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Theoretical Construction and Argumentative Reality: An Analytic Model of Critical Discussion and Conventionalised Types of Argumentative Activity

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ABSTRACT: Van Eemeren and Houtlosser concentrate on the tension inherent in argumentative discourse between the pursuit of success and the maintenance of reasonableness. They elaborate on their earlier claim that this tension leads to 'strategic manoeuvring' that can be explained by making use of insights from dialectic and rhetoric. As a new step in their treatment of strategic manoeuvring they take account of the fact that the manoeuvring always takes place in one of the various argumentative 'activity types' that can be distinguished in argumentative practice. Unlike theoretical constructs such as a critical discussion and other ideal models, which are based on analytic considerations regarding the most pertinent presentation of the constitutive parts of a problem-valid procedure for carrying out a particular kind of discursive task, the activity types and their associated speech events are cultural artefacts that can be identified on the basis of careful empirical observation of argumentative practice. By concentrating on three conventionalised activity types that are more or less institutionalised, van Eemeren and Houtlosser show how strategic manoeuvring is affected by the opportunities and constraints of the activity type in which it takes place.

KEY WORDS: activity type, adjudication, critical discussion, mediation, negotiation, pragma-dialectics, rhetoric, strategic manoeuvring

1. CRITICAL DISCUSSION AND STRATEGIC MANOEUVRING

The pragma-dialectical approach to argumentative discourse we are in favour of combines a dialectical view of argumentation as the conduct of a critical discussion aimed at resolving a difference of opinion by testing the standpoints at issue for their acceptability in light of the parties' commitments with a pragmatic view of the moves that are made in this endeavour as speech acts that play a part in the resolution process (van Eemeren and Grootendorst, 2004). The most important theoretical device to carry out this testing procedure consists of an analytic model of a 'critical discussion.' This ideal model is a design of what argumentative discourse would be like if it were optimally and solely aimed at methodically resolving a difference of opinion on the merits. The model of a critical discussion serves as a tool for reconstructing argumentative discourse in such a way that an analysis is achieved that constitutes a proper basis for a critical evaluation in which all the fallacious moves that occur in the discourse are identified. The reconstruction results in an 'analytic overview' in which all elements are included that are potentially relevant for the aim of dispute resolution, even if they are implicit in the discourse, all elements that cannot serve this aim are excluded from consideration, a resolution-oriented order is imposed on the discourse and unequivocal systematizing is secured in the description.

With a view to further improving the pragma-dialectical method of analysis, we have shown how by making use of rhetorical insight the reconstruction of argumentative discourse, and more particularly its justification, can be strengthened (van Eemeren and Houtlosser, 2002). We took it as our starting point that people engaged in argumentative discourse are characteristically not just out to have things their way, but they are also oriented towards resolving a difference of opinion in a way that may be considered reasonable or will at least be perceived as reasonable. As a consequence, they may be regarded as committed to norms that are instrumental in achieving this purpose – maintaining certain critical standards of reasonableness and expecting others to comply with the same standards. In practice, this means that they may at every stage of the resolution process be presumed to hold to the dialectical objective of the stage concerned while being at the same time out for the optimal rhetorical result. In their efforts to reconcile the simultaneous pursuit of these dialectical and rhetorical aims, and to reduce the potential tension between the two, they make use of what we have termed *strategic manoeuvring*.

2. THREE CONVENTIONALISED TYPES OF ARGUMENTATIVE ACTIVITY

Strategic manoeuvring is, due to its rhetorical dimension, strongly situation-dependent. If we are to include insight in strategic manoeuvring in our analysis and evaluation of argumentative discourse we therefore need to turn closer to argumentative reality. We can do so by taking due account of the specific type of *argumentative activity* we are dealing with in the analysis.¹

While the model of a critical discussion is based on analytic considerations that are ‘internal’ to the process of resolving a difference of opinion, the various argumentative activity types are conventionalised entities that can be distinguished by ‘external’ empirical observations of the communicative practices in the various domains – or, as Thomas Goodnight would have it, ‘spheres’ – of discourse.² Argumentative activity types manifest themselves in various institutionalised variants, some of which are culturally established forms of communication with a more or less fixed format, such as political debates, legal defences and scientific essays. Following the ethnographer Dell Hymes, such conventionalised discourse units can be called *speech events*.³

Unlike theoretical constructs such as critical discussion and other ideal models, which are based on analytic considerations regarding the most pertinent presentation of the constitutive parts of a problem-valid procedure for carrying out a particular kind of discursive task, the various activity types and their associated speech events are cultural artefacts that can be identified on the basis of careful empirical observation of argumentative practice. For our present purpose of showing that the strategic manoeuvring that takes place in argumentative practice is likely to be affected by the type of activity that is carried out, we have chosen to concentrate on the argumentative activity types of adjudication, mediation and negotiation because they are sufficiently institutionalised for their basic conventions to be transparent and they have

¹ Levinson (1992) also uses the term *activity type*, albeit in a somewhat different meaning.

² By distinguishing in this way between an ideal model and argumentative activity types, and making a fundamental theoretical distinction between these two categories, we deviate in an essential way from approaches to argumentative discourse types such as Walton’s (1998). In the study of argumentation analytic models and conventional activity types should never be equated.

³ Activity types and speech events relate to each other in a similar way as Hymes’ ‘genres’ and ‘speech events’: ‘Genres often coincide with speech events, but they must be treated as analytically different of them. They may occur in (or as) different events’ (1972, p. 61).

associated conventionalised speech events that are easily recognized. With the help of the model of critical discussion these activity types can be differentiated along four parameters that correspond with the four discussion stages. Due to variance in the role resolving differences of opinion plays in the three argumentative activity types, the preconditions for strategic manoeuvring are in each case somewhat different and the rhetorical circumstances vary accordingly. We shall try to characterise the three activity types in a theoretically relevant way.⁴

Adjudication

Adjudication aims for the termination of a dispute by a third party rather than the resolution of a difference of opinion by the parties themselves. It is commonly understood as taking a dispute to a public court, where a judge, after having heard both sides, will make a reasoned decision in favour of either one of the parties. The judge determines who is wrong and who is right according to a set of rules.⁵ Most of these rules are tantamount to specifications of rules for critical discussion aimed at guaranteeing that the dispute is terminated in a reasonable way. There are, for instance, special rules concerning the division of the burden of proof, the data that can be considered as a common starting point and the kinds of proof that count as acceptable. In adjudication, the parties readjust their roles from trying to persuade each other to trying to convince the adjudicator.

Adjudication is a type of activity that is strongly institutionalised. It is displayed in various kinds of formally scripted speech events with a precisely defined format, varying from a civil case to a criminal trial. Compared with weakly institutionalised types of argumentative discourse the initial situation is much more formalised, with an official definition of the dispute and the jurisdiction to decide given to a fixed third party. The procedural and material starting points are also more formalised, with largely explicit codified rules and explicitly established concessions. The argumentative means that are used amount to presenting an argumentative interpretation of the concessions that are made in terms of facts and evidence. The only outcome that is allowed is a sustained decision by the third party that is in control. A return to the initial situation of the dispute is not possible.

Mediation

Mediation is an activity type that starts from a difference of opinion that has led to a disagreement that the parties concerned cannot resolve by themselves, so that they have to take refuge in a third party that acts as a neutral facilitator of the discussion process and guides the parties in their cooperative (and sometimes less than cooperative) search for a solution. Unlike an adjudicator, the mediator does not have the power to terminate the disagreement. Irrespective of whether the disagreement concerns custody of the children of a divorced couple or the price that has to be paid for the reparation of a car, the mediator aims at helping the parties come to an

⁴ The activity types discussed here for the specific purpose of this paper do not constitute a complete classification in any sense. In the literature, many different classifications have been proposed from a variety of (sometimes confused) perspectives and for a great diversity of (not always clearly defined) purposes. Walton, for one, presents a classification of six 'types of dialogue' (1998, p. 31). At least two of them are not argumentative by our book ('information-seeking dialogue' and 'inquiry dialogue'). See also Kerbrat-Orecchioini (1990).

⁵ For an overview of theoretical studies of argumentation in legal discourse, see Feteris (1999).

arrangement that is satisfactory to both parties.⁶ Mediation is an activity type that is only weakly institutionalised and it usually has a loosely defined informal format. The initial situation is such that although it is known to all concerned that the third party has no jurisdiction to decide, it is clear that his presence will have a distinct influence on the contributions of the parties to this form of interpersonal communication. As a result of the problematic nature of their disagreement, the parties will usually not explicitly recognize any relevant concessions as a starting point. Generally, however, they will accept, however reluctantly, the implicit procedural rules that are cautiously forced upon them by the mediator in their informally scripted speech event. Instead of making their case in a businesslike manner, their arguments will more often than not be concealed in quasi-spontaneous, but in fact calculating, emotional exchanges. Although theoretically the parties may be just as free to draw their own conclusions as in ordinary argumentative discourse, in mediation they are expected to come to an arrangement.

Negotiation

Negotiation is an activity type that starts from a conflict of interests rather than merely a difference of opinion.⁷ Unlike in adjudication and mediation, in negotiations the disputants are focussed on each other rather than on a presumably neutral third party.⁸ Negotiations prototypically aim for a compromise.⁹ Usually, the compromise will consist of the maximum amount of agreement that can be reached on the basis of the concessions that both parties are willing to make. A series of interest-related interactive speech events have developed that are aimed at reaching an outcome in which the interests of both sides are met to an extent that is mutually acceptable.

Negotiation is a moderately institutionalised activity type of businesslike communication. Initially the parties are free to choose their own format but as soon as they have made their choice the format is binding and, as soon as they have been determined, the (constitutive) rules are clear to both parties. One may therefore consider the speech events of negotiation as semi-scripted. A distinctive feature of some speech events that belong to this activity type, such as bidding and haggling, is that the standpoints that are taken are altered during the negotiation process. Usually the concessions are conditional and changeable anyway. The final decision about the outcome of the negotiation is always up to the parties concerned and they are totally free to return to the initial situation. Among the means that they have at their disposal is, of course, argumentation but this argumentation is often incorporated in offers, counteroffers and

⁶ Most particularly in the United States, third party mediation has become an important alternative to the settlement of disputes by means of a formal court action. For an argumentative perspective on mediation, see van Eemeren, Grootendorst, Jackson and Jacobs (1993, pp. 118-119).

⁷ According to Fisher, Ury and Patton, who promote concentrating on interests rather than positions, negotiation, unlike positional bargaining, is to result in a 'wise' and as far as possible even 'amicable' agreement (1991, p. 14). In their view, reconciling interests works better because 'behind opposed positions lie many more interests than conflicting ones' (1991, p. 42).

⁸ For theoretical perspectives on negotiation, see Putnam and Roloff (1992).

⁹ In this connection a fundamental distinction needs to be made between so-called 'integrative' negotiations where the parties' interests are conflicting but not necessarily mutually exclusive, so that it is possible to have an outcome in which both parties gain something, and so-called 'distributive' negotiation where the one party's loss is the other party's gain. In the longstanding tradition of viewing negotiations as games distributive negotiation is treated as a 'zero-sum game' in which the gains and losses of both parties necessarily add up to zero and integrative negotiation as a 'non-zero-sum game.' Putman and Poole (1987) observe that negotiation and bargaining are neither exclusively integrative nor exclusively distributive but involve both approaches depending on how the communication develops.

other ‘commissives’, such as conditional promises (‘If you allow X, we will do Y’) and conditional threats (‘No Y before you do X’).¹⁰

Three types of argumentative activity related to the model of a critical discussion

<i>Critical Discussion</i>	Confrontation Stage	Opening Stage	Argumentation Stage	Concluding Stage
<i>Action Type</i>	<i>Initial Situation</i>	<i>Starting Points (Rules, Concessions)</i>	<i>Argumentative Means</i>	<i>Outcome</i>
<i>Argumentative Discourse</i>	difference of opinion; decision up to the parties	largely implicit intersubjective rules; explicitly and implicitly shared concessions	argumentation defending standpoints in critical exchanges	resolution of difference by joint decision parties or return to initial situation
<i>Adjudication</i>	dispute; 3 rd party with jurisdiction to decide	largely explicit codified rules; explicitly established concessions	argumentation based on interpretation of concessions in terms of facts and evidence	settlement of dispute by sustained decision 3 rd party (no return to initial situation)
<i>Mediation</i>	disagreement; 3 rd party with no jurisdiction to decide	implicitly enforced regulative rules; no explicitly recognized concessions	argumentation conveyed in would-be spontaneous conversational exchanges	conclusion of disagreement by mediated arrangement parties or provisional return to initial situation
<i>Negotiation</i>	conflict of interests; decision up to the parties	semi-explicit constitutive rules of the game; changeable sets of explicit concessions	argumentation incorporated in exchanges of offers, counter-offers and other commissives	end of conflict by compromise parties, mutually accepted agreement or return to initial situation

¹⁰ According to Tutzauer (1992, p. 67), ‘The nature, timing, and pattern of offers, and the concessions they elicit, constitute the very essence of bargaining and negotiation. Indeed, it can be argued that if there are no offers, there is no bargaining.’ Sawyer and Guetzkow (1965, p. 479) have a somewhat different emphasis: ‘The core of what is generally taken as the central process of negotiation [is] reciprocal argument and counter-argument, proposal and counter proposal in an attempt to agree upon actions and outcomes mutually perceived as beneficial.’ Axelrod (1977, p. 177) stresses the role of argumentation even more strongly: ‘After all, most of what happens in negotiation is the assertion of arguments by one side, and the response with other argument by the other side.’

3. INSTITUTIONAL BEARINGS ON STRATEGIC MANOEUVRING

In each of the argumentative activity types we have just discussed the participants make use of strategic manoeuvring to reconcile the simultaneous pursuit of their individual goal of reaching a successful outcome and the collective goal of bringing this outcome about in a way that is deemed reasonable in view of the specific aims and qualities of the activity type concerned. Due to their specific institutional properties, certain argumentative activity types may lend themselves particularly well – or particularly poorly, as the case may be – to particular modes of strategic manoeuvring at a particular discussion stage. In the one activity type the initial situation, for instance, can be more open – or less open – to shaping it to one’s individual taste than in the other. The same goes for the choice of starting points, the use of argumentative means and the interpretation of the outcome. In the process, all aspects of strategic manoeuvring can be affected: the topical choice of what to address, the audience-oriented perspective from which to address it, and the presentational devices for how to address it. We shall give some illustrations.¹¹

Adjudication aims for the termination of a dispute by a decision of a third party sustained by argumentation based on an interpretation of concessions in terms of relevant facts and evidence tested against largely explicit codified rules.¹² For brevity’s sake we confine ourselves to strategic manoeuvring in handling the topical potential in determining the issue in a law case. In the classical doctrine of *stasis* stemming from Hermagoras of Temnos and perhaps better known under its Latin name ‘doctrine of *status*’, the question of the choice of issue at the start of the argumentative process has been treated for the juridical domain (*genus iudiciale*), concentrating on criminal court cases.¹³ According to the *stasis* doctrine, in response to an accusation of murder the defender can choose from four kinds of strategies: denying that the criminal act was committed (*status coniecturalis*), pointing to procedural flaws in the court case (*status translativus*), redefining the act of killing as ‘manslaughter’ (*status definitivus*), or appealing to extenuating circumstances like the need for self-defence (*status qualitatis*). The alternative directions for managing the topical potential in the confrontation stage that are thus distinguished open up different opportunities for strategic manoeuvring.

In Multatuli’s *Max Havelaar*, a Dutch literary masterpiece, Lothario, who is accused of having murdered a woman called Barbertje, defends himself by opting for the *stasis coniecturalis* and denying flatly that he committed this criminal act:¹⁴

Your honour, I didn’t kill Barbertje! I fed her and clothed her and looked after her. There are witnesses who will testify that I am a good man, and not a murderer.

¹¹ For an analysis of strategic manoeuvring in argumentative discourse in a less institutionalised political context, see van Eemeren and Houtlosser (to be published).

¹² In court cases, the judge fulfils the role of the third party. For reasons of legal certainty, he takes the prevailing legal codes and juridical rules as his starting point and checks whether the law attaches indeed the required legal consequence to the facts and whether enough facts have been presented to make the legal ground of the claim acceptable. However strongly scripted such speech event may be, we all know that there is always ample room left for strategic manoeuvring. This is, in fact, the basis of the legal profession.

¹³ The scope of the doctrine was probably much broader. It is certainly the basis for the crucial distinction of ‘stock issues’ in modern American academic debate.

¹⁴ This example is taken from van Eemeren and Grootendorst (1992, pp. 74-75).

This appears to be the strongest way of availing himself of the topical choice that Lothario could make, and a moment later it is even backed up by the appearance of Barbertje herself, so that it is a proven fact that she is still alive. By some remarkable whim of fate the effect of this strategy is in this case nevertheless spoiled because of the additional remarks made by Lothario about his good-heartedness, because this is what the judge concludes:

Man, you must hang! [...] It does not befit someone who has been accused of something to consider himself a good human being.

This shows once more that strategic manoeuvring is not always correctly appreciated.

Mediation, our second activity type, aims for the conclusion of a disagreement by a mediated arrangement of the parties that is achieved with the help of argumentation conveyed in would-be spontaneous conversational exchanges that do not start from explicitly recognized concessions and are guided by implicitly enforced regulative rules. Although in principle the mediator's only task is to structure and improve the communication between the parties, in practice, his strategic manoeuvring is often directed at overcoming the institutional constraints and contributing to the effectuation of an arrangement. In the confrontation stage he can cause the parties to shift aspiration levels that are too high to a more realistic level. In the opening stage he can also modify the perceived meaning of the concessions that are implicitly made, so that they can be more easily used to come to an agreement. In the argumentation stage he can give presence to the ideas of justice and fairness to make the conversational exchanges more effective. In the concluding stage he can prepare the parties to accept an arrangement by allowing both to save face. In most cases he can try to achieve these strategic aims in an indirect way by using the appropriate kinds of presentational devices. Consider, for example, the following exchange:¹⁵

Mediator:

What about Bill's concern that this (could be a mutual decision)?

Wife:

I want Bill this is you know this is I I assume why we are here I want Bill to be close to them I want them to have time with them, with him, but I also want them to have a good stable (operating). And that's first and foremost in my mind. =

Mediator:

Okay. How would you modify [modify] this ((PAUSE)) proposal then?

Wife:

What I would modify it to is every other weekend and maybe [t an] two evenings a week, I don't know ((Exasperated)) ((Pause))

Here questioning is the presentational device that allows the mediator to carry out some tasks of an advocate without having to advocate or challenge any particular standpoint or argument. Through lines of questioning he may get the respondent to commit to answers that could serve as common premises for arriving at some conclusion. The advantage of this strategy is that, through their answers, the parties are the ones who make the assertions, so that the mediator has not publicly advocated any standpoint or made a personal commitment to any argument. The

¹⁵ This example, and the explanation, is taken from van Eemeren, Grootendorst, Jackson and Jacobs (1993, pp. 126-127).

mediator thus performs a balancing act to remain, at least in a formal sense, on the safe side of the boundaries of strategic manoeuvring that are drawn in mediation.¹⁶

Negotiation, our last case, is a multi-varied activity type that in all its versions is aimed at ending a conflict of interests between the parties by a compromise or otherwise mutually acceptable option through rule-governed exchanges of offers, counter-offers and other commissives that are interspersed with argumentation and start from sets of explicit concessions that may change during the negotiation process. Mutual agreement is vital to negotiation. As Putnam and Roloff (Eds., 1992, p. 3) observe, 'Negotiation differs from related types of communication by [...] employing strategies and tactics aimed at reaching a mutually acceptable agreement.'

The fact that there is a conflict of interests does not mean that all interests that the parties have are incompatible. The other party always has certain interests that are unrelated to one's own and might even be compatible. Because in a context of negotiation identifying interests of the other party that are not part of the conflict can be a steppingstone to coming to an agreement, adapting in this way to the audience's perspective is an important strategic mode of manoeuvring. Not only because one can then adjust to the other party's perspective by formulating one's own interests as paralleling theirs, or pose as someone who understands the other party's interests and can therefore meet them,¹⁷ but also because by making creative use of concessional patterns one can enter more complex audience-oriented strategies such as *package dealing*.¹⁸ A package deal is a compromise in which, based on the available conditional or unconditional concessions, interests that are basically unrelated are brought together in such a way that the inequality in the distribution is compensated and the initial conflict is ended in the process.¹⁹ When taken together, the avowed interests constitute as it were a great pool from which they can be drawn in different strategic combinations.

In the following negotiation, which rather typically takes a series of exchanges, party 1 wants to borrow party 2's car for a few days. By offering quite a few unrelated concessions that are attractive to party 2, so that he adapts strategically to the other party's perspective, party 1 prepares the ground for making a package deal that includes him having the car:

Party 1:

You have been most generous in granting me this job. I shall finish it tomorrow, so that you will have a great bathroom again.

Party 2:

Fine.

Party 1:

Why don't you postpone paying me until next week, if that's easier for you? In any case I still wanted to paint the garden shed and to complete the other odd things that are still waiting to be done.

Party 2:

O.K.

Party 1:

¹⁶ The obvious alternative is, of course, a broadened re-conceptualisation of the activity type of mediation.

¹⁷ As Walton (1998, p. 102) remarks: 'Without empathy it is impossible for one party to understand what the other party really wants and what her priorities are within her list of wants.'

¹⁸ According to Tutzauer (1992, p. 79), because the communication of offers is so central in this endeavour, having an understanding of negotiation requires an understanding of concessional patterns.

¹⁹ A different type of audience-oriented strategy in negotiation is the offer strategy known as *logrolling*, in which trade-offs among the issues are made that can lead to a settlement that is beneficial to both parties (Tutzauer, 1992, p. 69).

I don't mind staying the night on Saturday, by the way, so that I can look after the kids and the two of you can go out.

Party 2:

Gee, thanks! But don't you have to eat then?

Party 1:

Some beer will be welcome, of course, and I would not mind a small bite, but I can take care of that myself. What do you say?

Party 2:

That's fine with me.

Party 1:

Oh, by the way, could I borrow your car for a few days?

Party 2:

Yes, I appreciate your doing all the extra work you are going to do and I don't need the car during the next couple of days, so you can have it. Except for Saturday night, of course, because otherwise we cannot go out. OK?

Party 1:

Sounds perfect to me!

4. CONCLUSION

In this paper, we have concentrated on the tension inherent in every kind of argumentative discourse between the pursuit of success and the maintenance of reasonableness. We have elaborated on our claim that this tension manifests itself in strategic manoeuvring and can be captured theoretically by making use of insights from both dialectic and rhetoric. A new step in the systematic development of our treatment of strategic manoeuvring is taking account of the fact that the manoeuvring takes place in one of the various argumentative activity types that can be distinguished in argumentative practice. By concentrating on three activity types that are more or less clearly institutionalised, so that their formats are to some extent scripted, we have shown how strategic manoeuvring is affected by the opportunities and constraints of the activity type in which it takes place.

REFERENCES

- Axelrod, R.: 1977, 'Argumentation in Foreign Policy Settings: Britain in 1918, Munich in 1938, and Japan in 1970', in W. Zartman (ed.), *The Negotiation Process*, Sage Publications, Beverly Hills, CA, 175-192.
- Eemeren, F.H. van and R. Grootendorst: 1992, *Argumentation, Communication and Fallacies*, Lawrence Erlbaum, Hillsdale, VA.
- Eemeren, F.H. van and R. Grootendorst: 2004, *A Systematic Theory of Argumentation: The Pragma-Dialectical Approach*, Cambridge University Press, Cambridge.
- Eemeren, F.H. van, R. Grootendorst, S. Jackson and S. Jacobs: 1993, *Reconstructing Argumentative Discourse*, Alabama University Press, Tuscaloosa/London.
- Eemeren, F.H. van and P. Houtlosser: 2002, 'Strategic Maneuvering in Argumentative Discourse: A Delicate Balance', in F.H. van Eemeren and P. Houtlosser (eds.), *Dialectic and Rhetoric: The Warp and Woof of Argumentation Analysis*, Kluwer Academic, Dordrecht, 131-159.
- Eemeren, F.H. van and P. Houtlosser: to be published, 'More About an Arranged Marriage'. Paper presented at, and included for publication in the Proceedings of, the 11th NCA/AFA Conference in Alta, Utah, USA, June 2003.
- Feteris, E.T.: 1999, *Fundamentals of Legal Argumentation. A Survey of Theories on the Justification of Judicial Decisions*, Kluwer Academic, Dordrecht.
- Fisher, R., W. Ury and B. Patton: 1991, *Getting To Yes: Negotiating Agreement Without Giving In*, 2nd ed., Penguin Books, New York.

- Kerbrat-Orecchioni, C. and V. Traverso: 2004, 'Types d'interactions et genres d'oral', *Langages* **153**, March, 41-51.
- Levinson, S.C.: 1992, 'Activity Types and Language', in P. Drew and J. Heritage (eds.), *Talk at Work: Interaction in Institutional Settings*, Cambridge University Press, Cambridge, 66-100.
- Putnam, L.L. and M.E. Roloff: 1992, 'Communication Perspectives on Negotiation', in L.L. Putnam and M.E. Roloff (eds.), *Communication and Negotiation*, Sage Publications, Newbury Park, CA, 1-17.
- Putnam, L.L. and M.S. Poole: 1987, 'Conflict and Negotiation', in K.H. Roberts and L.W. Porter (eds.), *Handbook of Organizational Communication*, Sage Publications, Newbury Park, CA, 549-599.
- Sawyer, J. and H. Guetzkow: 1965, 'Bargaining and Negotiation in International Relations', in H.C. Kelman (ed.), *International Behavior: A socio-psychological Analysis*, Holt, Rinehart and Winston, New York, 466-520.
- Tutzauer, F.: 1992, 'The Communication of Offers in Dyadic Bargaining', in L.L. Putnam and M.E. Roloff (eds.), *Communication and Negotiation*, Sage Publications, Newbury Park, CA, 67-82.
- Walton, D.: 1998, *The New Dialectic: Conversational Contexts of Argument*, University of Toronto Press, Toronto.