

## **Extreme Case formulations: A way of legitimizing claims**

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### **Introduction**

How do we convince others to buy a product, to believe in an idea, or to support a project? When we sell, convince, argue, defend, justify, accuse, complain, etc., we are attempting to have our fellow interactants arrive at certain conclusions. A major resource for doing this are the practices of description. A state of affairs is portrayed as believable, obvious, compelling, unreasonable, illogical, etc. in the way a description of it is formed.

One practice used in legitimizing claims involves describing with Extreme Case formulations. Some examples of Extreme Case formulations are:

'brand new'  
'completely innocent'  
'he was driving perfectly'  
'he didn't say a word'  
'I really don't know who he is'  
'no time'  
'forever'  
'every time'  
'everyone'

This paper analyzes how Extreme Case formulations work in complaining, accusing, justifying, and defending. Within these activities, three uses of Extreme Case formulations have been isolated for analysis. They are:

- (1) to defend against or to counter challenges to the legitimacy of complaints, accusations, justifications, and defenses;

- (2) to propose a phenomenon is 'in the object' or objective rather than a product of the interaction or the circumstances;
- (3) to propose that some behavior is not wrong, or is right, by virtue of its status as frequently occurring or commonly done.

## Analysis

### *Instance 1: An adversarial or defensive stance*

*Excerpt 1-A.* The datum in Excerpt A comes from a telephone exchange between Bill and Ann who are strangers to one another. Bill phoned to speak with George, whom he does not know, in connection with an organization to which they both belong. George is not home; his wife, Ann, gets on the phone and tells Bill about George's involvement with another woman.

Ann does not articulate her assessment of George but rather describes incidents so as to have Bill reach the desired assessment. She describes incidents to portray how badly he has been to her.

[JG:I:21]

A : And so when he went away on Mother's Day and 'hh he went away on Saturday evening of (0.3) Mother's Day 'hh he spent the night (.) with her and all day Sunday and came home around about nine o'clock Sunday night 'hhh uh he didn't say u—one word he jus' came in put his pajamas o:n 'hhh a:n:d uh sat on th—couch f'r about five minutes and the'e went in: to 'is bedroom an went to bed . . .

Ann describes this incident in such a way as to have Bill see George's culpability. She describes the circumstances and actions that are constitutive of his 'wrongdoings.' In saying 'And so when he went away on Mother's Day,' Ann provides for the *timing* of George's action to be seen as part of his culpability. In identifying the day as 'Mother's Day,' she is trading on the common knowledge that Mother's Day traditionally is the day for honoring mothers.<sup>1</sup>

Ann next gives a correction of when he went away ('he went away on Saturday evening of (0.3) Mother's Day') that allows her to further detail his wrongdoings. In being more 'accurate', Ann adds that George slept with the other woman on the evening before Mother's Day and then spent all of Mother's Day with her.

'All day Sunday' is a description of the amount of time he spent with the other woman on Mother's Day. It gives the amount of time as a proportion

of the unit, 'Mother's Day.' It specifies that the amount of time was all of it, the whole unit, the maximum possible. It is a description of an amount of time given as a proportion of a unit, i.e. the proportion 'all' of the unit 'Mother's Day.'

As well as indicating an amount of time, 'all day Sunday' operates to provide a sense for what that amount of time is for the matter in question. 'Just a day,' 'only a day,' 'all day,' and 'the whole day' are examples of sense-giving' formulations. The sense provided by 'all day Sunday', a Maximum Case formulation, is that the amount of time is very long, too long, unacceptably long. 'All day Sunday' proposedly was an unreasonable and unacceptable amount of time to spend with the other woman on Mother's Day.<sup>2</sup>

Part of how a complaint is formed is to provide for the recognizability of the offender's wrongdoings. By describing the amount of time that he was with the other woman as the maximum case of Mother's Day, she claims this instance as a full and clear case of the wrongdoing that she described. In specifying 'all day Sunday,' she seems to be orienting to a non-sympathetic audience, an audience who might hear, 'he went away on Mother's Day' as a description of, for example, 'at some point during Mother's Day, he went away for a while.' She is orienting to an audience who might be looking for the illegitimacy of her complaints. She is speaking as someone who cannot assume sympathetic hearings.

An unsympathetic hearing is one in which a hearer reconstructs a circumstance that could be referenced by the description offered but that supports a position contrary to the original one. 'At some point during Mother's Day, he went away for a while' would be a non-sympathetic hearing of 'He went away on Mother's Day.' It describes a circumstance which is not constitutive of wrongdoings and hence would undermine the legitimacy of Ann's complaints against George. By specifying the Extreme Case of how long he was away, she is countering other possible reconstructions of lesser or no wrongdoings having occurred.

*Excerpt 1-B.* Excerpts 1-B and 1-C (and the excerpt in note 2) are taken from a hearing in a Small Claims Court in England. The plaintiff is claiming damages from a firm that dry cleaned her dress. In the opening of the case, the adjudicator reviews the plaintiff's statement.

Adj: And, you state that— the dress (.) was new

Pla : It was brand new.

'Brand new' is an Extreme Case of 'new' — it is as new as can be. From the ensuing testimony, it is quite clear that the plaintiff has had the dress at least

a number of months. Furthermore, she is not claiming that it was the first time that she wore it. In the literal sense, then, the dress is not brand new.

In confirming the adjudicator's statement, the plaintiff is not satisfied with the description, 'The dress is new.' She gives, instead, as the appropriate description 'brand new.' In specifying 'brand new,' she treats 'new' as a description that is not good enough to describe the newness of the dress. She seems to be orienting to the possibility of hearing 'new' as referencing possibilities that are different from the one she means to portray.

Interactants use Extreme Case formulations when they anticipate or expect their co-interactants to undermine their claims and when they are in adversarial situations. In being prepared for others to scale down her alleged losses, the plaintiff formulates them as maximum cases.

*Excerpt 1-C.* In the same case as Excerpt 1-B, the plaintiff later refers to the newness of the dress that has been damaged.

Pla: I mean it's not a question I'm making up stories or I want to come along here today I mean why should I pay (out) for a brand new dress,

The plaintiff is accounting for why she brought the case to court. After dismissing the possibilities of her fabricating her account and wanting to go to court, she poses the rhetorical question, 'Why should I pay out for a brand new dress.' With it, she portrays as the alternative to going to court, 'paying out for a brand new dress.' She justifies taking the case to court by portraying the alternative to her taking this action as unfair and unacceptable. In describing her loss ('a brand new dress') with an Extreme Case formulation, she claims it as a large loss, unacceptably large. Undeservedly suffering a large loss is *prima facie* unfair and hence unacceptable. As such, remedial action was in order.

The plaintiff is successful in her justification if the precipitating circumstance, as she formulates it ('paying out for a brand new dress,') 'calls for' or 'demands' her taking the case to court. (See Excerpt 2-A for further discussion of justifying).

### *Instance 2: Attribution of cause to the object*

*Excerpt 2-A.* In the following instance, C justifies her decision to sell halves of fruitcakes instead of the whole ones they were given to sell.

C: Anyway I'm u ha— uh what I'm having to do to people I know is cut them up and sell them 'hhhh uh a pound and a half for a dollar sixty five.

M: Oh you're doing that,

C: 'hhhhhh Well I'm doing it to the few people that I know because ever'time I say three twenty five they look at me like 'hh (.) you must be nuts woman,

In giving a reason for selling halves of fruitcakes, C describes a situation that precipitated her action. The precipitating situation was that prospective customers reacted to the price of the fruitcake as excessive. She describes the precipitating situation in terms of a proportional measure of frequency, 'every time.' The Maximum Case proportional measure, 'every time,' is a device that proposes regular, frequent, or patterned occurrences as opposed to odd, idiosyncratic or random occurrences. The import of the status of 'regularly occurring' versus 'odd' cases is that the former kind of case should be taken into consideration whereas the later kind of cases may or ought to be dismissed. 'Every time' is a device for indicating how something should be regarded, namely, as not dismissable.

In describing the customer's reaction as an 'every time' reaction, C builds for a cause to be attributed to other than the personalities or characteristics of the people reacting. By formulating it as an 'everytime' occurrence, the characteristics and personalities of any of the individual actors become unimportant. 'Everytime' proposes that regardless of who the prospective customer was, the reaction to the fruitcake was the same. The prospective customers become a collection of 'anyone in the circumstance.' By describing their reaction as an 'every time' occurrence, C suggests that the every time reaction is attributable to a quality of the object, i.e. the price of the fruitcake.

C does not offer her own assessment of whether the price of the fruitcake is too high. She has, though, lowered the selling cost by selling halves. In reporting that the customers reacted every time to the price as excessive, C suggests that the price is excessive without asserting it on her own behalf.<sup>3</sup> The warrant or authority that she cites is 'every time'.

C is explaining why she sells halves of fruitcakes. The explanation consists of a portrayal of a precipitating situation, one that provides for her selling halves of fruitcakes to be the reasonable and/or necessary consequence. The precipitating situation that she describes is a problem situation: prospective customers react to the price of the fruitcake as excessive. For her action of selling halves to be recognized as reasonable or necessary, C makes a case for the customers' negative reaction as general and widespread. She makes the case by using a Maximum Case proportional measure, 'every time.' Most directly, with her use of 'every time,' she claims their reaction is general and widespread and,

hence, one that cannot be ignored if the selling project is to be successful. Indirectly, she suggests, without committing herself, that the cause of the customers' reacting 'every time' to the price as excessive may lie in the fact that the price is excessive.

*Excerpt 2-B.* In the following datum, C is talking to his wife about a week at work during which time a co-manager was away.

C: We got so much done (.) and more than that but everyone had this feeling that we were 'h h h h c-- complishing things, you know we all felt real progress going on, 'h h h h it's just (.) so amazing, whenever he's around (.) he's utterly disparaging of our efforts, (.) and (.) and he's c-- completely disruptive.

With this description of 'everyone' and 'we all', C is portraying the 'general' reaction to the co-manager's being away. It is a reaction that belongs to no one in particular in that it is formulated as a reaction of 'everyone.' 'Everyone' is a device for attributing the cause of the problem to the object. In using it, C proposes that the problems in the office are a consequence of the co-manager's personality, behavior, etc. Whereas C starts by describing everyone's reaction, he ends this segment describing attributes of the co-manager.

C has a history of difficult interactions with the co-manager. In this segment, C describes a circumstance that would constitute evidence for his maintaining that *he* is not even partially responsible for the troubles that he has with the co-manager. The lay-logic is something like: if others react the same way to the co-manager, then the co-manager is responsible for the difficulties.<sup>4</sup>

*Excerpt 2-C.* In the following excerpt, S is telling A about a friend of his.

S: You'd like him. Everybody who meets him likes him.

Making a prediction about what another would or would not like is a way of displaying one's knowledge of the other. With 'You'd like him,' S predicts A's liking of his friend. In making this prediction, C normally would be presumed to know the sort of people that A likes.

With the addition, 'Everyone who meets him likes him,' S provides a clarification or shift in interpretation of 'you'd like him.' In formulating the category of those who like his friend as 'everyone who meets him,' C proposes that the personality and characteristics of the subjects are irrelevant to the phenomenon. The cause of 'everybody who meets him likes him' is the object. He is a likeable fellow. In order to be heard to be talking about his friend's attributes

and not about A, S uses 'everyone' as the subject, thus attributing the liking to his friend. (S then went on to talk about how his friend is just a real likeable person.)

*Instance 3: Frequency of occurrences speaking for rightness/wrongness*

*Excerpt 3-A.* The following is an excerpt of a call to a Suicide Prevention Center.

- Desk : Do you have a gun at home?  
(0.6)
- Caller: A forty fi:ve,
- Desk : You do have a forty fi:ve.
- Caller: Mm hm, it's loaded.
- Desk : What is it doing there, hh Whose is it.
- Caller: It's sitting there.
- Desk : Is it you:rs?  
(1.0)
- Caller: It's Da:ve's.
- Desk : It's your husband's hu:h? =
- Caller: =I know how to shoot it,  
(0.4)
- Desk : He isn't a police officer:r,
- Caller: No:.
- Desk : He just hɑ:s one.
- Caller: Mm hm, It-u-Everyone doe:s don't they?

[Taken from Sacks Lecture: Fall 1964 Lecture 3]

The Desk is attempting to get the Caller to account for the gun in her house. After a series of attempts, he offers to the Caller an explanation that gives no explanation, 'He just hɑ:s one.' The Caller confirms, adding 'Everyone does don't they?'

'Everyone does' is a description of the prevalence of the practice. It formulates the prevalence as a proportion – it is the whole, the complete, or the total set. As such it is an Extreme Case formulation.

In saying 'Everyone does,' the Caller proposes that keeping a gun in the house is a normal and accepted practice rather than a special practice needing explanation.

In reporting the prevalence of a practice as a Maximum Case, a speaker is using prevalence to speak for the rightness of the practice.<sup>5</sup> What 'everyone does' is the way the 'right' way to behave and is not accountable.

A recipient may indeed want to challenge that claim that having a gun at home is normal, right, and unaccountable. One way to challenge its status as a normal and accepted practice is to challenge the Extreme Case formulation as a valid or accurate measure of the prevalence of the practice.

In the continuation of Excerpt 3-A, the Desk challenges the caller's assertion.

Caller: Mm hm, It-u-Everyone doe:s don't they?  
(1.7)

Desk : Yah ee- e:-ah:: ih You have a forty fi:ve and it's loaded.

Caller: Mm:mm,

Desk : A:nd uh (0.4) I suppose maybe everyone in:hh evrywuh- in  
Burnside Park has one I don't kno:w,  
(0.7)

Caller: Well nq: but I mean- (0.2) a lot of people have guns

Desk : Qh su: [ re,

Caller: [ I mean it's not- (.) [ unusual.

Desk : [ I s::- I: see.

The Desk challenges the Extreme Case proportional measure by specifying an area limitation and including doubt markers. He grants the possibility of its validity ('I suppose maybe' and 'I don't know') in her particular neighborhood ('in Burnside Park'). In naming a particular area, he has limited the population that 'everyone' would reference to an area about which she is entitled to know. In treating her assertion as 'possible,' he has taken a position of doubt vis-à-vis her certain assertion and turns it back to her for reconsideration.

The Desk has challenged the Caller's 'Everyone does' as a valid description of a population. To do so, he reshapes it as more credible by limiting the population to the caller's neighborhood, and then marking it as a possibility.

The challenge calls the Extreme Case formulation to task as a valid and accurate description of the prevalence of people owning guns. In response, the Caller reformulates the description, describing the practice as prevalent with a non-extreme formulation, 'a lot of people have guns.' She holds onto the status of owning a gun as normal and accepted by adding, 'I mean it's not unusual.' Disclaiming the contrastive status ('not unusual') seems to be a weaker claim for it being an accepted practice than 'everyone does.'

*Excerpt 3-B.* In the following excerpt, D and T are talking about T's being charged with the offense of accepting bribes.



D: You didn't do anything else— anything wrong o—other than what: everybody else on the police force did at that time. At Christmas time, we accepted =

T: = Oh man! Christmas time, it was like— I remember the days, Christmas time used to be like =

D: = Damn right. Christmas time, everybody accepted money.

In describing accepting money as what 'everyone' did, D proposes that it was a normal practice and hence an acceptable practice. In proposing it was a normal practice, D argues that T should not be charged with the offense.

*Excerpt 3-C.* A patient went to the doctor's office to get lab results. Upon checking, the receptionist saw that the patient's file was not back yet. The receptionist told the patient to phone the next day for the results.

Patient : That's not a problem?

Receptionist : No. People do it all the time.

The patient's question intends to check out whether phoning for the results would or would not be seen as an irregular or special request. In reporting, 'People do it all the time,' the receptionist proposes that patients' calling the office for lab results is normal and acceptable. The Extreme Case formulation, 'all the time', proposes that the patient's calling for lab results would not be viewed as irregular or a special request but as routine, acceptable patient behavior.

## Conclusion

This paper has described three uses of Extreme Case formulations:

- (1) to assert the strongest case in anticipation of non-sympathetic hearings,
- (2) to propose the cause of a phenomenon,
- (3) to speak for the rightness (wrongness) of a practice.

The interactants in the illustrations were engaged in several types of activities, among which were complaining, accusing, justifying, and defending. As concluding remarks, a few comments will be made about why participants use Extreme Case formulations in these activities.

Part of the business of complaining involves portraying a situation as a legitimate complainable. This may take the form of portraying the offense commit-

ted and/or the suffering endured in a way such that it would not be dismissed as minor. So as to legitimize a complaint and portray the complainable situation as worthy of the complaint, a speaker may portray the offense and/or the suffering with Extreme Case formulations. In both accusing and defending, participants often present their strongest cases, including specifying Extreme Cases of their claims.

Part of justifying a course of action may involve portraying the precipitating circumstance as necessitating the action. The precipitating circumstance may be a problem circumstance which is portrayed as unfair, immoral, embarrassing, uncomfortable, or in some other way undesirable and/or intolerable. There is a shared assumption that the worse the problem, the more necessary it is to do something about it. In justifying, speakers use Extreme Case formulations to portray the circumstances that precipitated their actions as demanding their actions.

A problem that participants have when engaged in, or reflecting on, conflicts, complaints, criticisms, compliments, praise, etc. is to attribute the cause of the phenomenon. Who or what is responsible for the conflictual, complainable, praise-worthy state of affairs? One method that is used to determine what or who is responsible, i.e. to make an attribution, involves comparing the case in question to other similar cases. Through this procedure, persons determine that they are (are not) responsible for the state of affairs in question. Extreme Case proportional formulations ('everyone,' 'all,' 'every time') are used to indicate that any individual member of that category is not responsible for the state of affairs; that responsibility is to be attributed elsewhere.

The social order essentially is a moral order (Garfinkel, 1967). One of the ways of knowing what is acceptable and right is by finding out how people behave. There often is a shared assumption operating (one that is called into question on occasion): how people behave tells us what is the right way to behave. Proportional measures reporting the frequency or prevalence of practices are used to propose and substantiate the rightness and wrongness of those practices. Extreme Case formulations ('all the time,' 'everybody,' 'no one') propose behaviors are acceptable and right or unacceptable and wrong.

## Notes

1. If the day were not part of the offensiveness of the occasion, it might have been referred to with a Relational term, e.g. 'So the next time he went away . . . ' Relational identifications are commonly used to provide coherence in narratives. For a discussion of Relational identifications, see Pomerantz (forthcoming).
2. The use of 'all day' to provide the sense of an amount of time as 'unreasonably long' can be seen in the following complaint as well.

Plaintiff: ... 'n he said I'll clean it (.) for four o'clock 'hh 'n I walked round all day long  
 if: (.) in an overall which was a three quarter length overall so how do I feel, ...

The plaintiff is portraying having suffered a great deal of discomfort. The discomfort includes wearing strange looking overalls at work while her dress was being dry cleaned. In portraying the discomfort, she describes the amount of time with an Extreme Case formulation 'all day long.' It conveys the sense of the amount of time as unreasonably long.

3. For a description of speakers' making limited claims on their own behalf when performing sensitive actions, see Pomerantz (1984).
4. The author's hypothesis is that given a problematic situation, it may take as little as one or two cases similar to one's own case to warrant attributing blame to the other and to formulate the phenomenon as 'he does it to "everyone".'
5. Speakers endorse (or show neutrality regarding) the rightness/wrongness of a proposal by the proportions that they report, e.g. 'all,' 'most,' 'some,' 'none.' In a role play experiment in which students negotiated a grade determination, a student described the plan that he endorsed as what 'most' professors do. When he was maintaining a course of action as a choice but not endorsing it he described it as what 'some professors' do. In stating a position against giving a B grade, he used the Extreme Case: 'I don't think any professor would just give a person a B ...'.

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