, strategic manoeuvring that is to be reconstructed as part of the argumentation stage, and strategic manoeuvring that is to be reconstructed as part of the concluding stage. Each of these four categories allows for specific ways of strategic manoeuvring.

In analysing the strategic function of the manoeuvring that is carried out, in our view, for each category of strategic manoeuvring, the following parameters must be considered:

1. the *results* that can be achieved;
2. the *routes* that can be taken to achieve these results;
3. the *constraints* of the institutional context;
4. the *mutual commitments* defining the argumentative situation.

Ad 1. Theoretical insight into the various components of the *analytic overview* that ensues from reconstructing a piece of argumentative discourse pragma-dialectically as a critical discussion provides an analytic tool for substantiating the first parameter (van Eemeren and Grootendorst 1992, 93–94). Because each discussion stage has its own distinctive constitutive components, insight into an analytic overview enables us to track down systematically which kinds of results can be aimed for in each category of strategic manoeuvring. The outcomes that can be reached in a particular discussion stage consist of the various options for filling out the various components of the analytic overview applying to the stage concerned. In the confrontation stage, for instance, which aims at defining the difference of opinion, the results can be a non-mixed single, a mixed single, a non-mixed multiple or a mixed multiple difference of opinion, depending on the number of propositions involved in the difference and the positions assumed by the parties (van Eemeren and Grootendorst 1992, 13–25). In the same vein, the results that can be reached in the other stages can be determined. In the argumentation stage, for instance, reconstruction leads to a specific outcome regarding the arguments that have been advanced, the premises that have been left unexpressed, the types of argument schemes that have been applied, the kinds of criticism that have been levelled, and the structure of the argumentation as a whole.

Ad 2. The theoretical notion of a *dialectical profile* provides an analytic tool for substantiating the second parameter (van Eemeren et al. 2007, 17–19). Dialectical profiles represent the sequential patterns of the analytically relevant moves that the parties in a critical discussion can make to achieve an outcome of a particular stage of the discussion. The profile of the “explicitization procedure for unexpressed premises,” for instance, defines the procedural ways in which an implicit premise in the argumentation stage can be made explicit (van Eemeren and Grootendorst 1992, 60–72). It represents the possible routes the parties can take in the process that starts

with the “production” of a supposedly incomplete argument and ends with an agreement about the unexpressed premise that is to be attributed to the protagonist. Because, in practice, the route that is actually followed is also determined by the interaction between the parties, it is not fully predictable in which way exactly they will go through the procedure: what next step they can take depends on the earlier steps they have made but also on the steps made by the other party. Nevertheless, the set of alternatives to choose from is finite and indicated in the dialectical profile.

Ad 3. An analytic tool for substantiating the third parameter consists of the empirical notion of communicative *activity types* (van Eemeren and Houtlosser 2005). Activity types are more or less institutionalised entities of verbal interaction that can be distinguished by empirical observation of communicative practices in the various domains of discourse. They manifest themselves in a great many culturally established variants, some of which have a clearly articulated format, such as a legal defence, a political debate and a negotiation. Argumentative discourse, typically but not exclusively, takes place in the context of an activity type, or a similar kind of social background, that is regulated by conventional preconditions instrumental in shaping the communicative practice concerned. Depending on the activity type, and the prevailing conventional preconditions, different constraints apply with regard to the strategic manoeuvring that is allowed. In a Dutch criminal trial, to name just an example, it is a precondition that arguments from analogy are not allowed, so that certain strategic possibilities for delivering proof are closed off and, at the same time, other strategic possibilities for the parties open up, in this case most obviously for the defendant.

Ad 4. The *commitment sets* the arguers have developed at the point in the discussion the analyst is concentrating on constitute an analytic tool for substantiating the fourth parameter (van Eemeren and Grootendorst 2004, 54–55). These commitment sets determine together the argumentative situation the arguers are in at a specific juncture in the dialectical profile of the relevant part of the discussion. At the point where he is expected to provide argumentation, an arguer may, for instance, be in an argumentative situation in which he and his discussion partner are committed to some clearly delineated starting points they have to act in accordance with. This is not to say that the arguers’ commitment sets as acquired in the argumentative situation the arguers are in are merely restrictions on their strategic manoeuvring in the continuation of the discussion: the commitment sets that determine the argumentative situation also open up opportunities to use the other party’s commitments to the advantage of one’s own cause. In a pragma-dialectical view of argumentative discourse such an opportune use of commitments is endorsed by the fact that, in principle, commitments only count as genuine commitments if both parties agree on taking on these commitments so that, ideally, all commitments that are exploited are *shared* commitments.

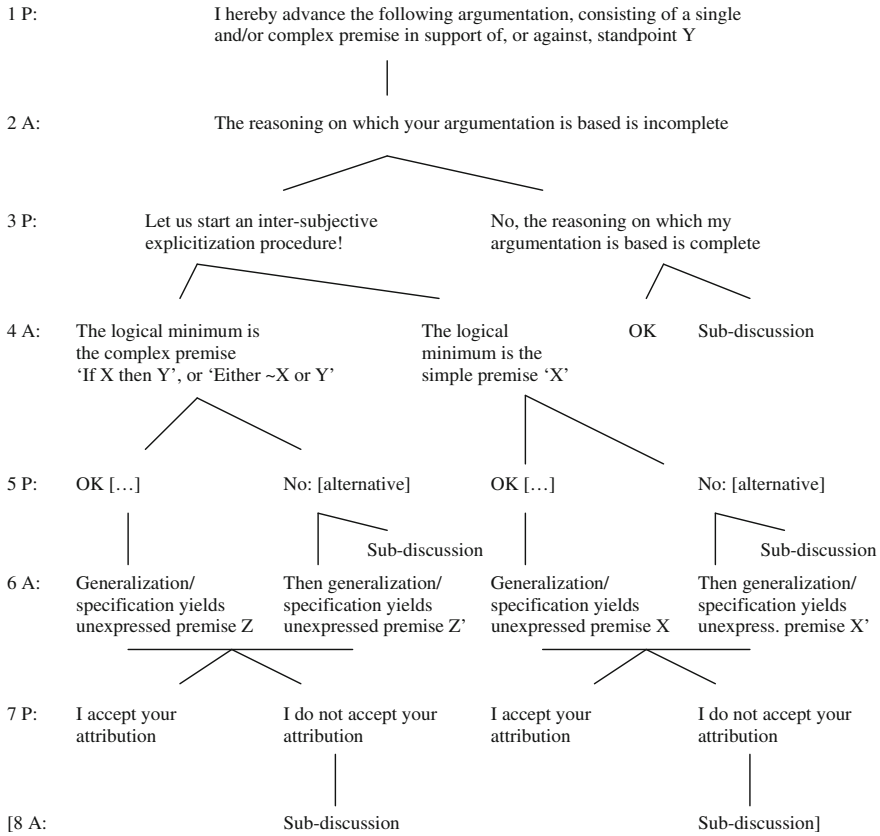
The parameters just discussed allow for taking account of a finite set of considerations that are pertinent to analysing the function of the strategic manoeuvring that takes place in making a certain argumentative move in a specific case of argumentative discourse. When taken together, they constitute a useful basis for analysing the manoeuvring in each of the four categories of strategic manoeuvring. As a matter of course, the analysis starts from the way in which the strategic manoeuvring manifests itself in the discourse, i.e., in a particular choice that is made from the available topical potential, a particular way in which the opportunities for framing (to) the addressee's perspective are used, and a particular way in which the presentational possibilities are exploited. Although in strategic manoeuvring these three aspects always go together, and are intrinsically connected, in argumentative practice one particular aspect is often more prominently manifested than the other. The strategic manoeuvring may, for instance, come primarily to the fore in the topical choice that is made, say by an emphatic use of an argument from authority (*ex auctoritate*), or in the way audience adaptation is realised, say by emphatically adopting the other party's own arguments (*conciliatio*), or in the use of presentational techniques, say by an emphatic repetition of the standpoint (*repetitio*). This is why it is, in our view, in principle recommendable to refer to the way of strategic manoeuvring at issue in a particular case by naming its most conspicuous manifestation in either of the three aspects: manoeuvring by argument from authority, manoeuvring by conciliation, manoeuvring by repetition, etc. Subsequently, the four parameters we discussed can be used to analyse the strategic function the particular way of manoeuvring referred to may have in the case concerned.¹

¹An arguer may, for instance, have decided to advance a negative standpoint in response to a positive standpoint, anticipating that his position is so strong that, in addition to challenging the positive standpoint, he can defend the contradictory standpoint. This way of manoeuvring would primarily amount to making an expedient choice of the 'confrontational' topical potential. And if an arguer has attempted to turn a difference of opinion into a non-difference when he is confronted with a standpoint that he does not want to discuss, this way of manoeuvring would in the first place be characterised as an 'adaptation' to the other party's position. And if in the argumentation stage, to mention one last example, an arguer wants to avoid a commitment to an unexpressed premise in his argumentation and attempt to achieve this by presenting the argumentation as it stands as complete, the presentational aspect of the manoeuvring would spring most to the eye. The soundness conditions for the various ways of strategic manoeuvring might be related in a general way to the three aspects of strategic manoeuvring by stipulating that: (a) each move is chosen in such a way that it enables an analytically relevant continuation at the juncture concerned in the dialectical route that is taken and can lead to one of the outcomes of the discussion stage concerned, (b) each move is in such a way adapted to the other party that it responds to the preceding move in the dialectical route that is taken, and (c) each move is formulated in such a way that it can be interpreted as enabling a relevant continuation and being responsive to the preceding move.

Summarizing, we can say that in analysing the strategic function of a particular case of manoeuvring we have to take into account, first, which results can be achieved by making the argumentative move that is made, so that it can be explained what kind of outcome may be aimed for by this kind of strategic manoeuvring. The spectrum of relevant options open to be filled out in the analytic overview can be of help in this endeavour. Second, we have to take into account which reasonable options are available when making the argumentative move so that it can be explained what route is taken by carrying out this particular way of strategic manoeuvring. The dialectical profile for the moves that are analytically relevant at this juncture in the discussion procedure can be of help in this endeavour. Third, we have to take into account the institutional constraints of the argumentative discourse that is carried out, so that it can be explained what the conventional preconditions are that the strategic manoeuvring must meet in this type of discourse. An understanding of the kind of activity type in which, or social background against which, the strategic manoeuvring takes place can be of help in this endeavour. Fourth, we have to take into account what is the actual state of affairs in the discourse when the strategic manoeuvring takes place, so that it can be explained to what situational demands exactly the manoeuvring must respond. An understanding of the mutual commitment sets defining the argumentative situation can be of help in this endeavour. If these four parameters are duly considered in analysing the strategic function of the manoeuvring that manifests itself in the discourse at the point the analyst is focussing on, it can be explained which strategic function a particular way of manoeuvring, characterized by a certain combination of topical choice, audience orientation and presentational design, may fulfil.

22.3 Strategic Manoeuvring with Unexpressed Premises: A Case in Point

To illustrate how the parameters we have just discussed play a part in characterising the strategic function of the manoeuvring regarding a specific element of the argumentation as represented in the analytic overview, we shall now discuss how strategic manoeuvring can be used for influencing the result of the procedure for making an unexpressed premise explicit. The moves that can be made in this explicitization procedure are represented in the profile below (P = Protagonist, A = Antagonist):



As the profile shows, minimally seven rounds of moves are needed to carry out the explicitization procedure in a systematic way. In the first round the protagonist advances argumentation (otherwise the explicitization procedure is not called for). In the second round the antagonist conveys that he considers the protagonist’s argumentation incomplete (otherwise it would not be necessary to start the explicitization procedure). In the third round the protagonist either agrees with the antagonist’s incompleteness claim and proposes to carry out the explicitization procedure, or claims that the reasoning on which his argumentation is based is complete as it stands. In the latter case, the antagonist may in the fourth round either admit that the protagonist’s reasoning is complete or maintain his claim that it is incomplete and begin a sub-discussion—the proceedings of which we shall not discuss here. If the protagonist has indeed agreed with the antagonist’s claim that the protagonist’s reasoning is incomplete and has proposed to start the explicitization procedure, then the antagonist must propose an explicitization of the—simple or complex—premise that would constitute the ‘logical minimum’ of the incomplete piece of reasoning. The protagonist may in the fifth round either agree

with the antagonist's explicitization of the logical minimum or propose an alternative logical minimum. If the antagonist does not agree with this alternative, he may begin a sub-discussion in the sixth round. If he does agree, or if no alternative has been proposed because the protagonist agrees with the antagonist's explicitization of the logical minimum, the antagonist may in this round propose a generalization or specification of the logical minimum and attribute to the protagonist the responsibility for an unexpressed premise formulated on the basis of this generalization or specification. In the seventh round, the protagonist may agree with this attribution; then, the explicitization procedure is successfully completed. If he does not agree, the antagonist has the opportunity to start, in the eighth round, a sub-discussion about the acceptability of the formulation of the unexpressed premise.

In showing how the dialectically relevant moves can be performed as strategic manoeuvres by exploiting the relevant features of argumentative reality, we focus on the first four rounds of this dialectical profile. We shall concentrate on the constraints of the argumentative situation at the particular points the discussion has reached, addressing the influence of the argumentative activity type in which the discussion takes place only (and only slightly) in our exemplary analysis in Sect. 22.4.

Strategic manoeuvring with unexpressed premises already plays a part in the 'production' of the argumentation by the protagonist; this production determines, after all, to a large extent the antagonist's possibilities for interpretation and attribution. Therefore, we begin our discussion with the opportunities for strategic manoeuvring provided by this 'production move.' With regard to leaving certain parts of his reasoning unexpressed, the protagonist has three options: he can leave *no* premise implicit, he can leave a *simple* premise implicit in which a presumed fact or a judgment is expressed or he can leave a *complex* premise implicit in which this presumed fact or judgment is associated with the standpoint at issue. If the parties have committed themselves to both simple and complex premises that could in, some combination or other, constitute a complete argument that is valid according to the protagonist, then it is strategically best for him to advance that complete argument.² If the parties have committed themselves in the opening stage to simple premises only, it is in principle most advantageous to the protagonist to advance a simple premise in the argumentation and leave a complex premise implicit. He may then be regarded to consider this complex premise as a 'contextual starting point'. Similar considerations apply to the advantages of leaving a simple premise implicit.

In the second round, the antagonist can state that the reasoning expressed in the protagonist's argumentation is incomplete. This move can be in particular strategically valuable to him when it is not unequivocally clear whether the protagonist's

²This observation applies unless it must be assumed that the antagonist will consider one of the premises (or both premises) as evident, so that mentioning it will frustrate rather than further the protagonist's attempt at convincing, as is explained in classical rhetoric.

argument is indeed incomplete. It depends on the procedural agreements of the parties concerning the logic that is to be used in the “intersubjective inference procedure” whether or not an argument may be considered complete or incomplete (van Eemeren and Grootendorst 2004, 148). If the antagonist envisions that his opportunities for attacking the acceptability of an unexpressed complex premise are better than for testing the logical validity of the argument presented as complete by the protagonist, then it could be advantageous to him to label the argument incomplete and to elicit from the protagonist the request to start the explicitization procedure. If, on the other hand, the antagonist thinks that the argument will turn out to be logically invalid when it is considered to be complete, then it is more advantageous to him to refrain from stating that the argument is incomplete and aim for entering the intersubjective inference procedure. Based on similar strategic considerations—does he envision to have better chances when checking the acceptability of the unexpressed premise than when testing the validity of the supposedly complete argument or the reverse?—the protagonist will in the third round either agree that the reasoning on which his argumentation is based is not complete or claim that his reasoning is complete.

If the protagonist has acknowledged that his reasoning was not complete and requests to start the explicitization procedure, it is, in the first instance, the nature of the argument that was advanced that determines whether the antagonist in carrying out the explicitization procedure must aim for making the complex premise explicit or the simple premise. But even if the nature of the protagonist’s argument forces the antagonist to make a specific type of premise explicit, there is still room left to *formulate* that premise in a specific way as the logical minimum. Particularly when a complex premise is left unexpressed, the formulations can vary, because there is no hard and fast rule saying that the unexpressed complex premise must be reconstructed in one particular way. Assuming that the participants have agreed on using propositional logic, the complex premise that makes the argument valid can be formulated as a conditional, a disjunction, etc. A disjunctive formulation of the unexpressed complex premise is, for instance, advantageous to the antagonist if the protagonist has used a negation in the explicit premise or in the standpoint supported by this premise, as in “Hank is ill, because he was not in the office today.” If the antagonist formulates the unexpressed premise as a disjunction, as in “Hank is either not in the office or he is not ill,” the accusation that a false dilemma was created is as it were incorporated in the formulation of the premise. In this case it will be much more difficult for the protagonist to save his argumentation than if the antagonist had formulated the logical minimum as a conditional, as in “If Hank is not in the office, then he is ill.” In the next stage, the protagonist could easily save this last explicitization by means of a slightly weakening generalisation of his statement: “It is usually the case that if Hank is not in the office, he is ill.” In the case of a disjunctive formulation, such a ‘weakening strategy’ cannot so easily be followed.

22.4 The Case of Moosbrugger

A suitable case to illustrate how the opportunities for strategic manoeuvring in the explicitization procedure can be exploited is the argument about the applicability of the legal concept of ‘responsibility’ in the (fictional) trial against the alleged murderer Moosbrugger described in Robert Musil’s novel *Der Mann ohne Eigenschaften* [The Man without Qualities, 1979]. We shall concentrate on the ‘production’ move at the start and the possible responses to this move.

Moosbrugger, who, “in the course of his life, [...] had as often been confined in mental institutions as he had been let go, and had been variously diagnosed as a paralytic, paranoid, epileptic, and manic-depressive psychotic, until at his recent trial, two particularly conscientious forensic psychiatrists had restored his sanity to him” (p. 262), is accused of having murdered a prostitute. In the court room, “there was not a single person [...], the doctors included, who was not convinced that Moosbrugger was insane, one way or another” (p. 262). This judgment—which is formulated as ‘partly insane’ in the course of the trial—is, however, not deemed sufficient to declare Moosbrugger “not responsible for his actions” (p. 262). “It was not a way that corresponded to the conditions of insanity laid down by the law” (p. 262). This is the way in which Musil represents the argumentation:

[The fact that Moosbrugger is ‘partly insane’ is not sufficient to declare him not responsible for his actions.]

For if one is partly insane, one is also, juridical, partly sane, and if one is partly sane one is at least partly responsible for one’s actions, and if one is partly responsible one is wholly responsible; for responsibility is, as they say, that state in which the individual has the power to devote himself to a specific purpose of his own free will, independently of any compelling necessity, and one cannot simultaneously possess and lack such self-determination (p. 262).

The defence of the standpoint that Moosbrugger’s partial insanity is not sufficient to declare him not responsible for his actions proceeds in two stages. The first stage begins with the condition “if one is partly insane, one is also, juridical, partly sane, and if one is partly sane one is at least partly responsible for one’s actions” and ends with the (conditional) claim “if one is partly responsible one is wholly responsible.” In the second stage, this last claim is further defended as a sub-standpoint with the help of the argument starting with “for responsibility is ...” and ending with the claim “and one cannot simultaneously possess and lack such self-determination.” This last claim is left unsupported.

At first sight, the protagonist seems to present his argument in both stages as complete and deductively valid. It seems therefore obvious that the (potential) antagonist, who, according to the dialectical profile of the procedure for making unexpressed premises explicit, has to decide whether he regards the argument as complete or incomplete, should regard the argument as complete and steer towards testing the logical validity of the argument. However, precisely because the argument gives the impression of being complete and deductively valid—which can be taken to be a strategic aspect of the ‘production’ of the argument—and logical

testing stands a good chance of yielding a favourable result for the protagonist, it may strategically be more advantageous to the antagonist to first try to show that the argument is not complete and that one or more premises are lacking. On the basis of the following—less attractive but more conspicuous—paraphrase of the second stage of the argument, we shall discuss which premises the antagonist could declare missing, how he could phrase them, and what the strategic advantages are of the various ways of proceeding.

[If one is partly responsible, one is wholly responsible] for responsibility for one's actions is the capability of determining one's own doings, and one cannot simultaneously possess and lack such a capability.

This paraphrase makes it easier to note that it is indeed the case that in the argument some premises are missing. At the highest level there is even a complete piece of reasoning missing, which consists of the simple premise “[for] one cannot be partly responsible” and the complex premise “if one cannot be partly responsible, one can, if one is partly responsible, only be wholly responsible.” Adding the simple premise is necessary to show the relevance of the argument that follows, which is supposed to demonstrate the practical impossibility of the state of partial responsibility. Adding the complex premise is necessary to get, from the hypothetically imaginable but at the same time practically impossible state of partial responsibility, to the consequence that one can only be wholly responsible. Moreover, it is necessary to add the following complex premise to the argument: “if responsibility for one's actions is the capability of determining one's own doings, and one cannot simultaneously possess and lack such a capability, then one cannot be partially responsible.” Adding this premise is necessary to make it clear that the explicit premises “responsibility for one's actions is the capability of determining one's own doings” and “one cannot simultaneously possess and lack such a capability” can support the simple premise that has been made explicit, “one cannot be partly responsible.” These explicitizations lead to the following argument (in which the premises that are made explicit are represented in bold):

[If one is partly responsible for one's actions, then one is wholly responsible] [because] **one cannot be partly responsible** [and] **if one cannot be partly responsible, then one can, if one is partly responsible, only be wholly responsible**; [one cannot be partly responsible] because responsibility for one's actions is the capability of determining one's own doings, and one cannot simultaneously possess and lack such a capability [and] **if responsibility for one's actions is the capability of determining one's own doings, and one cannot simultaneously possess and lack such a capability, then one cannot be partly responsible for one's actions.**

A crucial observation applying to this reconstructed piece of reasoning is that it would have been superfluous to make the last (unexpressed) premise explicit if the—apparently tautological—premise that is explicitly presented (conveying that one cannot simultaneously possess and lack the capability of determining one's own doings) would have been phrased as a disjunction. The disjunctive form would, after all, have expressed clearly that the basis of the reasoning is a dilemma: either one has the capability to determine one's own doings or one does not have

this capability. Because the premise is explicitly expressed in a non-disjunctive form, however, the antagonist is not legitimized to rephrase this premise as a disjunction. Therefore, it is impossible for the antagonist to state that a dilemma has actually been posed. This is too bad, because it also prevents him from observing that it is precisely this dilemma that is strategically exploited in the first stage of the argument. It is already in the first ‘logical’ step of this stage of the argument (“if one is partly insane, then one is also partly sane”) that—almost unnoticeably—Moosbrugger’s partial *sanity* is taken as the starting point of the reasoning and used as a premise in the argument, instead of the fact that the poor man is “insane, one way or another”—which is what started the deliberation in the first place.

Although there seems to be little chance that the antagonist can successfully attack the dilemma that is actually there, it is precisely the antagonist’s manoeuvre of not considering the protagonist’s argument complete and look for missing premises in the reasoning that can help him to expose the dilemma in the second instance. Especially the explicitized premise “if one cannot be partly responsible [for one’s actions], then one can, if one is partly responsible, only be wholly responsible” allows him to maintain that the protagonist poses a dilemma. This premise could, after all, just as well have been: “if one cannot be partly responsible [for one’s actions], then one can, if one is partly responsible, only be wholly *non*-responsible.” In that case the complex premise—in combination with the simple premise “one cannot be partly responsible”—could never have supported the sub-standpoint “If one is partly responsible, one is wholly responsible.” Thanks to the *arbitrariness* of the consequent of the explicitized complex premise, the antagonist can attack the argument that was presented as compelling by the protagonist as being *nó*t compelling. Unfortunately for Moosbrugger, in the legal reality of his trial, this will not have damaged the effectiveness of the manoeuvring of the judges, as they were not required to give any further account than the one they already gave.

22.5 Conclusion

What can we now say about the function of the strategic manoeuvring conducted by the protagonist and the (projected) antagonist in the Moosbrugger case? In our analysis we have taken account of the four parameters of (1) the intended result of the explicitization procedure, (2) the ways in which the participants attempt to achieve this result taking account of the limitations and opportunities of (3) the conventional preconditions of the activity type the participants in the Moosbrugger case are in, and (4) observations concerning the actual preconditions of the argumentative situation. Based on the fact that the protagonist presented the argument as complete and valid, his manoeuvring can be characterised as an attempt to preclude the explicitization procedure from coming off the ground. Based on our analysis of how the antagonist could reconstruct a particular missing premise and exploit it to show the arbitrariness of the consequent in the sub-standpoint of the protagonist, his

manoeuvring can be characterised as an attempt to arrive at an explicitization of an unexpressed premise that enables him to show that the protagonist's standpoint involves a non-sequitur, in this case because it is based on a—false—dilemma.

Thus we have shown that in carrying out the procedure for making unexpressed premises explicit, the various possibilities for making strategic manoeuvres to achieve the explicitization that is easiest to defend or to attack are dependent on both the aspired outcome and the argumentative routes that can be followed, and that, in practice, the way in which these possibilities are exploited always depend on the argumentative situation at hand and the broader context of the argumentative activity type. Even if we have not systematically shown how on the basis of these parameters the strategic function of argumentative moves can be established conclusively, we have at any rate indicated in which way these parameters can play a part in analysing the strategic role particular ways of manoeuvring may play in practice.

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