Special issue on Strategic Maneuvering in Institutional Contexts dedicated to Peter Houtlosser (1956-2008)

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Frans H. van Eemeren

Peter Houtlosser and I planned this special issue on Strategic Maneuvering in Institutional Contexts about two years ago. At the time, Peter had already been diagnosed with cancer and he knew that his chances for survival were very slim, if not non-existent. All the same he wanted to go on with the work he loved so much: studying argumentative discourse and exchanging views about argumentation with other argumentation theorists. This is why he spent a considerable amount of the energy he had left on continuing his research and presenting his views to others. The preparations for this special issue were part of his endeavors to include as many fellow argumentation scholars as possible in the discussion and to invite them to express their views in the most pertinent way. Sadly, Peter did not live to see the final results. This is why we cannot publish this special issue together; instead, I am dedicating the issue to him and start with a brief commemoration.

Peter Houtlosser was someone who did not want to waste time. When he discovered in the 1970s that studying Dutch Language and Literature did not live up to his expectations, he decided to move on to a more concrete occupation. He became a scenery carpenter at the Nederlandse Opera. Fortunately, after five years he regarded his carpentry as finished and returned (in 1983) to the university. This time he found in the Department of Speech Communication, Argumentation Theory and Rhetoric of the University of Amsterdam exactly what he had been looking for: a field of study that captured his interest and professors who inspired him. In spite of their initial reluctance because of Peter's persistent way of questioning them, his professors discovered pretty quickly that his critical attitude was caused only by his authentic desire to understand at all times precisely how things are—whatever these things might have been. To my mind, this urge to understand, not only in his

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working life, was–combined with his striking personality—one of Peter's greatest assets.

As a comeback student, Peter became fascinated by the study of argumentation. It therefore came as no surprise that he wanted to be a PhD student and write a doctoral dissertation. The results of his doctoral research were published in 1995 in the monograph *Standpunten in een kritische discussie* [Standpoints in a critical discussion], which is still quoted frequently by Dutch colleagues and students.[1] Meanwhile Peter had acquired a taste for research and knew for certain that it was his kind of thing. He and I together started a comprehensive research project aimed at integrating insights from rhetoric in the dialectical theory of argumentation developed in Amsterdam. Peter, who had become an Assistant Professor in our department and Book Review Editor of the journal *Argumentation*, proved to be an extremely active and productive scholar who rapidly gained a considerable international reputation.[2] His intense way of discussing research problems has become legendary among his colleagues, and all his friends in the international community of argumentation theorists will miss him dearly.

Peter also enjoyed teaching, especially in the international research master program Rhetoric, Argumentation theory and Philosophy. The idea that talented students from all over the world had come to Amsterdam to study argumentation had a strong appeal to him. He always tried to get the maximum out of his students and, in turn, the students considered him a marvelous teacher. In an effort to keep the best students somewhat longer with us, he applied—successfully—for a grant from the Netherlands Organisation for Scientific Research, which allowed these students to write their doctoral dissertations as part of a research program on strategic maneuvering in argumentative discourse (NWO, no. 360-80-030). Even after he had to withdraw from other activities due to his illness, Peter continued to advise these and other talented students. These tasks he performed, like everything else he did for us, with his whole heart. Peter certainly did not waste his time.

During the past twelve years Peter Houtlosser and I concentrated our joint research for the most part on the design quality of argumentative discourse captured by the notion 'strategic maneuvering' (van Eemeren and Houtlosser 2002e). We wanted to extend the pragma-dialectical approach to argumentation in such a way that the analysis and evaluation could become more refined and better accounted for. To reach our goal, we aimed for enriching our dialectical theoretical framework systematically with rhetorical insights. As a matter of course, we were eager to discuss the views we developed with others in the field interested in the same problems or similar problems. In Perspectives on Strategic Maneuvering, a special issue of *Argumentation* published in 2006 (vol. 20, no. 4), we collected seven essays from authors stating their views concerning strategic maneuvering, followed in each case by some constructive comments from a critical reader. The current special issue of *Argumentation* is devoted to a more specific subject, Strategic Maneuvering

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[1] This doctoral dissertation is published as an internal publication of the Institute for Functional Research Language and Language Use (Amsterdam: IFOTT).

[2] In 2009 I hope to publish a monograph on strategic maneuvering in argumentative discourse based on our joint efforts.

in Institutional Contexts. This time, all contributions concentrate on the ways in which strategic maneuvering may be preconditioned by the sphere of argumentative reality and the specific communicative activity type in which it takes place.

In our publications on strategic maneuvering, starting in 1998, Peter Houtlosser and I claimed that a full analysis and evaluation of argumentative discourse is possible only if the argumentation concerned is first situated in the communicative context in which it occurs. This means that pragma-dialecticians, next to their analytically motivated theoretical model of critical discussion designed for enabling a normative treatment of argumentation, also need to have an empirically justified theoretical concept of the communicative activity type in which the argumentation takes place (van Eemeren and Houtlosser 2005e). Communicative activity types are connected with certain institutionalized spheres or domains of discourse and they have a more or less conventional format that is instrumental in realizing the primary goals of the activity types concerned. When it comes to characterizing a communicative activity type argumentatively, the parameters pertinent to distinguishing between the one activity type and the other can be derived from the distinctive features of the four stages distinguished in the pragma-dialectical model of a critical discussion. In this way, crucial theoretical instruments are created for linking the empirical context of the rhetorical dimension of strategic maneuvering systematically with the ideal of resolving differences of opinion on the merits by critically testing the tenability of the standpoints at issue that is the normative context of the dialectical dimension. Peter Houtlosser and I were out to identify the preconditions for carrying out argumentative discourse in a certain communicative activity type that determine the constraints and opportunities of strategic maneuvering in that activity type. We hoped that the authors contributing to this special issue would be helpful in this endeavor by providing relevant insights in the various kinds of activity types they are dealing with. This is exactly what they prove to do. Let me introduce their contributions by summarizing the main points of their essays.

In 'Strategic Maneuvering in Political Argumentation,' David Zarefsky (Northwestern University) observes that political argumentation, although in his view not institutionalized in a formal sense, has recurrent patterns and characteristics. If political argumentation is taken in a much broader sense than as just referring to a specific activity type, a number of constraints can be identified that are pertinent to strategic maneuvering, such as the absence of time limits, heterogeneous audiences, and the assumption that access is open to all. Among the types of strategic maneuvering Zarefsky distinguishes are changing the subject, modifying the relevant audience, appealing to liberal and conservative presumptions, reframing the argument, using condensation symbols, employing the locus of the irreparable, and argumentative use of figures and tropes. According to Zarefsky, strategic maneuvering in political argumentation is hard to evaluate, because the activity types concerned leave a lot of room for maneuvering to the arguers, so that there are few cases of unquestionable derailment. Comments on Zarefsky's paper are provided by Yvon Tonnard (University of Amsterdam).

In 'Strategic Maneuvering with the Intention of the Legislator in the Justification of Judicial Decisions,' Eveline T. Feteris (University of Amsterdam) turns to the legal sphere, her area of specialization. From a pragma-dialectical perspective, she

gives an analysis of the strategic maneuvering in the justification of legal decisions by showing how a judge tries to reconcile dialectical and rhetorical aims. On the basis of an analysis and evaluation of the argumentation given by the US Supreme Court in the famous Holy Trinity case, Feteris shows how a judge who wants to make an exception to a legal rule for the concrete case tries to meet the dialectical reasonableness norm by seeing to it that his standpoint is sufficiently defended according to the requirements of a judge's burden of proof in a critical discussion and at the same time rhetorically convincing by presenting the decision as a choice that is in line with the argument schemes and starting points accepted by the legal community in the United States and the American audience as a whole. The commentator responding to this essay is Peter J. Schulz (University of Lugano).

In 'Strategic Maneuvering in Direct to Consumer Drug Advertising: A Study in Argumentation Theory and New Institutional Theory,' G. Thomas Goodnight (University of Southern California) states that New Institutional Theory can be used to explain the context of argumentation. He uses Direct to Consumer Drug advertising to illustrate how argumentative exchanges between a doctor and a patient are influenced by factors external to the practice of medicine. In this essay, Goodnight concentrates on strategic maneuvering that shifts the burden of proof. Bilal Amjarso (University of Amsterdam) comments on Goodnight's paper.

Dima Mohammed's (University of Amsterdam) essay, 'Institutional Insights for Analysing Strategic Manoeuvring in the British Prime Minister's Question Time,' contributes to creating an adequate theoretical basis for integrating institutional insights systematically in the pragma-dialectical analysis of argumentative discourse in institutionalized contexts. She examines the argumentative practice of Prime Minister's Question Time in the British House of Commons to illustrate how knowledge of the characteristic rules and conventions of an institution can be exploited in a pragma-dialectical analysis. Mohammed highlights the role that theoretical instruments such as strategic maneuvering, argumentative activity type and dialectical profile play in this endeavor. David Zarefsky gives his comments on Mohammed's paper.

In 'Legitimation and Strategic Maneuvering in the Political Field,' Isabela Ietcu-Fairclough (University of Bucharest) combines a pragma-dialectical conception of argumentation, a sociological conception of legitimacy and a sociological theory of the political field. She draws in particular on Bourdieu's theorizing about the political field and tries to find out what new insights into the concept of strategic maneuvering a sociological analysis of the political field may offer. She analyzes a speech made by the President of Romania, Traian Băsescu, following his suspension by Parliament in April 2007. Ietcu-Fairclough suggests that the argument developed in this speech can be regarded as an example of adjudication and discusses its specificity as adjudication in an electoral campaign in the political field. She relates legitimating as a political strategy to strategic maneuvering aimed at meeting the contradictory demands of the political field. Corina Andone (University of Amsterdam) is Ietcu-Fairclough's commentator.

Peter J. Schulz and Sara Rubinelli (University of Lugano) conceptualize in 'Arguing 'for' the patient. Informed consent and strategic maneuvering in doctor-patient interaction' doctor–patient interaction as a form of 'info-suasive' dialogue in

order to achieve an integration between traditional readings of the medical encounter and argumentation theory. They explore the relevance of argumentation in the medical encounter in connection with the process of informed consent. Next they discuss the risks of a lack of balance between the dialectical and the rhetorical dimension in the delivery of the doctor's advice resulting from the less than ideal conditions of the internal states of the doctor and the patient and the lack of symmetry in their status. Bart Garssen (University of Amsterdam) adds his comments to this contribution.

In 'Black Box Argument,' Sally Jackson (University of Illinois at Urbana) exploits the black box metaphor. According to Jackson, in public policy debates such as the controversy over abstinence-only sex education scientific conclusions enter the discourse as black boxes consisting of a result returned from what she characterizes as an external and largely impenetrable process. In one way of looking at black box arguments, a black box argument is much like any other appeal to authority and what might be said about any particular form of black box will turn out to be a particularized version of what might be said about evaluating arguments based on authority, but in another way of looking at black box arguments they are a constantly evolving technology for coming to conclusions and making these conclusions broadly acceptable. Black boxes are to argumentation theory what material inventions are to engineering and related sciences. They are anchored in and constrained by fundamental natural processes, but they are also new things that require theoretical explication and practical assessment. Marcin Lewiński (University of Amsterdam) gives some comments on Jackson's contribution.

Finally, Erik C. W. Krabbe (University of Groningen) explores in 'Strategic Maneuvering in Mathematical Proofs' applications of concepts from argumentation theory to mathematical proofs. Note is taken of the various contexts in which proofs occur and the various objectives they may serve. Examples of strategic maneuvering are discussed when surveying in proofs the four stages of argumentation distinguished in pragma-dialectics. Derailments of strategic maneuvering are shown to encompass more than logical fallacies and to occur both in alleged proofs that are completely out of bounds and in alleged proofs that are at least mathematical arguments. These considerations lead to a dialectical and rhetorical view of proofs. Krabbe's commentator is Sally Jackson.

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