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# Interpreting Straw Man Argumentation

The Pragmatics of Quotation and  
Reporting

# Perspectives in Pragmatics, Philosophy & Psychology

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Fabrizio Macagno • Douglas Walton

# Interpreting Straw Man Argumentation

The Pragmatics of Quotation and Reporting



Springer

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*For Chrysa and Karen, with love*

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# Introduction

Democratic deliberation and debate depend on how the commitments of the opposing candidates are communicated and how each party represents and addresses the opinion of the other party in a fair way. It was precisely the lack of serious criteria for distinguishing when a party's position or commitments are correctly interpreted and presented, and when they are distorted and manipulated, that led voters to taking the US presidential debates of 2016 less seriously. Misquotations, attacks based on incorrect quotations, and accusations of misquotations characterized the debates and the discussions of the candidates. The question that this book addresses is how to analyze misquotation and related tactics based on altered quotations. In particular, we will focus our attention on the strategy that best illustrates the power of altering one's words or communicative intentions, commonly referred to in the literature as the "straw man fallacy." The straw man is the attack on (or refutation of) a view that the speaker attributes to his adversary, but that does not correspond to the adversary's actual position, but rather to a distorted (misrepresented) version of it. A clear description of this fallacy can be found in the account given in the *Port-Royal Logic* of the Aristotelian fallacy of *ignoratio elenchi*, namely, the fallacy of providing only an apparent refutation of the issue under discussion (namely, the interlocutor's position, conclusion, or argument) (Aristotle, *Sophistical Refutations*, ch. 6; Krabbe, 2012). As the authors of the *Port-Royal Logic*, Arnauld and Nicole put it (Arnauld & Nicole, *Logic, or the art of thinking*, Chapter 19):

*Proving something other than what is at issue*

Aristotle calls this sophism *ignoratio elenchi*, that is, ignorance of what must be proved against one's adversary. This is a very common mistake in our disputes. We argue heatedly, and often we do not listen to each other. Passion or bad faith causes us to attribute to our adversaries something remote from their views to gain an advantage over them, or to impute to them consequences we imagine can be drawn from their doctrines, although they disavow and deny them. All this can be classified under this first kind of sophism, which good and sincere people should avoid above all.

Ignoring what must be proved and attacking a view that only resembles the one advocated by the adversary presuppose several strategies of distortion and misrepresentation (Walton, 2003, pp. 42–44), either directly focused on the adversary's

utterances or on the interpretation thereof and the inferences that can be drawn from them. For this reason, this fallacy involves various types of manipulations (according to some theories, all the Aristotelian fallacies could be reduced to *ignoratio elenchi*; see Petrus Hispanus, *Summulae Logicales*, Chapter III, 179–190), which need to be investigated both from a linguistic point of view and an argumentative point of view.

For this reason, the first crucial goal is to provide instruments from pragmatics and argumentation theory that can be used for assessing whether a quotation is correct and whether the original speaker has been correctly interpreted. Our second aim is to investigate how quotations can be distorted and used for manipulating the original speaker's commitments. Our third objective is to describe the dialectical and rhetorical strategies based on misquotations and show how they can be analyzed and diagnosed, providing the misquoted party with instruments for countering and rebutting the quoter's move.

The crucial problem which needs to be faced is that the line between interpreting and purposely altering a commitment is often blurred. Ambiguity characterizes natural communication, at all levels. Semantic ambiguity is only one of the problems of interpretation. Most of what we say can be understood only based on what was left implicit or rather what was taken for granted. Let us consider, for example, one of the most recent controversies concerning an alleged misquotation of Donald Trump's words during the presidential election campaign. In the excerpt below, the CNN anchor Carol Costello refers to a previous statement by Trump and, after reporting how it was reported, provides her own interpretation<sup>1</sup>:

### Case 1: Trump's Racial Profiling

**Costello:** And it's hard to not notice, Jeff, that Donald Trump again brought up the idea of profiling immigrants. I mean, yesterday he was upset that news people used the term "racial profiling" but he was on "The O'Reilly Factor" last night and Donald Trump clearly meant racial profiling when he said profiling.

The problem with these claims was that they referred to the following excerpts from an interview in which Trump addressed a recent alleged terrorist attack<sup>2</sup>:

Our police are amazing. Our local police, they know who a lot of these people are. They're afraid to do anything about it because they don't want to be accused of profiling and they don't want to be accused of all sorts of things. [...] If somebody looks like he's got a massive bomb on his back we won't go up to that person and say, 'I'm sorry,' because if he looks like he comes from that part of the world we're not allowed to profile. [...] In Israel they profile [...] They've done an unbelievable job, as good as you can do. [...] They see somebody that's suspicious, they will profile. They will take that person and they'll check out.

<sup>1</sup>CNN Transcripts. *CNN.com*. (20 September 2016). Retrieved from <http://transcripts.cnn.com/TRANSCRIPTS/1609/20/cnr.02.html> (Accessed on 4 January 2016). See for comments CNN claims Trump called for 'racial' profiling (he didn't). *Foxnews*. (20 September 2016). Retrieved from <http://www.foxnews.com/politics/2016/09/20/cnn-claims-trump-called-for-racial-profiling-didnt.html> (Accessed on 4 January 2016).

<sup>2</sup>Jacobs, J. (2016, September 19). Trump Laments 'We're Not Allowed to Profile' in Terror Fight. *Bloomberg.com*. Retrieved from <https://www.bloomberg.com/politics/articles/2016-09-19/trump-says-fear-of-profiling-inhibits-u-s-terrorism-prevention> (Accessed on 4 January 2016).

Trump never used the word “racial profiling;” the adjective “racial” was added by the media (and by the CNN journalist in her interpretation), leading to the conclusion that Trump intended to promote a policy that equated terrorism with race and even race with religion. This case suggests the problems and effects of quoting or misquoting. Trump’s words were clearly misquoted by the media, but the CNN journalist’s move (who claimed that Trump “clearly meant racial profiling”) is much subtler and harder to assess. The journalist was providing an interpretation, but without giving any reasons to support it. She justified the distortion of Trump’s words by claiming that the quotation represented what Trump meant.

The *Trump’s racial profiling* case illustrates the close relationship between quotation and interpretation, the complexity of meaning reconstruction, and the dangers of an incorrect quotation. Trump’s words were altered, triggering a conclusion that can be hardly drawn from his original statements. This alteration, however, was justified by resorting to a possible interpretation, grounded on the common opinion on profiling in the USA and the complaints raised by various minorities in the USA about this practice. The possible ambiguity of the original quotation leaves room for interpretations that can be used for attacking the original speaker, shifting the burden onto him of proving that his communicative intention was different. The problem is to determine whether, considering the context, the utterance can be considered ambiguous and what kind of interpretations can be supported by the evidence available.

We will show that the reconstruction of what Trump actually meant involves the analysis of various components of communication and requires the integration of tools of linguistic pragmatics with the instruments of argumentation theory and discourse analysis. In order to retrieve what our interlocutor meant, we need to take into account the tacit dimension of communication, which includes the purpose of the discourse or dialogue, the context and co-text, the shared or presumably shared meaning of the words used and the stereotypes associated thereto, and encyclopedic facts and habits. While we usually process this information automatically, or almost automatically, when doubts arise concerning the meaning of an utterance, understanding becomes what we will refer to as interpretation, a critical process in which the interpreter needs to find the meaning that is grounded on the most acceptable reasons. This critical process needs to be represented in terms of arguments, evidence, and presumptions, supporting an interpretive conclusion that can be compared with the alternative ones. On this perspective, the various components of communication and utterance processing become part of an argumentative process of supporting the best interpretation.

The Trump case above shows how quotation, ambiguity, and interpretation matter in various fields of study. The most evident areas in which quotations are crucial are communication, rhetoric, and public discourse. Trump was quoted by the media, which distorted his words, for eliciting a reaction (e.g., impressing, shocking, scandalizing, or puzzling the audience). This misquotation could have been also used for attacking the Republican candidate by showing that he was committed to a racist position. A fourth important field of dialectics is argumentation theory as when the CNN journalist provided her interpretation within a dialectical debate with other

experts (a historian and a senior journalist) on the problem of Syrian refugees, in which opinions and arguments are carefully considered and evaluated. Another area of interest is defamation law. Misquotations are a serious cause of action when a reputation is damaged and can result in lawsuits for defamation (libel or slander). The boundaries of interpretation become of fundamental importance in these cases in order to distinguish between an acceptable report and a willful or a negligent misquotation. In this book, we use examples from famous political speeches (including speeches by Nixon, Obama, Bush, Clinton, and Trump), dialectical debates, defamation cases, and legal discussions. We show how quotation and misquotation can be crucial instruments not only for attacking the opposing candidates but also for winning a legal case. We describe how the media can distort a politician's words and affect their reputation and how politicians can belittle an opponent with little or no reason.

This is the first book to provide a systematic and extensive study of strategic uses of ambiguity and misquotations based on analyses of various types of discussions from the different fields mentioned above. We examine 63 examples of uses of quotes and misquotes, and cite 20 legal cases, which illustrate both reasonable argumentative uses of quotations and mischievous tactics based on deceitful quotes and reports. We not only provide an analytical and normative framework but also practical methods to apply it to real-life arguments. We diagnose the faults of strategic uses of ambiguity and misquotations to bring to light their rhetorical effectiveness. We outline procedural steps to detect such manipulative tactics, assess them, and find countermeasures.

The theoretical framework used combines the advances of linguistic pragmatics with the developments of argumentation theory. Argumentation is a field of studies aimed at identifying, analyzing, and evaluating arguments and studying different ways of responding to different arguments and criticizing them. This area of research, at the crossroads between linguistic pragmatics, discourse analysis, logic, and communication, is well established and increasingly popular with scholars in linguistics, discourse analysis, legal reasoning, computer science, and education. As this book intends to show, the connection and dialogue between these fields of study result not only in theoretical and analytical proposals but more importantly in the development of instruments that can be used and implemented for practical purposes. This book shows how research in linguistic pragmatics, philosophy of language, and rhetoric can be combined through argumentation to analyze many interesting examples in political discourse, everyday conversation, and several leading cases of defamation law. All the examples are about attacking an opponent's argument by distorting it, often by misquoting it, or quoting it out of context, or even by failing to do the work of quoting it at all.

Pragmatics constitutes the linguistic and analytical framework that we rely on for investigating ambiguity, commitments, and the implicit dimensions of communication. We use legal decisions and legal standards applied in defamation cases to develop normative criteria that we apply to the various examples from political or everyday discourses. We combine analytical tools and normative criteria in an argumentative approach that describes some instruments that can be used for bringing to

light the implicit aspects of an utterance, its possible tacit conclusions, and its presuppositions and for assessing when an interpretation can be considered as acceptable. We take into account insights from rhetoric for describing how a quotation or a misquotation can be persuasive or used to damage one's reputation and for pointing out the strategies for countering such attacks. We analyze the literature in dialectics for showing how a (correct or distorted) quotation affects the interlocutors' commitments and shifts the burden of proof, modifying the dialogical game.

Chapter 1 shows how the distortion of a viewpoint or opinion needs to be addressed by taking into account how an utterance can be manipulated. In this chapter, different types of ambiguity of an utterance and the problem of establishing its relevance in an argument are studied. In particular, different kinds of pragmatic ambiguity are analyzed by considering the relevance of a discourse move within a dialogue. In order to investigate how problems arising from these types of ambiguity can be solved, we lay out a procedure for establishing which interpretation of several is the strongest (or the "best") one. This problem is linked to the problem of relevance from an argumentative perspective taken up in Chap. 5.

Chapter 2 is focused on the problem of reporting (directly and indirectly) a point of view. We show that a direct or indirect report cannot be analyzed independently of the context in which it appears and the intentions of the speaker. More specifically, reports will be shown to be strictly related to the relevance of the quotation or the report to the purpose the speaker is pursuing in the discourse or dialogue. Since this relation can be investigated in terms of argumentative relations, quotations and reports can be described according to their function in supporting or rebutting a point of view, an argument, or the backing thereof. They are pieces of evidence that can be used as arguments from authority or from testimony or as proof of commitments held by the interlocutor or third parties that can be advanced showing their consistency or inconsistency.

The argumentative and dialectical effects of quotation and misquotation are explained in Chap. 3 by examining them from an argumentation perspective that takes the context of unattributed quotation into account by clarifying the relationship between quotations and commitments. As the reader can well imagine, such cases can be exquisitely tricky, especially if the consequences of one interpretation or the other can be costly. Clear examples are the perjury case of then-President Bill Clinton (when he stated that Monica Lewinsky had told the truth when she said that they had no sexual relationships, Case 3.1) and the leading case of *Masson v. New Yorker Magazine, Inc.* (Case. 3.13), which concerned the problem of how to determine when a quotation misrepresented the original speaker's commitments as communicated through what he said.

In this chapter it is shown how there are different kinds of ambiguity and how ambiguity can create presumptions that can only be identified and sorted out using inference to the best explanation based on Gricean-style implicature. According to this approach, quotation along with other ways of describing an arguer's position depends on the ability to give an account of previous commitments held by the quoted party. The examples in this chapter show, however, that finding the right evidential link between commitments supposedly held and what was actually said



could be tricky. The reason is that a quotation can function as a strategic representation of an utterance involving the interpretation of a communicative intention. However, as is shown by examples, such an interpretation needs to be supported or attacked by selection of the linguistic evidence available in the case. What can happen then is that a potential ambiguity can be used as a strategy for manipulating commitments for holding the quoted party responsible for positions that he never advocated. It is shown that the different forces of commitments can have dialectical and rhetorical effects on manipulations of commitments. Two problems are addressed. The first is the problem of personal attacks based on a party's commitments. The second is the related problem of figuring out how different strategies of attack increase the burden of defense of the attacked party.

Chapter 4 investigates the argumentative mechanism that can be used for interpreting ambiguous or potentially ambiguous utterances. It is shown why the relationship between an utterance or an expression and its meaning is best analyzed in terms of presumptions that are subject to default. Interpretation in this sense is framed within the theory of argumentation schemes and regarded as the conclusion of an argument from the best explanation, in which conflicting presumptions resulting from the linguistic, contextual, and contextual evidence are evaluated. On this perspective, the interpretation of an utterance is regarded as the outcome of a process aimed at weighing and assessing the defeasibility of various presumptions. This argumentative account of interpretation can be used as an instrument for providing reasons in support of or against an interpretation of a quotation and shifting the burden of proof.

The interrelation between the various aspects of the fallacy of straw man is clarified in Chap. 5, drawing on implications of the analyses of examples presented in the previous four chapters. In Chap. 5, we focus on indirect reports, namely, interpretations of the original speaker's words, and the use thereof for attacking the reported party or the interlocutor. In this chapter, we evaluate whether some crucial political examples (drawn from famous and recent speeches) can be considered as instances of the straw man fallacy. It is shown how this approach combines advances in pragmatics and linguistics on the topics of reports, interpretation, and ambiguity with argumentation methods. A theoretically important and wide-ranging hypothesis proved in this chapter is that the straw man fallacy, at its central core, is a failure of relevance. This proof is supported by a new definition of relevance appropriate for argumentation. In particular, we describe how relevance, defined in argumentative terms as inferential distance of a statement to a possible conclusion (interpretation) that can be drawn from it, can be used as a criterion for assessing the reasonableness of an interpretation or report. Nevertheless, this chapter is not all about theory. It provides analytical tools, namely, dialogue systems and profiles of dialogue, which can be used for reconstructing, evaluating, and establishing an interpretation and defusing manipulative tactics associated with straw man arguments.

# Chapter 1

## Using Quotations: Their Argumentative Uses and Their Manipulations

In linguistics, quotations are considered as nonserious acts embedded in serious acts (Clark and Gerrig 1990, p. 766). When a speaker (the quoter) quotes the word uttered by another individual, he is representing (depicting) an act, such as requesting information, ordering, informing, insulting, etc. However, the quoter is not performing the act that the Original Speaker (hereinafter, also abbreviated as OS) performed, namely he is not thereby requesting information (or ordering, or informing, etc.). Instead, he is using the original act for pursuing his own dialogical or communicative goal. In argumentative dialogue, more specifically, the dialogical or communicative goal pursued can be represented as an argumentative goal, a possible conclusion that needs support.

In linguistics, a quoted utterance has been described as characterized by different dimensions, which Clark and Gerrig described as follows (Clark and Gerrig 1990, p. 775):

- I. Delivery: voice pitch (male, female, child), voice age (adult, child, oldster), voice quality (raspy, nasal, slurred), speech defects (lisp, stutter), emotional state (anger, sarcasm, excitement), accompanying gestures (pointing, smiling, frowning)
- II. Language: language proper (English, Dutch, Japanese...), dialect (British English, Bostonian English), register (formal, informal)
- III. Linguistic acts: illocutionary act (question, request, promise...), propositional expression (the proposition expressed), locutionary act (the sentence uttered), utterance act (the utterance issued with repairs, etc.)

The speaker (quoter) selects the dimension that is useful for pursuing his communicative goal and thus depicts selectively the speech event, choosing the aspect that they intend to communicate to the hearer and omitting or leaving the others in the background.

In argumentation, quotes can be conceived as evidence used for supporting a specific conclusion. This evidence can in turn be conceived as a commitment, a

proposition that can correspond to the proposition expressed by the act, or that represents its purpose, its delivery, its language, etc. In this sense, an utterance carries with it a set of commitments that the Original Speaker incurs and that can be used for the quoter's own communicative (and argumentative, for our purposes) goals. Quotations are thus conceived as reminders of another's commitments.

This framework will be used to analyze quotations and the manipulations of quotations as dialogical moves, defined as acts aimed at pursuing a specific conversational goal – such as informing, making a decision, negotiating, persuading, assessing a hypothesis, or attacking the interlocutor (Macagno and Bigi 2017). On this view, quotations (and reports) and their manipulations (which we will refer to as “misquotations”) are instruments for pursuing a communicative goal. In some cases, when the Original Speaker is also the interlocutor, quotations and misquotations are strategies for modifying the set of commitments that he is relying on in his discussion. For example, by reminding him of a past commitment of his (a past assertion), the speaker can point out a contradiction in the position the interlocutor is advocating (Hamblin 1970, Chapter 8; Walton and Krabbe 1995). For the same purpose, he can also distort the interlocutor's actual words, and attribute to him commitments that he never upheld.

In this chapter, we will illustrate how quotes can be used for different argumentative purposes, and how they can be distorted for pursuing different goals. We will show how in dialogical contexts in which the Original Speaker corresponds to the interlocutor, quotations and misquotations can be strictly connected with other dialogical tactics, and in particular explicit or implicit attacks to an opposing position or to the interlocutor himself.

## 1.1 Quotations and Types of Quotations

In order to describe and analyze the argumentative uses of quotations, it is useful to illustrate what we mean by “quotation.” A quotation is a form of meta-representation (Brendel et al. 2011, p. 1) in which utterances become the subjects of other utterances (Coulmas 1986, p. 2). In philosophy of language the notion of quotation itself is controversial, but for the purposes of its argumentative and dialogical uses, we will consider it as the reporting of what someone says (Saka 2013, p. 938). This broad concept, however, includes different types of quotations, which can be described and distinguished considering their communicative effects on the dialogical setting (Yamanashi 2001). We will describe these effects in terms of dialogical commitments, a notion that we will discuss in Chap. 2, but that we will define in the most generic way as the dialogical responsibility of supporting a proposition in case it is challenged or questioned (Hamblin 1970; Walton and Krabbe 1995).

### 1.1.1 Direct Quotation

The distinction between direct quotation (*oratio recta*) and indirect quotation (*oratio obliqua*) (Recanati 2000) can be drawn as follows (Coulmas 1986, p. 2):

[Direct report] evokes the original speech situation and conveys, or claims to convey, the exact words of the original speaker in direct discourse; [Indirect report] adapts the reported utterance to the speech situation of the report in indirect discourse.

The fundamental difference between the two lies in the speaker perspective or point of view of the reporter. In direct speech the reporter lends his voice to the original speaker and says (or writes) what he said, thus adopting his point of view, as it were. Direct speech, in a manner of speaking, is not the reporter's speech, but remains the reported speaker's speech whose role is played by the reporter.

This distinction can be further specified by relying on the legal criteria used for distinguishing between the "substantial truthfulness" of a quote. In the landmark case *Masson v. New Yorker Magazine, Inc.* (501 U.S. 496, 1991), the Court distinguished direct and indirect quotation in terms of the possibility of "rationally interpreting" the original statement (at 498):

The protection for rational interpretation serves First Amendment principle by allowing an author the interpretive license that is necessary when relying upon ambiguous sources; but where a writer uses a quotation that a reasonable reader would conclude purports to be a verbatim repetition of the speaker's statement, the quotation marks indicate that the author is not interpreting the speaker's ambiguous statement, but is attempting to convey what the speaker said.

Therefore, in the most generic terms we can claim that a direct quotation is an attempt to reproduce the wording of what was said, although only imperfectly (Wade and Clark 1993, p. 818). A crucial problem is that direct quotations are selective. The speaker selects only some aspects of what he "demonstrates:" usually, in argumentative contexts, he reproduces only the wording and not the Original Speaker's tone of voice, accent, or pitch (Wade and Clark 1993, p. 807). For this reason, direct quotations can be only more or less faithful reproductions of the Original Speaker's words. A crucial problem consists in determining what counts as a "more or less faithful reproduction." In the aforementioned case, the criterion of "substantial truth" was introduced in order to distinguish the line between quotation and misquotation (Forde 2005). As the Court maintained (*Masson* at 498, emphasis added):

The common law of libel overlooks minor inaccuracies and concentrates upon substantial truth. Thus, a deliberate alteration of a plaintiff's words does not equate with knowledge of falsity for purposes of *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–280, and *Gertz v. Robert Welch, Inc.*, 418 U.S. 341, 342, unless it results in a **material change in the statement's meaning**. While the use of quotations to attribute words not in fact spoken is important to that inquiry, the idea that any alteration beyond correction of grammar or syntax by itself proves falsity is rejected. Even if a statement has been recorded, the existence of both a speaker and a reporter, the translation between two media, the addition of punctuation, and the practical necessity to edit and make intelligible a speakers' perhaps rambling comments, make it misleading to suggest that a quotation will be reconstructed with complete accuracy. However, if alterations give a different meaning to a speaker's statements, bearing

upon their defamatory character, then the device of quotations might well be critical in finding the words actionable.

While a direct quotation is not a rational interpretation of a statement and needs to purport to convey what was said, alterations of the speaker's words are possible, inasmuch as they are aimed at "cleaning up" and not altering the meaning a statement conveys to a reasonable reader (at 516). More specifically, the Court points out that a material change involves "any meaning conveyed by the manner or fact of expression" (at 517), and describes meaning in terms of "effects" that the words can produce on the mind of the reader. In this sense, substantial identity corresponds to the identity not only of the propositional meaning, but also of the various possible effects that the words (the expression of the propositional meaning) can have on the audience or the interlocutor.

Based on these grounds, we can build on the structure of the definition of quotation provided by Meibauer (2014, p. 184), and modify it to represent direct quotation as follows:

*S* directly quoted at time *t* by asserting that *p* iff

- I. *S* uttered at *t* the declarative sentence  $\sigma$  meaning *p*;
- II. *p* contained the reproduction *r* of another sentence or sentence fragment *u* meaning *m*;
- III. *u* had been uttered by *OS* at time *s* < *t*;
- IV. reproduction *r* corresponds (is substantially identical) to the wording of *u*.

For example, we analyze the following example:

1. (Journalist) Trump Said: "I Am Very Pro-Choice."

In this case, we can define the components of the quotation as follows:

The Journalist *directly* quoted Trump on 26 January 26, 2016 by asserting that "Trump said: 'I am very pro-choice'" iff

- I. On 26 January 26, 2016 the Journalist asserted that "Trump said: 'I am very pro-choice'" meaning that Trump affirmed previously the words "I am very pro-choice."
- II. Trump affirmed previously the words "I am pro-choice" contained "I am pro-choice," which is the reproduction of another sentence "I'm very pro-choice. I hate the concept of abortion" meaning that Trump is open to leave the possibility of abortion in some cases.
- III. "I'm very pro-choice. I hate the concept of abortion" had been uttered by Trump in 1999.
- IV. "I am very pro-choice" corresponds (is substantially identical) to the wording of "I'm very pro-choice. I hate the concept of abortion."

### 1.1.2 *Indirect Quotation*

While a direct quotation is an attempt to reproduce the wording of an utterance, an indirect quotation is an attempt to reproduce only the gist or content of what was said (Wade and Clark 1993, p. 806). On this view, in direct quotations the type (what is reproduced) consists in the words of the original utterance; thus, direct quotation refers to the words uttered by the speaker at a different time in a different circumstance. In contrast, in indirect quotation, the type is the meaning of the original utterance, and the token repetitions may contain different words as long as the meaning remains roughly the same (Wade and Clark 1993, p. 806). In this sense, words refer to the content of another utterance. For this reason, direct quotations have been conceived as demonstrations, inasmuch as they:

- (a) depict their referents;
- (b) provide a direct experience thereof;
- (c) depict their referents from a vantage point;
- (d) bring some aspects of the utterance in foreground, leaving others in the background; and
- (e) select the aspects that they depict (Clark and Gerrig 1990, p. 769).

In contrast, indirect reports are descriptions of what was said, which involves an interpretation. For this reason, we can represent indirect quotation as follows:

*S indirectly quoted at time  $t$  by asserting that  $p$  iff*

- (i) *S uttered at  $t$  the declarative sentence  $\sigma$  meaning  $p$ .*
- (ii)  *$p$  contained the interpretation  $i$  of another sentence or sentence fragment  $u$  meaning  $m$ .*
- (iii)  *$u$  had been uttered by  $OS$  at time  $s < t$ .*
- (iv) *Interpretation  $i$  corresponds to (is not substantially different from) meaning  $m$ .*

We can apply this definition to the following indirect report:

#### 2. (Journalist) Trump Said That He Was in Favor of Abortion

The Journalist *indirectly* quoted Trump on 26 January 26, 2016 by asserting that “Trump said that he was in favor of abortion” iff

- (i) On 26 January 26, 2016 the Journalist asserted that  $\sigma$  (“Trump said that he was in favor of abortion”) meaning that  $p$  (Trump affirmed at a time before 206 January, that he was in favor of the practice of abortion in general).
- (ii)  $p$  contained the interpretation  $i$  (*I am in favor of the practice of abortion in general*) of another sentence  $u$  (“I’m very pro-choice. I hate the concept of abortion”) meaning  $m$  (*I am is open to leave the possibility of abortion in some cases*).
- (iii) “I’m very pro-choice. I hate the concept of abortion” had been uttered by Trump in 1999.
- (iv) Interpretation  $i$  (*I am in favor of the practice of abortion in general*) corresponds to (is not substantially different from) meaning  $m$  (*I am is open to leave the possibility of abortion in some cases*).

These two types of quotations represent the two most important instruments for reporting what another party said, namely for attributing to him a commitment (we will discuss this notion in the following Chap. 2). In the definitions mentioned above, the last requirement represents what the speaker can be committed to. In direct quotations, the speaker becomes directly and immediately committed to the correspondence of substantial identity between the quotation and the wording of the original utterance (requirement IV). In this sense, he is only indirectly committed to what OS meant with his utterance (he can always claim, “I do not know what he meant, I just simply say what he said” without incurring any infelicity). On the contrary, in indirect quotations the speaker becomes immediately committed to the correspondence between his interpretation of OS’s utterance and what OS meant.

### 1.1.3 Types of Quotation and Commitments

The two aforementioned types of quotation, direct and indirect, can be mixed, resulting the following categories of quotation (Brendel et al. 2011, pp. 2–7; Meibauer 2014, p. 185; Saka 2013, p. 938):

- (a) *Direct Quotation*: Trump said, “I am very pro-choice.”
- (b) *Indirect Quotation*: Trump said that he is very pro-choice.
- (c) *Parenthetical Quotation*: I am, said Trump, very pro-choice.
- (d) *Mixed Quotation*: Trump said that he is “very pro-choice.”
- (e) *Scare Quote*: Trump said he is very pro-“choice.”
- (f) *Free (in)direct Quotation*: Trump addressed the press. I am very pro-choice.  
But he hates the concept of abortion.

These types of quotes can be interpreted from an argumentative point of view as strategies for attributing to OS different types of commitments, namely dialogical obligations he can be held responsible for. In types from (a) to (e), the speaker is signaling that he is referring to the words or the content of another. On the contrary, in type (f) the reported speech is not distinguished from the speaker’s utterance, and thus the distinction between the speaker and the Original Speaker’s commitments can be unclear. Moreover, from a purely argumentative point of view, aimed at determining what commitments can be attributed to whom *as a result of a quotation*, indirect quotation and parenthetical quotation can be considered as equivalent. For this reason, we are left with four types. We can represent the distinction in the following Table 1.1 using the following abbreviations:

- $r$  shall refer to the quoted words (or part thereof) that are claimed to be equivalent to the original utterance  $u$  (or part thereof);
- $u$  is the original utterance as uttered by the Original Speaker, or part thereof ( $u_{part}$ );
- $m$  is the meaning of  $u$  or part thereof ( $m_{part}$ );
- $u_r$  is the part of  $u$  quoted by the Speaker;
- $m_r$  is the meaning of the part of  $u$  quoted by the Speaker;
- $i$  is the interpretation of  $u$  provided by the Speaker, or part thereof ( $i_{part}$ ).

**Table 1.1** Quotations and commitments

| Quotation  | Speaker's commitments   | Original speaker's commitments   |
|--|---|--|
| (a) Trump said, "I am very pro-choice." (Trump said "r")                               | $p$   | $u$ ("I'm very pro-choice")  |
|  | $r$ corresponds (is substantially identical) to the wording of $u$  | $m$  |
| (b) Trump said that he is very pro-choice. (Trump said that $i$ )                      | $p$   | $m$  |
|  | $i$ is an interpretation of $u$ (what Trump said)<br>$i$ corresponds to (is not substantially different from) meaning $m$           | $i$ (I am in favor of abortion in general) = $m$                                 |
| (d) Trump said that he is "very pro-choice." (Trump said that $i_{part}$ and that "r") | $p$   | $m_{part}$ (meaning of the relevant part of $u$ )                                |
|  | $i_{part}$ is partial interpretation of $u$ (what Trump said) (in this case OS was speaking about <i>his position on abortion</i> ) | $i_{part}$ (I am talking on my <i>position on abortion</i> ) = $m_{part}$        |
|  | $i_{part}$ corresponds to (is not substantially different from) the corresponding meaning $m_{part}$                                | $u_r$ (my position on abortion is "very pro-choice")                             |
|  | $r$ corresponds (is substantially identical) to the relevant part of the wording of $u$ ( $u_r$ )                                   | • $m_r$ ("very pro-choice" means in favor of choice in some circumstances)       |
| (e) Trump said he is very pro-"choice." (Trump said that $i_{part}$ and that "r")      | $p$   | $m_{part}$ (meaning of the relevant part of $u$ )                                |
|  | $i_{part}$ is partial interpretation of $u$ (what Trump said) (in this case, OS claimed to be in favor of the position " $u_r$ ")   | $i_{part}$ (I am in favor of the position referred to as " $u_r$ ") = $m_{part}$ |
|  | $i_{part}$ corresponds to (is not substantially different from) meaning $m_{part}$  | $u_r$  |
|  | $r$ corresponds (is substantially identical) to the relevant part of the wording of $u$ ( $u_r$ )                                   | $m_r$ ("choice" means choice of abortion in some circumstances)                  |

This table represents how the Speaker's and the OS's commitment stores are modified as a result of Speaker's quotation. In (a), the Speaker is committed to the fact that OS produced an utterance whose wording is equivalent to  $r$ , while the Original Speaker is only committed to the utterance  $u$  and its meaning  $m$ , which can be stated, discussed, and challenged. OS can attack the Speaker's quotation by rejecting the equivalence between  $r$  and  $u$ , but he needs to provide evidence for it, namely fulfil a burden of proof.



The commitments are different in (b). Here, the Speaker is committed to the equivalence between *i* and *m*, namely between what the Speaker attributes to OS and what OS meant by saying *u*. The Speaker's commitment is only to an equivalence, while OS becomes committed to a meaning *m* that is claimed to be identical to interpretation *i*. For this reason, he becomes committed to *i*, and if he wants to cancel this commitment, he needs to rebut the equivalence by providing arguments. (In the actual case, Trump asked the journalist to read the full statement and then pointed out the most reasonable interpretation thereof.) He has a different, higher burden of proof to meet.

In (d) and (e) the Speaker's commitments consist in a combination of the ones resulting in (a) and (b). The difference between the last two types of quotation is the quoted material (a phrase or a substantial part of the quote in (d), a term in (e)). In (d) the Speaker's commitment to an interpretation is limited: he does not take up the responsibility of interpreting what OS said concerning the issue of abortion, but attributes to him the words about it. In (e) the Speaker takes up the responsibility of providing an interpretation of a substantial part of OS's speech, and thus incurs similar commitments as in (b), but refers to OS for the determination of the reference or meaning of a term used. In this sense, the Speaker is not committed to the interpretation of a term of the original utterance and thus he has no burden of defending it. OS is committed to the meaning of the quoted term, and thus can provide his own interpretation of it (which in turn can be subject to discussions).

## 1.2 The Uses of Quotations – Supporting a Viewpoint

From an argumentative point of view, quotations are not simply the reproduction of another's utterance, or the interpretation thereof. As seen above, quotations and reports affect the commitments of the parties, and can be considered as instruments for reminding the interlocutor (or the audience) of his past commitment. Quotations can be used as a speaker's strategy for deflecting commitments that works because the quoted words are not properly the speaker's words. The speaker is not committed to what he quotes or reports, because the burden of proof belongs to the quoted person. The quoted person is the one who incurred the commitments, which now he has to defend against criticisms or show to be consistent with ones that are more recent.

From a dialectical point of view, quotations are commitment strategies. As we will see in Chap. 2, in every dialogue, the participants incur commitments as a result of performing dialogue moves. The prototypical example of such commitments is the explicit meaning of a statement (an assertion) (Hamblin 1970; Mackenzie and Staines 1999; Walton and Krabbe 1995), even though the problem of commitment attribution is much more complex, involving the analysis of the implicit dimension of the directly conveyed meaning, of the implicitly conveyed meaning, and of the type of dialogue move performed. We will investigate this dimension in the following chapter. What is relevant here is that not all the commitments a participant can

be held responsible for in a dialogue are used in the dialogue itself. However, old and inactive, even non-explicit commitments still remain, provided that they are “on record,” remembered or recorded by someone. What is crucial is that as long as they can be cited, they are still commitments that can play a role in a future new dialogue once they are mentioned. These inactive commitments (which we will refer to as the dark-side commitments) can be brought to the light side of a discussion, namely turned into active and explicit commitments, once they turn out to be relevant and are then retrieved by means of quotes and reports. The relevance of quotes lies in the strategy for their use. We can classify the uses of quotations in argumentation into two main types of strategy, the pro strategy to support the speaker’s claim or argument and the contra strategy of arguments against the opponent who is quoted.

A speaker can quote in order to strengthen his own position or argument. These types of quotations need to be distinguished in two broad categories, the authoritative quotes and the dialectical ones. The distinction between the two lies in the effects that it can have on the interlocutor. In the first case, the speaker uses a quotation in order to avoid the effort of defending a claim and supporting a standpoint. In the second case, the speaker supports his position by relying on a quotation of the interlocutor, who needs to either accept the old commitment and refrain from attacking the speaker’s viewpoint, or retract it by providing arguments. Authoritative strategies are used for providing support to a claim directly, while dialectical ones “force” the commitment of the other party.

### 1.2.1 *Authoritative Quotations*

The clearest cases of authoritative quotations come from the ancient works. Plato and Cicero quoted ancient authors in their works in order to embellish and give dignity to what was said, but more importantly to provide a condensed argument in favor of their claims. For instance Cicero, in this letter of his *Ad Familiares* embellishes, strengthens and gives authority to his opinion about Trebatius’ absence from Rome (Cicero, *Epistulae ad Familiares*, VII, 6):

#### **Case 1.1: Ennius’s Authority**

See only that you get rid of that feeble regret of yours for the city and city ways, and carry out with persistence and courage what you had in your mind when you set out. We, your friends, shall pardon your going away for that purpose as much as “The wealthy noble dames who held the Corinthian peak pardoned Medea,” whom, with hands whitened to the utmost with chalk, she persuaded not to think ill of her for being absent from her fatherland:

“for Many have served themselves abroad and served the state as well;  
Many have spent their lives at home to be but counted fools.”

The quotation is from Ennius’ *Medea* and refers to the possibility of helping one’s own country when abroad, and for this reason being forgiven by his own citizens. This quotation is at the same time an ornament for the text and appeal to

authority for Cicero's argument, who aims at pointing out that Trebatius does not need to worry about his absence or his friends. The quotation relies on the words of a famous play by Ennius, who is considered as an authority concerning moral habits. The speaker, in this sense, relies on an implicit argument from authority, which can be represented as follows (Walton et al. 2008, p. 19):

### Argumentation Scheme 1.1: Argument from Authority

|                      |  |
|----------------------|--|
| PREMISE 1:           | Source <i>E</i> is an authority in subject domain <i>S</i> containing proposition <i>A</i>   |
| PREMISE 2:           | <i>E</i> asserts that proposition <i>A</i> (in domain <i>S</i> ) is true (false)   |
| CONDITIONAL PREMISE: | If source <i>E</i> is an authority in a subject domain <i>S</i> containing proposition <i>A</i> , and <i>E</i> asserts that proposition <i>A</i> is true (false), then |
| CONCLUSION:          | <i>A</i> may plausibly be taken to be true (false)   |

Ennius' comments on people who lived abroad for a long time can be considered as an instrument for supporting the positive judgment on Trebatius' decision to leave Rome for some time (Boller 1967, p. 3).

A similar example is from Plato's *Laws*, in which the quotation is used to support the thesis that loyalty and courage in civil war are the greatest virtues (Jowett 2010, p. 151):

### Case 1.2: The Authority of Poets

[...] we say that there are still better men whose virtue is displayed in the greatest of all battles. And we too have a poet whom we summon as a witness, Theognis, citizen of Megara in Sicily:

“Cyrnus,” he says, “he who is faithful in a civil broil is worth his weight in gold and silver”

and such an one is far better, as we affirm, than the other in a more difficult kind of war, much in the same degree as justice and temperance and wisdom, when united with courage, are better than courage only; for a man cannot be faithful and good in civil strife without having all virtue.

Also in this case, appeal to an authority (once again, a poet who can be taken as a moral authority) is used to strengthen the force of a conclusion in a dialogue.

A more complex case of authoritative quotations is the decorative and cultural quote. This quotation can have two argumentative effects, namely preventing possible doubts or doubts on an issue, and building authority. In the first case, the use of a decorative quotation has no an explicit argumentative effects, as the quotation in itself is not used to support an explicit viewpoint or strengthen an explicit claim. However, its argumentative function is to avoid preventively the commitment to a specific content, as the burden of defending or supporting it is shifted onto the quoted party. Consider the following speech from the House of Lords (Young People and Democracy, col. 1460).<sup>1</sup>

<sup>1</sup>House of Commons debates, Volume No. 418. (9 March 2004). Retrieved from <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040309/debtext/40309-28.htm> (Accessed on 20 November 2016).

### Case 1.3: Churchill’s Authority

The general measures that I enunciated a moment ago are no substitute for dealing with the biggest outstanding issue that disconnects younger people from active democracy: the right to vote. In this Chamber in 1947, Winston Churchill famously said:

“No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time” [*Official Report*, 11 November 1947; Vol. 444, c. 206–07.]

But what happens when there is a fundamental generational breakdown in democratic participation? That is the challenge we need to address today.

In this example, the speaker intends to underscore the topic of the discussion, which focuses on the reasons for the general breakdown in democratic participation. Churchill’s quotation is used to point out that the democratic system is deficient in several aspects and is not perfect, but it remains the best form of government compared to all other types. The speaker uses the authority of an undisputable source for a specific purpose, namely preventively undermining the possible doubts that the failure of young people to take an active part in democracy seems to raise: the fact that democratic imperfections have overcome the positive aspects for this part of the population. The use of the quotation rules out a possible discussion on the problems of democracy and the reasonableness of young people’s choice not to be involved in it.

The other crucial implicit purpose of decorative quotes is to build authoritative-ness. A quotation is taken as a sign of knowledge and culture, and thus a speaker who quotes an ancient author or a source that is considered as an important reference in a domain (such as in philosophy or literature) can be normally presumed to be cultured. The structure of implicit argument is the following (Walton 2002, p. 42):

#### Argumentation Scheme 1.2: Argument from Sign

|                |   |
|----------------|---|
| MAJOR PREMISE: | Generally, if a type of indicator <i>S</i> is found in a given case, it means that a type of event <i>E</i> has occurred, or that the presence of a property <i>P</i> may be inferred |
| MINOR PREMISE: | <i>S</i> has been found in this case  |
| CONCLUSION:    | Therefore, <i>E</i> has occurred, or <i>P</i> may be inferred, in this case   |

Since anyone who can quote ancient authors from memory can be presumed to be highly educated or have very broad and deep culture, the speaker (who quoted an authority) can be considered as highly educated. This instrument is a means for leading the audience or hearer to concluding that the speaker’s claims should be accepted, because he is authoritative.

### 1.2.2 *Dialectical Quotations*

The dialectical use of quotation for supporting a viewpoint relies on the concept of consistency of commitments. A speaker cannot be held inconsistent, namely holding commitments to conflicting (opposite or contrary) propositions. A quotation can be used for showing that the proponent of a claim contradicts what he can be held committed to (based on his past claims, his belonging to a group, his behavior, his actions, etc.), and this contradiction can be linked to a further implicit argument that can be represented as follows (Macagno 2013; Walton et al. 2008, p. 136):

#### **Argumentation Scheme 1.3: Argument from Inconsistent Commitment**

|                             |   |
|-----------------------------|---|
| PREMISE 1. PAST COMMITMENTS | Hearer $H$ is committed to proposition $p$ (generally, or in virtue of what he said in the past, or the group he belongs to...) |
| PREMISE 2. STANDPOINT       | $H$ is committed to proposition $q$ , which is the conclusion of the argument $A$ that $H$ presently advocates                  |
| PREMISE 3. INCONSISTENCY    | $p$ and $q$ are inconsistent commitments  |
| MAJOR PREMISE               | People ought to be consistent in their commitments/Inconsistent people are usually negatively judged                            |
| CONCLUSION 1                | Therefore, $H$ ought not to be inconsistent/ $H$ is unreliable if he maintains $p$ (negative judgment)                          |

The force of this reasoning derives from an implicit argument from practical reasoning. By stating a previous or clear commitment of the interlocutor, inconsistent with the position he has adopted in the dialogue, the speaker faces him with the consequences of his dialogical position. The interlocutor can keep his position, but then he can be judged negatively (Walton 2015). Or he can retract the weaker commitment, which can be the one that is not confirmed by previous actions, or show that the past one is not in conflict with the presently advocated one. We can represent the argument from practical reasoning (which is the implicit outcome of the argument from inconsistent commitments) as follows (adapted from Walton et al. 2008, p. 94–95):

#### **Argumentation Scheme 1.4: Argument from Practical Reasoning**

|            |   |
|------------|---|
| PREMISE    | I have a goal $G$   |
| EVALUATION | Carrying out this action $A$ is the best means to realize $G$ |
| CONCLUSION | Therefore, $A$ should be brought about                        |

A clear example is the following one, in which the speaker's position is supported by using quotations from the opposition. The speaker's position is supported by the words of their attackers, or partisan views of the attacker's standpoint. One of the best examples can be found in a discussion between the liberal Arthur Schlesinger and some conservatives about the welfare state. Schlesinger, accused of

socialism, replied by quoting Winston Churchill and a Republican senator. In particular, Churchill was quoted as claiming the following (Boller 1967, p. 85):

#### Case 1.4: What Churchill Said

[...] the scheme of society for which we stand is the establishment and maintenance of a basic standard of life and labor below which a man or woman, however old or weak, shall not be allowed to fall. The food they receive, the prices they have to pay for basic necessities, the homes they live in, their employment must be the first care of the state, and must have the priority over all other peacetime needs

This statement showed a position that clearly supported the welfare program. For this reason, concluded Schlesinger, the opponent of socialism must be thrown back to apparently disagreeing with Churchill and the Republican senator, whose basic position they are in agreement with.

Another clear example of quoting the interlocutor in order to force him to accept the speaker's viewpoint is drawn from the movie "Rope," directed by Alfred Hitchcock. In the following excerpt, Brandon, a young man who murdered a friend of his in order to commit the perfect murder, is trying to convince his former professor (Rupert) that he simply did what the professor himself taught them, and for this reason he should approve of his brave murder (at 01:11:34–01:13:19):

#### Case 1.5: The Rope

**Brandon:** Rupert, remember the discussion we had before with Mr Kentley? Remember we said, 'the lives of inferior beings are unimportant'? Remember we said, we've always said, you and I, that, "moral concepts of good and evil and right and wrong don't hold for the intellectually superior." Remember, Rupert?

**Rupert:** Yes, I remember.

**Brandon:** That's all we've done. That's all Phillip and I have done. He and I have lived what you and I have talked.

Here, Brandon is quoting what Rupert said in order to convince the latter not to criticize what he did, and more importantly, not to call the police.

### 1.3 The Uses of Quotations – Attacking the Interlocutor

A quotation can be used for discrediting the interlocutor or the opposing party, by relying on the inferences that the quoted material can trigger. In Walton (1998a, p. 112), the structure of a personal attack, called generic *ad hominem* argument, was described as fitting the following argumentation scheme.

#### Argumentation Scheme 1.5: Ad Hominem Argument

|                |   |
|----------------|---|
| MAJOR PREMISE: | If $x$ is ethically a bad person, then (generally) $x$ 's argument should not be accepted |
| MINOR PREMISE: | $\alpha$ is a bad person  |
| CONCLUSION:    | $\alpha$ 's argument should not be accepted   |

This argument, called ethotic argument in Aristotle's *Nicomachean Ethics*, is grounded on the reasons for considering  $\alpha$  a bad person *for the purpose of accepting his argument*. We can distinguish different types of attack, depending on the dimension of the opposing party that is the reason of the criticism. In particular, quotes can be used:

1. as a sign of a moral or intellectual flaw that undermines the attacked party's ability to maintain the conclusion that he is advocating, or
2. as a sign of inconsistency, which is in turn a sign of untrustworthiness.

The attack can be simply aimed against the attacked party's explicit or implicit argument, or it can be a veiled threat, an instrument for forcing him to maintain consistency and act accordingly (Macagno 2013; Macagno and Walton 2012).

### 1.3.1 Quotes for Direct Attacks

The first type of attack consists in a quotation to attribute a commitment that is a sign of bad moral quality (Perelman and Olbrechts-Tyteca 1951). The aforementioned argument from sign (Argumentation Scheme 1.2) can be used for concluding that the quoted party has a bad character, based on an action of his (actions reveal habit). More specifically, the bad quality of character needs to be relevant to the subject matter of the discussion, namely the conclusion advocated by the quoted party or the general conclusion of the discussion.

We can provide the following example from the second debate of 2016 US election, between Hillary Clinton and Donald Trump. Trump was quoted as follows<sup>2</sup>:

#### Case 1.6: Trump's Locker Room Talk

**Cooper:** Thank you, Mr. Trump. The question from Patrice was about are you both modeling positive and appropriate behavior for today's youth? We received a lot of questions online, Mr. Trump, about the tape that was released on Friday, as you can imagine. You called what you said locker room banter. You described kissing women without consent, grabbing their genitals. That is sexual assault. You bragged that you have sexually assaulted women. Do you understand that?

**Clinton:** [...] Donald Trump is different. I said starting back in June that he was not fit to be President and commander-in-chief. And many Republicans and independents have said the same thing. What we all saw and heard on Friday was Donald talking about women, what he thinks about women, what he does to women. And he has said that the video doesn't represent who he is. But I think it's clear to anyone who heard it that it represents exactly who he is. Because we've seen this throughout the campaign. We have seen him insult women. We've seen him rate women on their appearance, ranking them from one to ten. We've seen him embarrass women on TV and on Twitter. We saw him after the first debate spend nearly a week denigrating a former Miss Universe in the harshest, most personal terms.

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<sup>2</sup>Transcript of the Second Debate. *The New York Times*. (10 October 2016). Retrieved from [http://www.nytimes.com/2016/10/10/us/politics/transcript-second-debate.html?\\_r=0](http://www.nytimes.com/2016/10/10/us/politics/transcript-second-debate.html?_r=0) (Accessed on 20 April 2017).

The quotation is used by Clinton as a clear sign for concluding that Trump is not “fit to be president and commander-in-chief,” as he is a womanizer, namely as evidence of bad character. More precisely, the quotation is interpreted as a commitment against women in general and as a sign of a habit of holding women in contempt. Clinton points out that this habit of character cannot be good for a president of a nation in which the population includes women. For this reason, he should not be elected for president.

Attacks on Trump based on his quotes were abundant in this campaign, but the strategy was all the same, namely aimed at concluding that Trump had a bad character (racist, womanizer, vulgar, etc.) and therefore should not be elected president of the United States. The attacks based on quotation can be much subtler. For example, in his 2008 ad against McCain,<sup>3</sup> Obama used quotes from the newspapers and from McCain himself as evidence for concluding that he is “erratic in crisis,” or (again quoting a USA Today editorial) “out of touch on the economy.” These attacks were much more relevant to judging the abilities of Obama’s competitor for ruling the country than simple attacks on moral qualities.

An even subtler strategy is to show how a politician (in this case president Hoover) has a poor ability to make predictions or assessments on the nation conditions. Quotes are used as evidence and a sign of a bad character for making sound assessments and political judgments. A clear example is the following one, in which the strategy of attacking competency by citing erroneous opinions is illustrated (Boller 1967, pp. 136–138):

### Case 1.7: Hoover’s Predictions

In 1929, during the Great Depression, President Hoover emphasized the prosperity-is-just-around-the-corner theme. In his effort to discredit the prosperity motif of the Hoover administration, Edward Angly threw in the teeth of public officials a series of wildly absurd predictions they had made about the economy during the preceding two years. For example:

*As weather conditions moderate we are likely to find the country as a whole enjoying its wonted state of prosperity. Business will be normal in two months.* (Secretary of Commerce Lamont, March 3, 1930). *There undoubtedly will be an appreciable decrease in the number of unemployed by mid-summer.* (Secretary Lamont, March 22, 1931).

This example illustrates how the use of quotations can discredit an opponent, making his view look ridiculous (Meyer 2000), and making him look incompetent.

The strategy of attack on character can be more complex. Instead of providing evidence of bad character, the quoter can use quotes to show a contradiction or an inconsistency in his commitments (Argumentation Scheme 1.3). Such an inconsistency is used as evidence of bad character, aimed at concluding that the quoted party is untruthful, or irresponsible. For instance, in the following case (Foreign and Commonwealth Affairs, 2004, col. 741), the contradictions in the statements cited are taken as a sign of the fact that the person does not act properly in the role she

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<sup>3</sup>2008 Obama v. McCain. *The living room candidate*. <http://www.livingroomcandidate.org/commercials/2008/this-year> (Accessed on 21 November 2016).



claims to play.<sup>4</sup> Contradiction in this kind of argument is seen as a proof of lack of knowledge.

### Case 1.8: Ladywood's Inconsistencies

**Mr. Boris Johnson** (Henley) (Con): On the subject of bugging in the United Nations, what is any judge supposed to make of any future breach of the Official Secrets Act, given that the right hon. Member for Birmingham, Ladywood (Clare Short) is patently in breach of that Act and of her Privy Council oath and that the Government are too spineless and guilt-ridden to do anything about it? [...]

**Mr. George Foulkes** (Carrick, Cumnock and Doon Valley) (Lab/Co-op): Has the Foreign Secretary noticed that the claims made by my right hon. Friend the Member for Birmingham, Ladywood (Clare Short) have changed from day to day? First, she said that British intelligence was bugging Kofi Annan; then she said that the transcript came from someone else; and then she said the transcript dealt with Africa, not Iraq. She has probably not breached the Official Secrets Act, but she has been very irresponsible.

These cases illustrate the strict relationship between inconsistency and personal attack. The reasonableness of the attack, however, depends on the relevance of the alleged bad quality to the conclusion, including the ultimate conclusion of the discussion (Dascal 1979; Holdcroft 1987; Walton and Macagno 2016). Attacks to the person (*ad hominem*) need to be distinguished from undercutters, namely attacks to the grounds (usually warrants or backings) of an argument (Pollock 1970, 1987), which in the case of arguments from sources, happen to be the expertise of an expert or the truthfulness of a witness.

### 1.3.2 Quotes for Undermining a Witness's Credibility

Quotes can be used for undercutting the most generic argument from sources, namely the argument from position to know (witness's testimony). This type of argument is grounded on the source's privileged access to information, and his reliability (impartiality and truthfulness). The structure of the argument can be represented as follows (Walton et al. 2008, p. 89):

#### Argumentation Scheme 1.6: Argument from Position to Know

|                |  |
|----------------|--|
| MAJOR PREMISE: | Source <i>a</i> is in a position to know about things in a certain subject domain <i>S</i> containing proposition <i>A</i> |
| MINOR PREMISE: | <i>a</i> asserts that <i>A</i> is true (false)   |
| CONCLUSION:    | <i>A</i> may be plausibly taken to be true (false)   |

In law, quotes are used for building personal attacks aimed at undermining a witness's credibility, without which his or her testimony would carry little or no weight. The global structure of an underminer can be represented in the following Fig. 1.1:

<sup>4</sup>House of Commons debates, Volume No. 418. (2 March 2004). Retrieved from <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040302/debtext/40302-02.htm> (Accessed on 21 November 2016).

| Argument from testimony  |   |               | <i>Ad hominem</i> undercutter  |                                    |
|--|---|---------------|--|------------------------------------|
| <i>Explicit argument</i>   | <i>Implicit requirement</i>                           |               |  |                                    |
| Witness <i>W</i> is in position to know whether <i>A</i> is true or not. |   |               | <i>W</i> has committed actions <i>A, B, C</i> in the past.           | <i>Acts</i>                        |
| <i>W</i> states that <i>A</i> is true (false).                           |   |               | Who commits actions <i>A, B, C</i> is an unreliable person.          | <i>Classification presumption</i>  |
|  | <i>W</i> is telling the truth (as <i>W</i> knows it). | ← Undercutter | <i>W</i> is an unreliable person.                                    | <i>Classification of the Agent</i> |
|  |   |               | <i>Unreliable people are more likely to provide false testimony.</i> | <i>Prediction presumption</i>      |
| <i>A</i> may be plausibly taken to be true (false).                      |   | ←             | <i>W</i> 's testimony is more likely to be false.                    | <i>Predictive conclusion</i>       |

Fig. 1.1 Undercutting testimony

The attack, however, cannot be simply direct. It needs to be supported by evidence, and quotes can be the clearest type of evidence. In cross-examinations, the attorney (or the prosecutor) tries to point out possible contradictions or unacceptable statements in the witness’s words, so that he can use this evidence to support the conclusion that the witness is unreliable (Levinson 1992). A clear example is the following excerpt from the cross-examination of Dr. Rudolf Vrba (one of the authors of the famous *War Refugee Board Report* in 1944) in 1985 at the trial of Ernst Zündel in Toronto (Vrba’s testimony, vol. VIII, p.1630).<sup>5</sup>

**Case 1.9: Shrinking Distances**

- A. From outside I had been describing here a gas chamber that was visible from Krematorium I in front of my eyes, a distance of a few yards, which was coming out from the upper part of it, came out from the ground, and you were quarreling with me if it was four feet or six feet high.
- Q. Well, wait, now. Yesterday you told us it was six and a half to seven feet. Is it shrinking now?

Contradictions may arise between a document used in a process and other official sources. In the following case, the examiner attacks the reliability of the document, extending the criticism to the reliability of the author. The strategy used by the examiner consisted in pointing out contradictory quotes drawn from a book condemning the defendant and a document written by the same author and witness. The contradiction was used to attack the witness’s book as a fiction, and consequently support the thesis of the unreliability of his testimony (*Vrba’s testimony*, vol. VIII, p. 1493, emphasis added).

**Case 1.10: History or Fiction**

- Q. Let’s go back and find out, then, about that, because I think you are wrong. Let’s go back to the previous paragraph in your book that we discussed where you say twelve thousand bodies in twenty-four hours. [...].

<sup>5</sup>Vrba’s testimony, vol. VIII. *Association des Anciens Amateurs de Récits de Guerres et d’Holocaustes*. (May 2011). Retrieved from <http://www.vho.org/aaargh/engl/vrba4.html> (Accessed on 22 November 2016).

- Q.** Why did you say in 1944, at the time of your escape, on page 16, at the bottom of the first paragraph: “Thus the total capacity of the four cremating and gassing plants at Birkenau amounts to about six thousand daily”?
- A.** That’s right.
- Q.** Then why did you say in your book: “For the modern concrete gas chambers and the vast crematoria that could absorb as many as 12,000 bodies in twenty-four hours and, in fact, did so”?
- A.** What I had to add, that it did so with the help of additional equipment which has been build up in May and June 1944, after my escape. You might blame me that I haven’t this made quite clear in this introductory chapter, but as I told you, this book is an artistic sort of conveying of the facts – and is sufficiently giving the picture of what actually happened, without going into the fine toothpoint number game of which I have seen is a neo-Nazi literature ridiculous examples.
- Q. Well, is your book classified as fiction, or is it classified as history?**
- A.** My book is classified as recollections of Rudolf Vrba, free recollection of Rudolf Vrba as an educational book for young people who should realize what Nazi depravity is able to. It is not supposed to be a textbook of how to build crematoria.
- Mr. Christie:** I was trying to look at the realm of credibility and the basis of statements made by this witness in other circumstances. Often, this does involve a fact. In this case I don’t think it is represented as hearsay, but now the War Refugee Board Report is the subject of the cross-examination, and it’s not put forward as hearsay. In fact, if you look at the front of it, it says, “Nothing passed on from hearsay.” My friend knows that because he gave me a copy. It says, “Nothing passed on from hearsay.”
- Mr. Griffiths:** That was not written by Dr. Vrba what my friend is describing. It is in a foreword.
- Mr. Christie:** Well, I took it that it was to be the truth.

A quotation can be used to support a negative judgment on the witness’s credibility when it is confronted with other evidence and shown to represent facts falsely or more often imprecisely. The imprecision is quickly classified as falsity and then used to make a generalization on the witness’s credibility. The following example drawn from the aforementioned cross-examination of Mr. Vrba is a clear case of this strategy. By quoting the witness and showing that his testimony was imprecise, the examiner implied that he is a liar (Vrba’s testimony, vol. VIII, p. 1442, emphasis added):

### Case 1.11: The Wall and the Lie

- Q.** Mm-hmmm. You hated the Nazis, though, I assume from your answer; is that right?
- A.** I would say so. [...]
- Q. Do you hate them enough to lie about them?**
- A.** I have sworn on oath that here I will say the truth, and you will make an innuendo that I have lied in anything, then you would have to support it with some evidence, otherwise I would think badly about it.
- Q.** Well, I suggest to you that in your previous evidence you gave us to believe and told us as a fact that **when the S.S. man climbed up on the long bunker, he had to reach up six and a half to seven feet.** I put it to you that that is exactly what you said, sir, isn’t it?
- A.** Is it?
- Q.** I put it to you, and you are the witness, and you have the memory and you testified, I put it to you that’s what you said.
- A.** I said, basically, that he had to reach up upon that bunker, and that bunker was, as far as I remember, certainly up to here if one would stand nearby, perhaps higher. So in other words he had to reach up and he had to climb. I didn’t go there with a tape to measure if

it was five or seven. You must understand that if I use such approximations, I am using them in order to make it more understandable to the jury and to the court of what approximately was involved, but they are not identical with engineering measurements.

**Q. Well, you gave us to believe and you told us, as a matter of fact, and I put it to you that you said six and a half to seven feet.**

A. Yes. [...].

**Q. Now, I put it to you that the roof of the Leichenkeller to which you referred on the map [...]**

**Q. .... was actually parallel to and very close to the ground.**

A. That is what you are putting to me?

Q. Yes. That's right.

A. How do you know that?

Q. Because I have seen the plans, if you want an answer. Have you seen the plans?

The undercutting quotes can also be used for a more complex type of argument from sources, the argument from expert opinion.

### 1.3.3 Quotes for Undercutting Expertise

Expertise consists of scientific, technical, or other specialized knowledge (Godden and Walton 2006; Walton 2010), which leads to considering the opinion of a source holding the relevant superior knowledge to be acceptable (Argumentation Scheme 1.1). The opinion of an expert is reliable, or rather more reliable than other opinions, because the source knows the subject matter better than a layman and is supposed to be unbiased. Quotes can be used to build arguments against the expertise, reliability, or impartiality of the source, namely arguments against the fundamental (and often hidden) conditions of an argument.

A clear example of quotes undercutting arguments from authority is the following one, which was used in 1948 by Macdonald to attack the New York Times because of inconsistent views on the Vietnam war (Boller 1967, p. 145):

#### Case 1.12: Changing “Times”

Under the heading, “The changing ‘Times,’ Macdonald raked the New York Times over the coals in the winter issue of Politics for 1948 because of inconsistent views on the Hiroshima bomb:

*The Japanese would like the world to believe that had it not been for the atomic bomb, they could have fought indefinitely...Revelations by their surrender enjoys provide the answer to this fallacy. They were well licked before the first atomic bomb exploded over Hiroshima. (Editorial, August 23, 1945). The Japanese had been greatly weakened but they were still determined to fight to the death... That is the justification for the bomb's use (Editorial, January 28, 1947).*

The credibility of the opinions of the New York Times was attacked using quotes in which contradictory statements were pointed out. The newspaper was labeled for being inconsistent and as a result, its authority was undermined. In a similar case from Boller (Boller 1967, pp. 132–133), during the Vietnam war, Professor Hans

Morgenthau was confronted with his previous opinions about Laos, that turned out to be wrong, and these quoted opinions were used to attack his credibility as an expert in the matter of the current war.

### 1.3.4 *Quotes as Gentle Threats*

The last type of attack based on quotation is in fact a threatened attack. The speaker invites the Original Speaker to carry out a specific action, facing him with the negative consequence of an attack of being inconsistent. As mentioned above, quotes can be used to prove an inconsistent commitment, which in turn can lead either to a negative judgment (the Original Speaker is inconsistent and cannot be trusted) or to an invitation to act and avoid the inconsistency (argument from practical reasoning, Argumentation Scheme 1.4). A person might be quoted to show that he promised to do *X*, and then evidence might be given that he did not in fact do *X*, contrary to what he promised. The choice that is provided by the quoter can become an invitation to act and fulfill the past promises, unless the Original Speaker intends to be judged negatively or labeled as inconsistent. In some cases, the argument becomes a more explicit threat, in which the invitation becomes an explicit depiction of the negative consequences of failing to act as described. The argument used in this case would be the following one (from Walton et al. 2008, p. 332):

#### **Argumentation Scheme 1.7: Argument from Consequences**

|                |   |
|----------------|---|
| MAJOR PREMISE: | If <i>A</i> is (is not) brought about, then bad consequences will occur |
| MINOR PREMISE: | Bad consequences should be avoided                                      |
| CONCLUSION:    | Therefore, <i>A</i> should not (should) be brought about                |

In the following example (Foreign and Commonwealth Affairs, 2004, col. 833), contradictions derived from old promises are confronted with the present state of affairs. The accusation of inconsistency arises from the confrontation of the previous commitments about the protection of pension rights and funds with the loss of these funds. The claims about the efficiency of the proposals, and the confidence in the means and decision chosen to fulfil them, are undermined by the failure in keeping the promises. The opponents' credibility is highly damaged by showing that their statements were inconsistent with their actions. In this case, contradiction is used as an exhortation to fulfil what was said in the past, under the veiled accusation of incapability (emphasis added)<sup>6</sup>:

<sup>6</sup>House of Commons debates, Volume No. 418. (2 March 2004). Retrieved from <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040302/debtext/40302-26.htm> (Accessed on 22 November 2016).

### Case 1.13: Invitation to Provide Justice

On 13 March 1995, Lord Mackay of Ardbrecknish said that the minimum funding requirement.

“will mean that members can be confident that the value of their accrued rights is secure, especially in the event of the scheme or the employer company winding up.”

That would apply to Chesterfield Cylinders, Dema Glass, Coalite, ASW or any of the other examples of which we have heard. Lord Mackay continued:

“It is only right that the members’ investment, and their accrued pension rights, should be properly protected. **Our proposals are designed to provide that protection.**” [*Official Report, House of Lords*, 13 March 1995; Vol. 562, c. 684.]

We have statements from Ministers in both Houses at the time of the 1995 Act saying “This will protect and guarantee your funds.” We have documents from the Dexion group and from OPRA that seem to imply to people that by saving with such schemes they will be guaranteed safety, and that the financial sacrifice they are making to invest in their future will not be wasted.

In conclusion, I repeat that the Bill needs to do two things. First, **it must provide justice** for the estimated 60,000 people who have lost out in the past few years. Those people believed that they had a guaranteed and protected pension, for which many of them had saved for 30 or 40 years.

The various argumentative uses of quotations illustrate the power of bringing to the light side past commitments and drawing conclusions from them or confronting them with the present (or more recent) ones. These powerful argumentative effects have crucial consequences on the interlocutors’ strategies. On the one hand, the Original Speaker, faced with a contradiction or a dangerous quote, needs to retract or deny it. The most immediate and powerful strategy for him is to cancel the commitment resulting from the quotation. On the other hand, the quoter can decide to construct implicit commitments by distorting quotes of the Original Speaker in various ways. In this way, he can insert a new commitment, argumentatively convenient for his purposes, into the interlocutor’s (or hearer’s) commitment store. These two dimensions of quoting will be addressed in the following sections.

## 1.4 Retraction Strategies

The argumentative force of quotations lies in the fact that they bring to light statements made in the past. The interlocutor is confronted with propositions he committed to in the past, and these old commitments can either conflict with his actual position or be shameful in a specific context. When attacked based on quotations, the interlocutor has to defend himself by correcting or denying the old commitment (or rather the old commitment as resulting from the quotation), and in order to do that he can choose among different strategies.

### 1.4.1 *Denying Commitments by Appealing to Non-seriousness*

A powerful strategy for denying the commitments resulting from a quotation consist in denying the interpretation of the speech act conveying them as a serious speech act. The Original Speaker can point out that he was not talking seriously and for this reason his assertion cannot be considered as resulting in commitments for him. A clear example is Trump's quotation above, which we report together with his reply and denial:

#### **Case 1.6' Trump's Locker Room Talk**

**Cooper:** Thank you, Mr. Trump. The question from Patrice was about are you both modeling positive and appropriate behavior for today's youth? We received a lot of questions online, Mr. Trump, about the tape that was released on Friday, as you can imagine. You called what you said locker room banter. You described kissing women without consent, grabbing their genitals. That is sexual assault. You bragged that you have sexually assaulted women. Do you understand that?

**Trump:** No, I didn't say that at all. I don't think you understood what was — this was locker room talk. I'm not proud of it. I apologize to my family. I apologize to the American people. Certainly I'm not proud of it. But this is locker room talk.

Trump tries to deny (and cancel) his commitment to considering sexual assault as positive behavior by interpreting the quotation as a non-serious assertion. He points out that it is "locker room talk" and for this reason, he implies that it needs to be considered as a different act from assertion, aimed at expressing virility and manhood by denigrating or making fun of women. This type of dialogue, according to Trump, gives vent to emotions, and for this reason cannot be considered as mirroring his beliefs.

A similar strategy was used for defusing the emotional effect of a quotation from General Mattis, who was quoted as saying the following<sup>7</sup>:

#### **Case 1.14 It's Fun to Shoot Some People**

"Actually it's quite fun to fight them, you know. It's a hell of a hoot," Mattis said, prompting laughter from some military members in the audience. "It's fun to shoot some people. I'll be right up there with you. I like brawling." "You go into Afghanistan, you got guys who slap women around for five years because they didn't wear a veil," Mattis said. "You know, guys like that ain't got no manhood left anyway. So it's a hell of a lot of fun to shoot them."

This quotation led the readers and the US public opinion to a negative judgment on Mattis's character. In order to limit the dangerous effects of this quote, it was reinterpreted as non-serious, intended to convey the brutality of war:

However, the Marine commandant, Gen. Michael Hagee, defended Mattis, calling him "one of this country's bravest and most experienced military leaders."

"While I understand that some people may take issue with the comments made by him, I also know he intended to reflect the unfortunate and harsh realities of war," he said in a written statement. "Lt. Gen. Mattis often speaks with a great deal of candor." Hagee said he

<sup>7</sup>General: It's 'fun to shoot some people.' *CNN.com* (4 February 2005). Retrieved from <http://edition.cnn.com/2005/US/02/03/general.shoot/> (Accessed on 22 November 2016).

had counseled Mattis regarding the remarks and that Mattis “agrees he should have chosen his words more carefully.”

The quotation is not retracted, but interpreted almost as a fictional representation of the harsh reality of war (see also Tzanne 2000, p. 68).

### 1.4.2 *Point of Order of Equivocation*

A second strategy of commitment denial consists in the so-called point of order of equivocation (Hamblin 1970, Chapter 9; Macagno and Capone 2016) consisting in pointing out that a rule of dialogue has been breached. The Original Speaker claims that the quoted statement was originally ambiguous and that the wrong interpretation was chosen, or that simply it was read out of context and misinterpreted. In this sense, it is an accusation of inaccurate quotation.

A clear example can be given by the following text, excerpt from the Oscar Wilde trial, in which the poet was accused of homosexuality because of some lyrics. Wilde defended himself by raising a point of order of equivocation, claiming that the poetic text was read without considering the metaphoric meaning of the words. The retraction strategy thus consisted in showing the possible ambiguity of the words (emphasis added)<sup>8</sup>:

#### Case 1.15 *Love that Dare Not Speak Its Name*

- W. I am ready. I am never ashamed of the style of my writings.
- G. You are fortunate, or shall I say shameless? (Laughter.) I refer to passages in two letters in particular?
- W. Kindly quote them.
- G. In letter number one you use the expression “Your slim gilt soul,” and you refer to Lord Alfred’s “red rose-leaf lips.” The second letter contains the words, “You are the divine thing I want,” and describes Lord Alfred’s letter as being “delightful, red and yellow wine to me.” **Do you think that an ordinarily constituted being would address such expressions to a younger man?**
- W. I am not happily, I think, an ordinarily constituted being.
- G. It is agreeable to be able to agree with you, Mr. Wilde? (Laughter.)
- W. There is nothing, I assure you, in either letter of which I need be ashamed. The first letter is really a prose poem, and the second more of a literary answer to one Lord Alfred had sent me.
- G. You can, perhaps, understand that such verses as these would not be acceptable to the reader with an ordinarily balanced mind?
- W. I am not prepared to say. It appears to me to be a question of taste, temperament and individuality. I should say that one man’s poetry is another man’s poison! (Laughter.) [...].
- G. What is the “Love that dare not speak its name”?
- W. “The Love that dare not speak its name” in this century is such a great affection of an elder for a younger man as there was between David and Jonathan, such as Plato made

<sup>8</sup>Linder, D. (1995). Testimony of Oscar Wilde. *Famous Trials*. Retrieved from <http://www.famous-trials.com/wilde/342-wildetestimony> (Accessed on 20 April 2017).



the very basis of his philosophy, and such as you find in the sonnets of Michelangelo and Shakespeare. It is that deep, spiritual affection that is as pure as it is perfect. It dictates and pervades great works of art like those of Shakespeare and Michelangelo, and those two letters of mine, such as they are. It is in this century misunderstood, so much misunderstood that it may be described as the “Love that dare not speak its name,” and on account of it I am placed where I am now. It is beautiful, it is fine, it is the noblest form of affection. **There is nothing unnatural about it. It is intellectual, and it repeatedly exists between an elder and a younger man, when the elder man has intellect, and the younger man has all the joy, hope and glamour of life before him.** That it should be so the world does not understand. The world mocks at it and sometimes puts one in the pillory for it. (Loud applause, mingled with some hisses.)

**Mr. Justice Charles.** If there is the slightest manifestation of feeling I shall have the Court cleared. There must be complete silence preserved.

**G.** Then there is no reason why it should be called “Shame”?

**W.** Ah, that, you will see, is the mockery of the other love, love which is jealous of friendship and says to it, “You should not interfere.”

This case shows how subtle shifts in attributed meaning based on quotations can be used to attack the defendant in trials. In those cases, it is not sufficient that the defendant simply denies the quote. He has to explain why he has been misquoted, and provide evidence supporting his position.

### *1.4.3 Denying Commitments by Denying Inferred Meaning*

A third powerful strategy of commitment denial consists in the denial of the inferences that can be drawn from a quote. A clear example is the aforementioned Case 1.5: The Rope. The Original Speaker, Rupert, quoted to have claimed that “the lives of inferior beings are unimportant,” denies the conclusion that his interlocutor and quoter, Brandon, draws from it:

#### **Case 1.5’ The Rope**

**Brandon:** Rupert, remember the discussion we had before with Mr Kentley? Remember we said, “the lives of inferior beings are unimportant?” Remember we said, we’ve always said, you and I, that, “moral concepts of good and evil and right and wrong don’t hold for the intellectually superior.” Remember, Rupert?

**Rupert:** Yes, I remember.

**Brandon:** That’s all we’ve done. That’s all Phillip and I have done. He and I have lived what you and I have talked. [...].

**Rupert:** Brandon, till this very moment, this world and the people in it have always been dark and incomprehensible to me. I’ve tried to clear my way with logic and superior intellect. And you’ve thrown my own words right back in my face, Brandon. You were right, too. If nothing else, a man should stand by his words. But you’ve given my words a meaning that I never dreamed of! And you’ve tried to twist them into a cold, logical excuse for your ugly murder! Well, they never were that, Brandon, and you can’t make them that.

Rupert claims that the statement “the lives of inferior beings are unimportant” was to be interpreted as a philosophical consideration on himself, who simply intended to point out his detachment from everyday life. Brandon uses the quotation as

leading to the conclusion “murder is justifiable” by attributing to Rupert an implicit and presumed premise, i.e. “eliminating (murdering) what is unimportant is justifiable.” However, Rupert points out that the implicit premise that he actually presupposed in his discussions was in fact, “living detached from who you consider as unimportant is justifiable,” leading to a completely different inference and thus implicitly conveyed commitment.

### 1.4.4 *Attacking the Use of Quotations*

Another possible defense against quotations is counterattack. The Original Speaker can attack the use of a quotation and accuse the quoter of a conclusion (usually inferred and reconstructed) that is shown to be unacceptable. The quoted party thus accuses the quoter of unfairness, shifting in this fashion the burden of proof. In the following example, a quotation is used to discredit a party, but the quoter does not state the conclusion of his attack clearly. This leaves to the quoted party the opportunity of interpreting the attack, and exaggerates the implicit conclusion that can be drawn from the speech. Thus, the quoted party defends himself from an attack by interpreting and attacking meta-dialogically the attack, shifting the burden of disproving it onto the other party (emphasis added)<sup>9</sup>:

#### Case 1.16 Counterattacks

**Llew Smith:** I support such sentiments and I suspect that it is one of the reasons why a second resolution was not put to the UN at the time. Many hon. Members today wonder how a year ago they were able to vote for a resolution for war that asserted that this House:

“recognises that Iraq’s weapons of mass destruction and long range missiles, and its continuing non-compliance with Security Council Resolutions, pose a threat to international peace and security.” [*Official Report*, 18 March 2003; Vol. 401, c. 760.]

That was false. As Dr. David Kay, an ex-CIA agent and the former head of the Iraq survey group, which was set up to find the Iraqi weapons of mass destruction, put it to the United States Senate in January this year, after he resigned:

“We were almost all wrong.”

We now need to know whether Ministers simply proved to **be very bad judges of geopolitics**, stubbornly refusing to listen to the millions who marched against the war a year ago, or – worse – deliberately distorted the evidence, cherry-picked the details that suited their case for invading Iraq, and pressed the Attorney-General to provide an opinion that endorsed a political decision already taken two years earlier to invade Iraq and overthrow Saddam.

**Mr. McCabe:** I respect my hon. Friend’s view on the war, although I do not agree with it. Is he seriously suggesting that Ministers in this Labour Government **deliberately set out to lie, distort and misrepresent the truth to con us all into a war?** Is that really what he believes?

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<sup>9</sup>House of Commons debates, Volume No. 418. (9 March 2004.). Retrieved from <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040309/debtext/40309-19.htm> (Accessed on 22 November 2016).

This strategy may be described as a meta-discursive move, a meta-level comment on the dialogue. The Original Speaker interprets the dialogical use of the quote, and attacks the speaker for his communicative intention. He draws a possible conclusion from the use of the quotation (“Is he seriously suggesting that Ministers in this Labour Government deliberately set out to lie, distort and misrepresent the truth to con us all into a war?”), which cannot be accepted by the audience and the speaker himself. He ignores the burden of disproving the past commitments and uses an attack that does not concern the issue addressed in order to place the burden of defending himself onto the interlocutor.

## 1.5 Between Selecting and Manipulating

As seen in the sections above, quotations consist in attributing a commitment to the Original Speaker by “demonstrating” or describing his words. This commitment attribution can be used for pursuing a specific argumentative goal, such as attacking the speaker, forcing him to make a specific decision, or leading the audience to drawing a specific judgment on him. As pointed out by Clark and Gerrig (Clark and Gerrig 1990), quotations can be considered as demonstrations, and for this reason they are selective. The speaker selects only the aspects of an utterance that can support his own dialogical goal. What is problematic is to determine the limits of this selection. The speaker can depict only the propositional content of an utterance, without reproducing the “illocutionary” force of the utterance (or rather the type of act or move the speaker performed). Moreover, often he cannot reproduce the whole discourse, but needs to focus only on a section that is relevant to his own goal. Finally, his reproduction can be more or less correspondent to the original quotation (as pointed out in Masson, see Sect. 1.1.1 above).

In this section, we will show how a quotation can be reproduced strategically in order to pursue a specific argumentative goal. We will show how selection can become distortion and explicit manipulation. In particular, if we limit our analysis to the argumentative dimension of meaning (Anscombe and Ducrot 1983; Ducrot 1972), we maintain that the seriousness of a distortion of a quotation depends on the difference between the possible conclusions that can be supported by the original statement and by the quote.

### 1.5.1 *Selective Quotations*

As mentioned above, a quotation is naturally selective; however, this selection can affect the meaning that is communicated, and thus the commitments attributed to the Original Speaker. For example, we consider the following case of selective quotation (Boller 1967, p. 27, emphasis added):

### Case 1.17 Jefferson's Care of Human Life

President Johnson, on signing a \$280 million health research bill on August 10, 1965, said that he believed, as Thomas Jefferson did, "that the care of human life and happiness is the first and only legitimate object of good government."

In a speech which he made in March 1809, shortly after leaving the White house, [...] Jefferson said that he hoped to be remembered for keeping the peace, because "the care of human life and happiness, **and not their destruction**, is the first and only legitimate object of good government."

In this case, Johnson used a selective quotation to support his own point of view. Jefferson was in fact talking about war and the need of protecting peace and life against their destruction. Johnson selected only the part of Jefferson's utterance that can be used to support his view on health research. This selection, however, distorts the meaning of the quote. Jefferson's statement can be used as a premise for concluding that, "the primary commitment of the Government is to protect peace," but not "health research should be supported." By deleting the parenthetical clause, Johnson modifies the possible argumentative uses of the statement, which is turned into a more generic commitment towards life and happiness. In this case, Jefferson committed himself to supporting human life and happiness in a specific circumstance, while Johnson generalizes this commitment without, however, distorting it radically (it would be almost contradictory for Jefferson hold himself not to support human life in the medical context).

#### 1.5.2 Ignoring Qualifications and Wrenching from Co-text

Selection can result in altering noticeably the meaning of the quoted utterance. By omitting parenthetical clauses or the surrounding text, the quoter can use the quotation to support a conclusion that otherwise could have not been backed by the original statement. A clear example is the following quotation used by Blair to depict French foreign policy as against giving support to the war on Iraq (emphasis added)<sup>10</sup>:

#### Case 1.18 France Will Vote No

So while Blair stated on 18 March 2003 that "the French position is that France will vote no, whatever the circumstances," in actual fact French President Jacques Chirac had said: "My position is that, **regardless of the circumstances**, France will vote 'no' because she considers **this evening** that there are no grounds for waging war in order to achieve the goal we have set ourselves, i.e. to disarm Iraq." Chirac went on to say that France would support military action if the UN weapons inspectors told the security council that Iraq wasn't cooperating: "It will be for the security council and it alone to decide the right thing to do. But in that case, of course, regrettably, the war would become inevitable. It isn't today."

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<sup>10</sup>Sinclair, I. (2013, 2 June). Still feeling the fallout from Iraq. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2013/jun/02/feeling-fallout-from-iraq> (Accessed on 22 November 2016).

The crucial words omitted in the selective quotation are “this evening,” in addition to the utterances subsequent to the quote. By omitting this information, the quoter distorted the issue that Chirac addressed and, consequently, the conclusion he was supporting with his statement. Chirac actually addressed the issue about how France would vote that evening in different hypothetical circumstances. In this context, “regardless of the circumstances” refers to circumstances such as how other members of the council would vote. Hence, the use of the expression “this evening” indicates that the position taken was not meant express a general policy that was not subject to change. Chirac went on to add that that France does not refuse war on principle, but only considers war is the final stage of a process. In this case, the conclusion advocated by Chirac with his statement is that “France is committed to disarm Iraq and to wage war only if the Security Council decides so,” which is much different from the one that the quoter attributes to him (France is against war in all circumstances). This latter conclusion cannot be implied by the originally advocated one, and can be (in the circumstance that the Security Council decides to wage war) contradictory with it.

The distortion can be even more serious when the conclusion that can be defended by the quoted statement is the opposite of the one supported by the original statement. A clear example is the following one. In the 1996 USA presidential election campaign, the Republican presidential candidate Robert J. Dole quoted Democratic candidate Al Gore as having made the statement in the following case<sup>11</sup>:

### Case 1.19 No Proven Link Between Smoking and Cancer

The quote, as distributed by the Dole campaign, read in its entirety: “{Some scientists say} there is no proven link between smoking and lung cancer, and if you look closely at the scientific data, you have to admit that there are uncertainties. We don’t know exactly how tobacco causes lung cancer.”

This statement was quoted accurately from a television interview conducted in 1992. But it was only part of a longer sentence quoted below:

Let me compare it to this situation. You can find today some scientists who work for tobacco companies who will claim with a straight face that there is no proven link between smoking and lung cancer, and if you look closely at the scientific data, you have to admit that there are uncertainties. We don’t know exactly how smoking causes lung cancer. But the weight of the evidence accepted by the overwhelming preponderance of scientists is yes, smoking does cause lung cancer, and so we act on that knowledge from the scientific community, even though there are some remaining uncertainties.

In this case, selective quotation has been used to attribute a conclusion to Gore that is the opposite of the one he actually stated (Copi et al. 2014, p. 147). Gore intended to criticize scientists denying the link between smoking and lung cancer, while his quotation can reasonably support only the opposite conclusion.

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<sup>11</sup> Balz, D. (1996, 18 June). Gore Accuses GOP of Twisting Quote. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/archive/politics/1996/06/18/gore-accuses-gop-of-twisting-quote/b4f1fa92-b3fa-4a6a-90aa-fb3d2bcdf123/> (Accessed on 22 November 2016).

A subtler strategy consists in quoting the Original Speaker verbatim, but omitting the co-text, so that the issue the quoted statement was aimed at supporting is not clear. By omitting the argumentative purpose of the statement, the quoter can use the quotation to support the conclusion that can be prototypically drawn from it. The following case is an example from the Nuremberg trial. The declaration of Fritzsche, an official responsible for propaganda, was torn from the contents and intentions of the whole speech, and then presented as a proof of his involvement in the persecution of Jews (*The trial of German major War Criminals*, p. 257, emphasis added)<sup>12</sup>:

### Case 1.20 The Meaning of “Unpleasant”

**Q.** The prosecution quoted a passage from a speech which you made over the radio on 18th December, 1941. This speech will be found in full in my Document Book 1, Pages 26 to 32. In this instance, you said that the fate of Jewry in Europe had turned out to be as **unpleasant** as the Fuehrer predicted it would be in the event of a European war ... and that this unpleasant fate might also spread to the New World. The prosecution holds the view **that this was a proclamation of further actions in the persecution of Jews**. What can you tell us about this?

**A.** In this quotation, I discussed the unpleasant fate of Jewry in Europe. According to the things that we know today, this must look as though I meant the murder of the Jews. But in this connection I should like to state that at that time I did not know about these murders; therefore I could not have meant it. I did not even mean the evacuation of Jews, for even this fact was something which was not carried out in Berlin at least until a year or two later. What I meant was simply the elimination of Jews from politics and economic life. The expression “unpleasant” hints at this: otherwise it would be quite inexplicable because of its high meaning and as for the question: Why did I speak about the Jews in America in this connection? The sentence quoted by the prosecution is inextricably connected with a communication preceding it stating that a Jewish National Council had told President Roosevelt their wish to enter the war. Not even this connection of thought, which is perhaps understandable now, was used by me without good reason. The largest part of this speech in question, perhaps nine-tenths of it, in fact, deals with the commission set up in the United States to investigate the causes of the Pearl Harbour disaster. [...]

**Dr. Fritz:** Mr. President, I believe that the defendant can stop at this point. He only wanted to show that the quotation of the last paragraph cited by the prosecution in order to incriminate him was torn from its contents.

Also in this case, the examiner omitted the issue that Fritzsche was addressing when he declared that “the fate of Jewry in Europe had turned out to be as unpleasant,” namely the fact that the Jews in the United States supported war. By omitting the conclusion that Fritzsche was supporting (Jews had reasons to feel discriminated by the German policies and had related fears), the examiner used the quotation to support a much different conclusion (Fritzsche was making a proclamation of further actions in the persecution and murder of Jews, therefore he was aware of them and supported them). Also in this case, the conclusions that can be possibly drawn from the quoted statement are radically different.

<sup>12</sup>Nuremberg Trial Proceedings, Volume 17. *The Avalon Project*. (2008). Retrieved from <http://avalon.law.yale.edu/imt/06-27-46.asp> (Accessed on 22 November 2016).

### 1.5.3 *Manipulating Inferences Through Loaded Words*

Another way for quoting a statement strategically consists in modifying some lexical items used in the original utterance to others that may have a similar meaning but convey inferences that are useful for the purposes of the quoter. Stevenson underscored this argumentative dimension of words by describing the “emotive” meaning of certain words, which he called “ethical” or “emotive” words. The emotive meaning is the disposition of these words to be used “dynamically,” i.e. to support specific conclusions, namely decisions to act in a certain way or value judgments (Macagno 2014a; Macagno and Walton 2014; Stevenson 1937, 1938, 1944). A clear example of this strategy can be found in the following citation from the trial of Galileo. A Dominican friar and professor of ecclesiastical history in Florence, Father Lorini, attacked Galileo by conveying the “descriptive” meaning of a letter written by Galileo, but modified some words, replacing them with other having different emotive meaning (DeSantillana 1962, p. 45):

#### Case 1.21 The Meaning of Galileo’s Words

Galileo had written: “There are in Scripture words which, taken in the strict literal meaning, look as if they differed from the truth”. Lorini wrote instead: “Which are false in the literal meaning.” Galileo had written: “Scripture does not refrain from overshadowing [*adombrare*] its most essential dogmas by attributing to God qualities very far from and contrary to His essence.” Lorini changed “overshadowing” into “perverting” (*pervertire*).

Lorini intended to support the implicit conclusion that Galileo was aiming at discrediting and attacking the Scriptures. The words that he attributes to Galileo (Scripture perverts dogmas; Scripture tells false things) lead to the intended conclusion, but Galileo’s actual words were much more vague. Galileo included reference to his own viewpoint (“look as if”), and did not lead to dangerous conclusions by simply suggesting that dogmas can be problematic (“overshadowed” by contradictory qualities of God). Lorini turned doubts carefully cast on the Scriptures into a polemic attack.

### 1.5.4 *Altering Dialogical Intentions: Wrenching from Context*

The last strategy that we will mention consist in wrenching an utterance out of his original context, intended as the conversational setting and the dialogical activity in which it was made. In this fashion, it is possible for an utterance, intended to be non-serious, to appear serious, and thus committing the speaker to a dangerous viewpoint. A clear example is the following one. Vice-President Dan Quayle, labeled by the media as a terrible speaker, once was quoted to have said this statement, described as ridiculous (Padgett 2006, p. 78):

### Case 1.22 Dan Quayle's Latin

I was recently on a tour of Latin America, and the only regret I have was that I didn't study Latin harder in school so I could converse with those people.

This statement, however, was pronounced with a humorist purpose.<sup>13</sup> In fact, the whole context was a joke between the Vice-president and a Representative of Rhode Island:

In April 1989, Representative Claudine Schneider of Rhode Island told a gathering of Republicans that she had recently attended an event at the Belgian embassy, where Vice-President Quayle complimented her on her command of French. Then, Schneider said, the Vice-President added:

"I was recently on a tour of Latin America, and the only regret I have was that I didn't study Latin harder in school so I could converse with those people."

Ms. Schneider concluded by admitting that the story was merely a joke, but not all the newspapers reported it that way. Several publications, either through carelessness or a desire not to let the truth get in the way of a good story, reported the story as true.

The problem in this case is not omission of text: the mere words reported without specifying their intent (humorist in this case) suggest a different context of use (a serious speech in this example). The statement quoted was meant to be joke, but it was represented as a factual statement: Quayle was made appear an ignorant person who should not be judged capable of holding political office.

## 1.6 Conclusion

A quotation is the use of another's utterance or part thereof for a specific dialogical purpose. In this chapter, we analyzed the relationship between quotations, commitments, the possible uses of a quotation, and the possible strategic alterations of an utterance. The various strategies of selective quotation point out how it is difficult to draw a clear line between selective and fallacious quotations. The commitment that an utterance results in needs to be investigated by considering the dialogical and conversational setting in which it was uttered, and more importantly the dialogical purpose and conclusion it was aimed at pursuing and supporting. A quotation in itself is a part of a speech extracted from a larger body of text and, for this reason, it is by its nature selective (Schipper and Schuh 1964, p. 52). The problem that we addressed is how to draw the line between selection and distortion. As the court ruling in *Masson* (Sect. 1.1.1 above) and the Johnson example (Case 1.17) suggest, even when the quotation does inaccurately report the original statement by leaving something significant out or altering the words used, the change does not necessarily distort the original meaning in a significant way. What is crucial is to understand

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<sup>13</sup> O'Carroll, E. (2011, June 3). Political misquotes: The 10 most famous things never actually said. *The Christian Science Monitor*. Retrieved from [goo.gl/rFmrY2](http://goo.gl/rFmrY2) (Accessed on 22 November 2016).



what “significant” distortion amounts to. We pointed out how this notion can be assessed by determining the conclusion the quotation is alleged to support, and the conclusion that the original utterance was aiming at backing or leading to. By comparing the alleged and actual conclusions, it is possible to analyze distortions in quotation. In this sense, quotations can be analyzed as arguments and their alleged or attributed conclusions assessed using the instruments of argumentation theory.

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## Chapter 2

# Communicative Intentions and Commitments

The problem of analyzing straw man fallacies depends on how a position is attributed to the speaker, namely on how his words are reported or quoted. The strategy of straw man is essentially grounded on the notion of reporting a position. However, from an argumentative point of view, a position is a commitment (Hamblin 1970; Walton and Krabbe 1995), i.e. a proposition for which the speaker is held responsible and that he is expected to defend in case it is challenged, questioned, or criticized.

The crucial issue we take into account is the notion of commitment, and more precisely the relationship between commitments and utterances. Speakers can be held responsible for what their utterances mean; however, how to establish the meaning of an utterance and its communicative intention is controversial. The starting point is the notion of action, an event for which the speaker is responsible inasmuch as he intended it. The concepts of speech act and communicative intention become of fundamental importance when we need to determine what the speaker can be held committed to. The question that we address here is whether the notion of speech act and the analysis and classifications of illocutionary forces developed in pragmatics is sufficient for describing how a participant to a dialogue intends to contribute to the conversation.

This issue is essentially related to related problems of interpretation and misinterpretation. The possibility and the problem of distorting or misrepresenting another's view are inherently dependent on the divergence between the speaker's utterance and the hearer's reconstruction thereof (Capone 2013b; Kecskes 2008, 2010b, 2013). As Kecskes put it (Kecskes 2010b, p. 69):

Their different prior experiences, their different evaluations of the actual situational context, their dynamically changing intentions and individual degrees of salience result in a personalized process of production and comprehension; as a result, there may be no single point in the recovery process at which speaker's utterances exactly matches hearer's implicatures. This is because both speaker's production and hearer's interpretation are 'contaminated' by individualized pragmatic elements.

The divergence between the speaker's intention conveyed by his utterance and the interpreter's reconstruction thereof has two sides. On the one hand, it is the root of the difference between a report – or a quotation – and the speaker's original quoted material. On the other hand, this difference cannot be taken for granted as essential; otherwise, communication would be impossible, let alone reporting another's words or positions. Interpretation concerns a communicative intention expressed through an utterance: "speaker meaning is a matter of overtly showing an object, overtly showing a state of affairs, or overtly showing one's commitment – both the modality of that commitment and its content" (Green 2007, p. 74). The interpretation and the attribution of a communicative intention to an utterance is a process (usually automatic) that, however, needs to be represented in terms of reasoning and arguments when it is challenged. What interpretation prevails in a disputed case is matter of analyzing the reasoning in support of the conflicting views and establishing the strongest or the only reasonable one.

This chapter will address the notion of commitment, and analyze how it is related to the speaker's intentions and to the interpretation of an utterance. The purpose is to outline the various approaches to commitments, acts and intentions in dialogue, in order to provide a theoretical background for our analysis.

## 2.1 The Speaker's Meaning and His Commitments

A fundamental issue in the analysis of quotations and reports is the attribution of commitments. Quotes or reports are meta-representations, namely representations of the meaning expressed by other utterances (Morency et al. 2008, p. 206), which are used by the quoter for different purposes. Because they are meta-representations, they convey a relation between the Original Speaker and "what he said" (or in case of indirect reports, what the reporting party has reconstructed). In both cases, the crucial issue is to determine what the original speaker can be held accountable for from a dialogical point of view. In other words, it is crucial to establish the original speaker's responsibility towards his utterance, namely his commitments, the "public" attitude towards what he has communicated (Beysade and Marandin 2009; Morency et al. 2008). The fundamental problem with quotations and more importantly with reports is to reconstruct the speaker's commitments considering the only evidence that is available, namely his utterances (Boulat 2016, p. 31). For this reason, the process aimed at attributing (or reconstructing) the speaker's commitments is dependent on the interpretive process aimed at retrieving what the speaker communicated.

The notion of commitment has been widely used in philosophy of language (Austin 1962; Searle 1969), linguistics (Ducrot 1972, 1984; Ifantidou 2001; Nølke 1994; Sperber and Wilson 1986), and argumentation theory (Walton and Krabbe 1995) (for a survey, see Coltier et al. 2009; De Brabanter and Dendale 2008; Boulat 2016). In speech act theory, commitment has received interrelated but distinct meanings:

- (a) A restrictive non-technical meaning, referring to the description of the illocutionary point of the commissive speech acts, resulting in binding the speaker to carrying out certain future actions (Austin 1962, p. 150; Searle 1969, p. 58; Searle and Vanderveken 1985, pp. 13–14).
- (b) A broader non-technical meaning, referring to the obligations on the speaker's future conduction resulting from the performance (and uptake) of a speech act (Austin 1962, p. 153). As Austin put it, stating that “the cat is on the mat commits me to saying or stating ‘The mat is underneath the cat’ just as much as the performative ‘I define X as Y’ (in the *fiat* sense say) commits me to using those terms in special ways in future discourse, and we can see how this is connected with such acts as promising” (Austin 1962, p. 136).<sup>1</sup>
- (c) A broader, technical meaning of illocutionary commitment, set out by Searle and Vanderveken, who distinguished between strong and weak commitments (Searle and Vanderveken 1985, p. 24). On their view, an utterance commits the speaker not only to the illocution, but also to its (preparatory, sincerity...) conditions (*strong* commitment: it is impossible to perform  $F_1(P)$  in a context of utterance without also performing  $F_2(Q)$ ) and possible entailments (*weak* commitment: the speaker is committed to an illocutionary act  $F(P)$  by way of performing certain illocutionary acts  $F_1(P_1)$ , ...,  $F_n(P_n)$ , although he does not perform  $F(P)$  and is not committed to its performance) (Searle and Vanderveken 1985, pp. 23–24). As they put it, “As a general definition we can say that *an illocutionary act of the form  $F_1(P_1)$  commits the speaker to an illocutionary act  $F_2(P_2)$  iff in the successful performance of  $F_1(P_1)$ :*
- I. The speaker achieves (strong) or is committed (weak) to the illocutionary point of  $F_2$  on  $P_2$  with the required mode of achievement and degree of strength of  $F_2$ .
  - II. He is committed to all of the preparatory conditions of  $F_2(P_2)$  and to the propositional presuppositions.
  - III. He commits himself to having the psychological state specified by the sincerity conditions of  $F_2(P_2)$  with the required degree of strength.
  - IV.  $P_2$  satisfies the propositional content of  $F_2$  with respect to the context of utterance (Searle 1985, p. 24).

These accounts share some crucial features and shed light on some specific characteristics of commitments. First, Austin pointed out how commitments can be considered as kinds of promises (De Brabanter and Dendale 2008; Walton and Krabbe 1995), binding the speaker to a certain course of action. Second, the object of this kind of obligation can be different. As Searle and Vanderveken pointed out, a speaker is not only committed to the illocution, but also to the preparatory conditions, the sincerity conditions, the propositional content, and the presuppositions. Thus, on their view commitments include also psychological states such as belief,

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<sup>1</sup> Searle did not exclude this broader meaning, stating that we use expressions such as “I promise” to emphasize the degree of our commitment when performing speech acts that are not commissive (Searle 1969, p. 58).

which the speaker is bound to hold publicly in virtue of his performing an illocution (Searle and Vanderveken 1985, p. 19). Third, commitments result from the performance of various types of speech acts, different from assertions or promises. Gazdar in particular developed this idea and investigated the effects of a speech act on the commitments of the participants to a dialogue. As he put it (Gazdar 1981, pp. 68–69):

A speech act is a function from contexts to contexts. Thus, an assertion that  $\Phi$  is a function that changes a context in which the speaker is not committed to justifiable true belief in  $\Phi$  into a context he is so committed. A promise that  $\Phi$  is a function that changes a context in which the speaker is not committed to bringing  $\Phi$  into one in which he is so committed. A permission to  $\Phi$  is a function that changes a context in which  $\Phi$  is prohibited into one in which  $\Phi$  is permissible.

On this view, speech acts can be analyzed considering their effects on the conversational situation, namely the conversational context. Commitments can represent these types of effects, which in turn affect the possible actions (and more specifically dialogical moves) that the interlocutors can perform.

A last characteristic of commitments is underscored by Searle and Vanderveken, who distinguish between “strong” and “weak” commitments. They include, in the first category, commitments to the presuppositions (including propositional, preparatory, and sincerity conditions) of a speech act, namely commitments on which the felicity of the speech act depends. They classify, in the second category, commitments to illocutionary acts incurred *by* performing other, distinct illocutionary acts. They provide as an example a *modus ponens*; however, they do not specify whether such weak commitments result only from entailments or also from other defeasible inferences, including implicatures. This issue was addressed by Soames, who underscored how commitments can result from both what is asserted and what is “conveyed” (by implicatures). According to him, in both cases of asserting  $p$  and that of merely intending to convey  $p$ , “the speaker undertakes a commitment to  $p$ , in the sense of endorsing  $p$  as something to be accepted by members of the conversation, of being responsible to defend  $p$ , and of being accountable if  $p$  turns out to be false” (Soames 2002, p. 72). However, he points out a crucial difference between what is asserted by an utterance and what is merely conveyed, or implied: the speaker is more strongly committed to what is asserted than to what is merely implied or suggested (Soames 2002, p. 85).

## 2.2 Commitments in Dialogue

In philosophy of language, the analysis of commitments has focused mostly on their relationship with speech acts. In argumentation theory, commitments are the basic concept in the areas of research on formal dialogues (Prakken 2006), dialogue games (Bench-Capon et al. 1991; Ginzburg 1994, 1996; Walton 1984), and fallacies (Walton 1989). The starting point of this approach is Hamblin’s model (Hamblin 1970, Chapter 8). On this view, commitments represent what the participant in a

dialogue is held responsible for (i.e. what he is held to support in case it is challenged, and cannot contradict without retracting it):

- (d) Commitment is defined according to the type of object it results from (a proposition) and the rules it shall comply with (establishing the partial strategies, i.e. the possible actions that can be performed without incurring sanctions), namely the rules of dialogue. In this perspective, a propositional commitment is (1) a kind of action commitment whose (2) partial strategies assign dialogical actions that (3) center on one proposition (or a formulation thereof) (from Walton and Krabbe 1995, pp. 23–24).

In the perspective of dialogue games, the interlocutors keep record of their commitments (gameboards or commitment stores) (Ginzburg 1994, 1996). Speech acts are proposals for updating the commitment store with their illocutionary information, which can be accepted (thus updating directly the dark-side commitment store), rejected, or questioned. This idea of dialogical commitment is grounded on two principles: dialogical consistency and dialogical rules (or sanctions).

A speaker is expected (in virtue of social conventions) or obliged (based on dialogical rules) to maintain a consistent store of statements representing his previous and new commitments. This store represents “a kind of persona of beliefs: it need not correspond with his real beliefs, but it will operate, in general, approximately as if it did” (Hamblin 1970, p. 237). Commitments are dialogical as they bind dialogical actors (the speaker and the interlocutor) to obligations within a dialogical world, which can then correspond or not to the real world (Ducrot 1984, p. 79). For example, asserting that  $p$  binds the speaker to defend  $p$  or not to deny  $p$ , but this does not mean that the speaker believes that  $p$  is true. Similarly, the speaker can commit himself or commit the hearer to perform action  $a$ , and within the dialogical world the speaker or the hearer have an obligation to perform  $a$ . In this sense, commitments are only indirectly related to beliefs. A speaker can be committed to a proposition without believing that it is true; so he can also commit someone else (presenting a proposition as commonly accepted) even though he cannot know whether it is actually believed or not (Beysade and Marandin 2009). Moreover, commitments can be demanded, attributed, or rejected, and the speaker can distinguish between assertions aimed at calling for the speaker’s commitments (orders) from the ones aimed at committing the speaker only (expressives, commissives) (Beysade and Marandin 2006). In this sense, a commitment is not necessarily a belief; rather, it can be justified in terms of belief, or it can be a sign of belief.

The rules of a dialogue (which can be a formal dialogue or a dialogue occurring within any institutional setting, such as a legal cross examination, a medical interview, but also a dialogue among friends or colleagues) establish the type of consistency is expected and the sanctions for failing to comply with it (De Brabanter and Dendale 2008). In some types of dialogue, inconsistencies can result in quitting or losing the dialogue; in others, the inconsistent speaker can be subject to criticism or loss of face (for example, an inconsistent witness would be considered as unreliable); in more flexible contexts, inconsistencies can lead to further meta-dialogues aimed at establishing the “real” commitments.

This basic picture of the argumentative approach to commitments becomes more complex when a crucial dimension of real dialogues is taken into account in the formal models of dialogues, namely the background knowledge. Walton and Krabbe developed their approach to dialogues introducing two extremely relevant notions, namely the distinction between the object of a commitment and the ways of incurring it, and the differentiation between explicit (light-side) and implicit (dark-side) commitments.

According to Walton and Krabbe, commitments are dialogical obligations to act in a certain fashion. As Gazdar pointed out (Gazdar 1981), commitments can bind the speaker or the hearer to an action that can be dialogical (defend a viewpoint) or extra-dialogical (carry out an action). In any case, these obligations can be expressed as propositions, but their source can be different. Commitments can result from various dialogical behaviors, including various types of speech acts (Walton and Krabbe 1995, p. 32):

- A. By social position:
  - AI. By affiliation.
  - AII. By relationships
- B. By the subject's own action:
  - BI. By a (direct or indirect) speech act:
    - BI1. In dialogue:
      - (a) by asserting a proposition
      - (b) by conceding a proposition
      - (c) by other speech acts in dialogue; e.g. by asking a question one may get committed to its presuppositions
    - BI2. Not in dialogue; e.g. promises, oaths, etc.
  - BII. Other actions by the subject; e.g. making a decisive moral personal choice.
- C. By the actions of actors other than the subject:
  - CI. By a (direct or indirect) speech act:
    - CI1. In dialogue:
      - (a) by being questioned
      - (b) by being challenged
      - (c) by other speech acts in dialogue
    - CI2. Not in dialogue; e.g., someone makes a promise on behalf of the subject or someone orders the subject to do so and so.
  - CII. Other actions by others.

We need to point out two aspects of this approach to commitment: the shift from illocutionary forces to dialogical purposes and the role of common ground. The first



issue concerns the source of commitments. Commitments result from various types of speech acts, both direct and indirect. This aspect, however, shifts the problem of determining commitments from illocutionary acts to the interpretation of communicative (interactional) purposes. What matters, in this sense, is not what type of illocutionary force is associated presumptively with the utterance type; commitments are related to what the utterance can be aimed at doing in dialogue. This problem will be analyzed in Sects. 2.5 and 2.6 below, when the analysis of indirect speech acts will be taken into account.

The second issue concerns implicit commitments. Commitments result from both direct and indirect speech act, but also from many other actions interlocutors carry out during and before the dialogue. On this view, commitments result from various sources and speech acts represent only one of them. A participant in a dialogue cannot be considered as a blank slate. On the contrary, since dialogues occur in a context and between human beings, the interlocutors carry with them commitments to propositions that are the result of his previous interactions, actions, choices, or simply by belonging to a group (affiliation) or interacting within a specific institutional context (relationships) (Kecskes and Zhang 2009). This idea leads to the crucial distinction between light-side and dark-side commitments, which opens the analysis of the dialogical obligations to the dialogical context intended as the set of propositions (information) that the interlocutor is or can be presumed to hold and be bound to maintain. We will investigate the issue of implicit commitments in the next section.

### 2.3 Implicit Commitments and Common Ground

The distinction between explicit and implicit commitments was clearly drawn by Walton and Krabbe, who distinguished between dark-side (or implicit) and light-side (or explicit) commitments (Walton and Krabbe 1995, p. 186). While the latter ones are the result of the performance or the acceptance of a speech act performed in a dialogue (Hamblin 1970, p. 264; Mackenzie and Staines 1999, p. 17), dark-side commitments result from the common ground, a set of propositions that the interlocutors consider to be shared and not subject to further discussion (Walton 1985, 1987). While light-side commitments can be challenged directly (by questioning or refusing the interlocutor's stated content, or simply by not accepting it explicitly), dark-side commitments are presented, or rather presumed, as propositions upon which the parties to a dialogue to have already agreed (Walton and Krabbe 1995, p. 182). For this reason, a meta-dialogue or meta-dialogical move is needed for retracting such commitments in which the interlocutor needs to show why he cannot accept the dark-side commitment.

The argumentative approach to commitment points out a dimension that is of crucial importance for the studies in philosophy of language, namely the issue of common ground. The relationship between commitments and background knowledge is twofold. On the one hand, speech acts (or discourse moves) update the

interlocutors' implicit commitments, namely the set of propositions that can be taken for granted as accepted. On the other hand, common ground is crucial for interpreting speech acts, including their explicatures and implicatures. The literature on dialogue games has investigated in depth the problem of background commitments (also called common or shared ground) by developing models of formal dialogues based on Stalnaker's idea of common ground (Beysade and Marandin 2006; Ginzburg 1994, 1996).

According to Stalnaker, a dialogue cannot be investigated independent of its context. On the one hand, speech acts are understood in terms of the way they are intended to affect the context, namely the information shared by the interlocutors. On the other hand, it is possible to interpret a speech act (and the effects it is intended to carry out) only by considering the context in which it is performed (Stalnaker 1998). For example, an assertion such as "Trump is not going to win" can be understood only by considering a set of information that is taken for granted (Trump is running for president; there are political elections in the United States; etc.), which are necessary for understanding the content of a speech act. Moreover, the interpretation of this speech act can be possible only by taking into account the dialogical setting, the previous assertions, the interlocutors' views on, or interests in politics, etc. (Stalnaker 1978, 1998, 2002). All the information that is relevant to the interpretation of a speech act is the common ground (context) and is presumed to be shared by the interlocutors, and in fact accepted by them (i.e. treated as not controversial or true) (Stalnaker 1984, pp. 79–80). Clearly it is not necessary that it is actually shared; it is simply treated (presumed) as shared by performing the speech act (Stalnaker 1978, p. 8). An assertion, according to Stalnaker, is thus "a proposal to alter the context by adding the information that is the content of the assertion to the body of information that defines the context, or equivalently, by eliminating from the context set – the set of possible worlds available for speakers to distinguish between – those possible worlds in which the proposition expressed in the assertion is false" (Stalnaker 1998, p. 6).

Common ground can be conceived as a set of dark-side commitments that are presumed to be shared by the interlocutors. We need to clarify what "to presume" means when referred to background knowledge. Stalnaker's account is "a representation from the point of view of one of the participants in the context of what is common to all [...]. If certain information is necessary to determine the content of some speech act, then appropriate speech requires that the information be presumed to be shared information at the time at which that speech act is to be interpreted" (Stalnaker 1998, pp. 7–8). This approach to background commitments takes into account the speaker's position and the constraints that a speech act imposes on the context. If we want to analyze actual conversations, we need to consider also the interlocutor's perspective, and the fact that the "dark-side commitment store" may vary from one participant to another (Clark and Schaefer 1989, p. 260). This may result in different interpretations of the same speech act, which can lead to the speaker and the hearer holding, attributing, or presuming distinct commitments.

## 2.4 The Problems of Commitment Attribution in Quotations

As mentioned above, the attribution of commitments is strictly related to interpretation. In order to hold the interlocutor committed to a proposition representing his dialogical obligations, his utterance needs to be interpreted, in other words, a communicative (interactional) intention needs to be attributed to it. Moreover, the speaker is held responsible for (committed to) his dark-side commitments, namely what belongs to the “common ground.” These two aspects are crucially interrelated, as interpretation depends on what is shared, or what is presumed to be shared by the interlocutors. The issue of attributing commitments becomes even more problematic when we take into account the hearer’s perspective, and most importantly the hearer’s dark-side commitments (or background knowledge) as potentially distinct from the speaker’s. This issue is crucial when an utterance is quoted or reported to a third party, as the readers’ or hearers’ context (the background knowledge) used for interpreting it can be radically different from the one in which the utterance was performed (Cohn 1993; Franklin and Bussell 1983; Kecskes 2008). As Kecskes put it (Kecskes 2013, p. 136; 135):

[...] we have to be careful about how we understand “quoting out of context.” What this refers to is quoting out of *the actual situational context* in which the given linguistic expression has been used. This does not mean that there is no context, because the linguistic expression, if “quoted out of context,” will create a context itself. This context, however, will not necessarily match the original situational context. In fact, the problem usually is that the expression or utterance creates its own context. [...].

Language encodes prior contexts and is used to make sense of actual situational contexts, so language is never context-free.

For this reason, we need to address the problem of interpretation in quotations and more specifically the interpretive levels that are involved in it.

The act of quoting consists of an utterance that represents (depicts) another utterance (the original utterance) (Meibauer 2014; Recanati 2010, p. 224). The representation of an utterance, however, involves two interrelated and theoretically distinct dimensions, namely (1) the attribution of a communicative intention (which will be used as strictly meaning the communicative purpose or illocutionary intention of an utterance, see Bach and Harnish 1979, pp.12–13); and (2) the determination of the speaker’s meaning, namely identifying the commitments based on what is said or what is communicated. This distinction and the relationship between these two levels can be explained using the following examples.

The first case, drawn from a TV series, represents a dialogue between a group of knights from Camelot (Haugh 2015, p. 54).

### Case 2.1 Some Water

**Elyan:** Alright. Who drank all my water?

**Gwaine:** ((burps))

**Arthur:** I believe you have your answer.

**Gwaine:** *You said I could have some.*

**Elyan:** I said you could have some. I didn't say you drink every last drop!

**Gwaine:** I was thirsty.

In this case, Gwaine indirectly reports Elyan's words, but attribute to the latter a commitment (you could have the water) that he did not intend. Elyan, in fact, corrects the interpretation of the quotation and points out that "some water" needs to be interpreted standardly as implicating "not all" based on the heuristics called "Q principle" (say as much as you can) (Horn 1984). Clearly, this generalized *implicatum* is defeasible (Atlas and Levinson 1981; Levinson 2000, p. 39). Depending on the context, the speaker may have instead relied on a contrary heuristic principle (the R principle, "say no more than you must") leading to the *implicatum* that "some" inasmuch as a stereotypical permission, was intended to mean, "all/as much as you want" (Carston 1998; Ducrot 1972; Green 1995; Horn 1984; Levinson 2000). This excerpt points out the relationship between commitments and implicatures and raises the issue of how to draw the line between what a speaker said and what can be implied from it.

The relationship between what a speaker said and what he can be held accountable for (what he can be said to have subscribed to) can be more complex. While in Case 2.1 above the problem is to interpret what the speaker communicates based on the available presumptions (or what is relevant in the given context), in Case 2.2 below reporting an utterance involves a more complex reconstruction of the speaker's communicative intention. This example, adapted from (Recanati 2000, p. 48), concerns the indirect report of a sarcastic utterance:

### Case 2.2 The Lovely Weather

For example, suppose that, misled by unreliable weather reports, A and B are caught in the middle of a storm. B reports to C, who is at home, A's utterance.

A: The weather is indeed lovely.

1. B to C: A says that the weather is indeed lovely.
2. B to C: A claims that the weather is lovely.
3. B to C: A is complaining that the weather is bad, contrary to what the weather reports said.

Here we distinguish three cases of indirect report. In 1, B is reporting A's words verbatim, but by not providing the context and the background information, makes A's utterance pragmatically ambiguous. In 2, B reports A's assertion, and by not providing the background and contextual information, he leads C to interpreting the report as serious. In 3, B does not report the words verbatim; instead, he provides an interpretation of A's utterance and informs C of the background information (Camp 2006, p. 285). This case shows how the communicative intention can be retrieved presumptively (considering a stereotypical context in which an assertion is meant to inform the interlocutor) or by means of a more complex pattern of reasoning (which takes into account various contextual factors).

The problem of non-serious utterances and the reconstruction of the meaning and the speaker's commitments can become serious, as in the following case<sup>2</sup> taken from Trump's rally in Ashburn, Virginia. Trump addressed a woman holding a baby that was crying during the speech:

### Case 2.3 Trump's Love for Children

"Don't worry about that baby. I love babies," Trump said, sarcastically, after hearing the baby crying during his speech. "Don't worry about it. I love babies. I hear that baby crying, I like it. What a baby. What a beautiful baby. Don't worry, don't worry. The mom's running around like — don't worry about it, you know. It's young and beautiful and healthy and that's what we want." But when the young mom didn't take the hint that Trump wanted her to leave, he told her more directly. "Actually, I was only kidding, you can get the baby out of here," the Republican nominee said to laughter and applause. "That's all right. Don't worry. I think she really believed me that I love having a baby crying while I'm speaking. That's OK. People don't understand. That's OK."

Here Trump reports his own utterance, which the mother interprets as serious. Trump engages in a discussion on how his utterance should be interpreted and reported: is it an invitation not to worry, or is the utterance an order to leave? The difference with the non-serious case of the lovely weather is that in this exchange Trump becomes strongly committed to attacking the woman and kicking her out of his rally, as the news reported.

The fourth case involves the relationship between the reconstruction of the communicative (illocutionary) intention (in the sense of Bach and Harnish 1979) and implicit meaning, more specifically, implicatures. In the following famous exchange between a sea-captain and his first mate (Bell 1997, p. 36; Fischer 1970, p. 272), the problem of interpretation and reporting emerges clearly:

### Case 2.4 Drunkard Captain

The captain wrote in the ship's log: "The first-mate was drunk all day." When the first-mate read the log, he confronted the captain. The captain replied: "Well, it was true, wasn't it?" The following day the first-mate, whose normal duties include writing up the ship's log, got his revenge. He wrote in the ship's log: "The captain was sober all day." When he read the log-entry, the captain was furious at the implication in the first-mate's words that he was not normally sober. When confronted by the captain, the first-mate, referring to his literal meaning rather than the invited inference of his statement, replied: "Well, it was true, wasn't it?"

This case shows the problem of attributing implicit commitments, which is directly related to reporting a communicative intention that is drawn from an implicature. How can the captain report the first-mate's utterance? Clearly, "the goal of the interaction, namely, the invited inference that the captain is normally drunk, is clear" (Bell 1997, p. 41). This dialogue points out the distinction between the speaker's commitments (the ones allegedly corresponding to his intentions), and the ones that are reasonably attributed to him. If commitments result from the performance and uptake of a speech act, and more precisely from the actions it performs in a context

<sup>2</sup>Bassett, B. (2016, August 2). Donald Trump insults women four times in four days. *The Huffington Post*. Retrieved from <https://goo.gl/KxQdxO> (Accessed on 12 October 2016).

(Levinson 1983, p. 291; Mey 2001, p. 163) (its communicative (interactive) goal), it is hard to deny that the first mate intended to accuse the captain of being drunk every day except the present one. However, considered out-of-context, the first mate's utterance can be reported as merely committing him to the truth of the proposition that the captain was sober that day.

The last example involves not only the relationship between utterances and communicative actions and goals, but also the relationship between communicative purposes and the interpretation of lexical items. The excerpt is drawn from is a real case of defamation law concerning the quotation and interpretation of some utterances reported by a local newspaper of Greenbelt, Maryland. At public meetings before the City Council, Mr. Bresler, a prominent real estate developer and state legislator, vigorously discussed the city building plan with other Council members. The Council tried to acquire land owned by Mr. Bresler to build a school; Mr. Bresler tried to defend his interests (secure some variances for some land he owned). The discussion became heated and Mr. Bresler's negotiating behavior was criticized. Such discussions were then reported by the newspaper. The case is summarized as follows (*Greenbelt Pub. Assn. v. Bresler*, 398 U.S. 6, 16 1970):

### Case 2.5 Blackmail

In publishing in their newspaper full accounts of the meetings, petitioners reported that various citizens had characterized respondent's negotiating position as "blackmail." Respondent, concededly a "public figure," brought this libel action against petitioners for publishing the reports notwithstanding their knowledge that he had not committed the crime of blackmail.

Original quote from the journal:

"'It seems that this is a slight case of blackmail,' commented Mrs. Marjorie Bergemann on Monday night, and the word was echoed by many speakers from the audience."

"Councilman David Champion, however, denied that it was 'blackmail,' explaining that he would rather 'refer to it (i.e., the negotiations) as a two-way street.'"

This case is more complex as it involves the interpretation of a quote. Mr. Bresler interprets the quotations (in particular, the first one reported) out of context, and relies on the presumptive association between utterance type (assertive) and the communicative purpose (informing the audience of a fact). The Court (upholding the journalists' position) instead interprets the quotation within its communicative setting, and concludes that the utterance was intended to vent emotions (insulting or attacking Mr. Bresler) rather than accuse him of a crime. In this sense, the interpretation of the communicative purpose affects the interpretation of the semantic content of the utterance: "blackmail" is read metaphorically as an attack and not literally as a crime of threatening the victim with a view to extorting money or goods.

These examples raise some issues concerning the relationship between an utterance, its context, and the commitments that can be attributed to the original speaker. More specifically, in order to understand what commitments can be attributed to a speaker, it is necessary to address the following problems:

1. How to represent the speaker's (and more precisely the original speaker's) communicative goal and how to relate it to his utterance;
2. How to take into account the distinction between what a speaker says explicitly and what he does not say, but merely implicates;
3. How to account for the difference in commitment to various types of content, namely explicatures, presuppositions, entailments, and implicatures.

The crucial point to discuss is the first one, as only after determining what counts as a communicative goal is it possible to investigate the other related concerns.

## 2.5 Utterances, Speech Acts, and Communicative Purposes

As mentioned in the sections above, commitments involve interpretation, and interpretation involves the reconstruction of the communicative purpose of an utterance, namely "what utterances contribute to the interactions in which they occur" (Capone 2005; Geis 1995, p. 10; Kecskes 2010a; Mey 2001, Chapter 8). What counts as a commitment of the speaker or the hearer needs to be drawn from what his utterance *in context* is aimed to do, namely how it can affect the interaction and the conversational situation. In order to analyze how communicative purposes can be attributed to utterances, and consequently how commitments are assigned to the speakers, we need to discuss the relationship between utterances and speech acts.

The responsibility that we ascribe to the speaker is essentially related to the objectified or communicated intentions (Morency et al. 2008) we can attribute to him by his uttering a sentence in context. The commitments result from the action that the speaker performs by way of provoking a specific event, namely uttering a sentence (Kissine 2013, p. 15; Searle 2001, p. 52). This event is thus constitutive of the action, and cannot be separated from the intention (Davidson 2001). For this reason, illocutionary acts are distinguished from perlocutionary acts (or events), i.e. events or acts that result from the performance of illocutionary acts, but that are performed by means and not by way of uttering a sentence. For example, the effect of persuading someone can be an (intentional) effect of an assertion; the interlocutor's action of closing the window can result from the speaker's illocutionary act of ordering him to do so; expectations can be created by making a promise, etc. (Searle and Vanderveken 2005, p. 119). Thus, commitments are crucially related to speech acts. However, what counts as an act and what can be considered as a commitment resulting from a communicative intention needs to be carefully discussed.

### 2.5.1 *The Standard View*

Speech act theory hinges on the notions of illocutionary act and illocutionary force. The action that is constituted by way of uttering a sentence has been defined as an "illocutionary act" (Searle and Vanderveken 2005, p. 109):

Whenever a speaker utters a sentence in an appropriate context with certain intentions, he performs one or more illocutionary acts. In general an illocutionary act consists of an illocutionary force  $F$  and a propositional content  $P$ .

Clearly, the problem in this definition is to determine the “certain intentions” that underlie the uttering of a sentence in context. On Searle’s view, illocutionary acts result in the illocutionary effect of understanding (uptake), which in turn affects the conversational setting by creating and constraining “the range of appropriate illocutionary responses” (Searle and Vanderveken 2005, p. 118). Speech acts are classified according to the following criteria (Mey 2001, Chapter 5; Searle 1976):

- Illocutionary point (the force of the speech act)
- Direction of fit (the way the speech act fits the world, and/or the world the speech act)
- Expressed psychological state (of the speaker: a belief can be expressed as a statement, an assertion, a remark, etc.)
- Content (what the speech act is about. For example, a promise to attend the party has the same content as a refusal).

Such criteria are used for classifying speech acts in the following categories (Searle 1976):

- *Representatives (assertives)*. Their point or purpose of the members is to commit the speaker (in varying degrees) to something is being the case, to the truth of the expressed proposition. Example: “Bob is tired.”
- *Directives*. Their illocutionary point consists in the fact that they are attempts (of varying degrees) by the speaker to get the hearer to do something. Example: “Go to bed!”
- *Commissives*. The point of these illocutionary acts is to commit the speaker (in varying degrees) to some future course of action. Example: “I will go to bed right away.”
- *Expressives*. Their illocutionary point is to express the psychological state specified in the sincerity condition about a state of affairs specified in the propositional content. Example: “I am so sorry about that!”
- *Declarations*. The successful performance of one of these illocutionary acts brings about the correspondence between the propositional content and reality, and guarantees that the propositional content corresponds to the world. Example: “The judgment is vacated” (declared by a Court).

The analysis and classification of speech acts according to the aforementioned model is characterized by two interconnected premises. First, as Mey puts it, “the illocutionary force is intimately related to the very form the utterance may have: stating, wishing, promising etc.” (Mey 2001, pp. 95–96). In this sense, “the illocutionary force is built into the sentence meaning by linguistic conventions. That is, for Searle, any well-formed sentence-type corresponds to a speech-act type in virtue of linguistic conventions” (Kissine 2013, p. 4). Second, the utterance of any sentence is associated with a “literal” act that in case of indirect speech acts is



distinguished from a primary act (Geis 1995, p. 20). For example, the utterance of “Can you pass me the salt?” is normally considered as an indirect speech act: an interrogative sentence (normally used for asking a question) is used to request a specific action (normally expressed by imperative sentences), namely passing the salt. This speech act is analyzed by Searle by dividing the illocutionary act into a primary act, namely a making request, and a secondary (literal) act of asking a question. This account of the relationship between the utterance form (type) and the illocutionary force confines indirect speech acts in the area of meaning that is derived from what is said by means of further processing, namely in “what is communicated” (Camp 2006, p. 284).

This account of speech acts and “literal” (illocutionary) meaning of an utterance raises two crucial problems that are of fundamental importance for the attribution of commitments and communicative purposes. The first concerns the conventional association between sentence (or utterance) type and illocutionary force. The second concerns the notion of “illocutionary force” in itself. The problem is whether the types of forces described by speech act theory, based on the Gricean concept of non-natural meaning as an intention to provoke some cognitive response, can account for the communicative purposes pursued by the utterances (Kissine 2012).

### ***2.5.2 The Inferential Dimension of Reconstructing Illocutionary Forces***

The first point addresses the distinction between a literal, conventional illocutionary force and an indirect one, obtained by means of conversational implicatures. As Mey observes, “it cannot be just by accident that in our daily use of language, indirect speech acts abound, and in many cases [...] are far more numerous than direct ones” (Mey 2001, p. 112). On this view, the correspondence between understanding a speech act and decoding the sentence expressed cannot be maintained. The illocutionary act that a sentence can be used to perform depends on the context, which includes background knowledge, and social and institutional factors. Depending on the speaker, the same sentence can be used to request information or make an order; depending on the background information, the utterance “The weather is indeed lovely” mentioned above can be interpreted as aimed at informing the interlocutor, warning him, complaining against the weatherman, complaining against the weather, etc. (Geis 1995, p. 20). Moreover, the very understanding of the propositional content expressed by an utterance requires contextual inferences (Carston 2002, Chapter 1; Kissine 2012, p. 17; Recanati 1987, p. 224), such as the minimal ones specifying the place and time of the observed weather in the example above.

The lack of correspondence between utterance form and illocutionary force leads to reconsidering the structure of speech acts in terms of presumptions. On this view, an intermediate level is introduced between the sentence level (the linguistic meaning of an utterance) and the illocutionary force, namely the locutionary act (Austin

1962). This distinction can be explained as follows (Kissine 2012, Chapter 2.7; Recanati 1980):

- The ‘locutionary act’ is the expression (presentation) of propositional contents under a certain mode of presentation. The type of the mode of presentation constrains the range of the possible direct speech acts the locutionary act may constitute. For instance, if the imperative mood expresses an attitude characteristic of desiderative mental states, the potential direct illocutionary force will be a directive one. However, this relationship is purely presumptive and potential.
- The ‘illocutionary act’ is the illocutionary act actually performed, in which an illocutionary force is assigned to the utterance.

For example, a sentence can be presented under the imperative mood (“can you pass me the salt”) and used to perform a locutionary act (Kissine 2012, p. 171). The act of uttering a specific propositional content under a certain mode of presentation is presumptively associated (correlated) with certain illocutionary forces (Kissine 2008, 2012, pp. 166–167). However, this relationship is not conventional (does not belong to the conventional meaning of the sentence expressed), but purely presumptive (Recanati 2013, 2016). Direct speech acts are the result of this presumptive relation, while in indirect (non-conventionalized) speech acts, this presumption fails and other contextual factors need to be taken into account for determining the speaker’s communicative intention (an intention to fulfil some communicative purpose).

This perspective relies on two principles. First, the starting point is the “content” of an utterance (including the mode of presentation), which – after being enriched pragmatically by specifying its meaning in context – is correlated to a presumptive interpretation (Recanati 2013, 2016). Second, presumptions guide the interpretative process by providing automatic associations (Bach and Harnish 1979; Levinson 2000) between a locutionary act and an illocutionary act. For example, an utterance having a specific presentational mood (interrogative; a conventionalized utterance form such as “Can you please...?”) is presumptively interpreted as intended to perform a specific act (asking a question; making a request). However, if in the specific context this interpretation conflict with conversational principles, a different interpretation is looked for (Recanati 1987, pp. 224–227).

This approach points out the crucial role of presumptions in establishing the illocutionary force of an utterance. However, it assigns to the content of an utterance a primary role, leaving to the context the function of selecting or rejecting possible presumptive interpretations and relying on conversational maxims for retrieving non-presumptive correlations between utterance form (type) and speech act. This account can explain why many types of indirect speech acts can result from a presumptive processing of the utterance. What matters is the presumptive association between a propositional contents and modes of presentation and an illocutionary force. An indirect speech act or types of indirect speech acts can be highly conventionalized and thus trigger presumptive interpretation. In cases of non-serious utterances, or in actual (non-conventionalized) indirect speech acts, the inferential mechanism starts from the propositional content and the presumptive

illocutionary force to infer the actual communicative intention. For example, we consider the “lovely weather” case above and analyze it according to the inferential steps mentioned above (see Kissine 2012, p.185):

- Step 1: *S* is performing the locutionary act “the party is great,” expressing the proposition *p* in a declarative mood (declarative utterance);
- Step 2: Declarative utterances are usually used to inform the interlocutor of a belief of *S* (to perform assertions);
- Step 3: This party is all that *S* hates; it is shared that *S* hates the characteristics of the party; So, most probably, *S* does not believe that the party is great;
- Step 4: *S* is cooperative and would not violate conversational maxims gratuitously;
- Step 5: The locutionary act needs to be interpreted in a way that does not carry the illocutionary force of an assertion;
- Step 6: *S* does not commit to *p*; *S* intends to communicate rather his non-commitment to *p*, or more probably to its contrary, i.e. to the fact that the party is awful.

This type of analysis, however, becomes more problematic when we take into account real cases, such as the Trump case above. Trump’s utterance (“I love babies”) is at the same time a non-serious assertion and an “indirect” speech act, whose effects (comforting the mother; making fun of the mother; inviting the mother to leave), however, are not fully captured in the classification of cognitive effects underlying the description of illocutionary forces. What is problematic is that Trump does not breach apparently any conversational maxim. He is relevant and apparently truthful, but the mother (only) interprets the assertion as aimed at reassuring her (communicating that the event does not upset him), while Trump and the audience understand it as a rather insulting invitation to leave. What Trump makes clear in his explanation is that he intended to address and fix an interruption of his speech caused by the baby. His utterances need to be analyzed starting from the event they take into account (a baby crying or an unwanted interruption?). Trump may love babies, but his utterance is anyhow non-serious if he is addressing an unpleasant breach and not the baby’s discomfort.

A more serious problem with the Gricean approach to the reconstruction of non-presumptive speech acts is the analysis of the Case 2.5: Blackmail). In this case, we can claim that a declarative locutionary act was made, which was intended to inform the interlocutors. No maxim was apparently violated: the citizens in a heated discussion assert that Mr. Bresler was “blackmailing” the City Council. In fact, the assertion was a complaint and not an accusation, but the speech act was not indirect, nor non-serious. The communicative context affects the interpretation of the utterance and the words used. For this reason, in order to retrieve the communicated (and reported) purpose of the utterance we need to take into consideration, at the same time, the utterance and the context in which it was performed.

This case suggests that the analysis and attribution of commitments to the original speaker or the quoter needs to involve a broader picture of communication. The reconstruction of the speaker’s commitments in the Blackmail case is hard to result from an analysis that starts from the content of an utterance, which needs then to be pragmatically enriched and processed by situating it in the context. Without taking

into account from the beginning the context and the purpose of the conversation the speaker was involved in, it is difficult to understand “why the utterance was produced, that is, what the goal or intended effect(s) of the speaker was in producing the utterance” (Geis 1995, p. 38). If we want to reconstruct the speaker’s commitments resulting from his utterance, we need to understand first his intention in the specific context of the conversation, from which it is possible to derive its interactional or communicative function (Kissine 2013, p. 63). For this reason, we need to reconsider the notion of illocutionary force, and the relationship between propositional content, locutionary acts, and illocutionary acts for the purpose of commitment attribution. In the next section, we suggest that the categories provided by the illocutionary acts are not sufficient for analyzing utterances in context, namely utterances as sequences of a dialogue or a conversation.

## 2.6 Communicative Intentions and Communicative Purposes

In the section above, we addressed the inferential dimension of the attribution of illocutionary forces to utterances. We underscored how presumptions work even in the interpretation of the “literal” utterances, and how more complex types of inferences are at work in case of indirect speech acts. However, our goal is the reconstruction of the commitments, not the classification of utterances according to cognitive criteria.

The illocutionary forces have been described and classified by Searle based on the “direction of fit,” namely the relationship between the proposition and the world of the utterance (Searle and Vanderveken 1985, pp. 92–95). This leads to a description of utterances in terms of intended cognitive responses: “For some audience  $A$ ,  $U$  (the utterer) intended his utterance of  $x$  to produce in  $A$  some effect (response)  $E$ , by means of  $A$ ’s recognition of that intention” (Grice 1968, p. 230). However, the response (effect) is only cognitive in nature, namely beliefs (belief that  $p$ ) and intentions (intention to bring about the truth of  $p$ ), such that the reason for the cognitive response is the recognition of this very intention (Grice 1968, p. 230; Kissine 2012).

This view says very little about the effects that an utterance can have on the conversation, or the intentions expressed by non-serious utterances (Kissine 2012, p. 177). Moreover, the description of some speech acts in cognitive terms does not account for the interactional intention of the speaker, namely the effect he intends to have on the conversation. A speaker performs an assertion for many reasons that cannot be reduced to representing a belief concerning a state of affairs. If we do not take into account their interactional and conversational dimension we cannot capture when an utterance is aimed at informing or just reminding of a commitment, or when it is aimed at warning the hearer or threatening him (Kissine 2012, Chapter 6).

For this reason, instead of conceiving intentions in cognitive terms, it can be more useful to analyze the intentions (and commitments) starting from the communicative purposes of utterances, namely the way they contribute to the “work of the interaction in which it occurs” (Geis 1995, p. 10; 32). In this sense, we need to focus on the joint (social) actions performed by the interlocutors, and not on the individual actions that speech act theory describes (Kecskes 2010a, p. 2889; Mey 2001, p. 214). Such purposes are captured by neither a speech-act level description nor a sequence-level analysis. A higher-level classification is needed, in which the individual higher-order intentions that the participants express through their utterances are described according to “conversational demand” (Dascal 1992; Mann 1988), namely their dialogical and communicative aims. The focus is not on the connection between the individual moves, but rather on the relationship between the joint purpose of the dialogue (such as making a decision) and the individual utterances, explaining why a participant is performing a specific speech act (is he requesting information? Is he trying to persuade the interlocutor?).

The starting point of the process of the attribution of commitments should not be the translation of single utterances into a finite set of intended cognitive responses. Rather, we should start from the understanding and reconstruction of the actions that utterances (or strings or parts of utterances) perform in context (Levinson 1983, p. 291), namely the intended effects that the utterances have on the conversational interaction (Mey 2001, p. 163). These acts can be named “pragmatic acts,” using the term coined by Mey (2001, p. 94). We will refer to them as conversational acts (or “dialogue moves,” in the sense specified below), and the underlying intentions will be referred to as “conversational intentions” in the sense of intents (that can be presumed in a given context) to carry out some conversational effects by means of their utterances (or parts or strings thereof) (Bach and Harnish 1979, p. 7). On this view, the reconstruction of the actions performed by means of an utterance and the attribution of commitments is matter of assessing the various presumptions that can emerge in a specific context. If we consider the context, the background information, the type of dialogue or discourse, and the utterance content and type, we reconstruct the meaning of an utterance through several presumptions of different type and level, which result in inferences that are more or less defeasible (Capone 2005, p. 1360, 2013a, Kecskes 2008, 2010a).

The first important consequence of this approach is that the relationship between utterances and commitments needs to be analyzed from a different perspective. The literature on speech act underscores how commitments result from various types of speech acts. However, from an argumentation perspective what matters are the interactional (communicative) purposes that the speaker can reasonably pursue by means of his utterance, more than the cognitive effects he intends to carry out and to be recognized. For this reason, what matters is how the speaker intentionally modifies the conversational context, not the utterance type or illocutionary force.

The perspective on classification of actions in conversation is thus modified. Instead of considering the relationship between an utterance (words) and the world, the focus is placed on the relationship between an utterance, or rather a discourse move (see Levinson 1983, p. 291, 1992) and the macro and micro effects that it can have on the conversational setting.

The second relevant consequence is the reconstruction of commitments by assessing different presumptions of different type and level, starting from the ones associated with the presumed purpose of the interaction and of the speaker's utterance (or string or parts thereof). In this sense, the starting point is the type of activity the interlocutors are engaging in, and the goal becomes the reconstruction of the presumable conversational (or interactional) actions that they propose or perform (Levinson 1992; Mey 2001, Chapter 6). This reconstruction can be defeasible, but once all the factors are considered, the interpretation can also become the only reasonable one, which can be hardly retracted by the speaker. This consequence and the problem of the force of commitment will be the topic of the next chapter.

The focus on the communicative purposes of an utterance (or more generally a string of utterances or a part of an utterance) leads us to the problem of describing and classifying the generic purposes within a conversational context. We will address this issue in the section below.

## 2.7 Commitments and Joint Communicative Purposes

As mentioned above, utterances cannot be interpreted independent of their communicative contexts, which involve necessarily an audience or an interlocutor (even only a potential one). In argumentation theory, communicative contexts are conceived as dialogues, actual or potential, in which the speaker and the audience or the interlocutors pursue a specific joint goal. On this view, dialogical (and communicative) contexts are represented in terms of communicative or dialogical intentions (in the sense of Grosz and Sidner 1986: 178), which mirror the main purposes of the agents engaging in a discussion (Grice 1975, p. 45; van Eemeren and Grootendorst 2004, p. 72).

The joint purposes of a dialogue, namely the interlocutors' generic "we-intentions" of pursuing a joint activity (Searle 2002, pp. 92–94), were classified by Walton (Macagno 2008; Walton 1989, 1990, 1998; Walton and Krabbe 1995) in six "types of dialogue:" persuasion, negotiation, inquiry, deliberation, information-seeking, and eristics. The typology of dialogue types, even though non-comprehensive, represents the most common and generic goal-oriented types of dialogical interactions (Dunin-Keplicz and Verbrugge 2001, McBurney and Parsons 2009). The types of dialogue are represented in Table 2.1.

**Table 2.1** Types of dialogue and their characteristics

| Type                   | Initial situation                             | Main goal   | Participants' aims   | Side benefits                  |
|------------------------|---|---|--|--------------------------------|
| 1. Persuasion dialogue | Conflicting points of view.                   | Resolving conflicts by verbal means.                      | Persuading the other(s).                                       | Develop and reveal positions.  |
|                        |   |   |  | Build up confidence.           |
|                        |   |   |  | Influence onlookers.           |
|                        |   |   |  | Add to prestige.               |
| 2. Negotiation         | Conflict of interests & need for cooperation. | Making a deal.  | Getting the best out of it for oneself.                        | Reach a compromise.            |
|                        |   |   |  | Build up confidence.           |
|                        |   |   |  | Reveal positions.              |
|                        |   |   |  | Influence onlookers.           |
| 3. Inquiry             | General ignorance on an issue.                | Increasing knowledge based on evidence.                   | Finding a "proof" or destroying one.                           | Add to knowledge.              |
|                        |   |   |  | Gain experience.               |
|                        |   |   |  | Remove doubts.                 |
|                        |   |   |  |                                |
| 4. Deliberation        | Need for action.                              | Reaching a group decision on how to proceed.              | Influencing the outcome through collaboration and compromise.  | Reach an agreement.            |
|                        |   |   |  | Find circumstances.            |
|                        |   |   |  | Add to education.              |
|                        |   |   |  | Express preferences.           |
| 5. Information-seeking | Personal ignorance.                           | Finding information.                                      | Gaining, passing on, showing, or hiding personal knowledge.    | Reach an agreement.            |
|                        |   |   |  | Learn facts.                   |
| 6. Eristics            | Conflict and antagonism.                      | Reaching a (provisional) accommodation in a relationship. | Striking the other party and winning in the eyes of onlookers. | Show off cleverness.           |
|                        |   |   |  | Develop and reveal positions.  |
|                        |   |   |  | Gain experience and amusement. |
|                        |   |   |  | Add to prestige.               |
|                        |   |   |  | Vent emotions.                 |

Adapted from Walton and Krabbe (1995), p. 66

The idea of representing global and joint communicative intentions (in the sense of communicative purposes) as generic dialogical goals can be used for representing in the most generic fashion what the interlocutors can be held to pursue in their interaction. Clearly, real dialogues are not uniform, as various dialogical goals can be pursued during an interaction. Global dialogical (or communicative) goals cannot be solely conceived as a priori we-intentions that are used for interpreting (and predicting) the individual utterances, or rather the higher-order and communicative intentions expressed by them (Haugh and Jaszczolt 2012, p. 101; Ruhi 2007).<sup>3</sup> Instead, they can be better investigated using the concept of emerging intention (Kecskes 2010b, 2013, p. 50):

The emergent side is co-constructed by the participants in the dynamic flow of conversation. This means that intention is not necessarily an a priori phenomenon; it can also be generated and changed during the communicative process.

On this perspective, the global communicative intention is co-constructed through individual “dialogue moves” (which correspond to discourse segments, see Grosz and Sidner 1986, p. 178), which can be of different nature. Thus, the participants to a dialogue need to intend to engage in a specific joint activity, defined by the situational and institutional context. However, they interact by expressing their own individual communicative intentions (Haugh and Jaszczolt 2012), namely proposals of modifying the conversational context by affecting the interlocutor’s replies and commitments in a specific way. Such proposals, after being recognized, can be followed up or rejected by the interlocutor (Searle 2002, pp. 92–94). The global communicative “we-intention” is then not only a priori concept, but is rather constructed and reconstructed by recognizing, accepting, refusing the higher-order intentions of the interlocutors during the interaction.

On this approach, dialogues are regarded as composed of heterogeneous higher-order intentions that at the same time are coherent with and contribute to the global dialogical goal (see the notion of motivational coherence in Mann 1988). This leads us to analyzing the individual communicative intentions expressed by the units of communication in a dialogue, which we will refer to as dialogue moves (Macagno and Bigi 2017).

## 2.8 Dialogue Moves

Dialogue types can be conceived as a system for classifying higher-order intentions, namely proposals of engaging in a specific joint activity (such as exchanging information or making a joint decision) (Kádár and Haugh 2013, pp. 221–223). On this

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<sup>3</sup>We will use “global communicative/dialogical intention” or “dialogue goal” interchangeably to refer to a “we-intention” that characterizes the interaction, to which the individual utterances need to be relevant. The term “dialogical intention” will refer to the higher-order intention expressed by the individual move (negotiating; obtaining information, etc.) which in turn embeds the communicative intention (the specific intention of performing a specific action through one’s utterance) (Haugh and Jaszczolt 2012, p. 102).



view, the global purpose of a discourse cannot be captured by a composition of grammatical units (or their underlying propositions) (Walton and Macagno 2016; Wang and Guo 2014). Rather, the discourse units need to be defined starting from the global purpose (Van Dijk 1977), analyzing them in terms of their contribution to a joint communicative purpose (Van Dijk 1977) or appropriateness to a conversational demand (Dascal 1992, p. 45; Mann 1988). The focus is not on the connection between the individual dialogue units, but rather on the relationship between the joint purpose of the dialogue (such as making a decision) and the individual utterances (Dascal 1992, p. 45; 50; Grosz and Sidner 1986; Mann 1988; Moeschler 1992, 2010). The aim is to explain why a participant is performing a specific speech act (is he requesting information? is he trying to persuade the interlocutor?) within a specific speech situation (Macagno and Bigi 2017).

The functional units composing the dialogue exceed the boundaries of single utterances (Levinson 1983, p. 291, 1992). They need to be defined starting from their role within the global meaning of discourse (Van Dijk 1977). Discourse segments or – as we prefer – *dialogue moves*, can be defined as follows (Grosz and Sidner 1986, p. 177):

[...] the utterances in a discourse are naturally aggregated into discourse segments. The utterances in a segment, like the words in a phrase, serve particular roles with respect to that segment. In addition, the discourse segments, like the phrases, fulfill certain functions with respect to the overall discourse.

These sequences represent general interlocutors' higher-order intentions, namely the interactional (or, more precisely, communicative) goals (or purposes) that people have (Haugh 2015, pp. 95–97; Ruhi 2007, p. 109). These intentions (which we will refer also as communicative goals in the aforementioned sense, namely what a speaker is aiming to achieve through talk) correspond to commitments (what the interlocutors hold the speaker responsible for) and affect utterance interpretation (Haugh 2015, p. 18). They are conversational demands, in the sense that they pursue communicative goals and at the same time affect the interlocutor's response in a specific fashion (Dascal 1992; Levin and Moore 1977).

The most general individual communicative (or dialogical) intentions that the moves express can be described using the typology of Walton and Krabbe (sharing some crucial features with the typology presented in Mann 1988, 515). Such dialogical intentions can be further specified by identifying sub-goals or more specific goals related to specific contexts of interaction. Table 2.2 below provides an outline of the most generic categories of moves. The *Category* indicates the type of move, the *Description* provides an explanation of the dialogical intention instantiated by the move and the final column provides *Examples* from (adapted) real dialogues in different contexts (Macagno and Bigi 2017, p. 155):

**Table 2.2** Categories of dialogue moves

| Category (Code)          | Description of category   | Example  |
|--------------------------|---|--|
| Information sharing (IS) | Dialogue moves aimed at retrieving and providing information.   | Doctor: I would like to know how you feel, and if your conditions has changed from the last visit.   |
|                          |   | Patient: I feel a bit tired. In the last 4 months, I have been hospitalized three times.   |
|                          |   | Doctor: Why?   |
|                          |   | Patient: I passed out.   |
| Persuasion (P)           | Dialogue moves aimed at persuading the interlocutor, leading him or her to accepting a specific point of view.  | Student 1: Smoking is bad for you, because it can affect your lungs. There are many studies claiming that smoking causes lung cancer.  |
|                          |   | Student 2: It is true, but smoking has also beneficial effects, such as reducing stress.   |
| Deliberation (D)         | Dialogue moves aimed at making a decision.  | Speaker 1: What would you do to control illegal immigration?   |
|                          |   | Speaker 2: We have no border. We have no control. People are flooding across. We can't have it. I will build a wall. I will build a wall.  |
|                          |   | Speaker 3: People want to see the wall built. They want to see the laws enforced.  |
| Negotiation (N)          | Dialogue moves aimed at solving a conflict of interests or goals, and making a joint decision satisfying the interests of both interlocutors.                       | Speaker 1: We are determined to make reforms for paying the debt. But we cannot accept the austerity measures that have affected badly our country and that you are proposing today. |
|                          |   | Speaker 2: You need to propose a plan of reforms that we can accept quickly.   |
| Eristic (E)              | Dialogue moves aimed at building or correcting the interlocutor's rapport within a dialogue (for example, confirming defining roles and offices within a relation). | Doctor: Why have you made such a decision without consulting us?   |
|                          |   | Patient: I thought you said so.  |
|                          |   | Doctor: Look at your therapeutic plan. <i>I have never said such a thing! You were supposed to take these pills twice a day!</i>   |
|                          |   | Patient: I thought...  |
|                          |   | Doctor: <i>You cannot do such a thing and then blame it on others!</i>   |

This very general description of some basic types of moves can be further specified, depending on the various dialogical practices. This type of approach can be used for identifying the global shared intention (type of interaction) of the dialogue, to which the move under analysis belongs. In this fashion, from the type of interaction and the presumption that the speaker intends to contribute in a relevant and constructive way thereto, it is possible to presume his generic communicative intentions.

This framework can be applied to some critical cases, to show how it can bring to light the communicative intention and the most generic commitments of the speaker. For example, we consider the Case 2.5: Blackmail), in which councilmen of the City Council of Greenbelt were engaging in a vigorous discussion with Mr. Bresler. The original shared communicative intentions (negotiating a proposal), due to the aggressive and uncompromising behavior of Bresler, shifted to a different type of interaction, the eristic dialogue, aimed at pursuing the goal of venting emotions (complaining, protesting, etc.). Considering this type of shared goal, the move “It seems that this is a slight case of blackmail” needs to be interpreted presumptively as a contribution to a heated discussion, and for this reason its presumptive attributed communicative intention is to vent emotions and attack (insult, complain against) Mr. Bresler. In this perspective, the move cannot be considered as a serious accusation. The newspaper, by reporting the whole context, provided the ground for understanding and attributing the correct communicative intention to the move, and for this reason, the quotation could not be considered as misleading the audience.

A more complex case is the Trump example (Case 2.3). In this case, the addressee of Trump’s moves misunderstands his communicative intention, which is then made explicit by Trump. The purpose of his move, however, emerges clearly when we consider the context (an official rally, i.e. a persuasive speech; a right-wing character known for his scarce respect for women), the non-verbal behavior of the speaker (Trump is mimicking the mother) and his tone of voice. Trump interrupts his persuasive speech and engages in an eristic dialogue aimed at venting his annoyance, or at least remedying the interruption. For this reason, his words “I hear that baby crying, I like it” need to be intended as expressing distress and anger caused by the baby’s disturbing the rally, and as ultimately aimed at urging the mother to stop the disturbance.

The Drunkard captain case is different from the two above, as the shared communicative intention is drawn from the contextual elements in addition to the previous interactions (an official accusation by the captain hurting the first mate). The institutional context is provided by the maritime rules, in which a logbook is regarded as the record of important events in the management, operation, and navigation of a ship that can be used in court in case of disputes, accidents, etc. The presumptive communicative intention of the first mate (from the previous interactions) can be eristic, i.e. aimed at responding to an offence (or at least a communication affecting negatively the first mate perceived as unjust or avoidable). The logbook provides elements for the interpretation of the move that are uncancellable (Capone 2009, 2013a), namely that any statement written thereon shall be considered as a record of important (i.e. unusual or significant) events for the ship. The interpretation of the statement as reporting the exceptionality of the captain’s soberness is just matter of drawing a hardly cancellable and defeasible inference from the rule stating “Every statement written on the logbook reports important or exceptional events.” However, this information-sharing intention connected with the logbook conflicts with the eristic exchange and relation between the captain and the first mate. In this case, the interpretation of the move, presumptively a possible case for defamation, could be challenged if considered in a wider context (the first mate was insulting the captain). The two presumptive communicative intentions that can

be attributed to the first-mate need to be weighted and analyzed, considering their defeasibility conditions (Was the dispute and the first mate's distress commonly known? Could the statement be erased or considered as an unofficial document or rough book?).

## 2.9 Conclusion

In this chapter, we addressed the notion of commitment. A commitment is a dialogical obligation, a responsibility of the speaker for the intended effects of his utterance (or more specifically, of his move). In order to analyze how commitments can be related to utterances (or rather moves), we took into account the concepts of speech acts and illocutionary forces. The theories that have developed the analysis of speaker's intentions and the actions performed by speaking have focused on the single utterance and more specifically on the linguistic aspects thereof. We have shown how these studies can provide useful insights for the reconstruction of commitments. However, their approach to indirect speech acts or more complex communicative acts cannot account for the complex variety of communicative purposes speakers can pursue in a dialogue. Moreover, by reconstructing the purpose of an utterance starting from the utterance itself, enriching it with contextual elements, the role of the context, the background, and the conversation comes into play only afterwards and as a result of pragmatic processes. This approach leads to various levels and steps of processing, whose actual occurrence is still controversial (Kissine 2012, 2013).

The approach we proposed starts from the context and regards utterances (or strings of utterances or parts thereof) as dialogue moves, namely actions performed in a specific context and at the same time contributing to and constituting it. Dialogue moves are not placed in a context; they constitute the context and cannot be interpreted independent of it. For this reason, the starting point is the shared communicative goal that the interlocutors pursue, and the move is interpreted as a proposal to move the dialogue forward by pursuing a sub-goal or a different and related goal. On this perspective, the interpretative process is the result of various presumptions of different type and level, which are assessed and evaluated.

In the next chapter, we will address the mechanism of interpretation by considering some complex cases of interpretation and commitment attribution.

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## Chapter 3

# Establishing Commitments Between Ambiguity and Misquotation

In the previous chapter, we analyzed the concept of commitment and its relationship with communicative intentions. Investigating what a commitment is leads us to considering the issue of how to establish whether the speaker can be held responsible for a specific commitment. An approach to the reconstruction or determination of commitments needs to face the problem of ambiguity at different levels. In order to establish whether the speaker is committed to a specific proposition, it is necessary to establish what the utterance means. However, this leads us to investigating how meaning can be attributed to an utterance, and more specifically how to support a specific interpretation when it is controversial.

In this chapter, our goal is to outline an argumentative approach to ambiguity and commitment attribution. In particular, we conceive ambiguity in a broader sense, as the actual or potential disagreement or uncertainty concerning the meaning to be attributed to an utterance in a specific context. The question that we address is how to establish the speaker's commitments in case of ambiguity (intended as different possible interpretations) of his utterance. Our purpose is to analyze how a doubtful or potentially doubtful interpretation can be supported dialectically, namely to provide a dialectical mechanism for establishing what interpretation is the best one. The starting point is to inquire into how an utterance can be ambiguous, and more specifically how it can result in different interpretations in turn leading to different commitments attributed or attributable to the speaker. An utterance can be ambiguous for different reasons because of its explicit or implicit content. Moreover, the determination of what is implied is not enough for attributing commitments to the speaker; the possible intent of the speaker needs to be taken into account and established.

These considerations make the interpretation of an utterance and more importantly the attribution of commitments a complex issue. In law, it is even more problematic, as legal consequences can follow from a defamatory utterance, or from a perjury, or from threats, solicitations, bribery, or conspiracy. The investigation and prosecution of these offences and “crimes of language” (Solan and Tiersma 2005,

2012) need to face the problem of establishing what an utterance means, and whether the speaker made it with actual malice. These two dimensions can be used to analyze the attribution of commitments.

To this purpose, we will discuss some crucial legal cases that outline some critical instances in which utterances are subject to different interpretations and consequently different speaker's commitments. These cases will lead us to investigating the following: (1) types of ambiguity, (2) force of commitments; and (3) the strategies for establishing the best interpretation.

### **3.1 Commitments and Interpretation: Ambiguity of the Explicit Meaning**

In the previous chapter, we analyzed how the meaning of an utterance, and more importantly the speaker's commitments, can be analyzed using the concept of dialogue move, namely the communicative effect that it can be intended (or rather it can be presumed) to have on the interlocutor. We underscored how different factors need to be taken into account at the same time in order to interpret the explicit and implicit content of an utterance. In this section, we will illustrate different ways in which an interpretation can be controversial, or "ambiguous" (Walton 1996) in the sense indicated above. More specifically, we will use legal examples to show the contextual factors (presumptions) that contribute to disambiguating the explicit meaning and reconstructing the implicit one. These cases will illustrate legal criteria for attributing commitments to the speaker in case the explicit or implicit meaning of an utterance is disputed, ambiguous, or hard to establish.

The first broad category of ambiguity concerns "what is said," namely the explicit content of an utterance. Ambiguity can result from various dimensions of the "sentence meaning," namely lexical items, syntactic structure, reference assignment, etc. (Atlas 2005; Bezuidenhout 1997). We will illustrate some clear cases of this type of ambiguity at different levels.

#### ***3.1.1 Lexical Ambiguity***

The problem of the interpretation of explicit (directly conveyed) meaning is the core of the famous impeachment process of William Clinton. President Clinton became sexually involved with a White House intern named Monica Lewinsky, engaging in practices including oral sex, but they never had intercourse. Clinton became involved in a related case, in which Ms. Paula Jones initiated a civil lawsuit accusing Clinton of sexual harassment at the time when he was governor of the State of Arkansas. In these proceedings, Clinton made a deposition in which he was also asked about his relationship with Lewinsky. Once the Jones case was dismissed, the declaration led

to a perjury charge, and became the principal topic of Clinton's testimony before a federal grand jury on August 17, 1998 (Solan and Tiersma 2005, pp. 230–233). In particular, Clinton was accused of lying, stating that Lewinsky told the truth when she said that they had no sexual relationships. The following is an excerpt from the transcripts of Clinton's perjury trial before the Senate<sup>1</sup>:

### Case 3.1: Clinton's Sexual Relationship

**Question:** Do you remember in the deposition that Mr. Bennett asked you about that? This is at the end of the – of the – toward the end of the deposition. And you indicated – he asked you *whether the statement that Ms. Lewinsky made in her affidavit was true. And you indicated that it was absolutely correct.*

**Clinton:** I did. [...] I believe at the time that she filled out this affidavit, if *she believed that the definition of sexual relationship was two people having intercourse*, then this is accurate. And I believe that is the definition that most ordinary Americans would give it. If you said Jane and Harry had a sexual relationship – and they're not talking about people being drawn into a lawsuit and being given a definition and then a great effort to trick them in some way – but you're just talking about people in an ordinary conversation, I bet the grand jurors, if they were talking about two people they know and said they had a sexual relationship, they meant they were sleeping together. *They meant they were having intercourse together.*

Clinton in this case relied on the ambiguity of “sexual relationship” and explicated the meaning of his own statement by defining the term narrowly. Clinton was thus found not to have lied, as he was only committed to not having had intercourse (which was true).

### 3.1.2 Reference Assignment

Another aspect of the interpretation of explicit meaning concerns reference assignment, i.e. what indexicals and definite descriptions refer to. In some contexts, referential expressions can have different referents, and the determination thereof depends on inferential processes (Matsui 1998). This dimension of what is said explicitly, which depends in part on inferential processes, can generate interpretive ambiguities or be used to claim that a statement is ambiguous. A famous case is the following (allegedly) ambiguous advertisement (*Cuisinarts, Inc. v. Robot-Coupe Int'l Corp.*, WL 121559, at 2, S.D.N.Y. 1982):

#### Case 3.2: The Professional Food Processor

Robot-Coupe: 21, Cuisinart: 0. WHEN ALL 21 OF THE THREE-STAR RESTAURANTS IN FRANCE'S MICHELIN GUIDE CHOOSE THE SAME PROFESSIONAL MODEL FOOD PROCESSOR, SOMEBODY KNOWS THE SCORE — SHOULDN'T YOU?

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<sup>1</sup>President Clinton testifies before the Kenneth Starr grand jury to discuss his relationship with Monica Lewinsky. Transcript. *CNN.com*. (21 September 1998). Retrieved from <http://edition.cnn.com/icreport/segment2/index.html> (Accessed on 24 October 2016).

The advertiser (Robot-Coupe) intended to lead the audience to drawing the conclusion that the product advertised was a “professional model food processor,” which, however, was not the case. This piece of information was not explicit. In fact, it can be retrieved by reconstructing missing elements, more precisely the explicature that, “the same professional model food processor” refers to “Robot-Coupe.” The defendant claimed that the advertisement was ambiguous (the referential expression could refer to another machine), and that it was not intended to mean that the machine was a professional food processor. However, the court found that the allegedly ambiguous reference was in fact unambiguous, as the contested explicature was necessary (Villafranco et al. 2004).

### 3.1.3 Syntactic Structure

The syntactic structure of a text or an utterance can be ambiguous for different reasons. For example, the relationship between sentences can be unclear (underspecified), the meaning of connectors not specified, or the scope of modifiers ambiguous. The sentence thus needs processing that is the result of inferences not controlled linguistically, i.e. not automatic, called free-enrichment. When the meaning of some expressions (variable) needs to be determined contextually and there is no specific rule governing this process (called assignment), inferences are drawn that depend on the speaker’s meaning, or the conversational context (Recanati 2002). These pragmatic processes belong to the domain of the so-called explicatures (Carston 1988, 2002b, 2004a) or implicatures (Bach 2010, pp. 131–132), namely the partly implicit dimension of what is conveyed directly, which needs to be fully determined in context.

One of the possible sources of ambiguity is the scope of modifiers, such as adverbs or adjectives, or operators (negation). A clear example is the following leading US criminal case, concerning whether the jury was instructed correctly or not at the end of the penalty phase of a capital murder trial. The dispute concerned a statement made by the court to the jury, whose possible ambiguity can be described as follows (*California v. Brown* 107 S. Ct. 837, at 840, 1987):

#### Case 3.3: Mere Sympathy

The defendant contended that the instruction “You must not be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling” was ambiguous, as the adjective “mere” had an ambiguous scope. According to the defendant, it referred only to “sentiment,” excluding from its scope all the other elements of the disjunction – namely excluding also “sympathy.” On this view, the judge would have instructed the jurors not to base their judgment on *sympathy factors in general* – which is different from *mere sympathy factors*, i.e. factors not presented at the trial, and irrelevant to the issues at the trial. In this fashion, the instruction would have amounted to disregarding also the relevant mitigating evidence concerning the defendant’s character.

The court took into consideration the whole context of the debate, rejecting the narrow-scope interpretation of “mere” (namely resulting in an instruction to

disregard sympathy in general), claiming that the “respondent’s interpretation would have these two words transform three days of favorable testimony into a virtual charade.” In this case, the scope of the adjective was established not only based on the reasonable speaker’s understanding, but also on the grounds of the contextual and situational information. The linguistic presumption associated with the possible restrictive scope of the adjective conflicts with the factual one that the judge cannot be presumed to allow evidence that cannot be taken into account later.

Another aspect of partially implicit meaning that affects the interpretation of the syntactic structure of a sentence is the “free-enrichment” of the syntactic relations between sentences. Often the meaning of connectors such as “and” needs to be specified and determined contextually. For examples, the sentence “She woke up and washed her face” needs to be interpreted by specifying that the relationship between the two conjuncts is of temporal ordering (“She woke up and *then* washed her face”) (Carston 2004b). In this case, an unarticulated constituent (Perry 1998; Recanati 2002) that is implicit contributes to the proposition explicitly communicated by an utterance. A clear case in which the partially implicit syntactic structure of a text led to a dispute was *Pharmacia Corp. v. GlaxoSmithKline Consumer Healthcare* (LP, 292 F. Supp. 2d 594, D.N.J. 2003). The controversial interpretation concerned an allegedly false advertisement of nicotine “patches” to aid smoking cessation (*Pharmacia*, at 606):

#### Case 3.4: What Doctors Prefer

The ad opens with an announcer stating: “You’ve decided to quit smoking. Smart choice. Now which patch? The one that leaves you little choice? Or NicoDerm?” It makes three claims of NicoDerm’s superiority over Nicotrol. It claims NicoDerm alone offers a program for light smokers. It claims NicoDerm can be worn for either 16 or 24 h, while Nicotrol can only be worn for 16 h. And it claims that “more doctors prefer the patch that gives you the choice.” The commercial ends with a shot of the NicoDerm box as the announcer states: “NicoDerm CQ. The power of choice.” We find that the unmistakable message of this advertisement is that NicoDerm offers choices, while Nicotrol is inflexible.

The distributor of NicoDerm (GlaxoSmithKline) provided some studies that demonstrated that doctors preferred NicoDerm CQ over Nicotrol generally, and one study that showed that more doctors preferred a patch that offered a 16-or-24-h option. However, “no single test addressed whether doctors preferred NicoDerm over Nicotrol because of NicoDerm’s 16-or-24 h choice” (Villafranco et al. 2004, p. 51). The issue of false advertisement thus hinged on the interpretation of the (partially unarticulated) syntactic structure of the message. The court pointed out that the ad does not “explicitly claim that doctors favor NicoDerm because of choice.” However, considering the advertisement in its entirety, the audience would recognize the claim as readily as if it had been explicitly stated,” as the statement “will necessarily and unavoidably be received by the consumer” as a claim that doctors prefer NicoDerm over Nicotrol *because* it offers choice (*Pharmacia* at 607).

### 3.1.4 *Ambiguity of Metaphorical Meaning*

As mentioned above, the distinction between what is explicitly said and what is implied is blurred. The interpretation of lexical items themselves can be controversial, due to their possible metaphorical interpretation. Disambiguation in this case involves pragmatic processing that needs to take into account what the speaker can be presumed to communicate considering the conversational context, leading to an interpretation that concerns the implicit dimension of discourse, i.e. “what is communicated” (Camp 2006, p. 301).

A first case of ambiguity concerns the subtle line between “what is said” and “what is implied,” namely the ambiguity between a literal and a metaphorical (or non-presumptive) interpretation of a lexical item. In this case, the explicit meaning is reconstructed by assessing both the literal and the metaphorical interpretation of the utterance. A clear example of ambiguity concerning the interpretation of lexical items is the previously mentioned interpretation of “blackmail” in *Greenbelt* (at16):

#### **Case 2.5: Blackmail**

In publishing in their newspaper full accounts of the meetings, petitioners reported that various citizens had characterized respondent’s negotiating position as “blackmail.”

In this case, the communicative purpose of venting emotions in a heated discussion of the city council led to interpreting the assertion that, “Bresler is blackmailing the City Council” as non-defamatory. The court found that in this context, the term “to blackmail” was used not to mean a specific crime of extortion, but as a complaint against his excessively aggressive negotiation attitude. In this case the court resorts to the purpose of the conversation and the presumable purpose of the move (as interpreted and interpretable by a reasonable reader) (Ritchie 2006) to explicate the “directly conveyed content” or the “development of the logical form” of the utterance (Bach 2010; Capone 2009; Carston 1988). The Blackmail example shows how the explicit (or directly conveyed) content can result in different interpretations even when the controversial term is apparently unambiguous and the context is the same.

Metaphorical utterances are a crucial source of ambiguity that can be addressed by considering the type of conversation the interlocutors are engaging in, in addition to other contextual factors (Macagno and Zavatta 2014). A clear example of the ambiguity resulting from metaphorical utterances and the interpretive process based on its presumed dialogical purpose is *MacElree v. Philadelphia Newspaper, Inc.*. Further to an altercation at Lincoln University, Philadelphia Newspaper, Inc. published an article in which a quote by the university attorney was reported, calling MacElree (then the Chester County District Attorney) “the David Duke of Chester County” (544 Pa. 117, at 120, Pa. 1996):

#### **Case 3.5: The David Duke**

Writing to a local newspaper, [University President Siara] Sudarkasa questioned remarks by the Chester County district attorney that one of the New Yorkers had been stabbed. When D.A. James MacElree replied with quotations from police reports, the university’s

lawyer, Richard Glanton, accused him of electioneering — “the David Duke of Chester County running for office by attacking Lincoln.”

The superior court acknowledged the ambiguity of the metaphorical utterance, which according to the plaintiff (MacElree) was interpreted as accusing “MacElree of abusing his office, violating his sworn oath, and committing state and federal offenses.” The superior court took into account the context of a heated discussion, in which the remark can be interpreted reasonably and fairly as a simple charge of racism. According to the court, the remark, “MacElree is the David Duke of Chester County” was semantically equivalent to saying, “MacElree is racist.” However, in the following appeal, the Court of Appeals considered together with the conversational setting and the purpose of the discussion, the possible contextual specifications of this interpretation. The Court thus maintained that “in reading the charge that appellant was electioneering and was the David Duke of Chester County, a reasonable person could conclude that this was an accusation that appellant was abusing his power as the district attorney, an elected office, to further racism and his own political aspirations,” which amounts to defamation (at 124).

## 3.2 Commitments and Interpretation: Ambiguity of the Implicit Meaning

The notion of implicit meaning will be used to refer to two distinct types of pragmatic phenomena, namely presuppositions and implicatures. They are both very controversial, but we will provide a simplified but clear description of them.

### 3.2.1 *Ambiguity of What Is Presupposed*

Presupposition is a highly debated notion in philosophy of language and linguistics (Levinson 1983, p. 163), which is used to refer to two distinct phenomena, namely semantic and pragmatic presuppositions. While semantic presuppositions are commonly understood in terms of truth condition (or meaningfulness) of a sentence (Karttunen 1973; Keenan 1973), pragmatic presuppositions instead are pragmatic inferences that concern the relationship between the speaker and the appropriateness of a sentence in a context (Levinson 1983, p. 177). To presuppose something pragmatically as a speaker is to take its truth for granted and to assume that the audience does the same (Karttunen 1973; Stalnaker 1973, 1974). Pragmatic presuppositions are essentially related to the common ground, namely the set of propositions that the interlocutors assume to be not controversial and taken for granted (Stalnaker 1974, 1984; von Stechow 2008).

Presuppositions can be related to ambiguity. A term can be used with a definition that is not shared by the interlocutor, or a new definition can be taken for granted as

shared, introducing ambiguity. One of the most famous cases of ambiguity of what is presupposed concerns the definition of “enemy combatant.” This term was used by the Bush administration to denote a specific class of combatants, falling outside the boundaries of the Geneva Convention, but no definition was provided (*Hamdi v. Rumsfeld*, 542 U.S. 516, 2004). After the terroristic attacks on September 11, the government arrested and detained some American citizens with the charge of being “enemy combatants,” and among them were two American citizens, Hamdi and Padilla. The administration used the term to charge the defendants of a crime that would not allow them to have any rights of protection, and more specifically, any possibility of rebutting the classification. However, Hamdi and Padilla were American citizens, and brought the case to court. Padilla was detained as an enemy combatant based on an order of President Bush (see President Bush order (June 9, 2002) to hold Padilla as an enemy combatant<sup>2</sup>). Hamdi was considered as an enemy combatant on the grounds of a declaration of the Special Advisor to the Under Secretary of Defense for Policy (the Mobbs declaration). The reasons provided for their classification were the following:

### Case 3.6: Bush’s Enemy Combatant

Padilla was considered as an enemy combatant because “closely associated with al Qaeda,” engaged in “hostile and war-like acts” including “preparation for acts of international terrorism” directed at this country (June 9 Order, pp. 2–5; *Padilla*, 233 F. Supp. 2d 568). Hamdi was classified as an enemy combatant “[b]ased upon his interviews and in light of his association with the Taliban,” a series of tests that determined that Hamdi met “the criteria for enemy combatants,” and “a subsequent interview of Hamdi” (*Hamdi* at 513).

These classifications presuppose a definition that is unclear, not providing any criteria for a clear classification. The court found it ambiguous and had to reconstruct a possible meaning relying on the definition accepted in law, which amount to the previous cases. The court thus interpreted the term as equivalent to “unlawful combatant,” based on *Quirin* case (*Padilla v. Bush*, 233 F. Supp. 2d 564, 2002) to refer to foreign spies and saboteurs (*Ex parte Quirin*, 317 U.S. 1, 37–38, 1942). The implicit definition led to controversies that were solved only in 2004, when the term “enemy combatant” was explicitly defined and disambiguated by the Supreme Court (*Hamdi* at 516).

### 3.2.2 Ambiguity of What Is “Con conversationally” Implicated

A distinct type of pragmatic inference is the so-called conversational implicature. The notion of “what is implicated” is in itself ambiguous, as the very concept of implicature and its defining characteristics are controversial in philosophy of law.

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<sup>2</sup>Jose Padilla’s Enemy Combatant Order Issued by President George W. Bush (9 June 2002). *Findlaw*. Retrived from <http://news.findlaw.com/wsj/docs/padilla/padillabush60902.html> (Accessed on 20 April 2017).



The notion was introduced by Grice, who described a particular type of communicated inference, which he calls implicature, as follows (Grice 1989, pp. 30–31):

A man who, by (in, when) saying (or making as if to say) that  $p$  has implicated that  $q$ , may be said to have conversationally implicated that  $q$ , provided that:

1. he is to be presumed to be observing the conversational maxims, or at least the Cooperative Principle;
2. the supposition that he is aware that, or thinks that,  $q$  is required in order to make his saying or making as if to say  $p$  (or doing so in those terms) consistent with this presumption; and
3. the speaker thinks (and would expect the hearer to think that the speaker thinks) that it is within the competence of the hearer to work out, or grasp intuitively, that the supposition mentioned in (2) is required.

The most general comment concerning this type of inference is that they differ from semantic inferences inasmuch as they are “based on both the content of what has been said and some specific assumptions about the co-operative nature of ordinary verbal interaction” (Levinson 1983, p. 105). The problem with this account is that it is unclear whether implicatures are an intended kind of inference (Bach 2006; W. Davis 1998), namely “communicative in Grice's sense, i.e. ‘intended to be recognized as having been intended’” by the speaker (Levinson 1983, p. 101). The aforementioned definition refers explicitly only to the speaker's presumptions and in this sense his “communicative intention” does not need to be a requirement. As a matter of fact, many inferences that can be drawn based on conversational principles do not need or even do not require the speaker's intention. Insinuation and innuendo (Bell 1997; Gibbs 1999), and many uses of metaphor, irony, understatement, or rhetorical questions are based on the non-ascription of the implied meaning to the speaker, or at least on the speaker's possibility of denying it (Gibbs 1999). For these reasons, we can refer to the notion of implicature as “information which the speaker makes available to the audience;” fulfilling his communicative responsibilities with regard to what he wants to communicate beyond what he say (Saul 2002). The audience can draw the inference or not, or draw a different (non-intended) one; the problem of ascribing the audience's inference to the speaker's intention is a further step that needs to be assessed.

This point is fundamental when analyzing implicit meaning in law, as the determination of what can be reasonably implied (matter of interpretation) needs to be distinguished from the ascription of intent (malice in case of offences). In law, the possible ambiguity of implicit meaning concerns whether and what implicatures are triggered by an utterance. The analysis of this type of ambiguity needs to be investigated by considering the offence that is committed, namely perjury, defamation, and solicitation, conspiracy, or bribery (Solan and Tiersma 2005, Chapter 9), and the corresponding conversational contexts.

### 3.2.3 *Ambiguity of What Is Meant: Literal v. Inferential Interpretation*

A first type of ambiguity relative to what an utterance “means” concerns the problem of assessing the type of interpretation, namely whether the utterance needs to be interpreted literally or not. The interpreter needs to evaluate whether the speaker can be taken to be committed only to what he said, or also to the possible inferences that can be drawn by relying on conversational presumptions.

A clear example can be drawn from one of the (alleged) crimes of perjury most studied in linguistic pragmatics and forensic linguistic (Horn 2009; Jacobs and Jackson 2006; Shuy 2011; Sinclair 1985; Solan 2002; Solan and Tiersma 2005; Tiersma 1990), concerning the cross examination of Mr. Bronston in *United States v. Bronston* (453 f.2d 555, 2d cir. 1971). Bronston was a movie producer and owner of a company (Bronston Productions) that filed for federal bankruptcy protection. He was heard as a witness for determining, for the benefit of creditors, the extent and location of the company’s assets. The subject matter concerned the bank accounts maintained by the company in the countries in which it did business. Mr. Bronston gave the following answers to a lawyer for a creditor of Bronston Productions:

#### **Case 3.7: Bronston’s Bank Account**

Q. Do you have any bank accounts in Swiss banks, Mr. Bronston?

A. No, sir.

Q. Have you ever?

The company had an account there for about 6 months, in Zurich.

Q. Have you any nominees who have bank accounts in Swiss banks?

No, sir.

Q. Have you ever?

No, sir.

The problem with Bronston’s answers was that for a period of nearly 5 years Mr. Bronston had a personal bank account in Geneva, Switzerland (into which he made deposits and upon which he drew checks totaling more than \$180,000). For this reason, Bronston was prosecuted for perjury, as his answer to the second question, “the company had an account,” was literally true, but unresponsive. By not referring to his own account, the answer allegedly implied that Bronston had no personal Swiss bank account at the relevant time and misled the jury. This case and more specifically the implicature drawn from Bronston’s reply was considered by the Supreme Court (which reversed the judgment of the district court) as unresponsive; however, since it was not false, it could not be prosecuted.

The problem concerned not much what the utterance implicated, but more importantly whether the speaker could have uttered it for a purpose different from misleading the jury. The factors that the Supreme Court took into account were the following:

1. A testimony cannot be found willfully false unless the witness fully understands the questions put to him but nevertheless gives false answers knowing the same to be false.
2. If petitioner does not understand the question put to him and for that reason gives an unresponsive answer, he could not be convicted of perjury.
3. Petitioner could, however, be convicted if he gave an answer not literally false but when considered in the context in which it was given, nevertheless constitutes a false statement.
4. The witness understood the question perfectly well.
5. Under the pressures and tensions of interrogation, it is not uncommon for the most earnest witnesses to give answers that are not entirely responsive; moreover, a participant in a bankruptcy proceeding may have something to conceal and consciously tries to do so.

The Court held that a deceptive answer which is literally truthful does not merit a perjury conviction (Review 1972, p. 311), as “a jury should not be permitted to engage in conjecture whether an unresponsive answer, true and complete on its face, was intended to mislead or divert the examiner” (Bronston at 359).

The Court in this case took into account the context of cross-examination, and based on the dialogical context established the possible presumable intent or intents of the witness. In a cross examination, “the functions of the questions are to extract from the witness answers that build up to form a ‘natural’ argument for the jury” (Levinson 1992, p. 84; Sopinka et al. 2009, p. 1106). For this reason, the presumed goal of the witness is to resist providing to the counsel damaging admissions, without lying. The witness’s primary presumed goal is thus not to mislead the jury, but simply to avoid answering (Levinson 1983, pp. 121–122). Therefore, he cannot be held committed to what the unresponsive answer may imply due to the presumption (not applicable in this context) that the interlocutor acts cooperatively.

Bronston’s unresponsive answer can be compared to a similar case, in which the possible ambiguity arises (*Bronston*, footnote 3):

### **Case 3.8: Entering the Store**

[I]f it is material to ascertain how many times a person has entered a store on a given day and that person responds to such a question by saying five times when in fact he knows that he entered the store 50 times that day, that person may be guilty of perjury even though it is technically true that he entered the store five times.

The implicature in this case is scalar one, a generalized quantity implicature that arises without any particular context or special scenario being necessary (Levinson 1983, p. 126; 128). Also in this case the witness is presumed not to act cooperatively (while cooperation is presupposed for the correct understanding of questions), thus the generalized implicatures is presumed to be not intended. In this case, however, the context makes the reply unambiguous.

### 3.2.4 *Ambiguity of What Is Meant: Ambiguity of the Implicated Contents*

A distinct problem from the above is the possible implicatures that can arise from an utterance or a text. This type of ambiguity concerns not the explicit-implicit distinction (whether the utterance shall be interpreted literally or not), but the determination of what the speaker can be held responsible for implicating. One of the most famous cases is *Saenz v. Playboy Publications, Inc.* (841 F.2d 1309, 7th Cir. 1988). Plaintiff Adolph Saenz – former Secretary of the New Mexico Department of Corrections, before that an official with the United States Office of Public Safety (O.P.S.), a program of the Agency for International Development (A.I.D.) which was discontinued in 1975 under pressure from Congress – brought action against Playboy Publications. He claimed that in an article in the March 1981 issue (“Thirty Six Hours at Santa Fe”), he was described as a torturer, or worse. The critical and disputed passages of the article are the following (*Saenz* at 1312):

#### **Case 3.9: The Torturer**

“What no one in the Statehouse knew, or acknowledged, was that the vaunted new corrections secretary had spent 17 years in the U.S. Office of Public Safety (OPS), a CIA-inspired program established in the late Fifties to advise foreign police in suppressing political dissent in Latin America and elsewhere – and then abolished by bipartisan Congressional action 20 years later amid well-documented charges of U.S. complicity in torture and political terror.”

“And the U.S. adviser who had been Mitrione’s predecessor for four years, whose office was on the first floor of the Montevideo jefatura, where torture reportedly took place and the screams of the victims reverberated, who by his own account had intimate and influential relations with the Uruguayan police, was Adolph Saenz. From Montevideo, allegations of torture by his police clients would follow Saenz through subsequent assignments in Colombia and Panama.”

Saenz alleged that the plain and obvious import of these statements, as understood by an ordinary reader, was that Adolph Saenz personally advised foreign police in suppressing political dissent and was an accomplice to torture and political terror. In this case, the Court pointed out that this type of inference was not the only one that a reader could draw. According to the Court of Appeals, these passages could imply that Saenz was in a position to know about torture conducted in the countries where he served, or the charge that Saenz was in complicit in that torture is. The ambiguity of the inference leads also to assessing the issue of malice (at 1318):

Simply because a statement reasonably can be read to contain a defamatory inference does not mean, as in the case here, that this inference is the only reasonable one that can be drawn from the article. Nor does it mean that the publisher of the statement either intended the statement to contain such a defamatory implication or even knew that the readers could reasonably interpret the statements to contain the defamatory implication.

On this view, speaker’s intentions are assessed based on the defeasibility of the inferences that can be drawn by the hearer, and more specifically, the existence of reasonable alternative interpretations. On this view, the speaker cannot be

considered as committed to a proposition inferred or inferable from his utterance if alternative and reasonable inferences can be drawn from it, which he claims may have been intended.

This case is analogous to the famous innuendo mentioned in the previous chapter, namely the first-mate implicature:

#### **Case 2.4: Drunkard Captain**

The first-mate wrote in the ship's log: "The captain was sober all day."

Depending on the context, this statement can be taken as ambiguous or not. If the rest of the crew was drunk, the implicature would have been that the captain remained sober in a peculiar circumstance (a party on the boat) (Bell 1997, p. 50). However, unless this (or other similar) peculiar circumstance is proved, the implicature that the captain is a drunkard could be hardly defeated. As no alternative and reasonable inferences can be drawn from the utterance, it needs to be considered as unambiguous, and the speaker (the first-mate) can be taken to be committed to it.

### **3.2.5 *Ambiguity of What Is Meant: Ambiguity of the Dialogue Move***

The last type of ambiguity of implicit meaning concerns the ambiguity of the "pragmatic act" or dialogue move performed by the speaker. The ambiguity stems from the conflict between the act explicitly declared and the one indirectly or implicitly communicated. A clear example is the following telephonic conversation between the presidents of two American airline companies, who are having a discussion about the possibility of monopolizing the airline business in the Dallas–Fort Worth area (Solan and Tiersma 2005, pp. 184–185):

#### **Case 3.10: The Suggestion**

**Putnam:** Do you have a suggestion for me?

**Crandall:** Yes. I have a suggestion for you. Raise your goddamn fares twenty percent. I'll raise mine the next morning.

The ambiguity lies in the type of act performed by Crandall. If Crandall's utterance can be considered as a suggestion, he cannot be considered as breaching the law. On the contrary, if he is indirectly requesting Putnam to violate the antitrust laws, he can be prosecuted. In this case, Crandall points out mutual benefits, and not only the interlocutor's ones. For this reason, his utterance can be considered as a request, communicating that he wants Putnam to raise the prices, in order to obtain a benefit. Therefore, this speech act, labeled as a "suggestion," is in fact to be interpreted as a request.

A more serious case of ambiguity of the act performed is *People v. Hood* (878 P.2d 89, 1994). The case concerned the alleged solicitation of the defendant, who was accused of having "commanded, induced, entreated, or otherwise attempted to

persuade” his friend to kill the defendant’s wife (Solan and Tiersma 2012, p. 342). The incriminating communication is the following (*Hood* at 94):

### **Case 3.11: Pull the Trigger**

Michael Maher, a friend of defendant, testified that, 4 months before the victim’s murder, defendant had expressed his unhappiness with his marriage and his wife’s illness. Defendant described the effect lupus was having on his wife, complained that she was making him miserable, and told Maher that she would be “better off dead.” Defendant also described several ideas that he had considered to kill his wife, such as causing a car accident, but stated that “he couldn’t kill her ... and she couldn’t kill herself because of insurance.” Defendant told Maher that he had also considered staging a robbery, but that he needed a third person to “pull the trigger” and kill his wife during the robbery. [...] On cross-examination, Maher testified that the defendant never directly asked him to kill his wife; however, because he was the only person in the room, Maher assumed the defendant was referring to him when defendant suggested he needed someone to pull the trigger.

The defendant is explicitly responsible only for complaining about his relationship with his wife, and for expressing his desire of having her dead. Moreover, he is committed to informing his friend that he has thought about various plans for killing her, which can be successful only if a third party commits the crime. The court considered not only the utterances, but the specific conversational setting (the friend was the only person in the room). These circumstances made of these assertions an attempt to persuade the friend to commit the murder, which amounts to the act of soliciting the crime.

## **3.3 Ambiguity, Misunderstandings, and Context**

The cases discussed above show how the assessment of ambiguity and the determination of the meaning of an utterance (or move) is of crucial importance for establishing what the speaker can be considered to be committed to (considering the move under discussion). The strict interrelation between pragmatics and semantics, and the implicit dimension of meaning can lead to possible ambiguities, or rather, justifications for not holding the speaker responsible for what the utterance can say or implicate. In order to investigate the problem of commitment attribution, we need to address the issue of interpretive ambiguity, and inquire into the conditions that make a speaker committed to a proposition in distinct conditions, namely taking into account the different dimensions of meaning. For this reason, we will show how ambiguity can be classified, in order to proceed to show how ambiguity can be assessed and the commitments attributed, considering both what is said and what is meant.

### 3.3.1 *Types of Ambiguity and Ambiguity Resolution*

Ambiguity is a widely discussed concept in pragmatics (Atlas 1989, 2005; Jaszczolt 1999; Levinson 2000; Saka 2007; Sperber and Wilson 1986) and argumentation theory (van Laar 2003; Walton 1996; Walton 2006). While the studies in philosophy of language focus on how ambiguities are processed, works in the field of argumentation mostly address the sources of ambiguities, their use for strategic or manipulative purposes, and the dialectical procedures for resolving them. A fundamental distinction in both the field of argumentation and philosophy of language is traced between the level of semantic interpretation (sentence meaning) and the speaker's meaning, i.e. the output of further processing of sentence meaning considering various contextual factors. In this view, the semantic representation resulting from compositional semantics needs to be processed pragmatically, namely subjected to pragmatic processing aimed at solving ambiguity at different levels and different in kind (Levinson 2000, Chapter 3.2; Sperber and Wilson 1986). A first type of processing concerns disambiguation issues, such as the ones concerning lexical ambiguity or structural (syntactic) ambiguity. We consider the following examples of disambiguation (Levinson 2000, p. 174):

1. Lexical ambiguity (Lyons 1977, p. 550) (includes homonymic words and homographs):
  - (a) The view could be improved by the addition of a *plant* out there.
  - (b) The view would be destroyed by the addition of a *plant* out there.
2. Structural ambiguity (Prepositional-Phrase attachment)
  - (a) Mary left [the book] [on the bus].
  - (b) Mary left [the book on the atom].
  - (c) He looked at the kids [in the park] with a telescope.
  - (d) He looked at the kids [in the park with a statue].

Lexical and syntactic ambiguities (called also grammatical ambiguities) can result in sentences that are related to different semantic representations. On the contrary, semantic ambiguities are characterized by a general semantic representation from which a truth-conditionally evaluable proposition can be derived by means of pragmatic rules (Jaszczolt 1999). These types of ambiguities can be summarized as follows (Atlas 2005, Chapter 1; Levinson 2000, pp. 174–186):

3. Indexical resolution
  - (a) Suppose A is in Los Angeles and B is in New York and the following exchange takes place:

- A. “Where’s the conference being held?”
- B. “It’s being held here.” (“here” does not refer to the exact location of the speaker in that very moment, but rather to the university where the conference takes place)

#### 4. Reference Identification

- (a) Only Felix voted for him (“him” can refer to either Felix himself, or the candidate that does not correspond to Felix)
- (b) The king is powerful (“the king” can refer to the person who is the king at the time of the utterance or to the role of the king) (Bezuidenhout 1997; Capone 2011; Jaszczolt 1999)

#### 5. Ellipsis Unpacking

- (a) A says “Who came?” and B replies “John” (“John” is elliptical and the whole sentence needs to be reconstructed, resulting in “John came”)

#### 6. Generality Narrowing

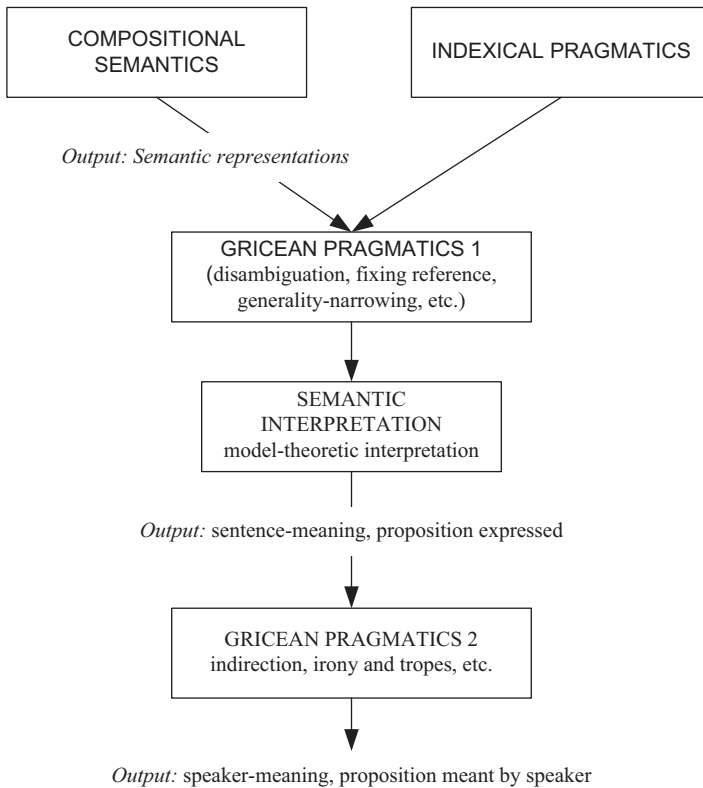
- (a) Fixing this car will take some time (“some time” means “longer than expected,” otherwise it would be a tautology)
- (b) I’ve eaten breakfast (“I have eaten” means “I have just eaten” or “I have eaten breakfast this morning,” and does not refer to the fact that the speaker is a breakfast eater)

These different phenomena concern the level of the “what is said.” As Atlas put it (Atlas 2005, p. 40):

[...] the semantic representation of a sentence will be semantically underdeterminate, by virtue of its semantical nonspecificity, so that it might not “express a proposition” or carry a truth-value (depending on the relevance of the specific information to the context of evaluation), as well as semantically underdetermined, by virtue of its lacking values for its referential variables, so that it would not “express a proposition” or carry a truth-value (depending on the relevance of determining the values of the referential variables to the context of evaluation).

Also at this level, in addition to semantic interpretation of context-oriented elements (indexicals, etc.), the reconstruction of “what is said” (or sentence-meaning) requires pragmatic (contextual) inferences (Carston 2002b; Kissine 2012, p. 17; Recanati 1987, p. 224), such based on presumptions of different kind, including the goal and the topic of the conversation (Atlas 2005, p. 38). Once sentence meaning is reconstructed, further pragmatic processing leads to drawing implicatures. In pragmatics, and more specifically in the radical pragmatics theory, this differentiation is represented in the following Fig. 3.1 (Levinson 2000, p. 188).





**Fig. 3.1** Two levels of pragmatic processing

The distinction between grammatical, semantic, and pragmatic ambiguity is mirrored by the studies in argumentation theory addressing the problem of ambiguity and equivocation.

### 3.3.2 *Levels of Ambiguity and Their Argumentative Effects*

In the studies of argumentation theory, three levels of ambiguity are distinguished: potential, actual, and imaginary (Walton 1996, p. 262), which broadly correspond to the aforementioned distinctions between grammatical, semantic, and pragmatic ambiguity. Potential ambiguity includes lexical, syntactic, and intonational ambiguity, and refers to the grammatical elements that can result in ambiguity when taken out of co-text. In contrast, actual ambiguity is ambiguity of use, i.e. concerns the phenomena involved in the interpretation of the sentence expressed by an utterance. Finally, imaginary ambiguity refers to the further implicatures that can be drawn from the utterance of a sentence in a specific context (van Laar 2003, Chapter 4; Van

Laar 2001), but also the possible distinct interpretations of the intended effects on the interlocutor, i.e. the so-called “illocutionary” and “perlocutionary” effects. For example an utterance can be interpreted as a request or as an order, depending on the context; an assertion of a negative behavior can be taken as an accusation or as a complaint, depending on the type of dialogue the interlocutors are engaged in (Macagno 2016b; Macagno and Capone 2016). Moreover, an utterance can be intended to result in accessory effects, such as reassuring, persuading, threatening, which do not constitute the effect performed by uttering the specific sentence (Searle 1976; Searle and Vanderveken 2005). An utterance may be ambiguous due to such effects (“I did not mean to offend you!”).

A controversial issue in the classification of ambiguities concerns emphatic and intonational ambiguities. On Walton’s approach, imaginary ambiguity includes not only perlocutionary and illocutionary ambiguity, but also the so-called emphatic ambiguity. This type of ambiguity is not clearly defined, but can be identified with the stress placed on a specific word or phrase (“VERY nice, isn’t it?”; “He is an ITALIAN”) and leading to further implicatures (the speaker is sarcastic; he is expressing his contempt). To this purpose, we need to stress the distinction between emphatic ambiguity and the mere intonational one, which can concern also different theme-rheme (focus-topic) articulation, namely different syntactic structures that may be grammatically ambiguous if not disambiguated at the utterance level. For example, the sentence “Bob went to the party” may mean that it was Bob that went to the party, or that the party was where Bob went to, or that what Bob did was to go to the party. These different syntactic structures can be disambiguated by means of different intonations of the utterance (Gundel and Fretheim 2004; Reinhart 1981).

The different types of ambiguity can be summarized in the following Fig. 3.2 (adapted from Walton 1996, p. 262):

| <b>Potential ambiguity (grammatical ambiguity)</b> |                       |                                  |   |
|--|-----------------------|----------------------------------|---|
| <b>Lexical</b>                                     |                       | <b>Syntactic</b>                 | <b>Intonational</b>   |
| Homographs   | Different definitions | Different syntactic construction | Different deep structures manifested by different intonations |
| <b>Pragmatic ambiguity</b>                         |                       |                                  |   |
| <b>Actual</b>                                      |                       | <b>Imaginary</b>                 |   |
| Semantic ambiguity                                 |                       | Illocutionary and Perlocutionary | Emphatic  |

**Fig. 3.2** Levels of ambiguity

This type of classification can be developed by considering the notion of dialogical move (or “pragmatic act”) and dialogical purpose of an utterance (or rather sequence).

### 3.3.3 *Dialogue Moves, Dialogical Purposes, and Ambiguity*

As seen in the legal cases discussed above, what is of fundamental importance is the purpose of the utterance that can be reasonably reconstructed from the relationship between the utterance, the context, and the conversational setting (both institutional and interactional – concerning the relation between the interlocutors). In the classifications of ambiguity mentioned above, we observe that potential ambiguity and propositional pragmatic ambiguity concern the level of what is said (Bezuidenhout 1997; Carston 2002a, 2013; Soames 2002, pp. 83–84), while what is at stake in ambiguity at the illocutionary and perlocutionary level is the reconstruction of the pragmatic purpose of a speech act, namely what is meant. The same utterance can be interpreted as intended to produce different illocutionary or perlocutionary effects depending on the type of reconstruction and the factors taken into account in reconstructing its meaning.

This distinction is important for determining the level at which a strategy of equivocation occurs (Deppermann 2000). In particular, this distinction points out the role of context in disambiguating utterances. As Mey puts it (Mey 2001, p. 13):

Ambiguity only exists outside of the actual speaking situation; abstract sentences can be Ambiguous, real speakers are not (unless they want to) [...] Often, it is said that we must invoke the context to determine what an ambiguous sentence means. This may be OK, if by ‘context’ we understand all the factors that play a role in producing and understanding an utterance.

On this view, the context – intended as the institutional setting, in addition to the conversational one and the co-text (the “history” of an utterance in a discourse) – determines the correct interpretation intended by the speaker (Mey 2003, p. 346). In this sense, pragmatic inferences can prevent ambiguities from arising (Jaszczolt 1999, p. 4); however, ambiguities can arise because not all the contextual factors on which the speaker relies in communicating his communicative or dialogical intentions (Grosz and Sidner 1986, p. 178) are shared by the hearer. Moreover, in cases of manipulation, ambiguities are introduced by preventing the interlocutor from accessing all the contextual factors needed for a correct or univocal understanding of the utterance (Macagno 2016b). Typical cases of such types of manipulative uses of ambiguity are the fallacies of straw man (Macagno and Damele 2013; Walton 1996) and wrenching from context (Macagno and Capone 2016; Walton and Macagno 2010).

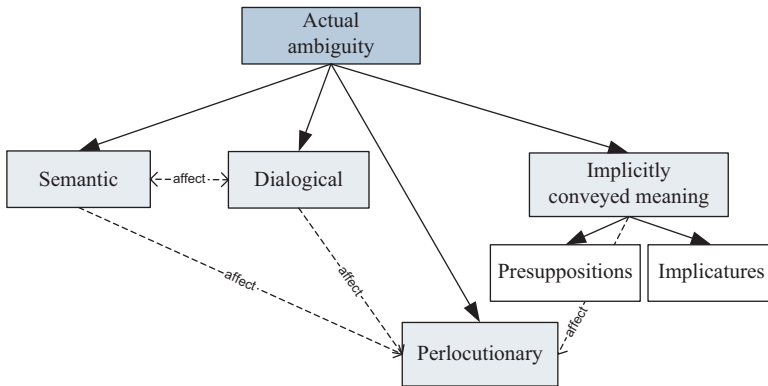
Building on the concept of dialogue moves and dialogical purposes, we observe that the notions of illocutionary act and illocutionary ambiguity need to be modified. The speaker by performing a dialogue move, pursues dialogical purposes, namely “inherent” communicative effects on the communicative context (such as providing information; supporting a claim, etc.). These dialogical purposes are interconnected with what is communicated both explicitly and implicitly. In the first case, the dialogue purpose affects the “explicature” of the semantic representation of the move. In the second case, it affects the interpretation of the implicatures (as defined above) and the pragmatic presuppositions that can be drawn from the move.

A controversial issue is the notion of perlocutionary effect and perlocutionary ambiguity. If we consider the standard definition of perlocutionary effects as effects that are consequent (*by means of* uttering *s*) and not inherent to the utterance (*by* uttering *s*), we need to see how it can be used for describing the intended and further effects of a dialogue move. An attack on the interlocutor can be aimed at offending him (eristic move), inciting or urging him (type of decision-making), supporting a view (persuasion) or pursuing other communicative subtypes of venting emotions. The same attack can be misunderstood, and interpreted differently. A praise or an attack can result in the interlocutor being offended, flattered, happy, sad, etc., which is consequent and dependent on the interpretation of the purpose of the move.

For this reason, we can modify the classification of ambiguity set out above. We replace the notion of “illocutionary ambiguity” with the category of dialogical ambiguity (ambiguity at the level of the interpretation of the dialogue move). The category of imaginary ambiguity is redefined using the following distinctions:

1. **Dialogical ambiguity:** ambiguity of the intended effects that constitute the dialogical goal of the move. For example, a question (Do you think that you behaved well?) can be interpreted as aimed at encouraging the interlocutor to commit to a certain course of action (deliberation move), or at demanding an opinion (information sharing move).
2. **Perlocutionary ambiguity:** ambiguity consequent to the performance of a move and not directly intended. For example, an assertion (My aunt’s dog died) can be intended to provide a piece of information (Information sharing), but it can result in different effects on the hearer (grief – in case he believes that the dog was a source of joy – or relief – in case he believes that the dog was suffering).
3. **Ambiguity of implicitly conveyed meaning:** ambiguity of contents that are not explicitly intended, but that are presupposed (implicated by semantic items or syntactic structures) or implied by the speaker.

The distinction can be represented in the following Fig. 3.3:



**Fig. 3.3** Actual ambiguity revisited

This graph shows how ambiguity results from distinct aspects of meaning, and how it can be affected by the interpretation of the move at different levels. The next step is to outline a method for assessing ambiguity, based on the idea that interpretation is guided by distinct factors (co-textual, contextual, and semantic) that can be represented in terms of presumption. The goal is to provide a mechanism that illustrates the best dialectical strategy for supporting an interpretation.

### 3.4 Presumptions and Best Interpretation

The theories advanced in philosophy of language provide clear insights into how context and more importantly the presumptions resulting from various types of contextual factors contribute to determining the intended meaning. While the processing of utterances and the disambiguation processes involved are usually automatic, non-reflective (Patterson 2004; Wilson 2016; Wilson and Sperber 2004), when an interpretation is controversial or doubtful and needs explanation the reasoning underlying interpretation needs to be brought to light and analyzed. The purpose of an argumentative approach to ambiguity thus does not only concern the analysis of the factors that, once concealed, can result in ambiguity, but also the argumentative reasoning in support of an interpretation that can be made explicit in a case of dispute. In this section, we will address the problem of representing the argumentative reasoning used for supporting and evaluating an interpretation. This type of reasoning is intended to describe a dialogical mechanism for bringing to light and assessing the various factors that contribute to supporting or dismissing an interpretation.

### 3.4.1 *Presumptions and Presumptive Reasoning in Interpretation*

The process of dialectical motivation (and theoretically, a possible dialectical model of reconstruction) of an interpretation of an utterance can be represented in terms of presumptions. On this perspective, normally utterances are processed relying on heuristic, presumptive mechanisms. On the relevance-theory approach, such mechanisms are cognitive in nature (Sperber and Wilson 1986; Wilson 2016; Wilson and Sperber 2004). On the contrary, in neo-Gricean and radical pragmatics accounts, such automatic processes are based instead on the content and the metalinguistic properties of an utterance (the utterance-type) (Levinson 2000, pp. 6–7). While in the former approach the basic heuristic concern the maximization of the information, i.e. cognitive response *vis-à-vis* processing efforts, in the latter theories the content and the form of an utterance provides a preferential reading, which can be disconfirmed by other linguistic or contextual evidence. This view is expressed through the following heuristics (Levinson 2000, p. 7):

1. If the utterance is constructed using simple, brief, unmarked forms, this signals business as usual, that the described situation has all the expected, stereotypical properties;
2. If, in contrast, the utterance is constructed using marked, prolix, or unusual forms, this signals that the described situation is itself unusual or unexpected or has special properties;
3. Where an utterance contains an expression drawn from a set of contrasting expressions, assume that the chosen expressions describe a world that itself contrasts with those rival worlds that would have been described by the contrasting expressions.

Both accounts provide explanations of what may possibly happen during the processing of an utterance. However, in order to account for the dialectical mechanism that can be used for supporting one interpretation over another, or attacking or questioning the meaning of an utterance or a quote, we need a different framework.

Our approach is grounded on the concept of presumption and presumptive reasoning (Atlas and Levinson 1981), namely a pattern of reasoning based on what is usually the case (Thomason 1990), leading to tentative and defeasible conclusions, holding until further conflicting evidence is provided (Macagno and Walton 2014, Chapter 5; Rescher 2006; Walton 1995). Presumptions work to move the dialogue further when knowledge is lacking. If not rebutted, the proposition representing the conclusion of this pattern of reasoning can be considered as tentatively proved. Rescher represented the structure of this type of inference as follows (Rescher 2006, p. 33) (Table 3.1):

**Table 3.1** Presumptive reasoning

|            |   |
|------------|---|
| Premise 1: | <i>P</i> (the proposition representing the presumption) obtains whenever the condition <i>C</i> obtains unless and until the standard default proviso <i>D</i> (to the effect that countervailing evidence is at hand) obtains (Rule) |
| Premise 2: | Condition <i>C</i> obtains (fact)   |
| Premise 3: | Proviso <i>D</i> does not obtain (countervailing evidence is not at hand) (exception)   |
| Conclusion | <i>P</i> obtains  |

For example, we can provide the presumptive interpretation of Case 2.5: Blackmail example:

You are blackmailing us.

Two patterns of presumptive reasoning are involved. First, the utterance is interpreted relying on the presumptive meaning of the various lexical items, in particular “to blackmail.” Unless other evidence is provided (and if the contextual elements available fit the interpretation), the tentative conclusion is that the speaker is asserting that, “You are committing the crime of extorting money or other valuable object by threat.” In this case, since the utterance asserts an illegal behavior of the interlocutor, it can be taken as an accusation (or complaint), leading to a default of the “literal” meaning of the utterance (Atlas 2005, pp. 15–16). This type of reasoning is grounded on the idea that utterance processing is based on the most accessible, or stereotypical elements of meaning, and that such a presumptive interpretation holds unless rebutted by conflicting contextual information, accessed at the same time (Giora 2003).

This reconstruction of the Blackmail example seems to match the two-layered model outlined in Fig. 3.1 above. However, this two-step presumptive process is only an abstraction that works when the presumptive reasoning is triggered in lack of contextual information. Without taking into account all the contextual elements and the presumptions that they carry with them, the interpretive process is only an abstract and idealized model. As Hamblin pointed out, there are several presumptions that act at the same time and contribute to the interpretation of an utterance (Hamblin 1970, p. 295). The reconstruction of the actions performed by means of an utterance (and the attribution of commitments resulting from them) is a matter of assessing together the various presumptions that can emerge in a specific context (Giora 2003, Chapter 2). As Kecskes puts it (Kecskes 2010a, p. 2895):

[...] utterances are not underspecified, and they do not get their full specification from the actual situational context because these linguistic units usually bring as much into the situation as the situation gives them. What gives specification to utterance meaning is neither the actual situational context nor the prior context encoded in the utterances but both.

On this view, an interpretation or interpretive process abstracted from the context, the interaction, the institutional setting, and the background knowledge means only an interpretation in lack of such elements and leading to a conclusion providing a stereotypical representation thereof. In the Blackmail case above, the utterance is interpreted regardless of its conversational context by providing a stereotypical intention, a stereotypical context, and a stereotypical setting. If we consider the context, the background information, the type of dialogue or discourse, and the utterance content and type, we reconstruct the meaning of an utterance through

several presumptions of different type and level, which result in inferences that are defeasible or non-defeasible (Capone 2005, p. 1360, Capone 2013a; Kecskes 2010a). Only when all these factors (presumptions) are evaluated together, can we assess an utterance as ambiguous or not (Bell 1997).

### 3.4.2 *Levels of Presumption and Reasoning from Best Interpretation*

An interpretation can be supported by providing different types of evidence, related to presumptions of different type. They can be divided into four types.

Presumptions of the first type (Level 0 – pragmatic presumptions) concern the pragmatic purpose of a speech act, connecting for instance an illocutionary force (assertion) with an intention (informing) (Kecskes 2008; Kecskes and Zhang 2009; Kissine 2012). Such associations refer to both social (cultural) presumptions (“Can you pass me the salt?” is normally used to request gently the salt) and more specific ones (Bob never makes gentle requests; if he asks you to do something, it is a strong command).

The second type (Level 1 – Linguistic) refers to presumptions related to the knowledge of lexical items or syntactic constructions, including definitions. For instance, dictionary or shared meanings of lexical items are presumed to be known by the speakers of a language. Such presumptions represent the presumptive meaning of linguistic elements (Hamblin 1970; Levinson 2000; Macagno 2011b), which, however, are subject to default in case the context requires a different interpretation (such as in case of metaphors, see Giora 2003, p. 60).

Other presumptions (Level 2 – Factual, encyclopedic) are about encyclopedic knowledge, such as facts, common connections between events, or behaviors and habits that are shared within a specific community, culture, society. Finally, the last kind of presumptions includes presumptions about the interlocutor’s values, preferences, and interests based on either cultural evidence or more specific evidence (previous conversations or interactions with the interlocutor). The levels of presumptions have been represented in Fig. 3.4.

We notice that these types of presumptions can be ordered according to their defeasibility conditions. The more likely it is that conflicting or defeating evidence can be added or be found, the more likely it will be that a presumption is subject to default. For this reason, presumptions closer to the conversational situation in which the utterance (or the move) is performed are likely to be less subject to default than more generic presumptions. For example, presumptions based on mutual knowledge (values, interests, behavior of the *interlocutors*) are less likely to be subject to default than generic presumptions (cultural values, generic interests of a category of persons...), as less abstract from the specific setting in which the utterance is made. For instance, the famous example of Grice’s recommendation letter, in which a professor writes the following reference letter for his student who is applying for a job (Grice 1989, p. 33):



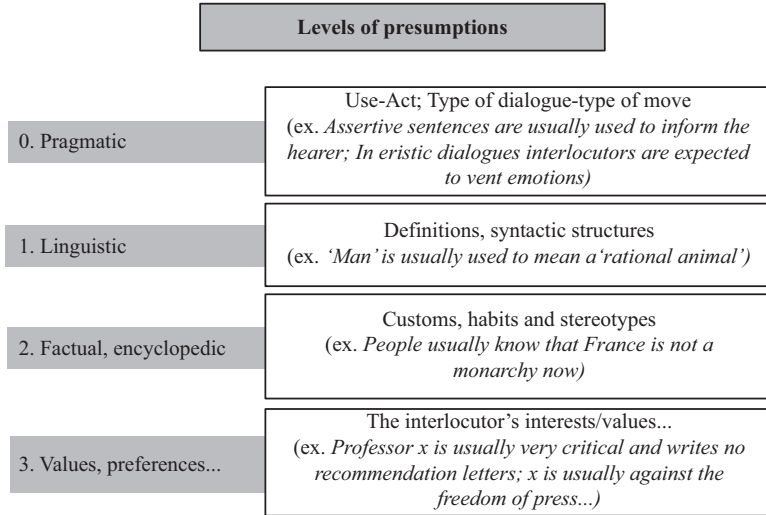


Fig. 3.4 Levels of presumptions

Dear Sir, Mr. X's command of English is excellent, and his attendance at tutorials has been regular. Yours.

In this case, the generic presumptions can be applied in the absence of more contextual evidence. A recommendation letter is presumed to provide reasons for hiring the applicant (Pres. 0 generic), but at the same time the letter does not provide any information that can be taken as a sign of excellence (command of English is not usually a sign of academic excellence, Pres. 2 generic). The latter presumption leads to the default of the pragmatic one, and to the conclusion that the student is not fit for the job. However, this type of letter is very unlikely to be written and interpreted regardless of the context (Saul 2002). The professor may be known for the fact that he considers recommendation letters useless, and the very fact of writing one can be taken as exceptional (Pres. 3 specific). Alternatively, he can be known to consider punctuality as the most important quality, and to have extremely high standards for praising someone for his command of English, which would lead to presuming that his letter provides important positive information. These presumptions are very specific (are based on evidence on how this specific professor usually behaves) and would defeat the more generic ones.

On this perspective, the co-existence of different interpretations of the propositional content of a speech act, leading to distinct communicative effects (and different legal consequences), does not mean that the two constructions are equally reasonable or acceptable. The assessment of the conflicting interpretations can be carried out systematically by reconstructing and evaluating the argumentative structure underlying them. We consider the logical form encoded by an utterance in terms of presumptions that need to be assessed together with other presumptions also of different kinds. Interpretation becomes the conclusion of an argumentative

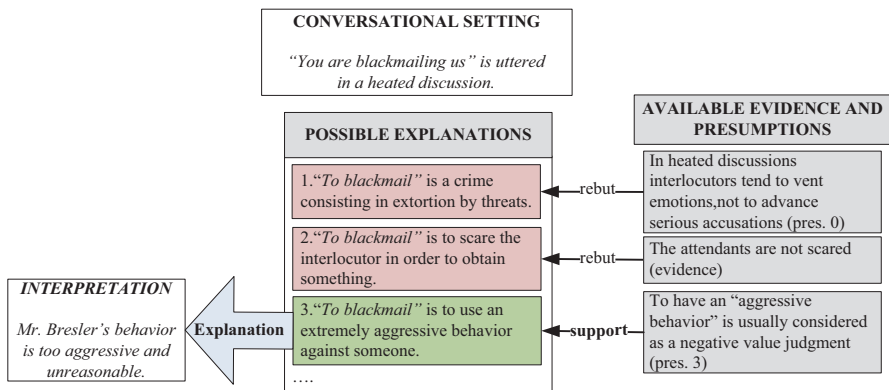
process of reasoning grounded on the abductive pattern (Atlas 2005, p. 13) of reasoning from best interpretation (Atlas 2005; Atlas and Levinson 1981), which can be reconstructed as an argumentation scheme from best explanation (adapted from Walton et al. 2008, p. 329):

**Argumentation Scheme 3.1: Reasoning from Best Explanation**

|            |   |
|------------|---|
| Premise 1  | <i>U</i> (an utterance) is an observed communicative act  |
| Premise 2  | <i>I</i> (interpretation 1) is a satisfactory description of the meaning of <i>U</i>                                |
| Premise 3  | No alternative meaning description <i>I'</i> (such as interpretation 2) given so far is as satisfactory as <i>I</i> |
| Conclusion | Therefore, <i>I</i> is a plausible hypothesis, based on what is known so far  |

Ambiguity is based on the coexistence of two possibly satisfactory interpretations of the utterance in premise 2, which needs to be resolved in premise 3. In particular, when two interpretations are advanced, their defeasibility conditions need to be analyzed considering all the possible contextual evidence available. The less defeasible interpretation is the one that should be preferred.

For instance, Case 2.5: Blackmail above can be reconstructed by providing the contextual elements and the contextual presumptions (Macagno and Zavatta 2014; Ritchie 2006) leading to the best interpretation (0.4) (Franklin and Bussel 1983, p. 831). The context was the following: a developer, Mr. Bresler, exhibited extremely unreasonable and aggressive negotiating behavior with the city council of the city in which he was doing business, Greenbelt. The discussion became heated, and some council members used the aforementioned utterance to vent their emotions. The newspapers reported the quotation (in its context) and Bresler charged the journal of defamation. The Court (at 13–14) reconstructed the various presumptions and their contextual defaults, and the reasoning structure can be represented in Fig. 3.5 as follows:



**Fig. 3.5** Explaining pragmatic ambiguity

In this case, just like in the recommendation letter above, we notice that the presumptions are evaluated together. However, if we have access to the type of interaction the interlocutors are engaging in the pragmatic presumption can be defined and specified based on the contextual evidence. Whereas in the Reference letter case our evidence is only a letter, in the Blackmail case we can interpret the dialogue move based on a whole conversation within a specific setting, making the pragmatic presumption very specific. In the Blackmail case, the specific pragmatic presumption (i.e. the ones not grounded on the generic syntactic features of the sentence, but the ones based on the type of interaction the interlocutors are engaging in), i.e. venting emotions, defeats the other possible interpretation, and supports the metaphorical interpretation of the move. As already noted by Levinson (Levinson 1992) and pointed out by Kecskes (Kecskes 2013, 2015; Kecskes and Zhang 2009), interpretation needs to stem from the (presumed) intended goal of the interaction and contribution of the move to the conversation. For this reason, the type of interaction the interlocutors are engaging in is of crucial importance in guiding the assessment of the various presumptions involved in the interpretive process.

### 3.5 Ambiguity and Commitments

The analysis of the distinct types of ambiguity and the relationship between ambiguity, dialogue moves, and presumptions, can be used for investigating the fundamental issue underlying quotation and misquotation, namely the speaker's commitments. As seen above, the attribution of commitments is not straightforward. Utterances (or rather dialogue moves) can be ambiguous for various reasons, and the speaker's utterance (or meaning) and the hearer's reconstruction thereof can be different (Capone 2013b; Kecskes 2008, 2010b, 2013). As Kecskes put it (Kecskes 2010b, p. 69):

Their different prior experiences, their different evaluations of the actual situational context, their dynamically changing intentions and individual degrees of salience result in a personalized process of production and comprehension; as a result, there may be no single point in the recovery process at which speaker's utterances exactly matches hearer's implicatures. This is because both speaker's production and hearer's interpretation are 'contaminated' by individualized pragmatic elements.

Different approaches to communication and interpretation (in particular the relevance theory and the neo-Gricean theories) have focused on the hearer's reconstruction of speaker's intention or utterance meaning, distinguishing between distinct types of content (semantic meaning, explicatures, implicatures, presuppositions) that are differently processed in the reconstruction of the speaker's meaning. The problem is to connect these types of content with the speaker's commitments, and in particular, to determine to what extent a speaker can be considered as committed to the directly conveyed content, or to the implicit, presupposed, or explicated one.

To this purpose, in this section we will show how this issue has been addressed in the fields of philosophy of language and the law, pointing out how these insights can be integrated in an argumentation model.

### 3.5.1 *The Strength of Commitments*

From a theoretical point of view, and more precisely in philosophy of law and in dialectical studies, the concept of commitment has been analyzed as gradual, namely in terms of strength. On this view, the strength of commitments depends on the type of content derived from an utterance (Beysade and Marandin 2006, 2009; Morency et al. 2008). Entailments, explicatures, presuppositions, and implicatures constitute the meaning of an utterance. However, as the theories illustrated above point out, such contents are the result of different types of processing; in particular, implicatures depend on a previous process of pragmatic enrichment of a logical (propositional form), namely the explicature. Explicatures in turn enrich and “explicate” a propositional form that can result in semantic entailments and semantic presuppositions. For this reason, if we maintain the processing framework represented in Fig. 3.1 above, we can distinguish commitments based on the level of processing of the content, in particular distinguishing between semantic inferences and pragmatic ones. As Moeschler put it (Moeschler 2013), semantic inferences are stronger than the pragmatic ones; for this reason, semantic entailments and presuppositions yield stronger propositions than pragmatic explicatures and implicatures, in turn having different strengths (Sperber and Wilson 1986). Since “the stronger the inferred content is, the more confident the audience is about the speaker’s commitment,” it is possible to conclude that “whereas a speaker cannot deny a semantic inference without contradiction, in the case of a pragmatic inference, she can correct her explicature, and also deny her implicature without contradiction” (Moeschler 2013, p. 87). The degree of strength of content and the corresponding strength of commitment can be represented as shown in Fig. 3.6 (Moeschler 2013, p. 88):

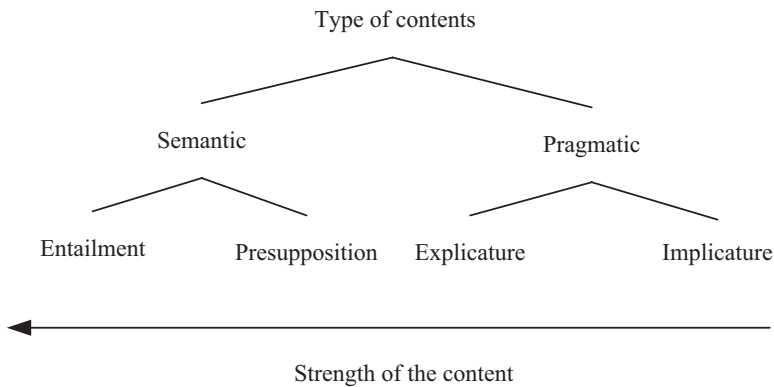


Fig. 3.6 Strength of contents and strength of commitments

This distinction sheds light on how a speaker can commit himself to specific contents, and in some cases (presumptive interpretation), also on how commitments can be attributed to a speaker. For example, if I make the following statement *A*, I consider myself committed to the following contents *A(a-d or f)*:

- A. I am sure that I have bought a necklace for my wife.
- (a) I have a wife.
  - (b) I am married.
  - (c) I have bought a piece of jewelry.
  - (d) I have bought a necklace (in the past few days) for my wife.
  - (e) <In the context in which the speaker cannot find the necklace > I am looking for the necklace.
  - (f) <In the context in which the speaker cannot find the necklace, addressing the maid > I would like some help in finding it.

According to the aforementioned model, the speaker can be held “strongly” committed to *Aa* and *Ab* (presuppositions), *Ac* (entailment), less strongly committed to *Ad* (explicature), and even less strongly committed to *Ae* or *Af*. This view is grounded on the principle that communicating explicitly a proposition amounts to overtly endorsing it and the entailed and presupposed propositions (Carston 2002b, p. 124).

### 3.5.2 *The Reasonableness of Commitment*

The distinction between different ways a speaker can commit himself to a content needs to be distinguished from how he can be held responsible for a specific content. From the point of view of the interpretation of a dialogue move and the attribution of commitments, interpretive processes depend on the analysis of various types of presumptions at the same time, including pragmatic ones. The attribution of commitments in cases of non-serious utterances, metaphorical utterances, or utterances made in specific conversational settings (such as cross-examination), and the determination of commitments resulting from the implied meaning shows how a content-based model of commitment attribution does not seem to be applicable for interpretive purposes.

For interpretive purposes, we have underscored above how the purpose of the dialogical move that can be drawn from the conversational setting is of crucial importance for reconstructing the commitments. The Blackmail example is a clear case in which the specific conversational setting affects the interpretation of the explicit (Bresler is blackmailing the members of the city council) and entailed content (Bresler is committing a crime). In this case, what counts as the speaker’s commitments needs to be retrieved starting from the purpose of his dialogical move.<sup>3</sup>

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<sup>3</sup>In relevance theory, the crucial importance of what we called above “pragmatic presumptions” or in the previous chapter “dialogue move” has been pointed out by developing the notion of “higher-

For this reason, the distinction of the strengths of commitments based on the nature of the content needs to face the problem that the levels are blurred, as the propositional form is determined also through pragmatics (explicatures, including higher-order explicatures, see Boulat, Boulat 2016; Carston 2002b, p. 377; Wilson and Sperber 1993).

Moreover, even in one of the “strictest” types of legal dialogue, cross-examination, the content explicitly communicated and presupposed is subject to reasonable understanding, and in particular to reasonable interpretation based on the presumptions available in the context. A clear example is the leading case *United States v. Robert DeZarn* (157 F.3d 1042, 6th Cir. 1998). The defendant (an officer of the Kentucky National Guard questioned about his possible and illegal engagement in political activities when he was in office) was questioned – together with several other officers – about a party in which Kentucky National Guard officers allegedly collected money for the future governor Jones. Specifically, all of the individuals questioned by the investigators described the same party, even though some were questioned about a “Preakness Party,” some were questioned about a “1990 Preakness Party.” The crucial exchange in DeZarn’s examination is the following (*Dezarn* at 1045):

### Case 3.12: The Preakness Party

- Q: Okay. In 1991, and I recognize this is in the period that you were retired, he held the Preakness Party at his home. Were you aware of that?  
 A: Yes.  
 Q: Did you attend?  
 A: Yes.  
 Q: Okay. Sir, was that a political fundraising activity?  
 A: Absolutely not.

The problem with this interrogation is that the Preakness Party really occurred in 1990. There was no Preakness Party in 1991 (Solan 2004, p. 887). DeZarn answered truthfully to the question if interpreted literally, but falsely to the question that could be reasonably understood by the testifier. Since the evidence available to the testifier indicated that he could not be unaware that the relevant party was the 1990 one, the court held him guilty of perjury. In this case, the presumptions concerning the context and the background knowledge are stronger than the content explicitly communicated. DeZarn should have corrected the presupposition (there was a Preakness Party in 1991) by using the relevant available information (the relevant party is the 1990 Preakness Party). In this sense, he should have held the questioner committed to the question that could be reasonably (pragmatically) reconstructed from the context.

The last crucial issue is the problem of the relationship between commitments and implicatures. The cases above (Case 3.7: Bronston’s bank account; Case 3.9: The torturer; Case 3.10: The suggestion; Case 3.11: Pull the trigger) show how the

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level” (Wilson and Sperber 1993) or “higher-order” (Carston 2002b, p. 377) explicatures. Higher-level explicatures are representation of the propositional-attitude or speech-act descriptions of the illocutionary force. These higher-level explicatures can be prototypically associated with sentence forms, but are in fact the result of the conversational setting and the combination of presumptions of different kind, and affect the interpretation of the explicatures and implicatures.

fundamental problem of establishing the speaker's commitments in cases of innuendo or implicature is not their "unsaid" or implicit dimension, but their potential ambiguity. In all the distinct contexts taken into account in different types of legal disputes, what matters is the fact that the disputed implied content is the only one that can be reasonably reconstructed considering all the conversational and contextual information. In this sense, it is not the possibility of being cancelled or retracted that makes an implicature or an innuendo into a strategy for avoiding commitments, but rather the possibility of being interpreted in different ways (see Haugh 2015, p. 128).

### 3.6 The Criteria of Attribution of Commitments in Law

As seen above, the criteria of implicit vs. explicit content do not provide guidance for analyzing when and why a commitment is wrongly attributed to the original speaker. This issue was highly discussed in law in *Masson*, which addressed the problem of commitments relative to the problem of misquotation. The crucial problem that the Court had to face was how to determine when a quotation misrepresented the original speaker's commitments communicated through his utterance.

In *Masson*, the petitioner, the Projects Director of the Sigmund Freud Archives, granted a reporter of the New Yorker Magazine a series of interviews where he narrated his experience at the archives. The reporter then published an article in which he used quotation marks to attribute to him comments he had not made. Masson sued the magazine for defamation, and the court had to establish to what extent a paraphrase of the speaker's words can be considered as deliberate falsification. The court equated the indirect report of a speaker's statements to a quotation, but in doing so it incurred a further problem, i.e. to determine the boundaries of indirect reports. The legal rationale used to draw these distinctions was the notion of "material alteration." As the Supreme Court maintained, "[...] when dealing with material that is portrayed as a quotation, we are to compare the quotation as published with the words the speaker actually said" (501 U.S. at 502); "<where> the published quotation contains a material alteration of the meaning conveyed by the speaker, the published quotation is false" (Id. at 517). Such an intended meaning includes two fundamental dimensions in addition to the factual content: the communicative purpose and the possible inferences that can be drawn from an assertion.

In *Masson*, the Court relied on the standards set by *Milkovich v. Lorain Journal Co.* (497 U.S. 17, 1990) relative to the determination of the communicative purpose of an utterance (convey an opinion or a statement of fact) namely the following ones:

1. Is the language loose, figurative, or hyperbolic, which would negate the impression that the speaker was seriously maintaining the truth of the underlying facts?
2. Does the general tenor of the article negate the impression that the speaker was seriously maintaining the truth of the underlying fact?
3. Is the connotation sufficiently factual to be susceptible of being proved true or false?

However, the Court in *Masson* had to face a more problematic issue, namely the fact that the journalist's quotes were problematic due to the implicit dimension of both the quoted statements and the quotation itself.

The first problem was the attribution to the speaker of commitments that were merely suggested and covered by ambiguity. The speaker may have wanted to let the interlocutor draw *possible* inferences, but not to commit himself to them. However, a quoter cannot reconstruct the possible implied meanings and attribute them to the speaker when they are only possible, and not the only ones that can be drawn. A leading example is the following misquotation in *Masson* (at 504). The reporter quoted *Masson* as stating (emphasis added):

### Case 3.13: “Place of Sex, Women, Fun”

It was a beautiful house, but it was dark and somber and dead. Nothing ever went on there. I was the only person who ever came. I would have renovated it, opened it up, brought it to life. Maresfield Gardens would have been a center of scholarship, but it would also have been **a place of sex, women, fun**. It would have been like the change in *The Wizard of Oz*, from black-and-white into color.

*Masson* actually stated that “Freud’s library alone is priceless,” while in other passages claimed that he and another analyst planned to have great parties at the Freud house and, in a context that may not even refer to Freud house activities, to “pass women on to each other” (*Masson*, at 524, 525). The reporter provided a possible interpretation of the speaker’s words, but it was not the only one. Other possible inferences could be drawn, and thus such commitment could not be attributed to *Masson*. For this reason, the quote was considered by the Supreme Court as substantially different, namely a case of misquotation.

The second problem concerned the meaning that is implicitly conveyed through the report, and not by the original statement. The quoter cannot attribute to the speaker commitments that he *may not* have intended (due to the ambiguity of the statement). Therefore, he cannot attribute to him commitments that could not be drawn from his statements, also when the quoter does not explicitly state them, but only suggests them. In this sense, a material alteration consists in modifying also the possible inferences that can be drawn from a quotation or report, especially the evaluative inferences. Even if a report asserts something that is true as a factual matter, the quotation or indirect report may nonetheless “result in injury to reputation because the manner of expression or even the fact that the statement was made indicates a negative personal trait or an attitude the speaker does not hold” (*Id.* at 511). Different statements may convey the same “descriptive” meaning, but different “emotive” meanings, i.e. they may trigger quite different evaluative inferences (Macagno 2014a; Macagno and Walton 2014; Stevenson 1937, 1944). In particular, *Masson* was quoted as stating the following when discussing an affair with a graduate student (*Masson* at 503, emphasis added):

### Case 3.14: Intellectual Gigolo

Eissler and Anna Freud told me that they like me well enough “in my own room.” They loved to hear from me what creeps and dolts analysts are. **I was like an intellectual gigolo** – you get your pleasure from him, but you don’t take him out in public.



However, the actual statement was different (*Masson* at 503, emphasis added):

[Eissler and Anna Freud] felt, in a sense, I [Masson] was a private asset but a public liability. They like me when I was alone in their living room, and I could talk and chat and tell them the truth about things and they would tell me. But that I was, in a sense, **much too junior within the hierarchy of analysis, for these important training analysts to be caught dead with me.**

The quoted statement merely reported Kurt Eissler's and Anna Freud's opinions about petitioner, expressing no different "descriptive meaning." Apparently, "the descriptive term 'intellectual gigolo,' as used in this context, simply means that Masson's views were privately entertaining, but publicly embarrassing to Freud and Eissler." However, the Supreme Court took into account also the "emotive meaning" of the reported quote, which expressed a value judgment that was absent in Masson's statement. The *New Yorker Magazine* thus was found to have reported falsely an assessment (*Masson*, at 521): "fairly read, intellectual gigolo suggests someone who forsakes intellectual integrity in exchange for pecuniary or other gain." Even though the two statements conveyed the same descriptive meaning, the inferences and the value judgment the quotation elicited were different, and this modification was held to be a material change, as it affected the evaluation of the speaker.

This case points out the criterion of unicity of interpretation in defamation cases. The criterion for attributing commitments is not literal truth, but the possibility of interpreting the statement in a univocal fashion, namely unambiguously, regardless of its explicitly or implicitly conveyed meaning. This standard is also mirrored in advertisement law, in which the criterion of unicity of interpretation for implied meaning was expressly stated by the Court (*Novartis Consumer Health, Inc. v. Johnson & Johnson-Merck Consumer Pharmaceuticals Co.*, 290 F.3d 578 at 590, 3d Cir. 2002):

- A claim is said to be necessarily implied when, considering the advertisement in its entirety, the audience would recognize the claim as readily as if it had been explicitly stated; and
- The claim must be unambiguous in that the consumer will unavoidably receive the message; that is, the greater the degree to which a message relies upon the viewer or consumer to integrate its components to reach the claim, the less likely it is that the claim is necessarily implied.

We can use this standard for analyzing the aforementioned cases. The potential ambiguity or unicity of interpretation is a criterion for commitment attribution that applies to all the levels of meaning in all the distinct contexts considered above. In *Bronston* (Case 3.7), Mr. Bronston's reply ("The company had an account there") was considered as truthful not because it could be ambiguously interpreted as a non-answer or as a negative reply. On the contrary, Case 3.8 (I have entered the store 5 times) is based on an implicature that cannot be considered as ambiguous (the witness clearly answers the question), and in the given context can be considered as interpretable only in one way. In *Saenz* (Case 3.9), the implicit content of the contested article (allegedly implying that Saenz was a torturer) was considered as

non-defamatory because it could be interpreted in different ways, and also a non-defamatory implicit conclusion could be drawn. On the contrary, in both Case 3.10 and Case 3.11, the implicit content was considered as unambiguous and thus the dialogue move (an alleged suggestion in the first case, an implied solicitation to murder in the second) was taken as a ground for judging the defendant guilty. Finally, also the interpretation of metaphorical meaning is subject to the same test of possible ambiguity. In *MacElree* (Case 3.5) the problem was assessing whether the metaphor “the David Duke of Chester County” could be univocally interpreted as defamatory in the specific context.

### 3.7 Commitments and Pragmatic Relevance

As pointed out by the courts in different types of fields of law and contexts, what matters in controversial cases of commitment attribution is the defeasibility of the interpretation of a dialogue move (or utterance). This criterion is applied to all the levels of meaning investigated in the literature in pragmatics, regardless of the issues of cancellability. However, this concept needs to be developed, captured, and represented from a processing perspective, so that it is possible to determine when and why a speaker needs to or cannot be considered as committed to a proposition. To this purpose, we need to develop further the concept of reasoning from best interpretation and show how the defeasibility of presumptions can be represented and supported or rebutted based on the argumentative structure of conversation. For this reason, we will investigate how the defeasibility of an interpretation depends on its contribution to the conversation (van Eemeren and Grootendorst 1992, p. 54), concept that is usually referred to as “relevance” (Macagno 2016a; Walton and Macagno 2016). We will claim that “relevance” can refer to either the contribution to the dialogical purpose, or to the common ground, and for this reason it can be conceived in terms of presumptions, more specifically in terms of either specific pragmatic or linguistic presumptions, or mutual ones.

#### 3.7.1 *Defeasibility and Context*

We have seen above how for interpretive purposes, explicit meaning can be subject to dispute, and the explicatures (or rather clarification of meaning) provided by the speaker can be attacked and rebutted if stronger contrary evidence is provided (see for example the reference of “professional food processor” in Case 3.2, or the syntactic structure of “what doctors prefer” in Case 3.4). In this sense, the speaker’s meaning is conceived as an objectified and expressed intention, which needs to be established by means of argumentative reasoning in case it is disputed. For this reason, also the speaker’s possible “clarifications of meaning” need to be grounded on arguments (Burton-Roberts 2010; Capone 2009, 2013a).

The legal cases presented above point out also the concept of “necessary implications,” namely implicit meaning that is determinate and hardly defeasible and thus needs to be considered as a commitment of the speaker. Many pragmatic inferences can be hardly defeasible depending on the contextual evidence provided (Capone 2009, p. 60). For example, we consider the following assertion, uttered by an academic (A) to a colleague of the same area (B):

1. I am weak in statistics too.

As Clark maintained, inferences can be divided into authorized and unauthorized. The former correspond to implicatures, which are determinate based on the available assumptions. The latter are not determined, as from 1 we can draw a potentially indeterminate number of conclusions (I do not like statistics; I am weak in mathematics; etc.). However, the speaker can be held responsible only for what he intended to convey (Clark 1977, p. 261):

If implicatures were not determinate, the speaker could not consider them an integral part of what he wants to convey, for what he conveys must be determinate.

In 1, the determination of the inferences conveyed can be established considering their defeasibility (Dascal 2003, p. 46). By using the adverb “too,” the speaker can refer to the interlocutor or other unspecified colleagues in general. The possible defeasibility of the available interpretations, however, depends only on the lack of more specific conversational evidence. If the two colleagues are the only ones working in statistics, the possible reference to unspecified colleagues will be easily defeated. Moreover, this interpretation will be easily rebutted also if the two colleagues are talking about their own skills, or their own work, and reference to other colleagues was not made before or cannot be presumed to contribute to the topic of the discussion. In these cases, *B* can report this utterance claiming that *A* intended to accuse *B* of being weak in statistics. He can reconstruct the utterance as (conventionally) implicating that *B* is weak in statistics, and in the context in which *B* does not accept his poor statistical skills, it would amount to an implicit accusation or criticism. In these cases, *B* can be considered as committed to the implicit content, and he can very hardly provide evidence or clarifications of the contrary (Clark 1977, pp. 247–248). It would be easier for him to clarify or redefine his concept of “to be weak in statistics,” which is part of what is explicitly said.

### 3.7.2 *Pragmatic Relevance*

In philosophy of language, the idea of defeasibility of implicit meaning and the related issue of commitment attribution has been analyzed in terms of relevance (Bazzanella and Damiano 1999), namely in terms of contribution to the joint conversational purpose (Giora 1997). A clear example is the following assertion, uttered by a professor to a graduate student in the philosophy department (Soames 2002, p. 83):

### 1. Carl Hempel lived on Lake Lane in Princeton.

The professor intended to convey the meaning that 2\* the famous philosopher of science Carl Hempel lived on Lake Lane in Princeton. However, other inferences can be drawn from this assertion, namely that 2\*\*, a former member of the Vienna Circle lived on Lake Lane in Princeton, etc. All these inferences can be accessible given the broader context (an academic conversation). However, while the first inference can be reasonably expected to be drawn by the hearer, the other ones can be drawn, but they do not contribute to the conversation, namely it is not relevant thereto (Dascal 1979, 2003). In this sense, this inference does not result in the speaker's commitment thereto (Moeschler 2012). The existence and the force of a commitment is directly bound to the notion of relevance (Soames 2002, p. 79):

In order for  $p$  to be asserted by an utterance of a sentence, it is not enough that conversational participants be in possession of information which, together with the speaker's utterance, might, after long or careful consideration, support an inference to  $p$ . Rather, the speaker must have reason to believe both that  $p$  is a potentially direct, immediate, and relevant inference for all conversational participants, and that the conversational participants recognize this belief of the speaker.

In order for a proposition to become part of the speaker's commitments, it needs to be "something the relevance of which to the conversation is potentially obvious to all" (Soames 2002, p. 79). The crucial point is to analyze relevance analytically, in a way that allows the processing of the possible inferences.

Our claim is that the relevance of a dialogue move to another can be analyzed in terms of dialogical purposes, namely in terms of "motivational coherence" (Mann 1988). Utterances are aimed at proposing a dialogical game (bidding), thus pursuing a dialogical goal. A dialogue move falls within the scope of the dialogue game proposed when it serves its purpose. This account of relevance or coherence (Dascal 1979; Giora 1988, 1997) of the dialogical moves can be further specified and analyzed in more detail. Moeschler in particular took into account the components that can be considered as indicators of a common dialogical goal, calling them conditions of "contextual appropriateness" of a move to another (Moeschler 2002, p. 246):

Conditions of contextual appropriateness are imposed by initiative moves, and have scope over reactive moves. These conditions of satisfaction (thematic condition (TC), condition of propositional content (CPC), illocutionary condition (IC) and condition of argumentative orientation (CAO)) impose on the reactive move to share a common theme to the initiative move (TC), to be propositionally related to the initiative move (by implication, contradiction or paraphrase) (CPC), to bear an illocutionary force compatible with the illocutionary force of the first move (IC), and to have a shared argumentative orientation, that is, an argumentative co-orientation (CAO) (Anscombe and Ducrot 1983).

Some of these conditions correspond to distinct dimensions of coherence developed in pragmatics and discourse studies. The thematic condition can be compared with the notion of a common discourse topic (Giora 1985, pp. 705–707; Reinhart 1981, p. 54), while the "propositional relation" can be analyzed in terms of connectors (Giora 1985, p. 708; Hobbs 1979; Lascarides and Asher 1993). The illocutionary

condition imposes a constraint on the communicative intentions underlying a move (a question can be followed by a reply, a refusal of reply, but not by another question, unless it is interpreted as a different act). In this sense, a dialogue move creates the possibility of a finite set of appropriate responses (Dascal 1992, p. 45; Searle and Vanderveken 1985, p. 11). Finally, the argumentative co-orientation is a constraint on the implicit conclusions of the dialogue moves. A discourse move can be advanced to lead to a specific tacit conclusion (for example, “It is sunny today” can be uttered as an invitation to go outside), and the reply needs to be coherent thereto (a reply “It was sunny yesterday” can be hardly interpreted as cooperative from this perspective) (Anscombe and Ducrot 1983).

Viewed from an interpretive perspective, these conditions can be considered as presumptions of different kind. Discourse moves are presumed to contribute to a joint dialogical goal (Levin and Moore 1977; Macagno 2008; Walton and Macagno 2007, 2016) at different levels. Every discourse move can be regarded as a proposal to pursue a specific interactional goal (Mann 1988), such as exchanging information, making a decision, etc. In turn, this proposal is presumed to be coherent with a higher goal, a global and joint communicative intention (Walton 1989, p. 68) that can be achieved by addressing the topic at issue under a different perspective (if a decision is to be made, relevant information on the subject matter is presumed to be needed and acquired). Such presumptions can be considered as the specific pragmatic presumptions. In addition, we need to consider other types of presumptions (concerning language, facts or habits, and values), which can be more or less specific. A move is presumed to result in an effect relative to the interlocutors; as a result, what the interlocutors are presumed to share is crucial for determining and assessing the possible effects of a move. For this reason, relevance can be assessed based on what can be presumed *specifically* in a given conversational context.

### 3.7.3 *Relevance, Presumptions, and Defeasibility*

The idea of conceiving relevance in terms of specific presumptions can be used for analyzing the defeasibility and hard defeasibility of implicit meaning. We can apply to the analysis of example A:

A. I am sure that I have bought a necklace for my wife.

We have mentioned that the implicit meaning of this utterance can be defeasible in the context in which the speaker cannot find the necklace (it can imply that “I am looking for it” or “Someone has stolen it,” etc.). It can also be defeated in many other situations, such as in a context in which the speaker is addressing the maid (it can imply that “I need some help” or “I am suspecting that you have stolen it,” etc.). These examples have in common the fact that the utterance is not situated in an actual conversation, and the hearer or the bystander has not enough information for determining its relevance to the conversation (see the analysis provided in Blum-Kulka and Weizman 2014, pp. 122–123).

In contrast, if we place this utterance in the context in which the husband is uttering *A* to his father-in-law, who a) keeps accusing him (co-textual information) or b) has accused him previously (contextual, common ground information) of not buying any gift for his daughter, the relevance of *A* would be much clearer (van Eemeren and Grootendorst 1992, p. 54). The implied content (“It is not true that I do not buy gifts for your daughter”) would be hardly defeasible (Burton-Roberts 2013), as both the pragmatic presumptions and the mutual ones would be much stronger than other available presumptions. In the co-text a), the utterance will be pragmatically presumed to address a specific accusation (the husband is accused of not buying gifts for his wife), and thus the only explanation for his contribution to the dialogue would be that it is meant to be a rebuttal. In the context b), even if *A* is uttered abruptly to the father-in-law, the utterance would be considered as intended to inform the hearer of a fact that he is mutually presumed to accept as false, and that he is mutually presumed to judge negatively and blame the speaker for. Also in this case, the specific presumptions will guide the interpretation.

This notion of relevance, or rather “pragmatic” relevance, is used in this chapter as an interpretive notion, a relation between an utterance and its presumed or presumable conversational goal that can guide or assess the process for interpreting it. When utterances are quoted and their meaning within their actual situational context needs to be reconstructed or determined for the purpose of attributing commitments, pragmatic relevance can be extremely useful for representing the contextual factors we need to take into consideration. This notion of relevance will be also used in Chap. 5 as the ground of what we will refer to as “argumentative” or “probative” relevance (Relevance as inferential distance, p. 132), used to assess the relationship between the attacked position (explicitly or implicitly reported) and the original one.

### 3.8 Conclusion

In this chapter, we have outlined how the insights from philosophy of language and legal theory can be combined for investigating the problem of commitment attribution. We have shown how commitment attribution, and more importantly commitment denial, is grounded on the notion of ambiguity at different levels. Clearly, different explanations of meaning can be always advanced in order to deny a commitment. The crucial issue was then providing criteria for establishing when an interpretation can be considered as leading to a commitment that cannot be denied. To this purpose, we have used leading legal cases concerning controversial or disputed interpretations of natural language utterances. These cases pointed out and stated clearly that the criterion for commitment attribution was the “necessity” of meaning. On this perspective, it is not the level of meaning but the defeasibility of an interpretation in a given context and co-text that determines the commitments. Our challenge was to develop an argumentative model for representing the justification of the conflicting interpretations and establishing the best (namely the least or the hardly defeasible) one.

The model that we have proposed here is grounded on the notion of presumption. When an interpretation is challenged, the parties to the discussion need to support their interpretation based on reasons. We conceive these reasons as conclusions of a type of argument called “from best explanation” or “from best interpretation,” which is based on the presumptions available in a given context. On this perspective, an interpretation can be based on various types of evidence, which lead to an interpretive conclusion through presumptions that predict a specific intention or epistemic status of the interlocutor. An interpretation becomes the outcome of the evaluation of the available presumptions, which can be rebutted by conflicting ones or undercut by conflicting evidence.

The presumptions available to the interpreter can be more or less specific, namely more directly or indirectly relative to the evidence available. While generic presumptions can be easily rebutted by the specific evidence available, specific presumptions are less defeasible. We maintained that the notion of relevance can be interpreted in terms of specific presumptions: a dialogue move is relevant when it is coherent with the specific pragmatic presumptions that the conversational context justifies. These specific presumptions concern the contribution of the dialogue move to the joint conversational goal, which in turn can be further specified as coherence with the presumed reply to the interlocutor’s move, or with the presumed topic of the conversation. Moreover, the concept of specific presumption can represent the “felicity” conditions of a move. A move intended to share information would be infelicitous if the information shared is presumed to be already part of the interlocutor’s ground. The specific presumptions concerning the mutual knowledge can be thus used for guiding the interpretation of possible implicit meaning.

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## Chapter 4

# The Strategies of Misattribution of Commitments

The distinctions mentioned in Chap. 3 between strengths of contents and levels of commitments are useful for establishing what a speaker can be held to endorse and be responsible for (Capone 2016). In order for a commitment to be attributable to the speaker, it is necessary to establish whether it results from a strong intention (Capone 2009), which is made explicit (and retrievable by the interpreter or quoter) through textual and contextual evidence (Allan 2013; Capone 2012) and the hierarchy of presumptions the interlocutors can reasonably rely on (Dascal 2003; Macagno and Capone 2016). As mentioned in the previous chapters, quotations mostly represent only an illocutionary act and the proposition expressed, selecting, marking, and emphasizing the dimension thereof more convenient to the quoter's interests (Clark and Gerrig 1990, p. 779). However, in order to establish the correctness of a quotation, other factors need to be taken into account such as the conversational dimension and the context. In this sense, a test for the reasonableness of a quotation would be the fulfillment of a burden of quotation (Macagno 2016b; Macagno and Capone 2016). The quoter, responsible for the selection of the aspects reported (Clark and Gerrig 1990, p. 792), should be able to prove that the direct or indirect quotation (which is often the result of a pragmatic processing of the utterance) is supported by the context. In this sense, the representation (or "demonstration") of the speaker's commitments can be conceived as a conclusion of an implicit interpretive argument, grounded on textual, contextual, and conversational evidence. The speaker is held responsible for the contents directly resulting from his strong communicative intention, namely the ones relevant to the conversation. Such contents can be conceived from an argumentative perspective as an implicit micro-argument, or better a pattern of reasoning supporting the implicit conclusion that constitutes the goal of the concerned discourse or part of discourse (Lascarides et al. 1996; van Eemeren and Grootendorst 2004; Walton 1989, 2003a, b). In cases of weak or non-strong commitments, resulting from pragmatic processes that are not overtly connected with his strong communicative intention (namely not clearly relevant in the specific context), the quotation can be extremely dangerous and fallacious, unless adequately backed by reasons fulfilling a burden of quotation.

## 4.1 Types of Straw Man

Straw man is a dialogical and dialectical strategy aimed at pursuing different goals (Aikin and Casey 2011). It consists in a distortion of the Original Speaker's commitments, relying on the possible ambiguity of his statements. As seen in the previous chapter, ambiguity can be at a semantic or "pragmatic" level, which includes dialogical (in the sense of dialogical purpose) and implicit ambiguity (including the types of indirectly conveyed meaning). Semantic, dialogical, and implicit ambiguity affect the perlocutionary effects of the move, which is a further type of ambiguity. All these types of ambiguity can be used to alter or misinterpret the dialogue move of the Original Speaker, introducing into the latter's commitments store commitments that he never held, and that he now needs to correct (Macagno and Damele 2013). This strategy thus places onto the Original Speaker an undue burden of disproof. Clearly, the less explicit and the smallest the distortion of the original move (and more importantly of the quoted or reported statement), the higher is the burden of disproving it.

In order to describe straw man fallacy, it can be useful to bring to light its components, which can provide criteria for distinguishing different types of mischievous strategies that can fall under this label. The first and essential dimension of straw man is the distortion, or rather the type of distorted content that results in the misattribution of commitments. The second dimension is the use of the distortion. The commitment attributed to the Original Speaker – and "unsubscribed" by the latter – is used by the speaker (the quoter or the reporting party) for pursuing specific argumentative goals. We will classify the most common ones in two broad categories, the meta-dialogical and the dialogical purposes.

Meta-dialogical purposes refer to the attacks to the person. Such attacks are aimed at discrediting the Original Speaker (who can be directly engaged in a discussion, and whom, in this case, we will also refer to indistinctly as the "interlocutor" or H), in order either to pursue a further argumentative or meta-argumentative goal. In the first case, the attack on the person can be aimed at undermining arguments from expertise or testimony, or pointing out the higher qualities of the quoter (the Speaker). In the second case, the attack can be simply aimed at excluding the interlocutor from the dialogue (such as in cases in which the Speaker wants to avoid a problematic dialogue) or criticizing him (such as in cases of defamation). The attacks to the person based on a distortion of his commitments can be carried out by relying on two broad type of tactics, namely the direct attack grounded on his commitments (OS is a bad person because he said that *p*) or the indirect attack, i.e. the victimization (the interlocutor is a bad person because he treated me badly).

Dialogical purposes refer to the attacks to the argument or the claim of the interlocutor in a dialogue (real or fictitious) in order to reject it, and possibly thus supporting the opposing one. The Speaker can rely on different tactics of attack. The first tactic is to use OS's argument or claim to support the Speaker's position directly. The Interlocutor's position is distorted so that its unacceptability becomes evident, and thus can be used to support a specific conclusion, which is either alternative to

it, or grounded on the very unacceptability of the claim. The second tactic is the direct attack. The conclusion or the claim is simply distorted and thus easily rebuttable by a contrary argument or criticism. The third and the subtler one is the underminer. The Speaker distorts an implicit component of H’s argument (a presupposition or an implicit premise) in order to show how the whole argument is not sound or not reasonable. The Speaker can also undermine in this way a claim: by distorting one of its presuppositions, he can show how the claim makes little sense, or is contradictory, or is unacceptable.

The classification of straw man strategies can be represented in the following Fig. 4.1:

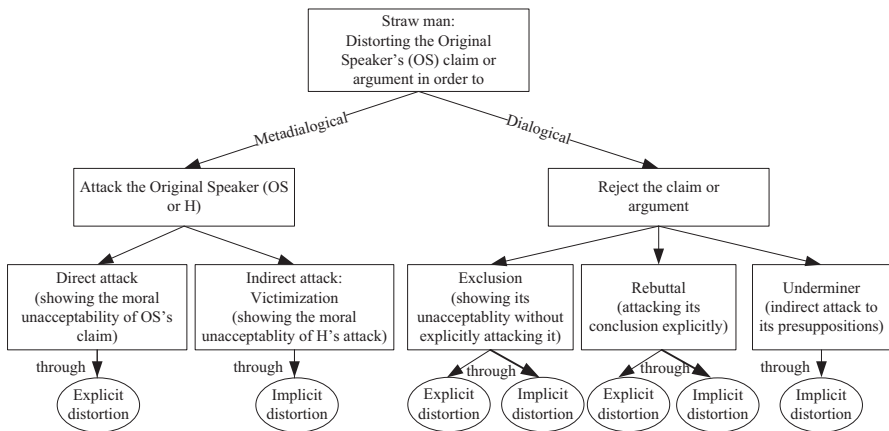


Fig. 4.1 Types of straw man

These attacks can be classified from the point of view of the structure of an argument as explicit or implicit. The speaker can convey the distorted meaning explicitly or implicitly. He can simply state the distorted quotation or report, but then he would incur the burden of proving that his interpretation is the most reasonable one in case it is challenged. Or he can take for granted the distortion, thus avoiding any burden of proof. These strategies can be more complex, in the sense that the burden of disproof cast on the interlocutor or the Original Speaker can be increased by means of rhetorical tactics, grounded on emotions. These rhetorical strategies are often used in meta-dialogical attacks, and are based on the arousal of emotions such as hate, contempt, or indignation. In the next sections, we will illustrate these different types of straw man using cases drawn from legal and the political contexts.

## 4.2 Meta-Dialogical Straw Man – Direct Attacks in Non-dialogical Settings

The straw man strategy can be used for directly attacking the Original Speaker, which can be a party to a dialogue (an interlocutor) or simply the source of a claim. The simplest scenario is the non-dialogical one, in which the quoter or reporting party (the Speaker) alters the commitments of the Original Speaker in order to draw a conclusion about his character, which can be used to draw the audience's attention by means of emotions (defamation, criticism, etc.).

In non-dialogical scenarios, the argumentative goal of the Speaker is to attack the Original Speaker by distorting his commitments. This move can be aimed at discrediting him, or proving a specific point, for example that the Original Speaker is morally questionable, in order to achieve a further goal (arouse emotions). The original statement can be distorted in various ways, depending on the type of content that the Speaker intends to distort.

### 4.2.1 *Directly Conveyed Content*

In defamation cases, the Original Speaker's commitments can be distorted by quoting his words without providing the explication of the underspecified expressions. In other words, by taking the words out of their context, the Speaker (the quoter) can then explicate their meaning in a way that is the most convenient to his purposes. Whereas the context provides clear indications on how to explicate the implicit dimension of what is explicitly said, by taking the quote out of its context the quoter can rely on the presumptive interpretation of the meaning. This presumptive meaning can be different from the contextual one.

A clear example is the following famous defamation case, in which the plaintiff, Dr. Frederick Price, a minister known for his television evangelism, was quoted in a clip broadcasted by the American Broadcasting Companies as having claimed the following during a sermon (*Price v. Stossel*, 620 F.3d 992 at 995. 2010):

#### **Case 4.1: The Sermon**

I live in a 25-room mansion. I have my own \$6 million yacht. I have my own private jet, and I have my own helicopter, and I have seven luxury automobiles.

ABC quoted Price out of the context of his sermon, and suggested that he was boasting about his own wealth. The whole ABC program, hosted by John Stossel and entitled "Enough," focused on "wealthy preachers," namely ministers who were not forthcoming about their wealth. The program begins by stating "[t]hey preach the gospel of giving to God," then asks "[b]ut how much of what you give do they keep for themselves?" The quote mentioned above was aimed at criticizing the way Price used the money given by the members of his congregation (it was shown after interviewing members of the congregation about their opinion on Price's use of money).



However, in the original sermon, Price was “speaking from the perspective of a hypothetical person who, though wealthy, was spiritually unfulfilled” (Price at 995). The defamatory interpretation of the claim relied on a presumptive explication, consisting in assigning to the pronoun “I” its presumptive reference, namely the (original) speaker (Price, in this case). Clearly, this presumptive interpretation is subject to default in the context in which Price was criticizing wealth for its own sake, and was speaking from the perspective of the unfulfilled rich man. The quotation in context could be interpreted as follows (Macagno and Capone 2016, p. 410):

*(Let us suppose that) I (as a hypothetical person) live in a 25-room mansion. (Let us suppose that) I (as a hypothetical person) have my own \$6 million yacht. (Let us suppose that) I (as a hypothetical person) have my own private jet, and I have my own helicopter, and I have seven luxury automobiles. (However, despite all this wealth, let us suppose that I am spiritually unfulfilled).*

In this case, the missing specification of the nominal phrase (I – as a hypothetical person) leads to a presumptive and univocal interpretation, which is completely different from the one that can be drawn considering all the contextual evidence.

### 4.2.2 Indirectly Conveyed Content

A straw man can consist in a distortion of the possible implicitly conveyed meaning of an utterance. By omitting the co-text, the speaker can lead the audience to drawing the presumptive conclusion from a statement and the context in which it was made. A clear case was the story that circulated in the American newspapers concerning a statement made by Vice-President Al Gore in an interview in a CNN program, concerning his plans for running for president. Gore became the subject of a controversy when his statement “I took the initiative in creating the Internet” was reported by the media out of context, and used for ridiculing Gore for claiming that he invented the Internet (Walton 2013, p. 153). This claim was taken to be preposterous, and when widely passed around on the media as a joke, it was used to discredit Gore’s credibility by making him appear to be a person given to making exaggerated claims. It even suggested that Gore is a liar.

The quotation and the attack, however, need to be analyzed by considering the whole co-text and context in which it was made, namely considering the whole evidence that can be found. In the CNN program, the interviewer asked Gore to tell what distinguished him from a challenger for the presidential nomination, Gore gave the following reply<sup>1</sup>:

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<sup>1</sup>Transcript: Vice President Gore on CNN’s ‘Late Edition’. *CNN.com*. (9 March 1999). Retrieved from <http://edition.cnn.com/ALLPOLITICS/stories/1999/03/09/president.2000/transcript.gore/> (Accessed on 11 November 2016).

### Case 4.2: Gore and the Internet

I've traveled to every part of this country during the last six years. During my service in the United States Congress, I took the initiative in creating the Internet. I took the initiative in moving forward a whole range of initiatives that have proven to be important to our country's economic growth and environmental protection, improvements in our educational system.

The problem posed then was to try to pin down what Gore could have been reasonably taken to have meant, according to the wording of the above quotation. From a Gricean point of view, the speaker may have relied on flouting the maxim of quantity, being less informative than required, thus triggering the implicature that he in fact created the Internet himself (Israel 2006). Alternatively, he can have abided by it. It all depends on the amount of information that was required, which would be extremely complex to calculate. This does not solve the problem of determining what Gore meant. If we analyze the presumptions underlying the straw man, we can reconstruct the reasoning and then assess it based on the other available presumptions and the cotextual and contextual evidence. The quotation out of context can lead to the following reasoning:

1. *Premise*: I took the initiative in creating the Internet.
2. *Presumption (habits)*: Who claims, in order to point out his own merits, to have taken care of doing something, usually refers to what he has done personally.
3. *Premise*: Gore's communicative goal was to point out his own merits.
4. *Preliminary conclusion*: Gore was presumably referring to what he did personally.
5. *Conclusion*: Gore's statement presumptively means, "I have personally invented the Internet."

However, the presumption used in the interpretive process is easily rebutted by other presumptions arising out of the co-textual evidence available in the whole quote. More specifically, Gore is listing his policies, namely the initiatives important for the US that he "moved forward," including education and the Internet. We can represent the presumptive mechanism in the following Fig. 4.2:

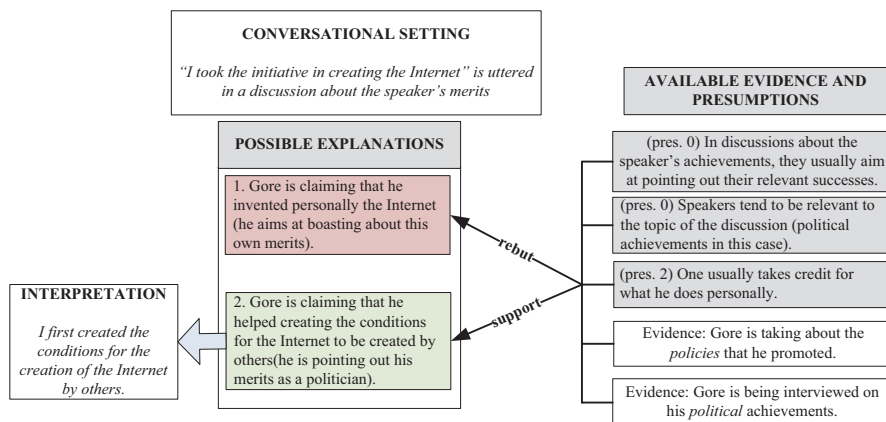


Fig. 4.2 Presumptions in reconstructing Gore's statement

In this framework, the evidence that can be used to support an interpretation is carefully evaluated (Blum-Kulka and Weizman 2014, p. 109) and represented as a micro-argumentative structure (Macagno 2011, 2012; Macagno and Walton 2013). The conclusion of this process is hardly defeasible, considering the evidence provided by the context and co-text.

This micro-argumentation, within the interpretive process, can be also supported by external arguments by example. For example, to support this interpretation, one could argue that taking the initiative to do something does not imply actually doing it yourself, as also President Franklin D. Roosevelt claimed that he took the initiative in creating the atomic bomb. We all know that he did not create the atomic bomb by himself, or even take part in the building of it alongside the scientists and engineers. However, we also know that it required his support to back the continuing work on building the nuclear weapon. So it could reasonably enough be claimed that he took the initiative in creating the bomb without drawing the conclusion that he created the bomb.

### 4.2.3 *Dialogical Purpose and “Perlocutionary” Effects*

A quotation can be wrenched from its co-text and context in order to lead the audience to misinterpreting its dialogical purpose. By preventing the audience from accessing evidence relevant to assessing the various presumptions needed for retrieving the best interpretation of an utterance or discourse move, the speaker can trigger a presumptive interpretation of its dialogical purpose, which in turn can support a further conclusion or arouse specific emotions. In this sense, the so-called “perlocutionary effects” can be manipulated by altering the interpretation of a dialogue move or text. This misinterpretation, in turn, can be grounded on a presumptive interpretation of the semantic or implicitly conveyed meaning.

#### 4.2.3.1 **Dialogical Purpose and Linguistic Presumptions**

The presumptive interpretation of semantic meaning is clearly defeasible when evidence of the dialogical context is provided. By omitting it, the quoter can trigger strong conclusions about the possible dialogical goal of the Original Speaker. The famous Blackmail case (Case 4.5) is a clear example of straw man arising from the alteration of the dialogical purpose based on the presumptive semantic interpretation of an utterance. As seen above (p. 48), Mr. Bresler was accused of “blackmailing” the city council of Greenbelt, and he pressed charges based on the presumptive meaning of the word “to blackmail.” Since “blackmail” means “extortion through threat,” the presumptive dialogical purpose attributed to the council members was to accuse him of a crime (denouncing his criminal activity). However, Bresler took the quotation out of context in order to attack the newspaper (and then claim compensation). The actual co-text and most importantly context (a heated negotiation)

excluded that the city members intended to denounce him of a crime. Rather, using loaded language, they presumably were aimed at attacking him and giving vent to their emotions.

The omission of the dialogical context is the misquotation strategy used in another famous case of straw man, *Horsley v. Rivera* (292 F.3d 695, 2002). The context was a television debate concerning a website created by the plaintiff, Mr. Horsley, on which the names of the doctors that were practicing abortion were published. In October 1998, a medical doctor who performed abortions as part of his practice was shot and killed, and soon after the killing, Horsley added the name of the murdered doctor to his list and then graphically crossed out this entry. In the television debate, Mr. Rivera accused Horsley of being an “accomplice to murder” (*Rivera* at 698, 702):

### Case 4.3: Accomplice to Homicide

**Rivera:** You are an accomplice to homicide, Mr. Horsley.

**Horsley:** You are, too, because you’re—you’re showing exactly the same information. You’re telling people about The Nuremberg Files list. You’re a collaborator just like I am, if that’s true.

**Rivera:** If giving you publicity is, then I feel ashamed. I feel deeply ashamed of myself.

Horsley pressed charges, claiming that Rivera was accusing him of the crime of complicity to a murder. In his complaint, Rivera omitted the relevant contextual evidence and pointed out only the expression “accomplice to homicide,” which presumptively means, “actively participating in the commission of a crime.” Without evidence of the context, the presumptive dialogical purpose for which this utterance was made can be presumptively reconstructed as an accusation. However, the court found that the purpose of the dialogue move could be retrieved from the type of dialogue in which it was put forward, which was an eristic dialogue. Since Rivera’s utterance was followed by a similar attack by Horsley, the presumptive purpose of the interaction was to give vent to emotions and insult each other. For this reason, the presumed goal of charging the interlocutor of a crime is subject to defeat, and the semantic meaning needs to be reconstructed as referring to a hyperbolic way of claiming that the interlocutor’s website resulted in criminal acts.

#### 4.2.3.2 Dialogical Purpose, Perlocutionary Effects, and Implicitly Conveyed Meaning

The reconstruction of the possible implicit conclusions that can be drawn from a dialogue move can be also manipulated by omitting the evidence needed for defeating the presumptive reasoning normally triggered. A famous case of manipulation of the dialogical purpose of an assertion and its perlocutionary effects is the quote on which the lawsuit *Sherrod v. Breitbart* (case no. 000157 11, District of Columbia 2011) was focused. The complaint stems from a March 2010 speech that Ms. Sherrod, an African American former Georgia state director of rural development

for the United States Department of Agriculture, gave to the NAACP (National Association for the Advancement of Colored People). A conservative blogger, Andrew Breitbart, and his colleague Larry O'Connor posted an edited video of Sherrod's speech along with slides alleging that Sherrod carried out her USDA duties "through the prism of race and class distinctions," pointing out that her words elicited racial reactions in the audience. The video, apparently aimed at discrediting Afro-American leaders, ignited a racial firestorm. After the publication of the video, Sherrod was asked to leave her job. The excerpted video contained the following language (emphasis added)<sup>2</sup>:

#### Case 4.4: Redemption or Racism

The first time I was faced with having to help a white farmer save his farm, [...] he was taking all that time trying to **show me he was superior to me, was I was trying to decide just how much help I was going to give him**. [audience chuckled] I was struggling with the fact that so many black people have lost their farmland, and here I was faced with having to help a white person save their land. So, **I didn't give him the full force of what I could do**. I did enough so that when he—I—I assumed the Department of Agriculture had sent him to me, either that or the—**or the Georgia Department of Agriculture**. And he needed to go back and report that I did try to help him. [...] So I figured if **I take him to one of them that his own kind would take care of him**. That's when it was revealed to me that, ya'll, it's about poor versus those who have, and not so much about white—it is about white and black, but it's not—you know, it opened my eyes, 'cause I took him to one of his own..."

The video was posted on a blog addressing the debate on racial discrimination within the Tea Party and the NAACP. In this context, considering Breitbart's comments and his insinuation that the speech was received with applause by the audience, the excerpt sounded as clearly intended to convey a racial message, a personal story of discrimination (Sherrod 2012, p. 10). Breitbart thus provided the audience of his blog with the following presumptions and factual evidence:

1. The sentence "I didn't give him the full force of what I could do" can be explained based on the previous sentences as "I didn't give him the full force of what I could do because he was white and I wanted to take revenge," (linguistic presumption) due to the following:
  - (i) "the farmer was trying to show me he was superior to me;"
  - (ii) "I was struggling with the fact that so many black people have lost their farmland, and here I was faced with having to help a white person save their land;"
  - (iii) (implicit) *Who acts as a racist and supremacist (i and ii) deserves a lesson. Failing to give someone the full force of what it is possible to give is a good lesson (factual presumptions).*

<sup>2</sup>Acts & context: NAACP vs. Breitbart videos & transcript of USDA official Shirley Sherrod's speech at the NAACP 20th Annual Freedom Fund Banquet on March 27, 2010. *Factreal.com*. (22 July 2010). Retrieved from

<http://factreal.wordpress.com/2010/07/22/full-transcript-videos-usda-shirley-sherrod-naacp-breitbart-foxnews/> (Accessed on 14 November 2016).

2. If someone tells a story about his or her own racist experience or behavior without condemning it, then presumably he or she is still committed to it (factual presumption).
  - (a) Ms. Sherrod has not condemned her racist behavior (fact).
3. If someone tells a racist story to a racist audience, then he or she is presumably aiming at stressing his or her commitment to it (pragmatic presumption).
  - (a) The audience laughs at the story (fact).
  - (b) Whoever laughs at a racist story is presumably racist (factual presumption).
4. Conclusion: Ms. Sherrod is committed to racism against white people, and is aiming at stressing her commitment and arousing negative emotions against white people.

This interpretation, however, can be easily defeated considering the whole co-text and context.

Sherrod's aim was to tell the audience how she changed her commitment to help black people, and decided to commit instead to the struggle against poverty. Later in the video, she made clear later that she helped the farmer as much as she could, and described her internal struggle when she was appointed as State Director of Rural Development:

But when I...made the commitment years ago I didn't know how—I didn't...I prayed about it that night and as our house filled with people I was back in one of the bedrooms praying and asking God to show me what I could do. I didn't have—the path wasn't laid out that night. [...]. And young people I just want you to know that when you're true to what God wants you to do the path just opens up—and things just come to you, you know. God is good—I can tell you that. When I made that commitment, I was making that commitment to black people—and to black people only. But, you know God will show you things and He'll put things in your path so that—that you realize that the struggle is really about poor people, you know.

Her dialogical goal was to tell a story of redemption from old resentments for the racial discriminations that she and her family suffered from since she was a child. In this sense, her goal was to condemn racism through her rejection and condemnation of her past racial commitments. Moreover, the audience received Sherrod's story not by applauding, but rather with silence or murmuring, indicating disapproval more than approval of a racist experience.<sup>3</sup> These facts lead to a defeat of the aforementioned reconstruction and to interpreting the quotation as pursuing an opposite dialogical purpose.

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<sup>3</sup>As a matter of fact, the intended effect was clearly perceived by the audience, see Saletan, W. (2010), Breitbart lied about Shirley Sherrod. Now he's lying about the NAACP. *Slate*. Retrieved from [http://www.slate.com/articles/news\\_and\\_politics/frame\\_game/2010/07/amen\\_canard.html](http://www.slate.com/articles/news_and_politics/frame_game/2010/07/amen_canard.html) (Accessed on 14 November 2016).

### 4.3 Meta-dialogical Straw Man. Dialogical Scenario

In the second scenario (the dialogical one), the distortion of the textual, co-textual, and contextual evidence, triggering different presumptions in turn leading to the intended misinterpretation, follows the same strategies as the ones indicated above and in the previous Chaps. 1 and 3. However, two factors need to be taken into account in a dialogical setting: the possibility of a counter-attack and the use of emotions. First, in a dialogical scenario, the straw man is more complex due to the interlocutor's possibility of stopping the dialogue and clarifying the misreported or misinterpreted quotation (Sect. 4.3.1 below). The straw-manning party thus needs to be aware of the risks and lower the possibility of being attacked. Second, in dialogue and more importantly before audiences, rhetorical side-tactics are used to increase the burden of disproof. Emotions such as fear, contempt, or pity can affect both the audience's and an interlocutor's rational assessment of an argument or interpretive reasoning (Blanchette 2006; Blanchette and Richards 2004; Macagno 2014a). Moreover, emotions give rise to the presumption of truth; the emotion make us experience an "apparent reality" that becomes present to our senses and we cannot doubt (Clare and Gasper 2000, p. 26; Frijda and Mesquita 2000, p. 69). By providing the audience with an emotional representation of a fact (in this case, an interpretation), it is possible to arouse an emotion and give the audience the appearance of truth (Elster 1994, p. 27, 1999, p. 252). By arousing emotions, the force of a straw man (or a counterattack thereon) can be combined with lowering the chances of its rebuttal.

#### 4.3.1 *Ambiguity of Implicitly Conveyed Content and the Risks of Straw-Manning*

In dialogues, straw man can be a dangerous strategy for the quoter, as the same ambiguity that can be used for attributing to the Original Speaker a commitment can be turned against the speaker, who can be accused of manipulation or worse. The Original Speaker can rely on the ambiguity of his original statement and point out the omission of textual or contextual evidence that can lead to a different interpretation of the quotation. This meta-dialogical claim can lead to a discussion or a controversy, unless this possibility is blocked by a side tactic, such as the use of emotions, more specifically anger and indignation. A clear example of a counter-straw man is the following case drawn from a recent interview with Donald Trump before the elections<sup>4</sup>:

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<sup>4</sup>Farhi, P. (2016, 4 February). Insults, threats and more insults: What it's like to be a reporter covering Trump. *The Washington Post*. Retrieved from <https://is.gd/X0SA1w> (Accessed on 14 November 2016).

### Case 4.5: Trump and Abortion

“In 1999, you said you were pro-choice in all respects,” NBC newsman Peter Alexander starts to ask Trump about a long-ago “Meet the Press” interview.

Trump doesn’t wait for the question. “Read the full statement!” he shoots back. “You didn’t read the full statement. What did I say? Read the full statement!”

The sharp retort seems to catch Alexander off guard, but he soon regroups, pointing out that Trump’s full comment in 1999 included the mild caveat that he was uncomfortable with “the concept of abortion.”

But Trump senses an opening. “Why didn’t you say that when you asked the question before, that I hate the concept of abortion?” he asks Alexander. “Do you apologize? Do you apologize for not reading my words?” When Alexander responds that he was merely reading Trump’s words back to him, Trump scowls. “Do you apologize?” he demands. “No? ... Okay, forget you. Just forget you.”

This excerpt shows the risks of attributing commitments based on incomplete or ambiguous textual evidence. The reporter (and also other political opponents in other debates) used the ambiguous quotation “I am very pro-choice” and interpreted it as committing Trump to the pro-abortion position. The ambiguity of the implicitly conveyed content (pro-choice refers to supporting the possibility of having the option of abortion available, and *therefore* (by factual presumption), it *may* refer to the position of favoring abortion) can lead to a straw man. In the aforementioned case, the reporter (and other politicians) intended to accuse him of being inconsistent with his present position advocated. Trump reacted by stopping the dialogue and referring to his whole quote, in which he claimed to be pro-choice *but* against abortion. For this reason, the reporter could not interpret his statement as claiming to be “pro-choice *in all respects*” (i.e. including favoring abortion). Trump relies on the vagueness of the concept “pro-choice,” which can support different implicit conclusions, including the one based on the presumption that “leaving a possibility available does not mean approving of it.” The reporter relied on the same ambiguity to draw the opposite implicit conclusion. However, as mentioned in Chap. 3, due to an ambiguous interpretation, the commitment attribution is highly defeasible in this case, resulting in possible attacks such as the one made by Trump.

This case illustrates the effectiveness of side-tactics in preventing further reactions by the interlocutor. Trump attacks the reporter directly, accusing him of distorting his commitments. Trump does not leave to the interlocutor room for discussing what his quotation can mean. Instead, he acts as indignant and offended, presupposing that the statement has been misquoted willingly. In this fashion, the dispute over the ambiguous statement is turned into an offence that Trump takes for granted. The emotions are thus used to presuppose a fact (the offence) that is not shared at all (Macagno and Walton 2014, pp. 196–204).



### 4.3.2 *Irony, Contempt, and Semantic Distortions*

As mentioned above, a party to a dialogue can “straw man” the other’s position (argument or dialogue move) in order to attack him directly and block the dialogue. In this fashion, he can avoid dangerous attacks or dismiss a possibly thorny issue. A clear example of this use of straw man is the following excerpt. In this case, Sarkozy has to address a problematic question asked by Joffrin, a journalist who inquired on whether the concentration of powers in Sarkozy’s hands amounted to an elective monarchy. Sarkozy replied as follows<sup>5</sup> (authors’ translation):

#### Case 4.6: Elective Monarchy

Monarchy means hereditary [...] do you think then that I am the illegitimate son of Jacques Chirac who put me on a throne [...] a man well educated as you, talking such nonsense [...] Mr. Joffrin, words have a meaning [...].

The journalist’s question was very clear, and implied that, since Sarkozy was holding too much power (elective monarchy) he was acting against the principles of democracy. In order to avoid answering this question, which could have resulted in the risk of being attacked, the former French President straw-manned the journalist combining his move with the effects of irony. Sarkozy introduced ambiguity by ignoring the qualification of “monarchy” as “elective” stated by Joffrin. In this fashion, he constructs a move that is different from the one performed by the journalist, and attacks it by defining the meaning of “monarchy.” The weaknesses and fallaciousness of Sarkozy’s straw man – defining what “monarchy” is, but not “elective monarchy” – is hidden by the comic acting. The former French President acted as a professor teaching the lesson to an ignorant pupil, almost reproaching him. By using irony, he conveys an implicit argument (Macagno 2013), consisting in accusing the journalist of being an ignorant person talking nonsense and, for this reason, not deserving an answer. The comic effect places the discussion in non-serious scenario (Meyer 2000) in which the journalist plays the role of the intellectually inferior (not praiseworthy) and thus less credible for the audience (Ben-Ze’ev 2000, pp. 390–391).

### 4.3.3 *Self Straw Man: Victimization and Dialogical Ambiguity*

Sarcasm and contempt are not the only side-tactics that can be used for bolstering the straw man. Another powerful emotion is indignation (Ben-Ze’ev 2000, p. 149), namely an emotion of anger arising out of perceived offenses. The “righteous anger” has a factual presupposition that an injustice has been committed against the agent

<sup>5</sup>Sarkozy: Mr. Joffrin ...monarchie elective? (1:17–1:35). *Dailymotion.com*. (11 January 2008). Retrieved from [http://www.dailymotion.com/video/x40ln3\\_2008-sarkozy-mr-joffrin-monarchie\\_news](http://www.dailymotion.com/video/x40ln3_2008-sarkozy-mr-joffrin-monarchie_news) (Accessed on 20 April 2017).

and the emotive reaction is justified as a means to address and change the other's basic faults. Indignation can constitute one of the components of a strategy of straw man aimed at attacking indirectly the Original Speaker. We will refer to this strategy as the "self straw man." The speaker provides a distorted interpretation of OS's words, but he does not use the distorted commitments to attack him. On the contrary, the commitments are used against the speaker himself, to show how OS has offended the speaker. This manufactured injustice is used indirectly against OS; the quoting or reporting party (the speaker) acts as indignant and offended, pointing out the bad moral qualities of OS.

A widely known example is the notorious Berlusconi's reply to Martin Schulz before the European Parliament. In the discussion of 2 July 2003, the German delegate attacked the former Italian Prime Minister on several grounds, including the conflict of interests between his political office and his extensive Italian media interests. He criticized the racist statements of his political partner and member of the Italian delegation, Mr. Bossi, and the intelligence and the political abilities of Berlusconi's ministers. He pointed out the problem of conflict of interests in Italian politics and reminded the audience of Berlusconi's trials. Finally, he asked the Italian politician to apply the European directives in the matter of criminal law. Schulz attacked Berlusconi from a purely political perspective, as his target was the clear incapacity and inadequacy of a public and political figure. Berlusconi replied as follows<sup>6</sup>:

Mr Schulz, I know there is in Italy a man producing a film on the Nazi concentration camps. I would like to suggest you for the role of leader <Kapò>. You'd be perfect.

This attack was scandalous, and provoked a serious reaction against the former Italian Prime Minister in the European Parliament. Berlusconi, however, managed to defend himself (at least in the Italian media) using a self-straw man. Berlusconi provided an interpretation of his own counter-attack and of the criticisms made by Schulz, claiming to the press that Schulz attacked him personally and wickedly, and, therefore, the reply was on the same personal level (Macagno 2013). Berlusconi acted as a victim of a personal attack<sup>7</sup>:

#### Case 4.7: Berlusconi's Kapò

Mr. Schulz attacked me and was offensive to me and my country. He was gesticulating and he used a tone of voice which is not acceptable in a parliament. I have said what I have said with irony. If you don't understand irony, I am sorry for you. I will not withdraw what I have said ironically, if Schulz does not withdraw his personal offenses. I have spoken ironically; he has spoken wickedly. ...

Berlusconi distorted the dialogical purpose of Schulz's criticisms. Schulz was aiming at denouncing political inabilities of the Italian leader and the dangers he poses

<sup>6</sup>MEPs' fury at Berlusconi's Nazi jibe. *The Guardian*. (2 July 2003). Retrieved from <https://www.theguardian.com/world/2003/jul/02/italy.eu> (Accessed on 14 November 2016).

<sup>7</sup>Berlusconi al tedesco Schulz: «Kapò». *Il Corriere della Sera* (2 July 2003). Retrieved from [http://www.corriere.it/Primo\\_Piano/Politica/2003/07\\_Luglio/02/repliche.shtml](http://www.corriere.it/Primo_Piano/Politica/2003/07_Luglio/02/repliche.shtml) (Accessed on 14 November 2016).

to democracy (in order to inform the members of the EU parliament and Italian voters of these problems and act consequently). Berlusconi, on the contrary, provided an interpretation of the move as a personal attack, aimed at hurting his personal feelings. However, this interpretation relies on a set of unacceptable facts and presumptive reasoning:

1. (Fact) Schulz claimed that the political and public behavior of Berlusconi (and his delegation) is unacceptable [conflict of interests, legal proceeding, racial statements...].
2. (Pragmatic presumption) Whoever criticizes falsely in a political debate a politician’s political behavior is attacking him personally and wickedly (aims at offending him on a personal basis).
  - (a) (Factual presumption) Usually people take political criticisms as personal attacks.
  - (b) (Fact) Schulz’s accusations were based on false facts, and thus his claim was wicked.
3. (Conclusion) Schulz was aiming at insulting Berlusconi personally and wickedly.

Clearly 2, including (2a) and (2b) cannot be accepted. However, Berlusconi took them for granted, and thus inserted these commitments into Schulz’s and the audience’s commitment store. The strategy is represented in Fig. 4.3:

|                      |  | SCHULZ’s commitments  | SCHULZ’s commitments as distorted by Berlusconi   |
|----------------------|--|---|---|
| EXPLICIT COMMITMENTS |  | The political and public behaviour of Berlusconi (and his delegation) is unacceptable [legal proceeding, racial statements...].         | The political and public behaviour of Berlusconi (and his delegation) is unacceptable [legal proceeding, racial statements...]. |
| IMPLICIT COMMITMENTS |  | <i>The alleged behavior is based on evidence</i>  | <i>The alleged behavior is false (invented).</i>  |
|                      |  | <i>Whoever behaves in an unacceptable fashion from a political point of view is a bad representative of Italy and a bad politician.</i> | <i>Whoever behaves in an unacceptable fashion from a political point of view is a bad and wicked person.</i>                    |
|                      |  | <i>Berlusconi is a bad representative of Italy and a bad politician.</i>  | <i>Berlusconi is a bad and wicked man.</i>  |

**Fig. 4.3** Inserting distorted commitments – Berlusconi’s kapò

Berlusconi distorted the purpose of Schulz’s attack, and consequently he manipulated his implicit commitments. Berlusconi took for granted this misrepresentation in explaining his insult as a counter-attack. He insulted him personally, putting the criticism of the German representative on the same level of his vulgar joke. However, Berlusconi’s reconstruction of the implicit dimension of Schulz’ move was completely unreasonable and unlikely, and could not be anyhow accepted by the audience (Macagno and Damele 2013).

### 4.3.4 *Self Straw Man: Indignation and Semantic Ambiguity*

Indignation can also be provoked by the overt distortion of a quote, which can be slightly modified in order to support an interpretation of its meaning and dialogical intention different from the one resulting from the original words uttered. A clear example of this two-step distortion (distortion of the semantic meaning leading to a distortion of the dialogical intention) is the following excerpt from the Republican Debate held in Jacksonville, Florida, in January 2012. In this excerpt, Gingrich and Romney address the issue of immigration and Gingrich points out that Romney holds the most radical views against immigrants of the four Republican candidates. His goal is to share an opinion of fact, in order to point out his own position on this topic. Romney understands the possibility of being criticized for his position, and distorts Gingrich's words as follows (emphasis added)<sup>8</sup>:

#### Case 4.8: The Anti-immigrant

**Blitzer:** Speaker Gingrich, you had an ad, but you pulled it this week, in which you described Governor Romney as the **most anti-immigrant** candidate. Why did you do that?

**Gingrich:** Why did we describe him that way? Because, in the original conversations about deportation, the position I took, which he attacked pretty ferociously, was that grandmothers and grandfathers aren't going to be successfully deported. We're not – we as a nation are not going to walk into some family – and by the way, they're going to end up in a church, which will declare them a sanctuary. We're not going to walk in there and grab a grandmother out and then kick them out. We're not going – and I think you have to be realistic in your indignation. I want to control the border. I want English to be the official language of government. I want us to have a lot of changes [...].

**Blitzer:** I just want to make sure I understand. Is he still **the most anti-immigrant candidate**?

**Gingrich:** I think, **of the four of us**, yes.

**Blitzer:** Go ahead, Governor.

**Romney:** That's simply inexcusable. That's inexcusable. And, actually, Senator Marco Rubio came to my defense and said that ad was inexcusable and inflammatory and inappropriate.

Mr. Speaker, **I'm not anti-immigrant**. My father was born in Mexico. My wife's father was born in Wales. They came to this country. The idea that I'm **anti-immigrant** is repulsive.

Don't use a term like that.

Romney needs to attack the viewpoint that “he is the most anti-immigrant of the four Republican candidates.” In order to rebut this claim, Romney chooses to distort Gingrich's utterance and ignore the qualification “of the four of us.” Thus, he turns a political statement (aimed at informing the electors of the different positions on the issue of immigration and indirectly attacking Romney) into a personal offense. He acts as the victim of an insult, and underscores the immigration history of his

<sup>8</sup>Republican Debate Transcript, Jacksonville, Florida, January 2012. *Council on Foreign Relations* (26 January 2012). Retrieved from <http://www.cfr.org/us-election-2012/republican-debate-transcript-jacksonville-florida-january-2012/p27204> (Accessed on 15 November 2016).

family, to show how he cannot be considered as a racist. As Berlusconi did in the self straw man above, Romney arouses the emotion of indignation, presupposing that Gingrich’s utterance can be considered as a personal insult (i.e. interpreting the utterance as “Romney is anti-immigrant, namely racist”) aimed at inflaming the audience and exciting their indignation against him. The effects of this emotion are twofold. On the one hand, moral indignation guides the interpretation of Gingrich’s utterance as an eristic move (aimed at insulting Romney unjustly) – not allowed in a political debate – and not as an information-sharing move concerning his views on the other positions. On the other hand, this emotion allows Romney to attack Gingrich for both offending and telling a lie. For Romney, it is very easy to show that he is not racist; it would have been much more difficult to prove that his proposed policies (expelling illegal immigrants) are not strongly anti-immigrant.

The effectiveness of this move lies in the relationship between semantic interpretation and the possible ambiguity of the implicitly conveyed contents. Labelling a candidate as “the most anti-immigrant republican candidate” (or “extreme on immigration”) can easily trigger the implicit conclusion that he is anti-immigrant, as presumably one who holds the most radical political position against immigration has also a negative attitude towards it. Clearly, this is only a possible implicit conclusion that can be drawn from the statement. However, this is enough for allowing Romney to distort it without being criticized for it. The triggered emotion shifts the burden of proof (Gingrich now has to show that he did not insult him or call him racist) and the ambiguity of the possible implied content makes it difficult for Gingrich to point out his qualification and his original (even though ambiguous) dialogical purpose.

#### 4.4 Dialogical Straw Man – Exclusive Strategies

Dialogical straw man is different from the meta-dialogical one as it is directed directly against the interlocutor’s argument and not his person. The goal is to show that the argument or the claim made by the interlocutor cannot be accepted, in order to pursue a further goal, such as supporting the opposing argument, proving a further conclusion, or indirectly attacking the interlocutor. In this sense, the attack is at the level of the dialogue, and not at the level of its conditions and participants.

As illustrated in Fig. 4.1 above, we distinguished three different ways in which the interlocutor’s argument or claim can be attacked. The speaker can distort and undermine its presuppositions; or he can attack the conclusion of the Original Speaker’s argument. Alternatively, he can show how a claim or an argument is unacceptable (ridiculous) and thus cannot be even taken into account. This latter strategy is the clearest and most defeasible (attackable) one, as it normally involves an interpretation without a clear argument supporting the interpretive reconstruction, and without a clear argument for rebutting the interlocutor’s position. We will start our analysis from this latter strategy, which we have called “exclusive straw man,” in

order to show the generic mechanism of dialogical straw man and then move on to discuss in detail the subtlest strategies and tactics.

Exclusive straw men strategies consist in a distortion of the interlocutor's claim or argument so that its unacceptability becomes clear to the parties and the interlocutor. The effectiveness of this argument lies in the burden of disproof that the speaker casts onto the Original Speaker. Either the distortion is so subtle that it can be taken as a possible interpretation of the original statement, or the speaker (the quoter) relies on side-tactics such as the use of emotions to increase the burden of disproof. We will distinguish two clear cases of exclusive straw man, both drawn from legal dialogues.

#### 4.4.1 *Summarizing and Distorting*

A strategy for excluding a whole argument or a set of arguments is to summarize and describe it using charged epithets or analogies. Bosanac (Bosanac 2009, p. 393) described the straw man strategy using the following case from a closing statement in *United States v. Barker* (553 F.2d 1013, at 1025, 6th Cir. 1977). The prosecutor summarized the arguments of the parties and the conflict of opinions as follows:

##### **Case 4.9: Open All the Banks**

I submit to you that if you can't take this evidence and find these defendants guilty on this evidence that we might as well open all the banks and say, "Come on and get the money, boys, because we'll never be able to convict them."

In summation, a prosecutor can refer to his own and the defendant's arguments, summarize them, and point out the aspects thereof supporting his own position. He can also draw some inferences from the evidence provided. However, he cannot distort them, draw inadmissible or unsupported inferences from the evidence, and elicit emotions such as fear in the jury. In this case, the prosecutor is distorting both his own and the defendant's case. He is summarizing the evidence on both sides as incriminating the defendants so clearly that their acquittal would be ridiculous and even dangerous for law and order. The prosecutor is not describing the evidence and drawing inferences from it; rather, he is taking for granted that this evidence is beyond reasonable doubt, and simply characterizes it using hyperbolic expressions.

This type of straw man can be used in a subtler way thereby avoiding the risk of being considered as irrelevant. The speaker can summarize the evidence on both sides and exaggerate the implications of the evidence favorable to the speaker's conclusion, diminishing the weight of the contrary arguments. A clear case is the closing argument in *People v. Simpson* (No. BA097211, 1995 WL 704381, Cal. Super. Trans. Oct. 10, 1995), in which the defense attorney summarizes the evidence and the arguments against the key witness, detective Mark Fuhrman. Fuhrman found the crucial pieces of evidence incriminating O. J. Simpson, and the whole defense strategy was aimed at showing that he was actually lying and could have

likely planted the evidence in order to harm an Afro-American. One of the crucial arguments could be reconstructed as follows:

1. Fuhrman stated that he never used racial epithets;
2. In the last 10 years, Fuhrman was found to have used privately racial slurs 42 times in some interviews he gave to a writer (for the purpose of writing a novel and a screenplay).
3. Therefore,
  - (a) he lied and is not credible as a witness; and
  - (b) he is a racist and hates Afro-American people.

This argument is extremely weak, as it is grounded on the following defeasible premises:

- (i) (Pragmatic presumption) Statements made in an interview for a novel are serious;
- (ii) (Factual presumption) Statements made in an interview for a novel are truthful and reveal what a person thinks;
- (iii) (Linguistic presumption) A conflict between assertions made in an interview and a statement in court can be considered as a contradiction;
- (iv) (Factual presumption) A contradiction can be explained by concluding that the speaker was lying.

Clearly, the racial slurs could be non-serious (as they were then proven to be), and thus the whole argument would have been easily defeated (Croom 2014). However, in the closing argument the defense attorney summarized the prosecution argument (based on Fuhrman’s testimony) as follows (Bayor 2004, p. 928; A. Davis 2008, p. 341):

#### **Case 4.10: Fuhrman’s Racial Slurs**

Then we come, before we end the day, to Detective Mark Fuhrman. This man is an unspeakable disgrace. He’s been unmasked for the whole world for what he is, and that’s hopefully positive. [...].

We owe a debt of gratitude to this lady that ultimately and finally came forward. And she tells us that this man over the time of these interviews uses the “N” word 42 times is what she says. And so-called Fuhrman tapes. And you of course had an opportunity to listen to this man and espouse this evil, this personification of evil. [...] Talking about women. Doesn’t like them any better than he likes African Americans. They don’t go out and initiate contact with some six foot five inch Nigger who has been in prison pumping weights. This is how he sees this world. That is this man’s cynical view of the world. This is this man who is out there protecting and serving. That is Mark Fuhrman. [...].

Why did they then all try to cover for this man Fuhrman? Why would this man who is not only Los Angeles’ worst nightmare, but America’s worse nightmare, why would they all turn their heads and try to cover for him?

The defense attorney is summarizing the whole prosecution’s argument in support of the evidence found and the defense’s attack on the credibility of Fuhrman. The straw man is twofold. On the one hand, Fuhrman’s past declarations are interpreted out of context, as he used racial slurs in interviews in which he was bragging and

exaggerating his negative, racial, and sexist attitudes to fit into the screenplay. They are used as serious assertions for showing both his untruthfulness and his racist attitude. On the other hand, the selective quotes are mentioned to depict the thesis of the prosecution, summarized as grounded on evidence allegedly found, in fact probably planted, by the “America’s worse nightmare.” The straw man is not simply a self-sustaining attack on the prosecution’s arguments, but at the same time a support for the defense’s claim, i.e. “Fuhrman planted the evidence and Simpson is innocent.” The whole strategy is grounded on the emotions of racial anger triggered by the quotes out of context, and the emotive language used.

#### 4.4.2 *Explicating and Presupposing*

The distortion of a quotation can be used as a self-evident argument against the speaker’s claim or argument, which in turn provides support to the contrary one. In the subsection above, we have shown how this type of straw man can be used in closing arguments and be grounded on the summarization of the opponent’s arguments and viewpoints. However, it can be used also in a subtler way, as an interpretation of a quote that results in an unacceptable claim. This distorted statement is thus a condensed argument that does not need further support; the speaker only by manipulating the interlocutor’s commitments can defeat the latter’s claim and support his own. This strategy is extremely powerful in cross-examination, in which the examiner needs to support a specific viewpoint by interrogating the witness (or the defendant). In particular, a common attack is the attack on his credibility; by showing that the witness’s (or defendant’s) claims are contradictory or not-credible, the attorney can prove his point, namely that the witness cannot be trusted. A clear example is from the aforementioned case *People v. Simpson*. In the cross-examination of detective Clark (another detective present at the crime scene), the following questions and answers were exchanged (emphasis added)<sup>9</sup>:

##### **Case 4.11: The Walking Rate**

**Q.** Wait just a minute. How much of your 15 min was spent back in the small yard that you viewed as a situs for potting plants?

**A.** Several minutes, probably more than five.

**Q.** Several moments has no real definitive meaning. Could you please use minutes or seconds and minutes to describe each step that you took. How many minutes were you present from the far side or east side of the alleyway between the fence and the building?

**A.** Talking about the pathway?

**Q.** No. You have walked how many feet from the glove to the end of the building?

**A.** 75.

**Q.** If a normal walking rate is 350 ft a minute, what would you think that your rate was at that time, that it took you several minutes to go 75 ft?

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<sup>9</sup>The *People of the State of California v. Orenthal James Simpson*, Official Transcript. Examination of Mark Fuhrman. Docket number BA097211. Superior Court, Los Angeles County, 14 March 1995 Judge: Hon. Lance A. Ito. at 0076.



- A. I did not testify to that, sir.  
 Q. I think you just said it took several minutes to get to the end of the building a few moments ago, did you not?  
 A. No. I did not.  
 Q. Tell me now how long did it take?  
 A. I just walked to the end of the building, and I spent several minutes back in that area.

The straw man strategy consists in a distortion of the semantic meaning of Clark's (the witness's) answers. We represent the difference between the original quotation and the reported one by providing the needed explicatures (indicated in angle brackets), namely contextual integrations of the directly conveyed meaning. Clark said that "<I spent>several minutes, probably more than five <back in the small yard>" and that "<I walked> 75 <feet from the glove to the end of the building>." The counsel for the defense, Bailey, however, distorted the interpretation of the two utterances and interpreted them as claiming that "<I spent> several minutes, probably more than five <to walk> 75 <feet from the glove to the end of the building>."

Bailey provides an out-of-context explicature of the two answers, interpreting them as narrating the only activity performed by the witness in the 5 min, and not as independent answers to two distinct questions. Mr. Bailey inserts a presupposition in Clark's commitment store, namely, "I spent more than 5 min to walk from the glove to the end of the building," which was never asserted or implied by him. Bailey took for granted this commitment, which can be accepted as a defeasible conclusion of Clark's failure to describe other activities performed in the 5 min (argument from lack of knowledge, based on the presumption that the lack of evidence that *p* corresponds to *non-p*, see Macagno and Walton 2011).

This reconstruction of the implicit content presupposed by Clark leads to an implicit attack on his credibility. By asking, "If a normal walking rate is 350 ft a minute, what would you think that your rate was at that time, that it took you several minutes to go 75 ft?" Bailey suggested that, since Clark should have walked 1750 ft and not 75 in 5 min and that it is not credible that Clark walked 15 feet per minute, his claim is problematic. The jury can be thus immediately led to concluding that Clark's answer is not credible, and thus his testimony on this point is not truthful. Bailey's comment can lead to further and more serious implicit conclusions (Clark is not truthful in general; Clark is hiding something), which can directly support his position (Clark should not be trusted; Clark was planting or altering evidence).

## 4.5 Straw Man for Rebutting Claims and Arguments

The strategy of distorting the interlocutor's statement or argument in order to show its self-evident unacceptability is a powerful strategy, consisting in implicit arguments. In our analysis of straw man, we distinguish the grounds of the distortion (the possible type of ambiguity the speaker relies on) from the structure of the argument itself (the focus of the attack and the support provided to it) and the

side-tactics (emotions). To this purpose, in this section we will investigate the second type of straw man – considering the argument structure – namely the rebuttal straw man. This type of straw man consists in distorting an argument or a position in order to advance against it an explicit argument. It is different from the one above, in which the attack is implicit in the distortion itself, and can indirectly affect the Original Speaker’s character.

### 4.5.1 *Distorting the Meaning of Lexical Items*

The most prototypical case of straw man is what we refer to here as the rebuttal straw man. It consists in (1) reporting a distorted interpretation of the interlocutor’s position, and (2) attacking it (to prove the contrary). In this sense, it is apparently explicit in two senses: (a) the attack is explicit (different from the exclusion straw man), and (b) it is directed against an explicit component of the argument (different from the undercutter, as we will see below). However, the boundaries are not always so clear; these distinctions are merely drawn for pointing out various possible tactics that can be used.

The clearest case of rebuttal straw man is when the directly conveyed meaning of claim or an argument is distorted. Walton provides a textbook example to illustrate this point (Walton 1996, 2003b, p. 22):

Bob and Arlene are arguing about environmental laws that regulate industrial pollution, and Bob has taken a moderate “green” position. Arlene argues, “People like you want to make the planet into the pristine place it was hundreds of years ago. You preservationists don’t want to let anybody do anything to the land that could possibly have ecological consequences. Therefore, what you are committed to is the elimination of all private property and all industrial manufacturing. Imagine the unemployment and social destruction of private homes implied by this.”

Arlene is misrepresenting what Bob refers to as his “green” position. She interprets it as referring to the extreme view (an interpretation that is not the prototypical nor the one advocated by Bob). In this fashion, she can easily attack it.

This textbook example represents a very weak and easily attackable straw man. If we want to find more strategic examples, we need to look at courtroom cases, in which the manipulation is often carried out in subtler ways. A famous case of rebuttal straw man can be found in *Bush v. Gore* (531 U.S. 98, 2000), analyzed in Bosanac (Bosanac 2009, pp. 395–396). In this case, the United States Supreme Court resolved the dispute surrounding the 2000 presidential election. This controversy concerned the manual recounting (namely manual tabulation) of the so-called “undervotes,” namely votes in which there was a clear indication of the voter’s intent, but that the machine did not detect. Florida’s election laws allow a candidate to request a county to conduct a manual recount, and Gore, considering the close margin of victory of Bush (327 votes) requested manual recounts in four Florida counties. Among the various arguments used against Gore, Chief Justice Rehnquist

in delivering the majority opinion, advanced the following attack on a misrepresented position of Gore’s claim (at 121, emphasis added):

**Case 4.12: “Tabulating” Votes**

Yet in the late afternoon of December 8th –four days before this deadline –the Supreme Court of Florida ordered recounts of tens of thousands of so-called “undervotes” spread through 64 of the State’s 67 counties. This was done in a search for elusive-perhaps delusive-certainty as to the exact count of 6 million votes. **But no one claims that these ballots have not previously been tabulated; they were initially read by voting machines at the time of the election, and thereafter reread by virtue of Florida’s automatic recount provision.** No one claims there was any fraud in the election. The Supreme Court of Florida ordered this additional recount under the provision of the Election Code giving the circuit judge the authority to provide relief that is “appropriate under such circumstances” Fla. Stat. Ann. § 102.168(8) (Supp. 2001).

The Justice misrepresented Gore’s position by relying on the possible lexical ambiguity of “tabulate the votes,” which was used by Gore to mean, “to manually tabulate,” i.e. to record “the intent of the voter to choose a presidential candidate” (Bosanac 2009, pp. 395–396). The Justice, instead, reported Gore’s claim by using the same term with a different meaning, i.e. “to count numerically.” The straw man can be represented in the following Fig. 4.4:

| Gore’s argument (disputed issue)   | Rehnquist’s interpretation of the problem at issue  |
|--|---|
| Undervotes have not been tabulated. Undervotes should be recounted using different means, including manual tabulation.   | But no one claims that these ballots have not previously been tabulated; they were initially read by voting machines at the time of the election, and thereafter reread by virtue of Florida’s automatic recount provision. |
| <i>“To tabulate” means recording the voter’s intent to choose a candidate.</i><br>Presupposition: The common standard used is to record the intent of the voter using different means. | <i>“To tabulate” means counting numerically the votes by means of machines.</i><br>Presupposition: The common standard that should be used for guaranteeing constitutionality is numerical counting.                        |
| There is a clear reason for recounting manually the votes. The recounting method is valid.   | There is no reason for recounting manually the votes. The recounting method used by Florida is invalid.   |

**Fig. 4.4** Gore’s straw man

In this case, the Chief Justice Rehnquist interpreted Gore’s claim manipulating the definition of “tabulating” used by the latter. By using a different definition, which he claims to be the commonly accepted one, he shows the unreasonableness of Gore’s position. In this case, the straw man is explicit inasmuch as it is a distortion of what Gore claims explicitly. However, the distortion is carried out implicitly, by presupposing a different definition to “to tabulate the votes” in his explication of the Original Speaker’s position. Moreover, the very fact of using a different definition of the crucial term triggers a controversial pragmatic presupposition, i.e. “the common standard for recording the intent of the voter is numerical counting.” This presupposed proposition is not argued for, but simply taken for granted despite

that it is unshared and disputed (McConnell 2001, pp. 673–674). By taking it for granted, the Justice takes also for granted that the principle of recording the voter’s intent by different means cannot be considered as acceptable. In this sense, the straw man hides a deeper (and strategic) move (see the dissenting opinion at 152–153).

### 4.5.2 *Explicating and Distorting*

A similar tactic on which the rebuttal straw man can be grounded consists in distorting the implicit aspects of the interlocutor’s claim or argument. The speaker thus explicates what the Original Speaker left implicit and is necessary for understanding the explicit meaning, but in doing this, he alters the commitments. This move can be extremely effective, as it consists in only a partially explicit distortion. The interlocutor cannot attack the straw man by simply appealing to a statement that can be “on record,” as the distorted elements of meaning have never been explicitly put forward. In order to reject the move, the interlocutor needs to reconstruct his own move, and provide arguments to support it. He needs to show that the speaker’s interpretation is not correct, or not acceptable, or in any case less likely than the one that the interlocutor is advocating.

To illustrate this strategy we will analyze the following example (Macagno and Damele 2013, pp. 384–385), taken from the case of Cesare Battisti, an Italian terrorist sentenced to life in prison in Italy, who flew first to France and then to Brazil in order to receive protection and avoid imprisonment. The following discussion between two judges of the Supreme Federal Court of Brazil, Mr. Eros Grau and Mr. Cezar Peluso, is about the appeal issued by the Italian Government against the Minister of Justice, who offered protection to Battisti as a refugee. The matter of the controversy is the reason put forward by the Minister of Justice (in this case representing the Public Administration) on the right of asylum to Battisti. Mr. Grau holds that the Minister has the (*procedural*) right to appear before the Court *to explain his reasons and clarify his position*. On the contrary, Mr. Peluso aims at avoiding any appearance of the Minister and attacks the interlocutor’s argument by distorting it as follows (emphasis added, author’s translation)<sup>10</sup>:

#### Case 4.13: Grau’s Right of Appearance

**Grau:** When there is a discussion before the court concerning the validity of a decision of the Public Administration [...], the Administration shall be considered as a party.

**Peluso:** [...] Why do you insist on claiming that *the Minister of Justice has not expressed his reasons, or that his claims are not valid?*

**Grau:** Because what I have read *is not enough for me*.

**Peluso:** Then, you should have told to the lawyer of the Minister of Justice *to be clearer in writing his statement of defence*.

**Grau:** This claim of yours is a serious one.

<sup>10</sup>Debate entre ministros do STF no caso Cesare Battisti (4.30–5.35). *Youtube* – uploaded by Supremo Tribunal Federal. (11 September 2009). Retrieved from <http://www.youtube.com/watch?v=ybTLVYQI2h0&feature=relmfu> (Accessed on 20 April 2017).

**Peluso:** Your excellence, you have said that *you are not happy with the reasons* put forward by the Minister of Justice!

**Grau:** I have already said what I think. I will just vote.

Peluso provides an interpretation of Grau’s following statements different from the one that can be provided in the context, reconstructed in the following Fig. 4.5:

| Grau’s statements   | Peluso’s interpretation of the explicit meaning   |
|---|---|
| “The Minister of Justice has not expressed his reasons; his claims are not valid <inasmuch and as long as he has the right to challenge the objections.>” | “The Minister of Justice has not expressed his reasons, or that his claims are not valid <inasmuch as what he said is not clear enough.>” |
| “What I have read is not enough <procedurally correct> for me.”   | “What I have read is not enough <clear> for me.”  |
| Presupposition: <i>The Administration has the right to reject possible objections to his reasons.</i>   | Presupposition: <i>The statement of defence of the Administration is unclear.</i>   |

**Fig. 4.5** Grau’s straw man

Peluso is not altering what Grau *literally* says; he simply explicates what Grau *semantically* says by integrating his claims with (contextually unacceptable) explicatures. According to Peluso, Grau wants the Minister heard because the reasons advanced in his brief are *not clear* enough. However, as shown in the opinion supporting his vote (Supremo Tribunal Federal, Ext 1085, Voto Eros Grau, at 5–8), Grau requested the hearing of the Minister because the Minister *had the procedural right of appearance*, which in this case amounts to the *right to reject possible objections* to his reasons. Considering this background presupposition, Grau’s claim is that the Minister has not expressed his reasons *in a procedurally correct way*.

## 4.6 Straw Man for Undercutting Claims and Arguments

The most complex straw man strategy is the undercutter straw man. The speaker distorts an implicit component of the interlocutor’s argument (a presupposed premise or definition, for example) and attacks it by drawing weak or hardly acceptable conclusions from he has misrepresented and taken for granted. In this sense, this type of strategy is implicit inasmuch as the distorted material is not explicitly stated, but taken for granted by the Original Speaker. What is distorted is a content that has not been said, but constitutes what the Original Speaker presupposes in his statements. We can provide a clear example of the undercutter straw man and then analyze a more complex case.

### 4.6.1 Imposing Presuppositions

During the discussion on the constitutionality of the American health law (Affordable Care Act) – requiring every citizen to purchase a mandate, or rather health insurance – Scalia attacked the health insurance mandate advocated by the interlocutors (and in particular Mr. Verrilli, Solicitor General) using the following analogical argument<sup>11</sup>:

#### Case 4.14: Scalia’s Broccoli

“Could you define the market—everybody has to buy food sooner or later, so you define the market as food, therefore, everybody is in the market; therefore, you can make people buy broccoli,” Scalia said.

Scalia depicted Mr. Verrilli’s point as defending the imposition of the purchase of *a market product* (health insurance or broccoli) against the will of the buyers. This argument is an implicit straw man of the Government’s point (“The Government shall require individuals to buy health insurance in order to maintain the health insurance market”). Scalia is not distorting the statements of the supporters of the Affordable Care Act. Instead, he is drawing a conclusion from something that they had not stated in their argument, nor could they presumably have intended, namely that “the existence of a market for a product justifies the Government’s infringement of the citizens’ liberty to buy or not to buy what they want.” The straw man can be represented in the following Fig. 4.6<sup>12</sup>:

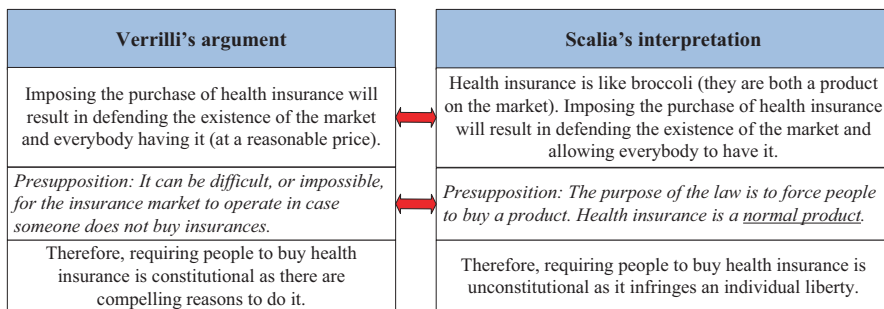


Fig. 4.6 Scalia’s broccoli

<sup>11</sup> ‘You Can Make People Buy Broccoli’: Scalia Goes After Health Care Law. *CBSDC* (27 March 2012). Retrieved from <https://is.gd/giNVF7> (Accessed on 9 July 2012).

<sup>12</sup>For the interpretation, see Feldman, N. (2012, March 27). Broccoli-Bungling Defense Hurts Health Care. *Bloomberg.com*. Retrieved from <https://is.gd/VMjAJt> (Accessed on 20 April 2017).

Scalia did not provide reasons for taking for granted the classification of health insurance as a normal product. On the contrary, his presupposition hides two problematic presumptions. On the one hand, Scalia presumes that the common understanding of health insurance is a product like any other one, namely a product whose market trend cannot affect other buyers' rights or buying opportunities. This factual presumption cannot hold, as insurance costs are commonly associated with the trend of the insurance market. On the other hand, Scalia presumed (factual presumption) that the equivalence between insurance and broccoli could justify Verrilli's argument that the imposed purchase can solve possible problems or defaults of the insurance market.<sup>13</sup> The asserted purpose of the imposition of a health insurance was to avoid insurance market issues and allow everyone to afford insurance. Scalia's interpretation simply fails to provide an explanation for it. On the contrary, Scalia's presupposition makes Verrilli's argument absurd. The essential differences between broccoli and health insurance (fundamental need for health insurance; devastating effects of inaction/failure to buy on the insurance market) cannot be disregarded without breaching some basic pragmatic presumptions (in addition to the factual ones), namely the presumed presence of a justificatory link in Verrilli's argument between his proposal and the justification thereof.

#### 4.6.2 *Presupposing and Misattributing Redefinitions*

In the case above, Scalia took for granted the classification of health insurance as ordinary market products, misrepresenting the interlocutor's argument. Scalia's move was partially successful because of the possible different respects under which an insurance product can be regarded (in this case, the relationship between its cost and the market trends was the respect relevant to Verrilli's argument). In the following case, the manipulation of presuppositions is even subtler. The speaker implicitly attributes to the Original Speaker a presupposition that he could have never upheld, because it consisted in a redefinition introduced by the speaker himself. The move is twofold. First, the quoter redefines a concept in a way that cannot be presumed to be accepted or acceptable by the Original Speaker. Then, he presupposes that the Original Speaker introduced this redefinition and based his argument thereon. This complex move was completely implicit. The speaker only stated the (unacceptable) implications of this distorted position without even reporting it.

*Canesi v. Wilson* (730 A.2d 805, NJ. 1999) is a complex case in which the misrepresentation of the other party's commitments is based on the ambiguity of the underlying concepts. *Canesi* is a leading case for medical malpractice concerning informed consent (Shandell et al. 2006), in which parents brought suit against two obstetricians after their child was born with the congenital defect of bilateral limb reduction. The allegation was that the doctors failed: (1) to warn them that a drug prescribed for the mother posed both general fetal risks and the specific one of fetal

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<sup>13</sup>For the interpretation, see footnote 33 above.

limb reduction; and (2) to take diagnostic measures during the mother's pregnancy that would have disclosed the presence of a fetal defect. The argument of the plaintiff was that medical negligence deprived the parents of the ability to decide whether to terminate a pregnancy of a child with potential congenital defects. The Court's argument was the following one *Canesi* at 818:

[...] the determination to be made is whether the doctors' inadequate disclosure deprived the parents of their deeply personal right to decide for themselves whether to give birth to a child who could possibly be afflicted with a physical abnormality. There is sufficient evidence in the record of this case to enable a jury to make that determination.

The Court's argument can be summarized and reconstructed as follows:

1. The doctors' inadequate disclosure of possible risks (in this case the risks related to the drug) deprives the parents of their right to decide whether or not to terminate the pregnancy.
  - (a) The drug posed substantial risks to the fetus (even there is insufficient proof of a causal relationship between the drug and the defect), according to the warnings issued by the drug manufacturers.
  - (b) The doctors failed to inform the parents of these risks.
2. Therefore, the doctors deprived the parents of their right to decide.
3. The emotional and economic injury suffered by the parents were *proximately caused* by the doctor's negligence in depriving them *of the opportunity to decide*.
  - (a) The child was born with a genetic defect, resulting in emotional and economic injury suffered by the parents.
4. Therefore (from 2, 3, and 3a), the doctor's negligence to inform the parents of the risk of the drug proximately caused their injury.

The whole argument rests on a basic presupposition, namely that "the birth defect must be *parallel* to the undisclosed material risk concerning which the physician had a duty to warn" (at 820). The argument of the majority of opinion is based on the concept of "proximate cause," which is described as follows in the Restatement (Second) of Torts §431 (1965):

it is not enough that the harm would not have occurred had the actor not been negligent... the negligence must also be a substantial factor in bringing about the plaintiff's harm.

This definition (*conditio sine qua non* plus "substantial factor") in turn relies on the concept of "substantial factor" (Restatement (Second) of Torts §431 cmt. A, 1965):

Although not uniformly recognized, important to the concept of the "substantial factor test" is the notion that the effect of the allegedly negligent conduct must rise above the level of something that is merely "more than nothing." The word "substantial" is used to denote the fact that the defendant's conduct has such an effect in producing the harm as to lead reasonable men to regard it as a cause, using that word in the popular sense in which there always lurks the idea of responsibility [...]

Clearly this definition is vague (Sanders et al. 2008). The majority opinion took for granted that the drug could be reasonably considered as a cause, even though there



is no proof that it is the actual cause, of the birth defect. In this sense, they implicitly specified the meaning of “substantial factor” equating it with “parallel to the undisclosed risk.”

The dissenting opinion attacked the argument by reconstructing it as follows (at 820):

#### **Case 4.15: Distorting Proximate Causation**

The majority holds that a physician who fails to warn a pregnant woman of a potential adverse effect of a prescribed drug virtually insures that her child will be born without birth defects from any cause.

The argument consists in a misattribution of the implication of the aforementioned argument. The dissenting opinion’s argument can be reconstructed as follows:

Majority opinion’s argument: *The doctors' inadequate disclosure deprived the parents of their deeply personal right to decide for themselves whether to give birth to a child who could possibly be afflicted with a physical abnormality.*

Majority opinion’s implication: Inadequate disclosure of a risk → No choice based on the possibility of *that* risk.

Dissenting opinion’s reconstruction: *The doctors' inadequate disclosure of a potential adverse effect of a prescribed drug virtually insures that her child will be born without birth defects from any cause.*

Dissenting opinion’s attributed implication: No disclosure of one risk → Guarantee of no risks in general. The legal consequence would be that “the physician is subject to liability not only for defects related to the physician’s failure to warn, but for all defects, whether related or not.”

This reconstruction is grounded on a twofold strategy. On the one hand, the dissenting opinion ignores the qualification of the reported argument, in which the birth defect needs to be parallel to the material risk undisclosed. On the other hand, the reported and attacked argument attributes to the majority opinion a definition of “proximate cause” much different from the one used, equating it to the medical cause. Thus, the argument reported by the dissenting opinion is grounded on (1) a presupposed definition of proximate cause that is alleged to be shared, and (2) the attribution to the majority opinion of an unshared and unacceptable definition of proximate cause. We summarize the implicit reconstruction as follows:

1. The majority opinion holds that the drug shall be the *proximate cause* of the birth defects.
2. “Being the proximate cause” means that constituting the *medical cause* (in this case, of the child’s defect).
  - (a) Therefore, the doctor’s malpractice (failure to disclose the risks of a drug) shall constitute the *medical cause* of the child’s defect and parent’s injury.
3. The majority opinion holds that it is not proved that the drug medically caused the child’s defect.

4. Therefore, the majority holds that failure to disclose the risks of a drug does not need to be a *proximate cause* of the birth defects.
5. Therefore, according to the majority opinion, failure to disclose the risks of a drug is a *but-for cause* of the birth defect (but for their impairment of the mother's lack of choice, the child would not have been born; but for his birth, the child would not have been born with birth defects, see *Canesi* at 825).

The effectiveness of the strategy lies in the semantic ambiguity of “being the proximate cause of,” which is implicitly redefined as “being the *medical* cause of.” By presupposing a definition different from the one actually presupposed by the reported argument, the dissenting opinion accuses the majority judges of implicitly redefining proximate cause in a way that is unacceptable (Macagno 2014b). However, the majority opinion never upheld such a redefinition (van Eemeren and Grootendorst 1992, p. 208).<sup>14</sup>

## 4.7 Conclusion

The strategic effect of distorting the interlocutor's implicit premises can be understood starting from the analysis of the effects and the dialogical risks of the straw man fallacy. This mischievous move consists in the speaker's attacking a manipulated version of the other's viewpoint or commitments. In this fashion, he can rebut more easily a position that he has simplified and weakened. However, by explicitly stating the interlocutor's manipulated commitments, the speaker risks being accused of breaching the rules of the discussion by distorting the other's ideas, incurring what Hamblin would call a “point of order” (Hamblin 1970, pp. 283–284). This risk can be avoided by relying on other tactics (emotions), and by distorting specific types of content and communicating the distortion in specific ways.

From a pragmatic perspective, the straw man encompasses three different tactics that are based on the different pragmatic nature of the speaker's move and the hearer's commitments:

1. the *explicit* distortion of the interlocutor's explicitly conveyed contents (explicit commitments);
2. the *implicit* manipulation of the addressee's *explicit* commitments; and
3. the *implicit* or *explicit* distortion of the interlocutor's *implicitly conveyed contents* (implicit commitments).

In the first case, the speaker exposes himself to the risk of being counter-attacked. In the second case, the effect of the argument amounts to shifting the burden of interrupting the dialogue and rejecting the implicit premise onto the interlocutor.

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<sup>14</sup>Van Eemeren and Grootendorst represent this type of communicative “dishonesty” as a breach to their rule no. 5: “A party may not falsely present something as a premise that has been left unexpressed by the other party or deny a premise that he himself has left implicit” (van Eemeren and Grootendorst 1992, p. 208).

The most powerful and dangerous tactic is the third one, which is closely related to the problems of interpretation and attribution of implicit commitments. In particular, the strategy consisting in implicitly attributing implicit commitments (presuppositions) to the Original Speaker is the most dangerous one, as any reply to or defense against it requires a twofold reconstruction of meaning. The Original Speaker has the burden of proving his own commitments. In order to cancel or correct the misattributed implicit commitments, he needs to reconstruct the speaker's argument and more importantly the implicit content thereof. He then needs to show that this implicit attribution of implicit commitments cannot be accepted, and provide reasons to support this claim.

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## Chapter 5

# Evaluating Relevance and Commitments in Rhetorical Straw Man

In the previous chapters, we have shown how the straw man consists in a distortion of the commitments resulting from the Original Speaker's previous moves. The various strategies we have summarized in Chap. 4 point out how the meaning of another's words can be distorted using different tactics, so that he can be held committed to a viewpoint that he actually never maintained. Almost all such techniques are aimed at increasing the quoted party's burden of cancelling the attributed commitment, and at the same time minimizing the risk of being accused of not behaving honestly from a communicative point of view (van Eemeren and Grootendorst 1992, p. 52), namely being classified as a bad interlocutor (Aristotle, *Topics* 164b, 9). However, in Chap. 1, Sect. 1.1.3, we have noticed how direct quotations differ from indirect ones and how the problem of interpretation needs to be addressed differently in the two cases. In cases of direct quotation, the quoter is responsible for the addressee's interpretation (providing the original context and co-text), while in indirect quotation the quoter provides already an interpretation for which he is responsible. The cases we have analyzed so far concern various strategies of straw man that can be used mostly in dialectical contexts, in which the opponent corresponds to or defends the interests of the quoted party. The strongest strategies in such contexts are related to direct quotation, as the burden of cancelling the commitment (i.e. rectifying or challenging the quotation by providing evidence) is shifted onto the quoted party.

In Sect. 4.4.1 of Chap. 4 we have noticed, however, that a straw man attack can be carried out also by means of indirect reports, a strategy that is effective in rhetorical contexts, in which the standards used for assessing a quotation are usually less stringent. Instead of altering the quote or its context (thus affecting the interpretation of the quoted move), the speaker can summarize or interpret the viewpoint of the Original Speaker in a way that it is easier to refute. The indirect quotations or mixed quotations can be altered by manipulating the content explicitly conveyed (Sect. 4.4.1) or the presuppositions of the move (Sect. 4.6). In the latter case, the manipulation can be directly related to elements directly quoted (definitions of the words used). In the former case, the manipulation consists in a description of the

Original move or moves that results in a viewpoint more subject to possible criticisms. The reporting party is not constrained by the interpretive limits of a quote. He can rely on a statement or a series of statements of the Original Speaker and provide his own interpretation thereof, without referring to a verbatim reproduction of the Original utterance. This rhetorical strategy is essentially related to the problem of relevance. As van Eemeren and Grootendorst put it, “A party’s attack on a standpoint must relate to the standpoint that has indeed been advanced by the other party” (van Eemeren and Grootendorst 1992, p. 125).

In this chapter, we will analyze in detail the straw man strategies based on *indirect reporting* of a party’s viewpoint (Capone 2016). We will show how the argumentative notion of relevance introduced in Chap. 3, Sect. 3.5.7 above can be developed further and used for assessing the fallaciousness of these attacks. In particular, the presumptive approach to relevance will be investigated by taking into account the possible inferences that can be based on the various presumptions available and used for providing an interpretation of the quote. For this reason, not only are the presumptions assessed linking the quotation to the context (for evaluating correctness of a quote), but also the inferential steps leading from a statement to its interpretation (for evaluating the acceptability of an indirect report). We will describe relevance as a sequential concept referring to the number of premises and intermediate arguments to connect a move (the interpretation of a move in this case) to the issue or claim discussed or to be proved (the original move in this case). In Chap. 3, Sect. 3.7, we have discussed relevance in relation to the interpretation of a move in its context. In this chapter, we will develop this notion of relevance from an evaluative perspective in terms of inferential distance (Walton and Macagno 2016) of an interpretation (report) from the original move(s). In this sense, our focus will be on already interpreted moves, which we will refer to as “position,” “viewpoint,” or commitment. This approach will allow us to represent the straw man within a dialogue model expressly designed to help identify, analyze and evaluate straw man arguments, or arguments that are even suspected of committing the straw man fallacy, whether they really do or not.

Our way of presenting this formal dialogue model is typical of the current way of modeling argumentation using formal dialogue structures in artificial intelligence. This formal dialogue model is built to provide a means of extending the analysis of the straw man fallacy presented in the previous chapters. These chapters presented a system of diagnosis for the straw man fallacy focused on how to interpret and reproduce the Original move, so that its communicative intention is not distorted. This chapter builds on these presuppositions and starts from the interpreted moves, developing a formal structure that can be used to evaluate arguments where a straw man fallacy (and more precisely the indirect report variant thereof) is suspected to have been committed, and to identify some rhetorical aspects of straw man argumentation.

After presenting some examples of “rhetorical” (indirect report) straw man attacks, we will show how they can be assessed based on the concept of relevance developed in Walton and Macagno (Macagno 2008; Walton and Macagno 2016). We will use the notion of commitment to connect the assessment of straw man

fallacies with the instruments provided by formal dialogue systems (Hamblin 1970, 1971; see also Uckelman 2013). After introducing these systems, we will set out a formal dialogue system STRAW<sub>1</sub> designed to be useful for identifying, analyzing and evaluating straw man arguments. In this paper, a straw man argument is defined as a special kind of attack on a prior argument, which we call the target argument, or the target of the attack. We will show how the formal dialectical system STRAW<sub>1</sub> can be used to carry out the logical task of identifying, analyzing and evaluating all the examples of the straw man fallacy presented in this chapter. Finally, we will illustrate how the dialogue model is not only useful for logic, but for rhetoric as well. We will outline five straw man rhetorical techniques that can be used both for helping us identify and understand the straw man as a fallacy, and for illustrating how such argument can persuade a target audience. In this sense, we can show both how to detect and attack a straw man argument. This chapter shows how logic and rhetoric are intimately connected, and that important lessons can be learned from the way in which they are related to each other.

## 5.1 Rhetorical Straw Man: Distortions by Reporting Viewpoints

As mentioned in Chap. 4, Sect. 4.4.1, a viewpoint can be manipulated by means of indirect reports. The speaker does not quote verbatim (or allegedly verbatim) the Original Speaker's words, but rather summarizes and reports his viewpoint. He provides an interpretation that is then attacked. In a dialectical scenario, this move is subject to more possible counterattacks, as the Original Speaker corresponds to the interlocutor who can immediately challenge the interpretation. In contrast, in a rhetorical setting a countermove is more problematic. The Original Speaker is not usually the interlocutor. Instead, the addressee of the indirect report is an audience that cannot reply immediately and confront the speaker with evidence of the actual viewpoint. In this sense, in a rhetorical context, the risk of incurring the burden of "proving" the exactness of a quotation or the correctness of an interpretation thereof is lower, or rather, the standards of scrutiny and the rules of dialogue are less stringent than in an adversarial dialectical exchange (Allen 2007; Slob 2002, pp. 126–128; Tindale 2015, Chapter 3). An argument in a rhetorical context does not necessarily need to carry with it a high "dialectical tier," i.e. an anticipation and defense against existent or possible objections (Johnson 1996, 2000, pp. 164–169, 2003). For this reason, the distortion of the Original Speaker's words by means of an indirect report and the consequent attack thereon or criticism thereof can be considered as an effective rhetorical strategy, while a poor dialectical move. As a result, we label it the "rhetorical straw man."

One of most famous examples of the rhetorical straw man is President Nixon's so-called Checkers Speech, often given as an example of the straw man fallacy (Rottenberg and Winchell 2011). During his campaign for vice president in 1952,



the accusation was leveled at Nixon that he had illegally appropriated \$18,000 in campaign funds for his personal use. Responding to this attack in a televised speech, Nixon told the story about a dog he had been given as a gift by a supporter (Rottenberg and Winchell 2011, p. 315):

### Case 5.1: Nixon's Checkers

We did get something, a gift, after the election. [...] It was a little cocker spaniel dog, in a crate that he had sent all the way from Texas, black and white, spotted, and our little girl Tricia, six years old, named it Checkers. And, you know, the kids, like all kids, loved the dog, and I just want to say this right now, that, regardless of what they say about it, we are going to keep it.

This argument can be classified as a straw man fallacy because his critics in their attacks had not criticized his receiving the dog as a gift. However, Nixon indirectly reports their viewpoint as a criticism against the donated dog. Therefore, it could be objected that his reply attacks a straw man. By shifting to an emotional appeal about the little girl and the dog, Nixon had deflected attention away from the need to reply to the original criticism about misappropriation of campaign funds, drawing attention to the portrayal of himself as an attentive and loving father. In Sect. 5.7, a closer analysis will examine whether a straw man fallacy was committed.

A second example of the use of the straw man technique in political rhetoric by an American president is given by Bizer et al. (2009):

### Case 5.2: Bush Rejecting Racism

For example, when discussing the war in Iraq, United States President George W. Bush stated, "There's a lot of people in the world who don't believe that people whose skin color may not be the same as ours can be free and self-govern. I reject that. I reject that strongly."

Bush's argument makes himself look good by making him appear to be on the right side in attacking a racist view, which is indirectly reported from an unknown alleged opposing party. But there is a problem. Bizer and colleagues (2009) classify this example as a classic straw man argument, offering the following comment:

Obviously, not even Bush's harshest critics would make such a preposterous claim that people with a certain skin color cannot self-govern. However, after hearing the views of Bush's critics mischaracterized, an individual might infer that Bush's argument is, in fact, the sound one.

The clue to what is both clever and wrong with Bush's argument is the key phrase "a lot of other people" – a kind of hand-waving phrase that fails to specify even the name of the person or persons holding the view being attacked, much less than offering any quotation giving the specifics of the view maintained.

According to the aforementioned authors, (Bizer et al. 2009) in an example from the 2008 Democratic primaries, candidate John Edwards used the straw man technique to attack fellow candidate Barack Obama's stance that insurance companies and the government should negotiate regarding health care. This is a third example of a straw man argument used in American politics.

### Case 5.3: Obama and Medicare

During a debate in Des Moines, Iowa, Edwards stated, “Some people argue that we’re going to sit at a table with these people and they’re going to voluntarily give their power away. I think it is a complete fantasy; it will never happen.”

The previously mentioned authors offered the following comment on this example (Bizer et al. 2009):

To be sure, Obama would never have suggested that any company would simply “give its power away” voluntarily. But it is conceivable that a viewer of the debate might feel that Edwards’ position on the issue is stronger after hearing his stance compared to a distorted, absurd version of Obama’s stance.

Here again notice the key hand-waving phrase “some people” in Edwards’ argument (Aikin and Casey 2011).

Our fourth example, cited by the *New York Times*,<sup>1</sup> is drawn from a speech given by President Obama. In this excerpt, Obama conveyed the impression that there were many people in Washington urging him to do nothing to address any of the economic or national security problems in the country.

### Case 5.4: Obama’s Too Ambitious Plans

“There are those who say these plans are too ambitious, that we should be trying to do less, not more,” Mr. Obama told a town-hall-style meeting in Costa Mesa, California on March 18 (2009). “Well, I say our challenges are too large to ignore.”

The problem in this case was that Obama did not specify who is making these statements about his plans being too ambitious, or exactly what they were saying. Here we see a new variant on the hand-waving terminology: “there are those who say.”

The fifth example is similar to the previous ones. The next day after the previous example, President Obama was quoted as putting forward the following argument in Los Angeles.

### Case 5.5: Obama Focusing on “Their Problems”

I know some folks in Washington and on Wall Street are saying we should just focus on their problems. It would be nice if I could just pick and choose which problems to face, when to face them. So I could say, well, no, I don’t want to deal with war in Afghanistan right now; I’d prefer not having to deal with climate change right now. And if you could just hold on, even though you don’t have healthcare, just please wait, because I’ve got other things to do.

In this case, the problem is that Obama doesn’t specify who these people on Wall Street and in Washington are, or offer any quotation or other evidence giving specific details of what they said or what their position is. Hence, Cooper, with considerable justification, classified this example as a straw man argument. She added that like most straw man arguments, Obama’s are not complete fabrications, but they do represent a certain recognizable kind of tactic of argumentation often

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<sup>1</sup>Cooper, H. (2009, May 23). Some Obama Enemies Are Made Totally of Straw. *New York Times*. Retrieved from <http://www.nytimes.com/2009/05/24/us/politics/24straw.html> (Accessed on 13 December 2016).

used by politicians. They begin with a statement to the effect that some people say this or that, and then they knock down the straw men have set up. But if we are given no idea, except a very vague and sweeping one, of who these people are and what they said, there is no way to determine whether the attack on the target argument is justifiable or not.

The last case that we will consider is the example discussed by Bosanac (2009, p. 393) as a clear instance of straw man fallacy in legal argumentation, which we analyzed in Chap. 4 above. The excerpt, reported below, is from the prosecutor's closing argument in the bank robbery case of *Barker* (at 1025).

#### **Case 4.9: Open all the banks**

I submit to you that if you can't take this evidence and find these defendants guilty on this evidence that we might as well open all the banks and say, "Come on and get the money, boys, because we'll never be able to convict them." The prosecutor's argument was that if the jury were not to convict the defendant, the community would have to open all the banks. The court did not find this argument appropriate, stating, "it is beyond the bounds of propriety for prosecutor to suggest that unless this defendant is convicted it will be impossible to maintain law and order in the jurors' community."

Bosanac classified this argument as an instance of the straw man fallacy and it is not hard to see why. An argument used in a court of law must be relevant, meaning that it must carry some probative weight in relation to the issue set for adjudication at the opening stage of the trial. This case was a criminal trial, and hence the issue to be decided was whether the defendant was guilty of the crime of bank robbery or not. The not very plausible and marginally relevant argument that if the defendant is convicted it will be impossible to maintain law and order in the community carries little or no probative weight on one side or the other on the issue of whether he committed the bank robbery as alleged by the prosecution. What this argument has done is in effect to reframe the issue and present the evidence on both sides as incriminating the defendants so clearly that their acquittal would be ridiculous and even dangerous for law and order. Instead of addressing the defendant's case and evidence, the prosecutor describes and judges it at the same time, presupposing that the evidence against the defendant is crystal clear and that the issue under discussion is only how to punish the defendant, not how to judge him. In this sense, he is manipulating the viewpoints not only of the defendant, but also the common ground of the jury, who is faced with an issue (*status quaestionis*) different from the actual one (Braet 1999; Heath 1994; Pullman 1995). Instead of deciding whether the defendant committed the bank robbery, the prosecutor takes the positive answer as already granted (by everyone, including the jury) and stresses only the punishment of this crime.

Considering the cases above, we can draw some important distinctions concerning the assessment of the various types of rhetorical straw man:

- (a) The attacked viewpoint is related to the original one, but is distorted. In Case 5.3, Obama's view is represented as "companies are expected to voluntarily

give their power away.” Obama actually claimed that he intended to bring interest groups around a big table to negotiate the issue of health care.

- (b) The attacked viewpoint is only remotely related to the original position. In Case 4.9, the prosecution’s argument concerns the defendant’s claim that he is not guilty. However, the prosecution takes for granted that the evidence provided in defense of the accused is insufficient.
- (c) The attacked viewpoint is not related to the original position. In Case 5.1, Nixon addresses the fact that his dog has been donated, not the issue concerning his misappropriation of campaign funds. The only relation that can be possibly found is that the dog is part of and allegedly representative of the donations that Nixon kept for himself.
- (d) Attacking fictitious (not assessable) opposing viewpoint. In Case 5.2, Case 5.4, and Case 5.5, the position attacked cannot be compared to any actual viewpoint, as the speaker introduces a generic source (opponent) holding the reported and attacked view. In this case, it is not even possible to assess the argument.

While the strategies falling under (a) above consist in omitting qualifications, and can be assessed by comparing the actual statements with the reported one, the other cases need to be evaluated according to different criteria. The strategies of (b), (c), and (d) can be all assessed according to the criteria of relevance (Walton 2003b), namely by taking into account how a premise (or argument) is related to the conclusion (or the original viewpoint) at stake in the dialogue. In both (b) and (c), the problem of relevance concerns how the attack can be related to the actual opponent’s claim or argument. In (b), the defendant’s view is presupposed as insufficient to prove innocence. In (c), the dog may be considered as a part of the “misappropriated funds.” The criterion of relevance works differently in (d). The strategy of creating a fictitious opposing viewpoint cannot be even considered as a misrepresentation of a statement, as it is impossible to assess it overall, given that such an opposing position cannot be attributed to any specific Original Speaker. The problem of relevance in this case is broader, as it is the overall relevance of attacking an invented position to the discussion that need to be evaluated.

## 5.2 Relevance as Inferential Distance

When an argument changes the original issue, so that the claim made in the argument is not the original one that is supposed to be proved or disproved, the problem with the argument is one of relevance (Macagno 2008, 2016; Walton 2003a; Walton and Macagno 2016). The rhetorical straw man is an attack on an indirect report, an interpretation of a viewpoint, which needs, by its very nature, to be related somehow to an original viewpoint. However, the relatedness of an interpretation to the original move (or statement) – or more generally of a premise to a conclusion – needs to be distinguished from the relevance of the attack. In other words, the fact that a relation can be found with the original viewpoint does not mean that the straw

man attack is relevant thereto. In order to address the problem of relevance, we need to distinguish the notion of relevance that we are using from other accounts and to define it in argumentative terms.

### 5.2.1 *Argumentative Relevance*

In order to analyze the problem of relevance in rhetorical straw man strategies, we consider Case 5.3 above. The original statement and the attack are represented as follows:

- Edwards: Some people argue that we're going to sit at a table with these people and they're going to voluntarily give their power away. I think it is a complete fantasy; it will never happen.
- Obama: The health reform should be negotiated at a "big table" that would include insurance companies and drug companies

This case illustrates the problem of distinguishing topical relevance from argumentative (or rather probative) relevance. Both the attack and claim attacked are about a negotiation with big companies, namely they are about a common discourse topic (Giora 1985; Kellermann and Sleight 1989). We need to distinguish at this point two concepts of relevance. A proposition  $P$  is *topically relevant* to a proposition  $Q$  if  $P$  shares subject-matter (discourse topic) overlap with  $Q$ , considering that the topic can be either explicitly stated or is underlying the whole discourse (Giora 1985; Van Dijk 1976; Walton 1982). For example,  $P$  is topically relevant to  $Q$  if both are about oranges. The problem is that on the topical relevance view, the discourse topic does not correspond to a viewpoint (an interpretation of a move), but merely to a noun phrase (negotiations; oranges, etc.). In this sense, topical relevance risks corresponding to the notion of local coherence, i.e. is limited to the sentence level (Giora 1985, p. 710).

To assess the cases above, we need a different notion of relevance, which is called argumentative or probative relevance. A proposition  $P$  is *probatively (or argumentatively) relevant* to a proposition  $Q$  if there is a sequence of argumentation pro or con  $Q$  that starts at or contains  $P$ . Probative relevance has to do with whether you can prove  $Q$  by an argument containing  $P$ . Two text segments can be about the same explicit or underlying discourse topic (topically relevant) and coherent, but not probatively relevant. This concept of relevance is scalar: a premise can be more or less relevant to a claim depending on the number of intermediate implicit premises needed to bridge the inferential gap. Sometimes only an implicit argument warrant (Toulmin 1958), i.e. a defeasible major premise grounded on argument maxims (Stump 2004), needs to be retrieved. Sometimes more premises are needed, namely further implicit inferential steps need to be reconstructed. Such steps can be defeasible, as they may conflict with the hearer's accepted or acceptable premises (McGuire 1960, 1966), namely with his existing assumptions (Petty and Cacioppo 1986, p. 68; Petty et al. 2004, p. 127). For this reason, when the "inferential distance" between a premise (proposition  $P$ ) and a conclusion (proposition  $Q$ )

increases, the relevance of  $P$  to  $Q$  decreases, as the possibilities that a required inferential step is not accepted grow. When  $P$  is “inferentially distant” from  $Q$ , it is more likely that it fails to strengthen or weaken the acceptability of  $Q$ .

The two concepts of topical and argumentative relevance can be bridged by the notion of “pragmatic” relevance, namely relevant to the purpose of a move or dialogue, addressed at Chap. 3 (Sects. 3.6, 3.7, and 3.8). If we consider the dialogue not as an interconnected set of sentences concerning the same topic or related topics, but in terms of acts aimed at pursuing a global purpose (Van Dijk 1977), “topical” relevance needs to be determined pragmatically in terms of what a move is attempting to achieve in a dialogue. In this view, relevance needs to take into account the contribution of a dialogue or discourse move (Macagno and Bigi 2017) to a joint communicative purpose (Van Dijk 1977), or, better, its appropriateness to a conversational demand (Dascal 1992, p. 45, 2003, Chapter 10; Dascal and Katriel 1979). On this perspective, the discourse topic to which the various discourse moves need to be relevant becomes the problem at issue for the participants to the discourse or conversation (Dascal 2003, pp. 218–219).

### 5.2.2 Relevance and Straw Man Attacks

The account of probative relevance in Sect. 5.2.1 can be used for assessing when a rhetorical straw man is reasonable or mischievous. We consider our Case 5.3 above, and notice how Edwards’s attack is related not to Obama’s claim, but rather to the possible intentions that can be inferred from his proposal (convincing the big companies to give their power away). We represent this type of attack in the following Fig. 5.1:

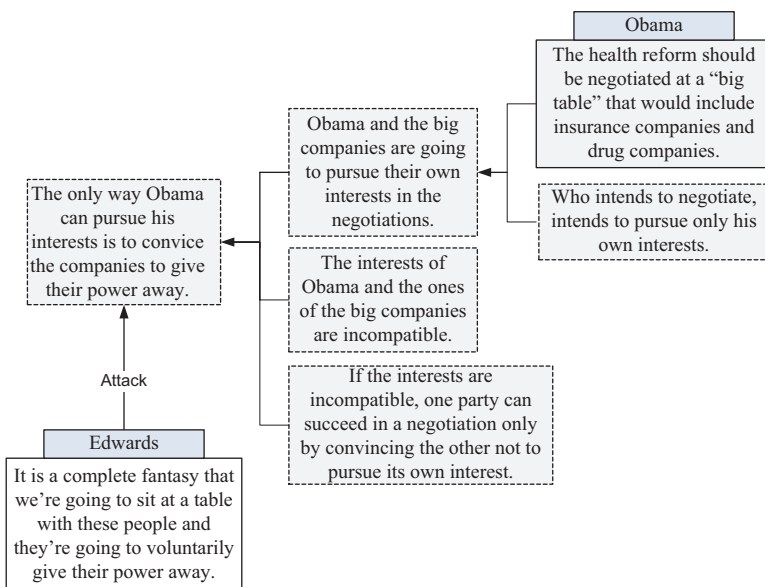


Fig. 5.1 Relevance in Case 5.3: Obama and medicare

In this case, the attack is directed against one of the possible conclusions that can be possibly drawn from Obama's claim (a possible inference). This conclusion is drawn from the original claim and a set of implicit premises (indicated in dotted boxes) that can be highly controversial, and for this reason cannot be taken for granted without altering in a suspicious way the audience's commitments (the common ground). The very nature of the negotiations (pursuing only one's interest) and more importantly the characteristics of the difference between Obama's and the companies' interests cannot be considered as shared (by Obama, at least). Edwards modifies the implicit, dark-side commitments of Obama and the audience, and presents a conclusion drawn from highly controversial premises as an inference grounded on shared and accepted information. Edwards thus manipulates the whole perception of the confrontation between Obama and the insurance companies.

The same analysis can be applied to Case 5.1 above. The straw man can be reconstructed by showing the difference between the original accusation against Nixon and Nixon's counterattack:

- New York Post: Rich campaign donors are buying influence with Nixon. Nixon had illegally appropriated \$18,000 in campaign funds for his personal use (transportation, hotel expenses; airmail and long-distance phone charges; gifts; expenses for the material for radio and television broadcasting; maintaining a luxurious lifestyle, etc.) (Morris 1990, pp. 633–634).
- Nixon: We did get something, a gift, after the election. [...] It was a little cocker spaniel dog. I just want to say this right now, that, regardless of what they say about it, we are going to keep it.

The original attack concerned a very serious issue, namely the problem of “buying influence.” The headline of the article was “*Secret Rich Men's Trust Fund Keeps Nixon in Style Far Beyond His Salary*,” and its communicative purpose was to accuse Nixon of accepting contributions from rich campaign donors (“a millionaires' club”), who transferred money to a fund for his personal expenses in order to influence his future political decisions. In his reply, Nixon did not address the problem of the morality of keeping and using a secret fund for his expenses. After pointing out that this was for him the only ethically acceptable means for paying his campaign expenses, that he had not kept or used any money for his personal use, and that his lifestyle was modest, he gave the impression that the only gift that he received and accepted was the dog. The straw man can be represented in the following Fig. 5.2:

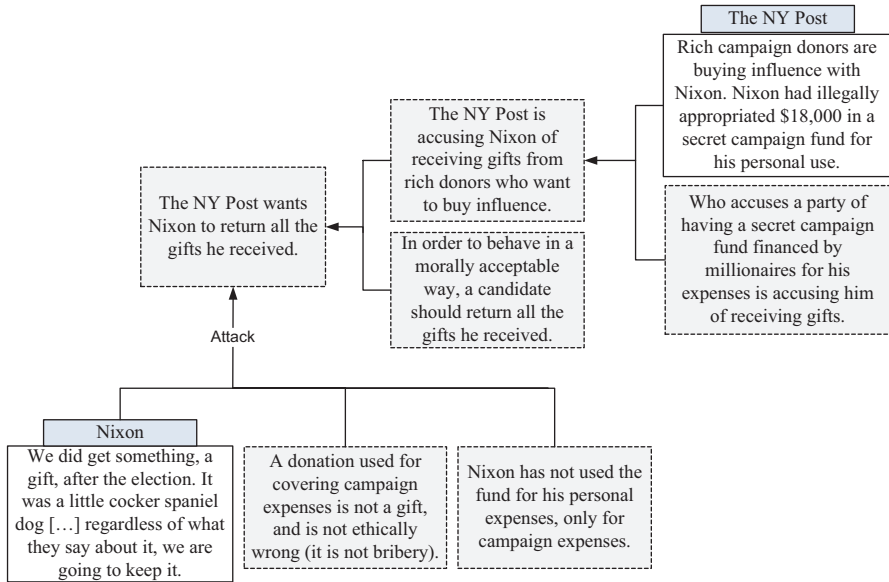


Fig. 5.2 Relevance in Case 5.1: Nixon’s Checkers

Nixon’s strategy is twofold. Nixon takes for granted that the accusation of the Post is based on the tacit premise that it is immoral to use donations for personal expenses. This premise taken for granted is different from the one underlying the NY Post’s argument (and the commonly accepted one), i.e. that secret donation from millionaires are dangerous as they can be considered as attempts to buy influence. This implicit premise reframes the attack, which is now an attack directed against “donations for personal uses,” i.e. personal gifts, and not against a secret fund in which money from rich donations was transferred (regardless of its use). This move allowed Nixon to defend himself (taking for granted that using donated money – regardless of their source – for campaign expenses is morally good), and counterattack his opponents. By claiming that his only gift was a dog, and pointing out that, according to his opponents, he should not keep any personal gift, he implied that his opponents want him to return the dog.

In this case, the irrelevance of the attack can be understood from the various inferential steps linking the original statement to the attacked claim. The problem with this straw man is that the best reasonable way to connect the original statement to the one indirectly reported by Nixon is to take for granted premises that cannot be considered as shared. Also in his case, irrelevance hides a subtler manipulation of commitments (Macagno and Walton 2014, Chapter 5; Rocci 2005).



### 5.2.3 Relevance and Manipulation of the Issue Under Debate

Case 4.9 above is more complex to analyze than the other two cases. The prosecutor’s reply can be considered as an argument from consequences, or more precisely, a fallacy of addressing the consequences of the truth or falsity of a statement instead of the problem of its truth or falsity in itself (*ad consequentiam*). In this case, the prosecutor’s duty is to establish the defendant’s guilt by means of evidence, not by considering the effects of his acquittal or conviction. For this reason, the argument is a straw man, whose irrelevance is due to the dialogical context, which establishes the nature of the issue at stake (establishing guilt or innocence). However, we can analyze the argument more thoroughly, and bring to light the premises that the prosecutor is taking for granted without being shared by the jury, let alone the defense attorney. We represent the straw man and the attacked position as follows:

Defense: Defendants cannot be considered guilty of committing the bank robbery. They have an alibi, the evidence presented by the prosecution is only circumstantial, and the expert testimony cannot be admitted to testify.

Prosecution: If you can’t take this evidence and find these defendants guilty on this evidence that we might as well open all the banks and say, “Come on and get the money, boys, because we’ll never be able to convict them.”

The implicit premises taken for granted can be represented in the following Fig. 5.3:

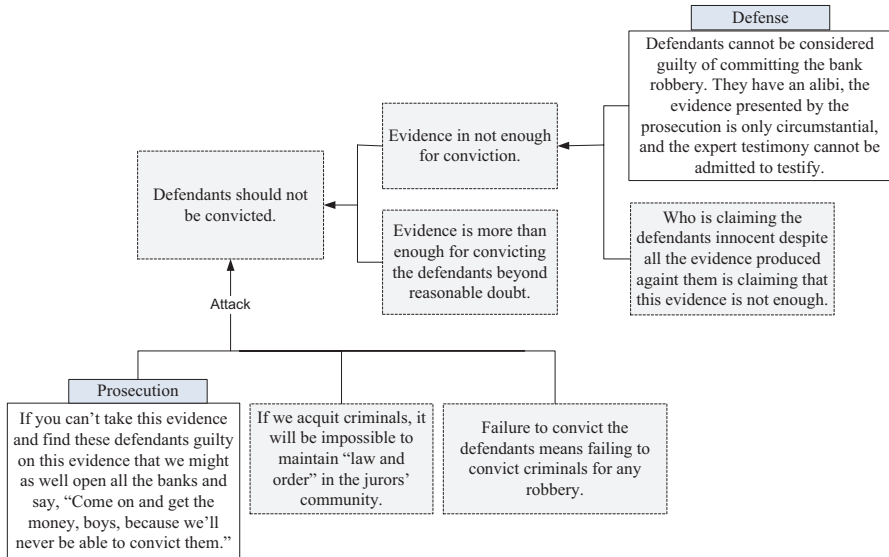


Fig. 5.3 Relevance of Case 4.9 (Open all the banks)

The prosecutor's straw man is irrelevant for two reasons. First, he manipulates the issue under discussion, modifying the purpose of the legal debate. In this sense, the move is pragmatically irrelevant, as it attributes to the interlocutors a purpose (assessing the consequences of a decision) that is not the shared one (assessing the facts and determining guilt or innocence). This pragmatic irrelevance was investigated in the dialectical tradition under the stasis theory, generally attributed to Hermagoras of Temnos (Braet 1999; Heath 1994; Hohmann 1989; Nadeau 1959).<sup>2</sup> Second, it manipulates the defendant's argument, taking for granted premises that cannot be accepted by the defense or the jury. By taking for granted the evidence as incriminating the defendants beyond any reasonable doubt, the prosecutor reports the whole defendant's argument as claiming that the accused should be acquitted despite the evidence is enough to prove them guilty.

### 5.2.4 *Criteria for Assessing Relevance*

This treatment of rhetorical straw man in terms of relevance is based on a specific argumentative approach to relevance. Relevance is defined as inferential distance (Walton and Macagno 2016), namely the number of argumentative steps needed to reach an intended conclusion in a discourse or dialogue, and is regarded from a twofold perspective. On the one hand, it is represented in terms of argumentative relations between an argument (and more generally dialogue move) and the joint communicative purpose (the topic or the possible conclusion that can set a common dialogical goal), which is represented propositionally as a conclusion. On the other hand, it is evaluated in terms of acceptability and defeasibility. On this view, an irrelevant argument is either a) an argument that cannot be related to the ultimate conclusion, and thus cannot provide any evidential weight to it (it is unacceptable as an argument), or b) an argument that requires more implicit and defeasible inferential steps to support the intended conclusion (greater inferential distance). In the first case, an irrelevant argument is a dialogically incoherent argument, namely a failure to contribute to the shared common goal of the conversation (such as in Case 4.9) (see Rocci 2005). In the second case, the argument incurs a higher defeasibility, as more steps involve a higher possibility of being subject to default if the implicit

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<sup>2</sup>On this view, a speech designed to persuade an audience must be built around some ultimate proposition (*stasis* or *status*) (Cicero, *De Inventione*, I, VII-VIII) that is meant to be supported or attacked by the argumentation throughout the whole speech. Such propositions consist in assessing the facts, the definition, the qualification, and the procedural issues of an alleged offence (Kennedy 1963; Pullman 1995). For example, when charged with armed robbery, the defendant may deny the fact that he took the property. He may deny that the act was stealing by claiming that the property was his own. He may admit the robbery but argue that it was justified or that there are some mitigating factors (claiming that he was forced to do so). Finally, he can claim that the Court has no jurisdiction or appeal to procedural issues. In the aforementioned case, the prosecutor ignored the status of facts and moved to the issues concerning the procedural/social dimension (what happens if the jury makes an unreasonable decision).

premises conflict with the shared ones (such as in Case 5.1, Case 5.3, and also in our analysis of the premises underlying Case 4.9). In this case, irrelevant arguments are regarded as arguments grounded on either unacceptable or unaccepted and unsupported premises, leading to conflicts resolved by disregarding the new contradictory and unsupported propositions. In this sense, the straw man is not only evaluated considering the correspondence of an interpretation to the original statement, but more importantly its “inferential distance” therefrom.

### 5.3 Straw Man, Commitments, and Dialectical Games

As seen in the sections above, a rhetorical straw man consists, as the straw man built from unfaithful quotes, of a manipulation of the interlocutor’s commitments. However, while in the dialectical (or direct quotation) straw man the manipulation is carried out mostly through an alteration of contents directly conveyed (the quoted words), rhetorical straw man is a mostly implicit strategy. The implicit commitments are manipulated, including the conversational purpose of the interaction or the information commonly shared by the audience. In Chap. 2, we investigated the notion of commitment, which is crucial for our analysis of straw man as an interpretive strategy. In this chapter, we will show how commitments can be used for developing formal systems of dialogues for assessing dialectically possible straw man strategies.

#### 5.3.1 *Commitments and Position*

When Hamblin first used the notion of a commitment store in building his mathematical models of dialogue, a commitment store was seen simply as a set of propositions (Hamblin 1970, 2008). Later, in Walton and Krabbe (1995) distinctions were drawn about different kinds of commitment. The explicit commitments, the so-called light-side commitments, were propositions in one party’s commitment store that could be viewed by all the parties to the dialogue at any time. Implicit commitments, the so-called dark-side commitments, were also recognized, commitments that are not on view to the participants, but have to be derived by inference from the explicit commitments.

To fully investigate straw man fallacy, it is necessary to introduce the idea that not all of an arguer’s commitments can be found from specific quotations of what he went on record as claiming during the dialogue exchanges, or even before that in documents that may be brought forward as evidence. In some cases, what are reasonably taken to be commitments of that arguer can be inferred indirectly from such explicit commitments. A kind of commitment set is needed to do justice to these ideas. This commitment set can be compared to a knowledge base of the kind currently used in artificial intelligence, made up of a set of so-called facts, or atomic

propositions, and a set of rules that can be applied to the facts to draw conclusions from them by inferences. This is the kind of construct we need to more fully model the straw man fallacy. We need a commitment set that is comparable to a knowledge base, because it contains not only factual propositions, but also rules of inference used to draw conclusions from these propositions using them as premises. The need to consider this inferential aspect is made clearly apparent in the argumentation scheme for argument from commitment (see the variant Argumentation Scheme 1.3: Argument from inconsistent commitment on p. 21).

To accommodate these notions, we define the set of an arguer's commitments in a dialogue as an arguer's *position*. A position is composed of a knowledge base containing not only propositions, but also inferential rules that can be used to derive implicit commitments from the explicit ones. An important property of a position is that it can be changed during the course of a dialogue as argumentation continues. Indeed, in some instances it is actually necessary for it to change as new evidence comes in, or as the arguer's position is attacked by counterarguments that demonstrate the need for modifying an original argument, or even for retracting it altogether. Three characteristics of an arguer's position distinguish it as a special kind of knowledge base. First, since the position is open, and subject to revision, in most instances concerning the straw man argument that we will attempt to evaluate, the knowledge base is therefore incomplete. Second, the position changes as the dialogue proceeds in which arguments are put forward and attacked, and other kinds of moves are made, such as taking on new commitments or retracting commitments. Third, an arguer's position may be inconsistent. That is, it may contain pairs of propositions that are negations of each other, or in some instances two commitments may be put together as premises of an argument that leads to a conclusion that is the negation of another proposition already present in the commitment store.

### 5.3.2 *Commitment Stores and Inference Engine*

One problem for the straw man fallacy is that the knowledge base containing an arguer's commitments may be quite large, especially if it is based on some text of a speech the arguer has made, or even a book that the arguer has written. So practically speaking, in real cases, it may be no small task to try to determine fairly what an arguer's commitments really are, or can be reasonably taken to be. Clearly, a search has to be made through the documents, or other resources in which the argument arguer's commitments are expressed, in order to fairly determine whether a given argument is an instance of the straw man fallacy or not.

A device from artificial intelligence called an inference engine that could potentially be helpful for assisting with such a search has been described in (Walton 2013, pp. 267–281). Simply put, an inference engine is a computational device containing a set of facts and a set of rules that can be applied to these facts (Poole and Mackworth 2010, p. 80). Such devices are designed to answer a question from a knowledge base. The inference engine applies the rules to the so-called facts while at the same

time it tries to prevent inconsistencies from arising as the operation of deriving new facts by drawing inferences from the previous facts and rules is carried out. The simplest inference engine of those outlined in Walton (2013) is designed to find implicit commitments of a particular kind. Suppose an arguer has gone on record as expressing commitment to a proposition  $P_1$ , and is committed to the conditional proposition if  $P_1$  then  $P_2$ . In such a case, it would be reasonable to say that the arguer is implicitly committed to proposition  $P_2$ , even though he has never gone on record, in the knowledge base, having explicitly stated that a proposition  $P_2$  is true, or otherwise expressly indicating his commitment to  $P_2$ . To give an example of a simple kind of search, the inference engine might only have a few valid rules of inference, such as the deductive rule *modus ponens* or the defeasible argumentation scheme for argument from commitment, as shown in Argumentation Scheme 5.1. It will scan through the whole database of an arguer's commitment set and continually apply *modus ponens* and argument from commitment to pairs of propositions until it generates some conclusions from them. At this point, the commitment set will have grown, so the inference engine will have to work recursively by continually applying rules to old and new facts until it cannot do this any longer, or until some specified limit on the extent of this activity has been reached.

However, there is a danger of automatically applying this kind of procedure to straw man arguments without taking special precautions warned of by Robinson in his discussion of examples of philosophers interpreting, and in many instances misinterpreting, the writings of other philosophers (Robinson 1962, p. 2). Robinson pointed out that just because an author has explicitly asserted  $P_1$ , and also accepts the inference rule if  $P_1$  then  $P_2$ , it might wrongly assume that the author meant to accept  $P_2$  as a commitment. The author may not have even been aware of the suggestion that  $P_1$  implies  $P_2$ , and when confronted with  $P_2$ , he may deny that he is committed to it. Of course, if he does so, his position as a whole is not logically inconsistent. Further dialogue may be required to try to figure out where the author stands. However, in cases where the author is a philosopher who has been dead for a few centuries, there is no possibility of having a dialogue with him. One can easily see how difficulties arising from conflicting interpretation of philosophical texts may require extensive discussion to sort out. Dealing with this kind of problem is normal work for philosophers.

The solution to such problems is to draw a careful distinction between explicit and implicit commitments, and to recognize that there can be different kinds of implicit commitments, and that different kinds of inference engines may be needed to search through an arguer's positions to try to find different kinds of implicit commitments. Despite these difficulties, the notion of an implicit commitment is very important for the further study of the straw man fallacy. Other difficulties that arise in connection with the straw man fallacy even take us beyond the use of search engines to examine an arguer's position. In some cases, it is also necessary to go beyond the commitment set and to search for new knowledge in other databases.

Waller (1988, p. 167) uses the example of an oil corporation advertisement that presents the position of environmentalism in an unsympathetic way by showing that it raises the problem of how to recognize straw man fallacies. In order to know that

the position presented by the Corporation is a distortion and exaggeration of the genuine views of environmentalists, you must know something about the environmentalist position. Otherwise, you cannot prove or disprove the claim that the position attacked is not the real position that advocates of environmentalism take. In this kind of case, the problem is that it is extremely difficult to conclude fairly whether the argument commits a straw man fallacy or not. You need to know something not just about the critics of environmentalism but also the positions of the advocates who support this position. The very important point made by Waller (1988, p. 167) is that you have to look at the pros and cons of environmentalism, and not rely exclusively on the critics of this position. However, how should one do this? Waller offers the advice: “Look up the actual claims and arguments of those who advocate the increased use of soft energy resources.”

The question remains how one could carry out this advice in a practical way. There is an answer. There are now manuals available that keep track of the most commonly used pro and con arguments that are currently the subject of many political debates and policymaking discussions. One useful source of this kind can be cited is *Debatepedia*,<sup>3</sup> an online encyclopedia of pro and con arguments and quotes in editorials, political statements and pro-con articles on issues of current concern in public policy debates. One of the categories containing many debates is that of Environment, including such issues as Climate Change, Animal Rights and Wildlife. *Database*<sup>4</sup> is a comparable site that allows you to browse debates by theme, under categories such as Politics, Free Speech, Environment, Health, and so forth. These resources can easily be used get an idea of the standard positions on both sides by examining the actual claims made on both sides.

## 5.4 Introducing Formal Dialogue Systems

Any attempt to model an argumentation structure that could be useful for approaching the problem of analyzing examples of the straw man fallacy, or at any rate examples where there are some grounds for believing that such a fallacy may have been committed, has to recognize, first, that there are two parties communicating with each other in all such cases. Second, the framework is one in which one of the participants in a dialogue exchange has attacked an argument put forward by the other side. Third, the argument being attacked is supposed to be based on the position of the participant who put it forward. Fourth, in a fallacious use of the straw man argument, the arguer making the attack has somehow distorted this position, or presented it in a way that does not represent the other arguer’s real position on the issue. Hence, the central problem for evaluating the argumentation in a given case

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<sup>3</sup>*Debatepedia*. (14 November 2011). Retrieved from [http://www.debatepedia.org/en/index.php/Welcome\\_to\\_Debatepedia%21](http://www.debatepedia.org/en/index.php/Welcome_to_Debatepedia%21) (Accessed on 19 December 2016).

<sup>4</sup>Deatabase: a world of great debates. *Idebate.org*. Retrieved from <http://idebate.org/deatabase> (Accessed on 19 December 2016).

to see whether the straw man fallacy has been committed or not is to build a systematic method for determining whether the position that was attacked really represents the position of the arguer whose argument was attacked based on whatever evidence is available on the case. Typically, the evidence is some kind of textual data. For example, the argument attacked is typically found in a natural language text of discourse and that text is available in a document of some sort. A secondary problem is the interpretation of the text that was found in the document. What needs to be sorted out is whether the interpretation of what the arguer actually said or wrote is a reasonable one.

A general framework for approaching this sort of problem has already been set out in Walton and Krabbe (1995), following the approach of Hamblin (1970, p. 264). Hamblin (1970, 2008) built formal dialogue games precisely meant to be helpful for dealing with problems associated with informal fallacies of the kind typically found in the logic textbooks, such as the straw man fallacy. Hamblin offered some very simple examples of formal dialogue games in which there are only two participants (parties), called White and Black, who take turns making moves composed of what he called a locution, such as asserting a proposition, putting forward an argument or asking a question. Hamblin defined a formal dialogue of this kind (Hamblin 2008) as a triple,  $\{n, p, l\}$  composed of three elements:  $n$  is a number representing the length of the dialogue (the number of moves so far),  $p$  is a participant, and  $l$  is a locution. Subsequent literature has expanded on the very simple, early formulations of dialogue games of Hamblin in order to build more complex kinds of dialogues that are useful for artificial intelligence.

There is one special characteristic of Hamblin's formal dialogue system that is fundamentally important for any attempt to approach the problem of how to evaluate straw man arguments. He called it the commitment set, or commitment store. It is defined simply as a set of statements (propositions), for example, a set of statements listed on a blackboard or in a computer database. For our purposes here, the term "statement" may be taken as equivalent to the term "proposition." Statements are taken to be expressed in sentences, and each statement has the property of being true or false. Therefore, a commitment set is simply a set of statements so that at each move in a formal dialogue, statements can be added to this set, or withdrawn from the set of statements that is already there. In a case where a statement is withdrawn, the operation is called one of retraction. The commitment set represents the statements that an arguer is already committed to because of previous moves in the dialogue. We can also use the term "position" here. The commitment set can function as a kind of representation of the arguer's commitments. Therefore, it should be possible to use a formal dialogue model along with its commitment set as a basis for judging what the arguer's position is supposed to be (or can fairly be taken to be), given what a participant has previously said in the dialogue or from evidence that might be available, telling us what he said or wrote in the past.

The idea behind Hamblin's formal dialectical model is that there can be procedural rules governing what moves can be made as the dialogue proceeds. Such rules specify what kinds of moves are permitted or required at any particular point in the sequence of dialogue. For example, there might be a rule allowing a participant to

make an assertion, and there might be another rule allowing the other participant at its next move to question that assertion. Because of the existence of such procedural rules, the dialogue structure can be seen to have normative force as applied to any real example of argumentation. To say that it has normative force means that it will only allow certain kinds of moves as permitted or forbidden in defined situations. After Hamblin's time, the literature (Walton and Krabbe 1995) went on to classify different types of dialogue. For example, the distinction was drawn between persuasion dialogue and deliberation dialogue. In a persuasion dialogue the so-called issue is set at the opening stage, meaning that the one party advocates a particular proposition designated in advance of any actual moves in the dialogue, and the other party either advocates the opposite proposition, or in some instances merely plays the role of skeptic by expressing some doubts about whether the designated proposition is true. A deliberation dialogue is about looking at the arguments on both sides to see whether a particular action, or policy for action, would be a good idea to go ahead with, or whether other alternatives proposals should also be considered. To get some idea of what the structure of a formal dialogue of one of these kinds is like by showing that it has rules, let us consider a very simple system.

In the persuasion dialogue system CB (Walton 1984) there are two participants, called the proponent and the respondent. Each participant has a proposition that it advocates, generally called its thesis to be proved as its ultimate conclusion of the dialogue. Like every formal dialogue, CB has three stages. In the opening stage, the issue is set in place, so that it is transparent what each party has to do to win the game. To win, a party needs to prove its thesis by arguments that are valid, according to agreements made on a criterion of validity, and that have as premises only propositions that are commitments of the other party. When this one party constructs an argument of this sort, the other party loses the dialogue.

As the system CB is set out in Walton (1984), validity of an argument is determined by the rules of classical propositional calculus. For our purposes here, it is possible to simplify the game even further by having only one rule, *modus ponens*. The formal dialogue systems for use in studying fallacies began with very simple elementary dialogue games starting with the letters A and B, leading to the slightly more complex family of systems beginning with the letter C. The subsystems of the system were called CA, CB and so forth.

The dialogue system CB has four kinds of rules, locution rules, commitment rules, dialogue rules and win-loss rules (Walton 1984, pp. 132–135). The locution rules specify which kinds of moves are possible to make. The commitment rules determine what the effects are on any kind of move on the commitment set of the player who made the move. The dialogue rules are the turn-taking moves that specify what kinds of responses are permitted after the other party has made a particular kind of move. The win-loss rules determine when the sequence of moves has resulted in a win or loss for the one party or the other.

In this way of setting up the new dialogue system STRAW<sub>1</sub> in the next section, several changes will be made from the original formulation of Walton (1984) both to simplify the new system and extend it in order to make it more easily applicable to studying the straw man fallacy. In CB, there is a win-loss rule stating that for



every statement  $S$  accepted by him as a commitment, a player is awarded one point. This rule has been deleted in the new system, which is now called STRAW<sub>1</sub>. In CB, what were called the strategic rules are now called the win-loss rules in STRAW<sub>1</sub>.

## 5.5 The Formal Dialogue System STRAW<sub>1</sub>

As shown in the previous section, the older formal dialogue systems represented by Walton and Krabbe (1995) were set up using a set of rules (including a set of rules defining the types of moves that can be made in locutions by each party), a set of commitment rules determining the operation of commitment stores, a set of dialogue rules governing turn-taking (how each party must respond to a previous move at its next move), and win-loss rules. However, more recent studies in artificial intelligence have set up such systems in a different way. They define a set of speech acts representing the kinds of moves that each party is allowed to make. The rules of a dialogue, comprising all the types of rules, are called its protocol, or set of protocols. Moreover, the protocol states the preconditions and post-conditions for each type of move that can be made by either party. The dialectical system STRAW<sub>1</sub> outlined below, for purposes of easier exposition, will mainly follow the artificial intelligence format, but will preserve some elements of the older argumentation format.

### 5.5.1 Moves and Rules in STRAW<sub>1</sub>

An *argument* is defined as a set of statements  $P_0, P_1, \dots, P_n$  called the premises of the argument that lead by an inference to another statement  $C$  called the conclusion, where the inference fits the form of some rule of inference, such as *modus ponens*, that is accepted as a valid rule of inference by the participants in the dialogue. STRAW<sub>1</sub> is not restricted to deductively valid forms of argument. The inference repository can include defeasible argumentation schemes based on rules that are subject to exceptions, such as argument from commitment. However, for purposes of building the base system, it will be sufficient to use the deductive inference rule for *modus ponens* and the defeasible rule represented by the scheme for argument from commitment.

We begin with informal description explaining what kinds of moves can be made in the system. There are two parties, called the proponent (questioner) and the respondent (answerer). The way the system is formalized has been inspired by the partial formalization of Aristotelian dialectic of Erik Krabbe (2013).

#### Dialogue Moves

*Issue Formulation:* Both parties agree to set the issue of the dialogue as a pair  $\{T, \sim T\}$ .

*Choosing Sides:* Each party agrees to pick a side. These two speech acts can only be used during the opening stage, and commitment to them cannot be later retracted.

*Assertion:* Putting forward of a statement letter  $P_0, P_1, \dots, P_n$  constitutes an assertion of the proposition represented by that statement letter.

*Retraction:* ‘No commitment  $P_i$ ’ is the speech act for making a retraction of a statement.

*Yes-no Question:* A yes-no question ‘ $P_0$ ?’ is used to ask whether the answerer is committed to  $P_0$  or not.

*Support Request Question:* A support request question of the form ‘Why  $P_0$ ?’ is a request for an argument  $P_0, P_1, \dots, P_i, \dots, C$  where the premises  $P_0, P_1, \dots, P_i$  are supposed to support the conclusion  $C$ .

*Putting Forward an Argument:* This speech act is used to advocate an argument  $P_0, P_1, \dots, P_i, \dots, C$  where the premises  $P_0, P_1, \dots, P_i$  are supposed to support the conclusion  $C$ .

*Successful Support Request Reply:* A support request is said to be *successfully provided* if the respondent’s argument  $P_0, P_1, \dots, P_i, \dots, C$  is valid and all of its premises  $P_0, P_1, \dots, P_i$  are commitments of the proponent.

*Argument Attack:* An *argument attack* is the putting forward of an argument by one party against an argument previously put forward by the other party. An argument attack can take three forms.

*Premise Attack:* This form of argument attacks a premise of the previous argument.

*Inferential Link Attack:* This form of argument attacks the inferential link between the premise and the conclusion of the previous argument.

*Conclusion Attack:* This form of argument attacks the conclusion of the previous argument.

*Position Attack:* This form of argument attacks the other party’s position.

Next we set out three sets of rules that give the reader insight into how the formal dialogue will work. Commitment rules determine which kinds of moves are permissible or obligatory.

#### **Four Commitment Rules**

(C1) After a participant makes an assertion  $P_0$ , this proposition is inserted into in his or her commitment store.

(C2) After a participant retracts  $P_i$ , this proposition is deleted from his or her commitment store.

(C3) ‘Why  $P_i$ ?’ places  $P_i$  in the hearer’s commitment store unless he gives an argument against  $P_i$ .

(C4) As soon as a support request for a proposition  $P_i$  is successfully provided by the answerer,  $P_i$  automatically goes into the questioner’s commitment store.

The dialogue rules determine the turn-taking of making moves and what type of move must follow a previous one by the other party.

#### **Three Dialogue Rules**

(D1) Each participant takes his or her turn to move by advancing one locution at each turn.

(D2) A question ‘ $P_i$ ?’ must be followed by an assertion ‘ $P_i$ ’, or a retraction ‘No commitment  $P_0$ ’.

(D3) The asking of a support request question ‘Why  $P_i$ ?’ must be followed by (i) ‘No commitment  $P_i$ ’ or by the putting forward of an argument with  $P_i$  as its conclusion.

### Three Win-Loss Rules

- (W1) Both participants agree in advance that the dialogue will terminate after some finite number of moves designated at the opening stage.
- (W2) The dialogue is won by the participant who supports its thesis by a sequence of arguments with premises all accepted by the other participant and containing only valid arguments.
- (W3) If nobody wins after the predetermined number of moves, the dialogue is a stalemate.

The four kinds of rules listed above give the reader who is not familiar with formal dialogue systems a basic idea of what the various components in such a system do, and how they work together to provide a coherent framework that can be used to model dialectical argumentation.

## 5.5.2 Preconditions and Postconditions in STRAW<sub>1</sub>

Following the style of system currently used in artificial intelligence, the preconditions and post-conditions of each of the type of speech act are presented in a tabular format. Table 5.1 presents the preconditions for each move.

**Table 5.1** Preconditions for STRAW<sub>1</sub>

| Dialogue moves  | Precondition  |
|---|---|
| <i>Issue T/~T (Stating the Issue)</i>   | Both parties are engaging in persuasion dialogue.   |
| <i>Select T (Selecting a Thesis)</i>  | Each side must agree to select a thesis.  |
| <i>Assert P<sub>i</sub> (Making an Assertion)</i>                                     | The party making this move must not already be committed to P <sub>i</sub> .  |
| <i>Retract P (Withdrawing a Commitment)</i>   | The party making this move must already be committed to P <sub>i</sub> .  |
| <i>Question P<sub>i</sub>? (Asking a yes-no Commitment Question)</i>                  | Can be put forward at any free turn during the argumentation stage.   |
| <i>Why P? (Putting Forward a Support Request Question)</i>                            | The party to whom this move was directed must already be committed to P <sub>i</sub> .                                |
| <i>Argument P<sub>1</sub>,...,P<sub>n</sub>/C (Putting Forward an Argument)</i>       | Can be put forward at any free turn during the argumentation stage.   |
| <i>Argument Attack on P<sub>1</sub>,...,P<sub>n</sub>/C (Attacking an Argument)</i>   | There must be a prior argument (target argument) P <sub>1</sub> ,...,P <sub>n</sub> /C put forward by the other side. |
| <i>Premise Attack directed against one or more of P<sub>1</sub>,...,P<sub>n</sub></i> | There must be a prior argument (target argument) P <sub>1</sub> ,...,P <sub>n</sub> /C put forward by the other side. |
| <i>Conclusion Attack directed against C</i>   | There must be a prior argument (target argument) P <sub>1</sub> ,...,P <sub>n</sub> /C put forward by the other side. |
| <i>Position Attack directed against the other party's position</i>                    | The party against whom the attack was directed must have an identifiable position.                                    |
| <i>Proof Claim for a sequence of argumentation for T or ~ T</i>                       | The party making this move must have put forward an argument P <sub>1</sub> ,...,P <sub>n</sub> /C where C = T(~T).   |
| <i>Proof Claim Test Request for T or ~ T</i>  | The party making this move must have previously put forward a proof claim for T or ~ T.                               |

There are a number of features that make this list of moves especially applicable to studying real examples of arguments from natural language discourse where there is some problem about whether a straw man fallacy has been committed. One of these features is that various kinds of attack against an argument are permitted. The first one is a general attack on the argument itself by counter arguing that the inferential link between the premises and conclusion does not hold. To analyze particular cases where this type of attack is an issue, questions are raised regarding the argumentation scheme, or inferential rule joining the premises to the conclusion. For example, if the argumentation scheme is the one for argument from commitment, the critical questions matching this scheme can be brought into play. Two other kinds of attack permitted are the premise attack and the conclusion attack. However, the reader should especially note that there can be an additional kind of attack called a position attack that is directed against the position of an arguer. The position is the collective set of propositions that this arguer has gone on record as committing himself to, according to the commitment rules of the dialogue and his previous moves.

Notice also that the speech acts are only to be used in certain stages of the dialogue. The first two speech acts of selecting an issue and stating a thesis are used only in the opening stage. The last two speech acts of making a proof claim and making a proof claim test request are only allowed to be used in the closing stage of the dialogue. All the other types of speech acts are only allowed to be put forward during the argumentation stage.

Table 5.2 codifies the postconditions for each dialogue move by listing the required response of the second party to each move previously made by the first party, and the effects of having made such a move on the commitment stores of either or both parties.

**Table 5.2** Postconditions for STRAW<sub>1</sub>

| Move  | Required Response  | Commitment Effect   |
|---|--|---|
| <i>Issue <math>T/\sim T</math> (Stating the Issue)</i>              | Both parties must agree that $T/\sim T$ is the issue.        | Both parties are now engaging in persuasion dialogue about $T/\sim T$ .         |
| <i>Select <math>T</math> (Selecting a Thesis)</i>                   | One party's selects $T$ and the other selects $\sim T$ .     | One party is committed to $T$ as its ultimate claim and the other to $\sim T$ . |
| <i>Assert <math>P_i</math> (Making an Assertion)</i>                | The answerer must accept $P_i$ or attack the assertion.      | The party making the assertion is henceforth committed to $P_i$ .               |
| <i>Retract <math>P_i</math> (Withdrawing a Commitment)</i>          | None.  | The party making the speech act is no longer committed to $P_i$ .               |
| <i>Question <math>P_i?</math> (Asking a Yes-no Question)</i>        | Answerer must reply whether he is committed to $P_i$ or not. | $P_i$ added to commitment store or removed from it.                             |
| <i>Why <math>P_i?</math> (Making a Support Request)</i>             | Answerer must offer an argument for $P_i$ or retract $P_i$ . | None, but if answerer retracts $P_i$ it goes out of his commitment set.         |
| <i>Argument <math>P_1, \dots, P_n/C</math> (Making an Argument)</i> | The answerer must accept $P_i$ or attack the argument.       | None, but if answerer accepts $P_i$ it goes into his/her commitment set.        |

(continued)

**Table 5.2** (continued)

| Move  | Required Response  | Commitment Effect   |
|---|--|---|
| <i>Attack <math>P_1, \dots, P_n/C</math><br/>(Attacking an Argument)</i>  | None. The other party is free to reply or not.               | None.   |
| <i>Premise Attack on one of the premises <math>P_1, \dots, P_n</math></i> | Answerer must offer an argument for $P_i$ or retract $P_i$ . | If answerer retracts $P_i$ it goes out of his/her commitment set.                 |
| <i>Conclusion Attack against <math>C</math></i>                           | Answerer must offer an argument for $C$ or retract $C$ .     | If answerer retracts $C$ it goes out of his/her commitment set.                   |
| <i>Position Attack</i>  | Answerer must respond to modify/support his position.        | A change of the arguer's position requires change of commitments.                 |
| <i>Proof Claim for <math>T</math> or <math>\sim T</math></i>              | Answerer must accept proof claim or make a test request.     | If answerer accepts proof claim he must retract his thesis ( $T$ or $\sim T$ ).   |
| <i>Proof Claim Test Request for <math>T</math> or <math>\sim T</math></i> | Answerer must agree to accept the result of the test.        | If the test is positive the answerer must retract his thesis ( $T$ or $\sim T$ ). |

As the argumentation goes on in any particular case there will be a lengthy sequence of connected moves as each party takes turn putting forward arguments, and other speech acts, and responding to the prior moves of the other party. We can also represent the dialogue in a given case in a simpler graphical format, as shown in Sect. 5.7 on profiles of dialogue.

### 5.5.3 Dialogue Sequences of *STRAW*<sub>1</sub>

Finally, as an aid to the reader's understanding, we present an example of a short but typical dialogue sequence in which the party in the column on the left, called the proponent, puts forward moves and the other party, represented in the column on the right, responds appropriately to the proponent's prior move. Note that in Table 5.3 the scheme for argument from commitment has been used.

**Table 5.3** Example of STRAW<sub>1</sub> dialogue

| Z  | Proponent (P)                       | S | Respondent (R)        |
|----|-------------------------------------|---|-----------------------|
| 1  | $T/\sim T$                          | O | Agree $T/\sim T$      |
| 2  | Select? $T/\sim T$                  | O | Select? $\sim T$      |
| 3  | Question $P_1?$                     | A | Commitment $P_1$      |
| 4  | Question $P_2?$                     | A | Commitment $P_2$      |
| 5  | Question $\sim P_3?$                | A | Commitment $\sim P_3$ |
| 6  | Argument $P_1, P_2, \sim P_3 / P_4$ | A | Commitment $P_4$      |
| 7  | Argument $P_4 / P_5$                | A | Concede $P_5$         |
| 8  | Argument $P_5 / T$                  | A | Why $P_5?$            |
| 9  | ArgCom $P_5$                        | A | Concede $P_5$         |
| 10 | Proof $T$                           | A | No Move               |
| 11 | P wins                              | C | R loses               |

The third column of Table 5.3 shows the stage (S) of the dialogue in which each move is placed. *O* is the opening stage, *A* is the argumentation stage and *C* is the closing stage. Each pair of moves in the same row is called an adjacency pair (Schegloff and Sacks, 1973) (*Z*) of the dialogue. In *Z*2, for example, the respondent has selected  $\sim T$  as its thesis. In adjacency pairs 3, 4 and 5, the proponent asks a yes-no question, and the respondent answers yes by taking on a commitment to the proposition asked about. In *Z*6, the proponent puts forward an argument with three premises that the respondent has already committed himself to. Therefore assuming the argument put forward at adjacency pair 6 is valid, the respondent has to commit to the conclusion of this argument. In adjacency pair 7, the proponent puts forward a new argument that has a single premise  $P_4$  that the respondent is already committed to, therefore once again the respondent must concede the conclusion, namely  $P_5$ . At *Z*8, the proponent puts forward the argument  $P_5/T$ , which has his thesis  $T$  as the conclusion, but in his reply, the respondent questions  $P_5$ . Then during *Z*9, the proponent reminds the respondent that he is already committed to  $P_5$ . This move is based on the scheme for argument from commitment. Hence, in adjacency pair 10, the proponent can rightly claim to have proved her thesis. In the closing stage, it is ruled that the proponent wins.

## 5.6 Attack and Refutation

For purposes of studying the straw man argument, it is very important to draw a distinction between an attack on an argument and a refutation of that argument. In this book, the distinction will be drawn by defining a refutation as a successful attack. More precisely, a *refutation* is defined as an attack on an argument showing that the argument is no longer acceptable, even though previously it seemed acceptable, or even was acceptable. An *attack* on an argument is directed against the prior argument and aims to show that the prior argument is somehow defective. A refutation is a species of attack that shows that the argument it is aimed at is untenable. It is sometimes called a knockdown argument.

A number of more fine grained distinctions between attack and refutation, and between other significant argumentation concepts such as objections and rebuttals, are also important to consider in argumentation generally (Walton 2013, pp. 28–33). However, for our purposes to define, analyze and evaluate straw man arguments, the most fundamental distinction to keep in mind is between an attack on argument and a refutation of an argument. The straw man argument is a form of attack on another argument previously put forward, or, in some instances, on another arguer's position that has been advocated or appealed to. From the point of view of dialogue games, the crucial issue of argument evaluation is to determine in what cases it can properly be considered fallacious or not. In the case of straw man, the problem is to determine when the straw man argument is merely an attack, one which could be either reasonable or fallacious, or when, normatively speaking, it is a successful attack that can properly be taken to have refuted the targeted argument.

The preconditions and post-conditions for the straw man argument put forward in Tables 5.1 and 5.2 do not by themselves answer this question of argument evaluation. They merely represent the proper procedural conditions for putting forward arguments and for attacking them, as well as presenting conditions for further moves such as making an assertion, retracting a commitment, and so forth. The concepts of refuting an argument and refuting a position are also vitally important for studying the straw man fallacy, but need to be treated separately because they are highly normative notions that define the conditions under which an argument of this general kind can be successful. It follows from the definitions given above that if an argument is classified as a straw man fallacy, it can never be successful in its goal of refuting the argument it was directed against. If such an argument is shown to be a refutation of the target argument it was directed against, it cannot be a straw man fallacy.

## 5.7 Profiles of Dialogue

The profile of dialogue is a dialectical normative tool, consisting in an ideal sequence of moves between two interlocutors. A profile of dialogue is aimed at outlining the “best strategy” of a dialogue, namely the best way to overcome a difference of opinions. The “best” strategy is defined in dialectical terms as an exchange that does not result in fallacious, irrelevant, or mischievous moves. A profile is a shorter sequence of moves embedded in a longer sequence of moves in an argumentative dialogue exchange; it concerns a specific issue or a specific conflict of opinions. The profile of dialogue technique has been refined as a tool for repairing faults in problematic kinds of arguments associated with informal fallacies in Walton (2015). The profile works as an analytical tool by fitting it into the longer sequence at some juncture where there was a fault in the argumentation that needs to be diagnosed and repaired.

The formal dialogue structure itself could be used to diagnose and repair the fault, but the profile is simpler and therefore more useful for educational purposes (Rapanta and Walton 2016).

### 5.7.1 *Introducing Profiles of Dialogue*

Walton (1989b, pp. 37–38) first used the profiles technique as an argumentation tool (Krabbe 2002, p. 158), applying it to the fallacy of many questions. A similar approach in linguistics was developed by Schlegloff (1988, p. 56), who employed techniques similar to profile reconstruction in order to study sequences of question-reply exchanges. This method was used to investigate how a repair is made by one party to a misunderstanding shown by the other party in a dialogue. In argumentation theory, profiles of dialogue have been used for the analysis of fallacious moves and argumentative strategies. More specifically, Krabbe (1992) applied it to relevance criticisms; Walton (1999) to arguments from ignorance; Krabbe (2002) to equivocation criticisms; and Krabbe (2002), Van Eemeren et al. (2015) and Walton (2014) to the study of shifts in burden of proof and the presumptions arising from them. Van Eemeren (2010, p. 98) used profiles investigate strategic maneuvering in argumentation. Finally, Koszowy and Walton (2017) used profiles of dialogue to repair faults in arguments from expert opinion.

A profile of dialogue is a sequence that can be modeled as a graph. A *graph*  $G$  is formally defined as an ordered pair  $(N, A)$ , where the set  $N$  is a set of points (nodes) and the set  $A$  of lines (arcs), is comprised of the two-element subsets of  $N$  (Harary 1969). If you look at Fig. 5.5 below, the points are rectangular nodes representing propositions. However, there is also a set of circular nodes representing arguments. Therefore, this type of graph is called a bipartite graph. The rectangular nodes stand for propositions that are premises or conclusions of arguments, while the adjacency pair nodes stand for arguments. An argument is made up of premises joined by way of an argument node to a conclusion. A *path* in a graph from node  $s$  to node  $g$  is a sequence of nodes  $\{n_0, n_1, \dots, n_k\}$  such that  $s = n_0$ ,  $g = n_k$ , and  $\{n_{i-1}, n_i\} \in A$  (Poole and Mackworth 2010, p. 75). In other words, there must be an arc from  $n_{i-1}$  to  $n_i$  for each  $i$ . A path represents a sequence of argumentation that is part of a graph. Generally, there will be several, perhaps even many paths of argumentation running through a graph taking the form of an argument diagram. Typically, there is a conclusion at the root of the graph, a single point on a graph that has a tree structure. A proof claim test can be made by examining a graph representing such a sequence of argumentation to see whether the ultimate conclusion of the sequence is the arguer's thesis. The test of relevance is whether the path of argumentation running through the graph has as its last point the arguer's so-called *stasis*, the ultimate claim he was supposed to prove. This *stasis*, the end-point or thesis to be proved, is set at the opening stage of a straw man dialogue. These remarks explain the last two postconditions in Table 5.2, which refers to the notion of a proof claim test.



A profile can be represented visually as a pair of graphs, each of which represents a sequence of dialogue moves. The descriptive graph, normally shown on the left, represents a sequence of moves displaying how the dialogue actually went, while the normative graph, shown on the right, shows how the sequence of moves should have ideally proceeded. The idea is that the normative graph gives the reader an indication of how the problem or fault displayed in the descriptive graph can be repaired by dealing with problem in a helpful manner. Using some examples, we will now show how the profiles method can be applied to arguments where the straw man fallacy either has been committed or has been suspected to have been committed.

### 5.7.2 Profiles of Dialogue for Assessing Straw Man

The classic example of the straw man fallacy from Freeman (1988, p. 88), called the beer and wine example in Walton (2013, p. 252), takes the form of a dialogue.

*Concerned Citizen:* It would be a good idea to ban advertising beer and wine on radio and television. These ads encourage teenagers to drink, often with disastrous consequences.

*Alcohol Industry Rep:* You cannot get people to give up drinking; they've been doing it for thousands of years.

According to Freeman's account of the example, there is no evidence that the concerned citizen is arguing for the conclusion that it would be a good idea to get people to give up drinking. However, the alcohol industry representative appears to take the side of common sense by arguing that you cannot get people to give up drinking and by supporting it with the argument that they have been drinking for thousands of years. Superficially, the alcohol industry Rep. seems to get the best of the exchange, but the straw man fallacy has been committed because of the confusion between two propositions. One is the proposition that it would be a good idea to ban advertising of beer and wine on radio and television. This is the actual conclusion that the concerned citizen is arguing for. The other is the proposition that it would be a good idea to get people to give up drinking. This is the proposition that the alcohol industry representative refutes by pointing out that people have been drinking for thousands of years. As Freeman pointed out (Freeman 1988, p. 88), the alcohol industry representative has misrepresented the position of the concerned citizen by "making it easy to refute, making it look almost silly." The profile of dialogue can be represented in Fig. 5.4 below:

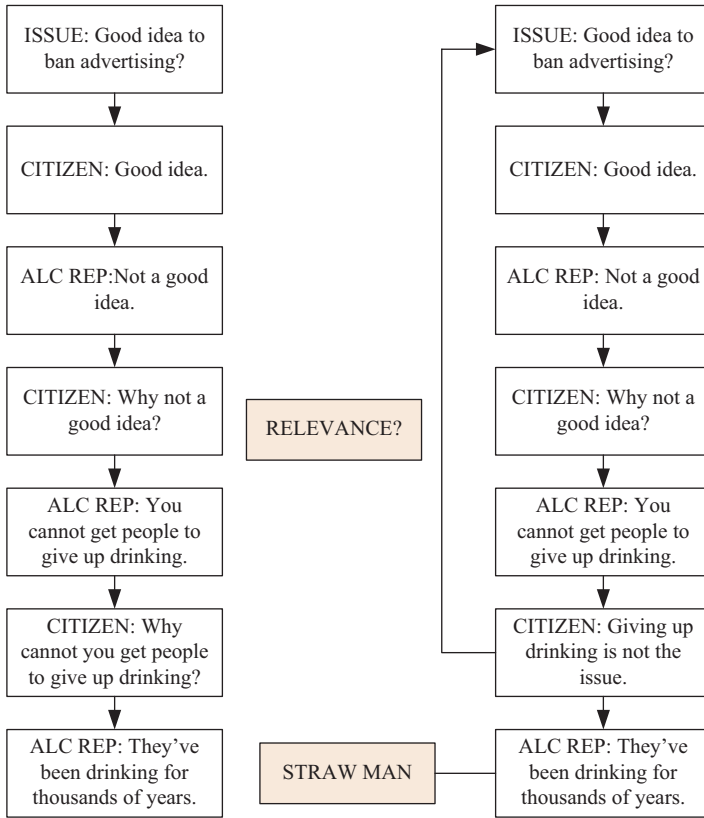


Fig. 5.4 Profile of dialogue for the beer and wine example

As we look down the sequence displayed in the normative graph on the left in Fig. 5.4, we can see that the first three moves represent moves made in the opening stage. Judging from the text it would appear that the issue to be discussed is whether it would be a good idea to ban advertising beer and wine on radio and television. The concerned citizen has adopted the thesis that it would be a good idea to do so, as made clear by putting forward an argument stating that these ads encourage teenagers to drink, often with disastrous consequences. Thus the concerned citizen is the proponent of the proposition that it would be a good idea to ban such advertising, while the alcohol industry representative plays the role of the respondent by taking up an opposed stance on the issue. According to the STRAW<sub>1</sub> rules, it is the turn of the concerned citizen to make a move, asking why the alcohol representative thinks that banning advertising would not be a good

idea. It is at this point that the fault occurs. The alcohol industry representative, in response to this request for an argument to back up his view, now argues that you cannot get people to give up drinking because they have been doing this for thousands of years.

Up to this point, the descriptive graph and the normative graph are identical, but now they begin to diverge. In the normative graph, the concerned citizen, instead of responding to the alcohol representative's argument in the normal way, voices the objection that whether or not to give up drinking is not the original issue to be discussed, as set at the opening stage. Thus the alcohol representative's argument claiming that you cannot get people to give up drinking because they have been doing it for thousands of years, commits the straw man fallacy.

### ***5.7.3 Using Profiles of Dialogue for Assessing Rhetorical Straw Man***

The examples of the straw man fallacy presented in Sect. 5.1 of this chapter can also be analyzed as coming under the general heading of fallacies of relevance, but the way they operate exhibits different features of the straw man fallacy. In some cases, the profiles technique can be used in a simpler form where there is just one graph instead of using the comparative device of contrasting the normative graph with the descriptive graph. In the Nixon example (Case 5.1: Nixon's Checkers), Nixon used his Checkers speech to attack the argument directed against him stating that since he illegally appropriated funds for his personal use, these funds should be returned. This straw man can be examined from a dialectical point of view (without taking into account a deeper, meta-dialogical investigation of the presupposed contents investigated in Sect. 5.2 above – Relevance) using the profiles of dialogue.

In Fig. 5.5, the aforementioned Nixon's Checkers example is represented without the implicit premises used for assessing the relevance of the interpretation in Fig. 5.2. The conclusion of the main argument is expressed as a proposition that appears in the rectangular node with a dotted border at the bottom. The counterargument to this argument, shown at the right in Fig. 5.5 is Nixon's story about the little dog. The problem is how this story is connected with the original argument as being some sort of attack on this argument or refutation of it. This is quite hard to figure out, because the strategy was a clever one that actually worked rhetorically for Nixon at the time by deflecting attention away from the accusation made against him.

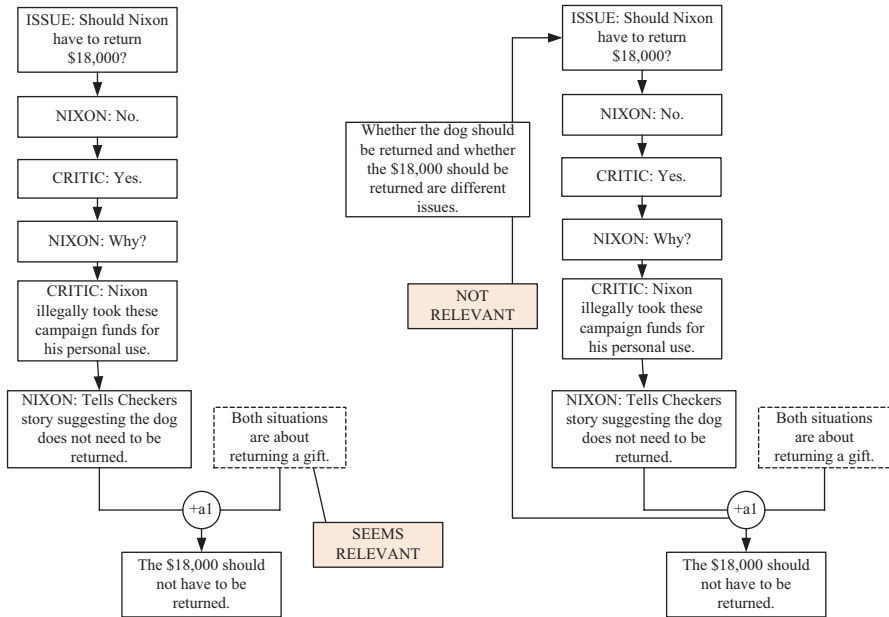


Fig. 5.5 The Nixon straw man fallacy

The basic question, as indicated in Fig. 5.5 is whether Nixon’s story about the little dog is relevant to the original argument that Nixon should have to return the \$18,000 because they were illegally appropriated campaign funds that the employed for his personal use. As shown on the left in Fig. 5.5, since both situations are about returning a gift, the story about the dog seems relevant. However, the example of receiving the little dog as a gift is quite different from illegally appropriating the campaign funds for personal use, which is, at least arguably, against the law. This way to deal with this case is simply to show on the argument diagram where the issue of relevance arises, so the argument analyst is poised to probe further into the issue of just how relevant Nixon’s rejoinder was as an argument, leading to the analysis set out on the right in Fig. 5.2. It appears that it has such a small probative weight but also has a high emotional impact, making it appear silly for anyone to suggest that the dog should be returned, and also to suggest that the whole issue is carping and trivial. What needs to be pointed out is that whether the dog should be returned, and whether the \$18,000 should be returned, are different issues. The dog story is either not relevant or only very slightly relevant, in a certain respect, but it has considerable rhetorical force as a straw man argument because it makes it seem like the critic is arguing that the dog should be returned. However, that should not really be the issue.

#### 5.7.4 *Straw Man Without Straw-Manned Parties*

The Bush example (Case 5.2: Bush rejecting racism) does seem to be a straw man argument because it contains the key phrase a “lot of people in the world,” attributing the rejected view as upheld by these unnamed people. However, unlike our way of reconstructing the argumentation in the Nixon example, in the Bush example the straw man argument does not attack another argument that can easily be extracted from the text of the case. Instead, it attacks a belief or viewpoint, which could be expressed in the statement “people whose skin color may not be the same as ours cannot be free and self-govern.” Most people in the audience would highly reject this statement and indeed any American politician who made such a statement would immediately be attacked as having said something outrageous that deserves strong condemnation. Therefore, this example raises an interesting question. It seems to be presupposed by the treatment of the straw man fallacy in the logic text books that it is an instance of one argument attacking another. However, in this particular case there is no, at least explicitly, stated argument that is being attacked. Rather what is attacked is a viewpoint or position that is strongly rejected by Bush. Therefore, it is somewhat of an open question as to how we are to treat this example. It does seem to be a straw man argument judging from its similarity to the other political examples cited in Sect. 5.1 of this chapter. However, it is a different kind of example in which a position is attacked rather than an argument. To accommodate this sort of example the formal dialogue system STRAW<sub>1</sub> has been constructed to allow for straw man arguments that attack and oppose a position as well as those that attack an opposed argument.

The next three examples, the one used by John Edwards (Case 5.3: Obama and Medicare) and the two used by President Obama (Case 5.4: Obama’s too ambitious plans; Case 5.5: Obama focusing on “their problems”) exhibit a particular pattern in the use of the straw man argument. A problem common to all three of these examples is one shared with the Case 5.2 (Bush rejecting racism). They are what we called hand-waving examples, examples in which the attacked argument or position is vaguely attributed to “some folks in Washington and on Wall Street,” namely speakers who are not specified at all. Not only are no names given of persons to whom we can attribute this argument but no quotations at all are given of the original wording. These kinds of examples appear to be highly successful rhetorically because of their vagueness. They are hard to respond to because no target attack is given that can be used as evidence to show that the straw man argument is a fallacy. The problem with these cases is that there is so little evidence to respond to that it is not even necessary to construct a profile of dialogue to diagnose the fault. The solu-

tion is merely to ask the questions concerning where the attacked argument came from, whom it should be attributed to, and what it was said precisely (i.e. demanding some quotations that could be used to determine commitments). Otherwise such arguments can be very easily dismissed, once it is recognized how to spot the fault.

### 5.7.5 *Straw Man and the Manipulation of the Issue at Stake*

Finally, we come to the bank robbers example (Case 4.9: Open all the banks). This example is different from the others, and not only because it is a legal example. In a trial it would be rejected as irrelevant, at least most likely, because it is not a very plausible argument on the face of it, and also because it carries little or no probative weight. Why the argument is classified by Bosanac as a straw man fallacy is not hard to appreciate. The prosecution has the burden of proof to only present evidence that has bearing on the issue, set in the opening stage of the trial, of whether the defendant is guilty or not. An argument can be dismissed as irrelevant if it carries very little or no evidential weight bearing on this issue. The corresponding profile of dialogue is represented in Fig. 5.6 below:

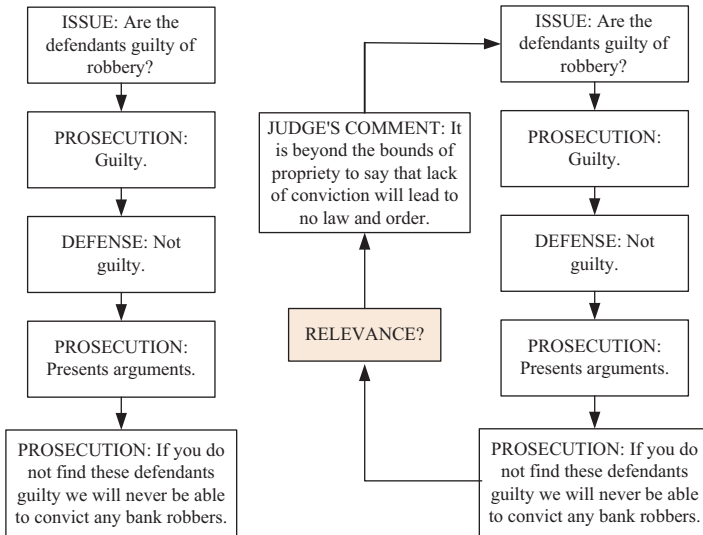


Fig. 5.6 The bank robbers straw man argument

In this case, the judge commented that the prosecution was allowed to point out that there is a need to convict people who are guilty of crimes like bank robbery, but he added that it is beyond the bounds of propriety for a prosecutor to suggest that unless this defendant is convicted it will be impossible to maintain law and order in the jurors community (Bosanac 2009, p. 394). In this respect, the case is similar to the Checkers example (Case 5.1). Although it has to be conceded that the argument in question is slightly relevant, it needs to be carefully emphasized that the argument has a strong emotional appeal which might tend to make it prejudicial to an audience that is not aware of its powerful effect. The problem in both cases is that the argument is only tangentially relevant, and there is a great need to be aware of the power of its rhetorical effect as an emotional distraction.

These last two cases are tricky because in both instances there is some weak basis for conceding that the emotional argument presented has some degree of relevance, while at the same time there needs to be a critical awareness of the tendency to overvalue such arguments. The important thing is to look back to the opening stage to clearly specify what the issue is to be resolved. Along with this, there is a need to determine what kind of evidence needs to be amassed and evaluated in order to prove or disprove this ultimate claim representing the issue. An argument can look like it is relevant, and indeed there maybe even some justifiable grounds for claiming that it does have a modicum of relevance, but still there is a danger of the straw man fallacy being committed.

## 5.8 Commitment and Position

The key notions for studying the straw man fallacy are that of commitment (analyzed in depth in Chap. 3) and position. The central core of the straw man argument as a fallacy is that the position of the one arguer has somehow been distorted or misinterpreted to make it possible for the other arguer to refute it more easily. In Chaps. 1 and 3, we have pointed out how distortions are carried out through direct quotations, which took us to investigate the problem of how an interpretation can be literal. In this chapter, we have addressed the problem of indirect reports, which took us to analyze argumentative relevance. The goal of this section is to illustrate how the distortion of commitments can be represented in a formal system.

The first step consists in a normative model with rules that can help us to evaluate particular examples to show whether an attribution of the one party's position is fair or reasonable, according to some rules that could govern such exchanges of argumentation. For example, if a participant asserts a particular proposition, that proposition is recorded in his commitment store, and this forms the basis of the kind of evidence we need to rule on whether what is supposedly a straw man argument is fallacious or not. Statements are inserted into an arguer's commitment set based on speech acts that the arguer has performed. However, there can be complications with tracking commitments. In a given example, of course, the commitment will normally be made as a proposition supposedly contained inside a natural language

sentence in which the arguer supposedly made an assertion. Therefore, we have a problem of natural language interpretation. In addition, commitment stores are dynamic. A commitment can be retracted. This can result in complications (Walton and Krabbe 1995, pp. 146–147).

To study the straw man fallacy, it is necessary to introduce the reader to the notion of an immediate consequence, namely the dialectical counterpart of the issue that we have addressed under the label of “relevance” in Chap. 3 (Sect. 3.7). From a pragmatic perspective, it is possible to attribute to the speaker commitments that represent the contribution of the move to the communicative exchange, namely the purpose of the interaction. In this sense, only the commitments that represent the presumable intended effect of a move (i.e. its presumable effect/purpose) can be attributed to the speaker. In formal dialectics, a more abstract criterion, which can be developed using the notion of relevance and the idea of conversational purpose, needs to be used.

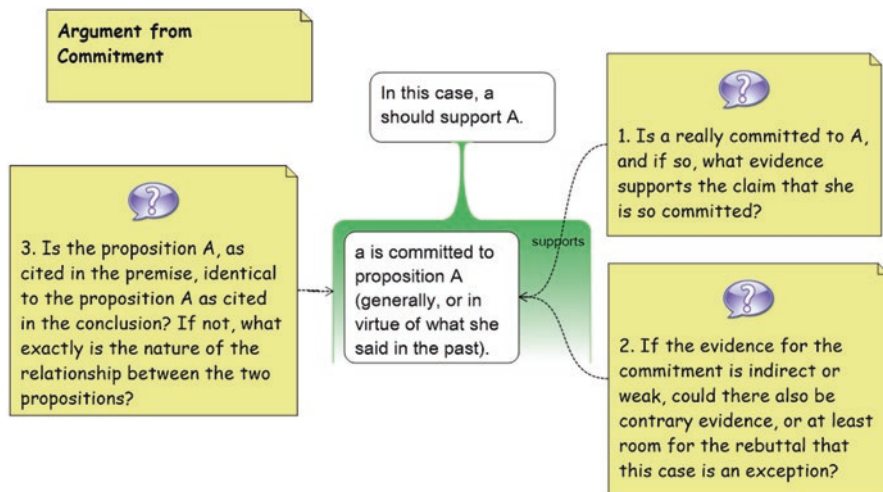
Hamblin (1970, p. 257) considered the requirement that commitment stores should always be internally consistent but rejected it, because it does not always meet the ideal of rational man that needs to be used in studying fallacies (Hamblin 1970, p. 263). He also rejected the requirement of deductive closure of commitment-stores for the reason that “certain very immediate consequences” of a commitment should also be considered to be commitments. However, he felt that both requirements are matters of “regulation in a given system” (Hamblin 1970, p. 264). Hamblin (2008) proposes that, for purposes of studying fallacies, a weaker relation than one of deductive closure should be adopted. Generally, participants should not be regarded as committed to all the logical consequences of a proposition that they are committed to. But they could be regarded as being committed to a proposition that follows by a rule of inference such as *modus ponens* from a proposition they are already committed to (in a single inferential step). To make such a distinction we need a notion of immediate consequence. Following Walton (1984, p. 133), a statement  $T$  is said to be an immediate consequence of a set of statements  $S_0, S_1, \dots, S_n$  if and only if ‘ $S_0, S_1, \dots, S_n$ , therefore  $T$ ’ is a substitution instance of some inference rule of the game. A statement  $T$  is a consequence of a set of statements  $S_0, S_1, \dots, S_n$  if and only if  $T$  is derived by a finite number of immediate consequence steps from immediate consequences of  $S_0, S_1, \dots, S_n$ . For example, if a participant is committed to  $S$  and  $T$  follows from  $T$  by a *single* application of *modus ponens* using the rule (conditional) ‘If  $S$  then  $T$ ’, which  $S$  also has to be committed to, then we can say that the participant is indirectly committed to  $T$ , because  $T$  is an immediate consequence of  $S$ . The fourth commitment rule of  $CB_1$  is formulated in these terms. As the reader can see,  $STRAW_1$  is the minimal kind of dialogue framework that can be used to provide a basic structure for approaching different kinds of problems that arise in examples of the straw man fallacy, and that can be extended to accommodate new examples.

The question may be asked whether the straw man argument is always fallacious or whether there is a possibility that in some instances it could be a reasonable type of argument. The answer is that it is never a reasonable type of argument, even though it does partner with another type of argument that is inherently reasonable



even though it is subject to misuse. This form of argument is represented by the argumentation scheme for argument from commitment (see the variant Argumentation Scheme 1.3: Argument from inconsistent commitment), shown using a Rationale argument diagram in Argumentation Scheme 5.1.<sup>5</sup>

### Argumentation Scheme 5.1: Argument from Commitment



According to our analysis of the straw man fallacy, the straw man argument is a fallacious counterpart argument from commitment in which the target arguer's position, or set of commitments, has been distorted or otherwise misrepresented in order to make it easier to refute. It follows as a corollary of this analysis that a straw man argument cannot be other than fallacious.

On the other hand, it is possible to have a straw man argument that looks like it is not fallacious, especially when presented to an uncritical audience. One reason that it looks like it is not fallacious is that the straw man argument is an instance of the argumentation scheme for argument from commitment. It is so because it is based on the commitments, or what are taken to be commitments, of the target arguer. However, it is also possible to scrutinize the commitment set of target arguer to build pro or con arguments on whether he or she really is committed to the premises claim by the argument from commitment. If not, although the given argument may meet the requirements of the scheme for argument from commitment, it can be

<sup>5</sup>A list of the twenty argumentation schemes in (Walton 1995) is shown in the Rationale site that can be found here: <http://www.reasoninglab.com/patterns-of-argument/argumentation-schemes/waltons-argumentation-schemes/>. The list includes such schemes as those for Argument from Bias, Argument from Cause to Effect, Argument from Established Rule, Argument from Evidence to a Hypothesis, Argument from Commitment, Argument from Expert Opinion, Argument from Precedent, Argument from Consequences, Argument from Waste, Argument from Verbal Classification. The user can click onto the names of any of these schemes on the site and find an argument diagram like the one shown in Argumentation Scheme 5.1, displaying the scheme and its critical questions.

attacked using the premise attack that raise doubts about whether the arguer really is committed to these premises. So the straw man argument can go wrong in either one of two ways. It can fail to meet the requirements of the scheme for argument from commitment, or it can meet these requirements but later be refuted by the introduction of new evidence concerning the arguer's commitments.

However, there are different techniques of putting the straw man argument forward, and so there can be a classification of different kinds of straw man arguments that fail in different ways by exhibiting different shortcomings. Knowledge of these subtypes is very helpful for instructing users on how to recognize a straw man argument, an important skill.

## 5.9 A Procedure for Assessing Complex Cases of Straw Man

The following example shows that in many cases it is not very easy to pin down a straw man argument, and that to really verify by the textual evidence whether such an argument commits a straw man fallacy, there is quite a bit of careful work to be done. Attacks against insinuations can be extremely difficult to analyze from a dialectical point of view, as the more abstract criteria used are of little use. Instead, it is necessary to carefully analyze the relevance of the attack on the possible and presumable conclusions the Original Speaker intends to support with his move. Thus, the interpretive account set out in Chap. 3 needs to be combined with the relevance analysis of the straw man attack developed above.

A complex case can be taken from a reply given by Hillary Clinton to Bernie Sanders during their televised CNN-hosted Democratic debate, the final showdown before the New York primary.

### Case 5.6: Clinton's Reply

Senator Sanders says he wants to run a positive campaign. I've tried to keep my disagreements over issues, as it should be. Time and time again, by insinuation, there is this attack that he is putting forth, which really comes down to, you know, anybody who ever took donations or speaking fees from any interest group has to be bought. I just absolutely reject that, Senator. I really don't think these kinds of attacks by insinuation are worthy of you. Enough is enough. If you've got something to say, say it directly. You will not find that I ever changed a view or a vote because of any donation that I ever received. The audience applauded after this, responding very positively, and this evidence suggests that the straw man argument was rhetorically successful. Ms. Clinton's argument quoted above followed repeated statements made by Mr. Sanders that nobody who is on the payroll of multiple Wall Street banks can ever get a handle on effectively regulating them. Ms. Clinton's rejoinder attacked what she took to be the most reasonable conclusion Sanders intended to support, namely that, "anybody who ever took donations or speaking fees has to be bought." The problems with this interpretation can be summarized as follows:

1. It is an indirect report (rhetorical straw man);
2. It is an interpretation of an implicit conclusion drawn from the Original Speaker's words;
3. The conclusion is drawn from various speeches, not only the present one.

Considering these three issues, determining whether the report can be considered as correct, the interpretation reasonable, and the evidence from Sanders' statements sufficient to support it can become complex. The starting point is to analyze the evidence that can be drawn from the present and previous speeches, which can be summarized as follows:

- I. "That is a very significant difference. Our campaign is funded by the people. To a significant degree, her campaign is funded by Wall Street and big money interests."<sup>6</sup>
- II. "Most progressives that I know really do not raise millions of dollars from Wall Street."
- III. "What being part of the establishment is, is in the last quarter, having a super PAC that raised \$15 million from Wall Street, that throughout one's life raised a whole lot of money from the drug companies and other special interests."<sup>7</sup>

Clearly, these moves do not state explicitly that Clinton has been bought by Wall Street and special interests, leading her to changing views or votes. In order to assess whether the attributed implicitly conveyed meaning is reasonably reconstructed, we need to analyze six different factors:

1. The purpose of the overall dialogue in which Sanders is uttering his moves.
2. The nature of Sanders' moves (conversational purpose).
3. The presumed specific purpose of Sanders' moves.
4. The presumable inferences that can be drawn in the specific context.
5. The inferential distance between the presumable inferences that can be drawn from Sanders' moves and Clinton's report.
6. The reasonableness of the implicit premises leading to Clinton's interpretation (the conclusion she draws from Sanders' moves).

We can assess such factors as follows:

1. Sanders is acting within a political campaign aimed at determining the democratic candidate. Therefore, it presupposes a challenge between the candidates (Sanders and Clinton in this case), in which each one tries to show:
  - (a) the differences between the two candidates;
  - (b) the difference in their political views;

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<sup>6</sup>Bradner, E. (2016, February 6). *Sanders: Clinton is 'funded by Wall Street'*. *CNN Politics*. Retrieved from <http://edition.cnn.com/2016/02/05/politics/hillary-clinton-bill-clinton-paid-speeches/> (Accessed on 21 December 2016).

<sup>7</sup>Yoon, R. (2016, February 6). \$153 million in Bill and Hillary Clinton speaking fees, documented. *CNN Politics*. Retrieved from <http://edition.cnn.com/2016/02/05/politics/hillary-clinton-bill-clinton-paid-speeches/> (Accessed on 21 December 2016).

- (c) the weaknesses of the other; and
  - (d) his own merits.
2. Sanders with his moves is presumed to:
    - (a) show the (personal, ethical, strategic, economic...) differences between himself and Clinton;
    - (b) show the differences in their political views;
    - (c) show the weaknesses of Clinton; and
    - (d) point out his own merits.
  3. Sanders by uttering moves I-III, is presumed to:
    - (a) point out that he is supported by people, Clinton by rich companies;
    - (b) point out that he is a real progressive (and scares the established power), not one who is funded by Wall Street (the big companies are funding Clinton);
    - (c) point out that Clinton does not represent people but the establishment;
    - (d) point out that Sanders is progressive and represents people.
  4. In this context, the only presumable inferences are the following:
    - (i) the special interests and Wall Street support Clinton (as they fund her);
    - (ii) the special interests and Wall Street support Clinton's views (as they fund her); therefore,
    - (iii) the special interests and Wall Street are not threatened by her political views.

Another possible, even though distant and potentially controversial inference (considering that Sanders is Clinton's opponent) is that the special interests and Wall Street are instead threatened by Sanders (they do not fund him).

5. Clinton's interpretation of the implicitly conveyed content is that, "Clinton changed views or votes to support the interests of big companies because of the donations from Wall Street," attributing to Sanders the premise that, "anybody who ever took donations or speaking fees from any interest group has to be bought." Considering Sanders' words, and the presumable inferences that can be drawn therefrom (4), Clinton's interpretation requires further steps:
  - (iv) since the special interests and Wall Street fund Clinton, Clinton is paying them back with favors, as funding is based on an exchange of favors;
  - (v) Clinton's favors consist in changing her political views; therefore,
  - (vi) since making favors in exchange for money amounts to being bought, Clinton has been bought.
6. Clinton is attributing to Sanders the following premises: "Clinton is changing her political views;" "Clinton's political views favor Wall Street;" "Clinton changed her views to favor Wall Street;" "Clinton's favors are paybacks for funds." Sanders cannot be held responsible for such premises, as he is not accusing her of corruption.

This reconstruction can be represented in the following Fig. 5.7:

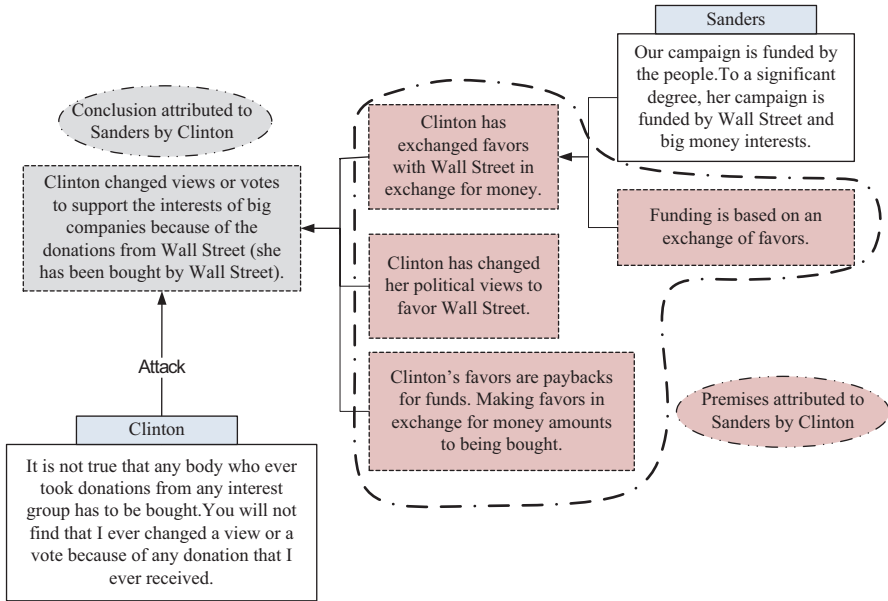


Fig. 5.7 Analysis of the straw man in Clinton’s case

Sanders could have brought to light the implicit premises that Clinton took for granted and easily counterattack Clinton. Sanders could have very easily played the indignant role (Chap. 4, Sect. 4.3.4), claiming that Clinton’s reply was a straw man argument, on the grounds that he never said what she claimed that he did, and that he does not accept the assertion that anybody who ever took donations or speaking fees has to be bought. However, in a rhetorical context, this type of careful analysis is difficult, and Sanders did not take advantage of Clinton’s dangerous move. Moreover, Clinton uses a strategy of self-victimization, implicitly charging Sanders of an attack and depicting herself as the innocent and indignant victim (Macagno 2013; Macagno and Walton 2012).

The argumentation structure of Ms. Clinton’s reply is quite complex. She is acting as the victim, when she is the one that is attacking the opponent by means of a straw man. She says, “If you’ve got something to say it directly,” suggesting that he has made an insinuation. It now looks like she is assuming that he is attacking her directly, using a kind of *ad hominem* argument to insinuate that she is biased or dishonest because she has changed her political views because of donations that she received. The argumentation has now turned from a straw man argument, or what looks like one, in a defense against what she takes to be an *ad hominem* argument. It was common knowledge at this time that there were concerns about her having taken donations and speaking fees from interest groups, and she now seems to have turned the argument in a different direction by responding on this issue. So the argumentation is quite complex, and no doubt it was difficult for the audience to follow the twists and turns and how it went.

## 5.10 Conclusion

In this chapter, the notion of rhetorical straw man was introduced and described. In the previous chapters we focused (mostly) on straw man strategies grounded on a misquotation, namely a direct quotation that distorts either the words originally uttered (misquote) or that reproduces the original move out of its context (wrenching from context). In this chapter, we have developed the analysis of straw man as a strategy of attack based on indirect reports (Capone 2016). The problems of interpretation we pointed out in Chaps. 2 and 3 become of crucial importance for the assessment of a position that is only indirectly reported. The speaker does not quote the Original Speaker's words, providing direct evidence for his interpretation and attack. Instead, he advances an interpretation and attributes to the Original Speaker distorted commitments that he claims to result from the contents he allegedly conveyed explicitly or, even more critically, implicitly.

In order to assess rhetorical straw man (or indirect report straw man), we used the notion of argumentative (or probative) relevance. The treatment of relevance introduced in Chap. 3 was mostly intended to capture the reconstruction of the communicative purpose of a move, but was not applied to the analysis of implicit conclusions in real cases. In this chapter, we developed it further and made it a calculable notion. We maintain that relevance can be determined in terms of inferential distance between a conclusion and the premise, and of defeasibility (acceptability) of the implicit premises used to support the former. On this perspective, the attribution of the implicitly conveyed meaning to the Original Speaker (commitment to implicit meaning) can be assessed considering the defeasibility of the implicit conclusion considering the acceptability of the premises it is based on. As the Clinton case (Case 5.6) shows, the determination of the communicative intention of the original move becomes of crucial importance for establishing the premises on which the implicit conclusion is grounded.

A method for assessing straw man fallacy was designed and formalized using three instruments: (a) a formal dialogue system, (b) profiles of dialogue, and a procedure for reconstructing the straw man and bringing to light its implicit components. The purpose of the formal dialogue system is to provide a normative framework setting out conversational rules of the kind called protocols in current research in artificial intelligence. Such rules can be applied to real arguments in order to pinpoint defects, such as fallacies, so they can be identified and repaired. The formal dialogue model can be used to determine if the dialogue in the given case has proceeded in the correct order, asking necessary preliminary questions and establishing the arguer's commitments in a fair and reasonable way.

However, when we tackle the problem of building hands-on methods that can be applied by students or other users to arguments of the kind they may confront daily in the real world, we need other tools. First, real arguments need to be reconstructed and their structure abstracted to fit the abstract model. Second, real straw man attacks involve interpretations of the original utterance that very often can be problematic. For this reason, we introduced the profiles of dialogue as well as linguistic

methods to apply such abstract dialogue models to real examples where the natural language text has to be interpreted and analyzed. By the use of examples, we have offered guidance on how an argument taken from natural language discourse can be abstracted from the text, interpreted, and represented. We have applied the profiles of dialogue to match real texts to the requirements of the abstract, formal model. In order to guide the reconstruction and evaluation of the implicit dimension of the straw man fallacy, we have designed a procedure indicating analytical steps for determining the reasonableness of an interpretation.

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# Conclusions

The quotation and indirect reporting of someone's claims are argumentative tools that serve specific purposes in a text, dialogue, or speech. As we pointed out in Chap. 1, quotations and reports can be instruments for appealing to the authority of their sources, reminding the interlocutor of his or her past commitments, releasing the speaker from commitment to the quoted content, or triggering attacks against the Original Speaker. In dialectics, quotes and reports are crucial for confronting the interlocutors with their original positions, and assessing whether they need to retract a commitment or their original position in order to be consistent. In rhetoric, they can be used to remind the audience of a past commitment, trigger an emotion connected with a specific Original Speaker or statement, or strengthen one's viewpoint through the words of more acknowledged or reputable sources. In legal disputes and discussions, they can be the starting point for analyzing a specific position on the issue under scrutiny. In addition to these positive argumentative uses, quotations and reports can be powerful instruments for attacking the interlocutor or the Original Speaker. The comparison between his past and present commitments can be used for showing that his dialectical or dialogical behavior is incorrect, or that he is inconsistent, incoherent, or unreliable. Past commitments can become the premises of arguments leading to negative conclusions on the Original Speaker's character, based, for example, on their offensive, false, or unethical contents.

In all these uses, the way a position is represented affects the possible conclusions that can be drawn from it, resulting in various strategies that can be manipulative, as we underscored in Chap. 4. A quotation can be slightly modified, so that the words or the meaning that supports the intended conclusion can be emphasized or brought to light. Evidence contrary to the quoter's goal can be omitted. Clarifying expressions can be added, so that possible ambiguities or interpretive doubts can be avoided. Sometimes, however, representing becomes distorting. The communicative purpose of the quoted statements can be completely altered, and the Original Speaker can be presented as defending a viewpoint that he never advocated or could not have maintained in the original context. The wording of his original claim can

be modified. The context in which the statement was made can be withheld, so that it can be reconstructed by the audience as a different one, usually the most common or the presumptive one. Specifications, hedging expressions, contrasting or contradicting statements can be omitted. In an even subtler way, the original commitments can be modified implicitly. The quoter can interpret the original quote redefining tacitly the words used. He can draw conclusions from a quotation based on premises that he indirectly and unduly attributes to the Original Speaker. He can take for granted that the source of the statement was pursuing a goal, was committed to a proposition, or was using an expression with a meaning that he never thought of.

The most problematic aspect of misquotation for the Original Speaker is that for him the rules of the dialectical or dialogical game remain the same as in case of quotation. Quotations are tools for bringing past commitments from the dark side to the light side, or (when quotations are in fact misquotations) attributing to the Original Speaker commitments that he never incurred (Chap. 2). A quotation shifts the burden of proof onto the quoted party. A quotation is a piece of evidence that is put forward in support of an interpretation, which provides a *prima facie* case in favor thereof. The quoter fulfills his burden of proof by quoting, and shifts onto the Original Speaker the burden of providing contrary evidence or arguments. A misquotation is a dialectical strategy that can be extremely effective, especially when the distortion is not clearly detectable or affects what is left unsaid. Differently from indirect reports, in misquotation the Original Speaker has to provide evidence that the quote was altered or wrenched from its original context or otherwise modified, and sometimes this dialectical process can be complex, burdensome, or unsuccessful, especially in a rhetorical setting.

The line between quoting or reporting and purposely altering a commitment is extremely thin, as we underlined in Chap. 3. As the legal cases *Masson* and *Milkovich* (Sect. 3.6) show, in order to determine whether a quotation was distorted we need to consider whether it provides a faithful (truthful) interpretation of the original statement. The crucial question becomes how to assess an interpretation. This issue led us to combining the advances of linguistic pragmatics with argumentation studies and legal theories of interpretation. We needed to develop tools allowing one to determine what interpretation can be considered the best one, and to explain why. To this purpose, in Chaps. 2 and 3 we started from what communication is about, namely pursuing a dialogical or communicative purpose. We described such purposes and classified them according to types of dialogue, or abstract goals that the interlocutors (or the speaker) may try to achieve. Such goals can be made more specific, until determining what the speaker intended to do with his move in the specific situation. This is our interpretive conclusion, which is supported by textual, contextual, and common ground evidence, by rules of inference and presumptions. The less or the least defeasible interpretation can be thus considered the outcome of an argumentative process of assessing pro and contra interpretive arguments.

This model can be used for assessing the acceptability of a quotation, but in the case of indirect reporting, the rules of the dialogical game are slightly different, as we made clear in Chap. 5. The reporting party is free to draw conclusions from what is said, what is implied, and what is taken for granted by the Original Speaker.

Several conclusions can be drawn from the same statement, depending on how many premises the interpreter takes into account and how many inferential steps he makes. For this reason, we needed a simple criterion for telling apart the acceptable interpretations from the distortions and manipulations. We introduced the idea of relevance conceived as inferential distance in Sect. 5.2, defined as the number of argumentative (inferential) steps separating the premise (the original statement) from a conclusion (its interpretation). Thus, the acceptability of an interpretation depending on the number of premises it requires and the defeasibility thereof.

Now it is time to go back to our *Trump's racial profiling* case described in the introduction, and see how our five chapters can be used to say something useful about it. As we recall, Trump was quoted by the media as stating that he was in favor of “racial profiling,” and a CNN journalist claimed that this quotation was in fact correct as Trump “clearly meant racial profiling when he said profiling.” The problem with this interpretation lies in what we described in Sects. 3.2, 4.2 and 4.6 as the imposition of implicit commitments and implicit definitions. “Profiling” is a procedure that has been criticized in the past due to a specific practice, called “racial profiling,” consisting in suspecting or targeting a person of a certain race based on racial stereotypes (a man belonging to race X is usually a terrorist). This discriminatory practice needs to be distinguished from profiling, usually referred to as “criminal profiling,” consisting in the reliance on a group of characteristics are believed to be associated with crime (a person having characteristics X, Y, Z can be suspected of intending to carry out crime A). Such characteristics can be different in nature, and include behavior, dress, interactions, ethnicity, etc. The journalist and the media simply attributed to Trump a definition of profiling that is extremely controversial. The problem is that Trump never committed himself explicitly to this definition.

In order to assess whether Trump was quoted or misquoted, namely whether the CNN journalist’s interpretation was correct, we need to take into consideration the only evidence we have of his implicit commitments, namely his statements in context. We report below the full quote mentioned in the Introduction (Case 1 in [FM](#)):

Our police are amazing. Our local police, they know who a lot of these people are. They’re afraid to do anything about it because they don’t want to be accused of profiling and they don’t want to be accused of all sorts of things. [...] If somebody looks like he’s got a massive bomb on his back we won’t go up to that person and say, ‘I’m sorry,’ because if he looks like he comes from that part of the world we’re not allowed to profile. [...] In Israel they profile [...] They’ve done an unbelievable job, as good as you can do. [...] They see somebody that’s suspicious, they will profile. They will take that person and they’ll check out.

From this quote, we can see that Trump uses “profiling” with two distinct meanings, which we will indicate as “profiling<sub>1</sub>” and “profiling<sub>2</sub>.” First, when he complains about the police worried of being accused of “profiling<sub>1</sub>,” he refers to the stereotypical and controversial practice of “racial profiling.” This interpretation is clearly supported by evidence: (1) the police are worried about being accused of racism; (2) the accusation of racism would derive from the practice of profiling people from certain parts of the world; (3) the profiling police are usually accused of is racial profiling. However, later on Trump uses the term “profiling” with a meaning, “profiling<sub>2</sub>,”

which cannot be the same as “profiling<sub>1</sub>.” He claims that the police are not “allowed to profile” certain groups coming from a “part of the world,” even though they have specific behavioral characteristics that make them suspicious (“looks like he’s got a massive bomb on his back”). He maintains that, “in Israel they profile” and that when “they see somebody that’s suspicious, they will profile.”

Claiming that this latter use of “profiling” is the same as “racial profiling” would be problematic. This interpretation would lead to claiming that Trump stated that people behaving in a suspect fashion are targeted or suspected based on their race. It would make Trump state that in Israel the police target people that they consider as suspicious based on their race (independently of their race). If we interpret this use of “profiling” as different from “profiling<sub>1</sub>” (racial profiling), and we define it as “criminal profiling” (“profiling<sub>2</sub>”), no incoherence emerges. For this reason, the best interpretation of Trump’s statement is that he is in favor of “criminal profiling,” as distinct from “racial profiling.” The quotation and the journalist’s justification thereof are the outcome of a much more dubious reconstruction of Trump’s meaning.

Also considering the implicit conclusions that can be drawn from the aforementioned original statements, the assessment would be the same. In order to draw the conclusion that “Trump encourages racial profiling,” the CNN journalist needs to rely on problematic inferential steps grounded on hardly acceptable premises. In particular, we summarize the ones justifying the interpretations of the arguments advanced by Trump as follows:

1. “If somebody looks like he’s got a massive bomb on his back we won’t go up to that person and say, ‘I’m sorry,’ because if he looks like he comes from that part of the world we’re not allowed to profile<sub>1</sub> (racially profile).”
  - (i) Having a massive bomb on one’s back is not relevant to the issue of profiling.
  - (ii) American police profile people only based on race.
  - (iii) Therefore, when Trump claims that “[...] if he looks like he comes from that part of the world we’re not allowed to profile,” he means that the police are not allowed to target based on race the person suspected of carrying a bomb on his back, and to see him as suspicious based on race.
2. “<when Israeli police> see somebody that’s suspicious, they will profile<sub>1</sub> (racially profile).”
  - (i) In Israel the police profiles suspects based on race.
  - (ii) In Israel, suspicions of terrorism are associated with race.
  - (iii) Therefore, in Israel, seeing someone that is suspicious means that he is racially suspicious.
  - (iv) Therefore, when Trump claims that “<when Israeli police> see somebody that’s suspicious, they will profile,” he means that they profile him based on race and see him as suspicious based on race.

These inferential steps are extremely defeasible, as the premises are hard to accept, or at least much harder to accept than interpreting the statements as presupposing a definition of “profiling” as “criminal profiling.” In this sense, we can maintain that Trump was misquoted, and the interpretation provided by the CNN anchor cannot be accepted.

Considering our five chapters and the detailed analyses of the 63 examples we used, we can draw ten conclusions on how to deal with the straw man fallacy and to solve related problems arising from the use of quotations. The first and most general one is the necessity of taking a pragmatic approach by systematically taking the context of discourse into account in each example. Problems of wrenching from context as well as many other problems relating to the uses of quotations need to have dialogue structures as a significant part of the methodology. It has been shown that each example needs to be analyzed using not only argumentation schemes and argument diagrams but also by applying formal dialogue systems that provide a normative framework to use contextual information given at a particular case to pinpoint defects, such as fallacies and other faults.

The second conclusion is that, although the logic textbooks have emphasized more deplorable defects (such as the straw man fallacy), our book has shown that there is a much wider range of problems with the argumentative use of quotations in dialogue. Our study has analyzed a broad range of examples of arguments that attack an opponent’s position by paraphrasing that position, rephrasing it by using a quotation strategically, or even by using the hand-waving technique of casually referring to an opponent’s position in the most vague and sweeping way. Some of the sophisticated tactics we encountered in many of these cases are indeed so bad that they properly deserve to be labeled with the term ‘fallacy.’ However, in many of the other cases that were studied, the problem is more subtle and, as we saw deserve a more nuanced approach.

The third conclusion of our study relates to the traditional view that was widespread for so long in the informal logic textbooks of using a label such as the straw man fallacy to refer to errors that are not so extreme that they deserve such a confrontational label. Many of the problems discussed in the examples that pinpoint faults and errors in the use of quotations, or that specify an arguer’s position in an inappropriate way, are better described as argumentation faults that can be repaired easily once the shortcoming has been identified. Instead of using the confrontational approach of accusing a participant in argumentation of having committed the fallacy, we have taken the more pragmatic approach of using our tools of analysis, such as the profiles tool, to identify and repair faults that can easily be fixed. The goal in using such techniques should not be to attack an opponent by accusing him of committing a fallacy. Rather, our approach would enable the speaker himself to identify a shortcoming or lapse in his argument that can be repaired, so that the argument can be improved. Another consequence of using these techniques would be that the misquoted party could react to misquotations and straw man arguments by critically detecting the interpretive shortcoming in his opponent’s argument and correcting it. This way of proceeding is less confrontational and more helpful.

The fourth conclusion is that the formal dialogue model STRAW<sub>1</sub> offers a normative model of argumentation especially designed to enable an argument analyst to identify and deal with not only real examples of the straw man fallacy but also real examples of strategic uses of quotation and misquotation of the kind abundantly illustrated in the book. By using the dialogue moves, commitment rules, and win loss rules, along with the preconditions and post-conditions set out in Tables 5.1 and 5.2 as specified in STRAW<sub>1</sub>, an argument evaluator is in a position to precisely pinpoint where the error or problem has occurred. However, such dialogue models, although helpful as normative models, are not easy to apply to a real text of natural language discourse in a given example. They need to be supplemented by other tools.

The fifth conclusion is that a unified approach combining formal dialogue models with the use of graphs, such as argument diagrams and profiles of dialogue, has provided the most successful method for identifying and repairing such faults. The advantage of this combined method is that it is practical and easy enough for non-specialists to use, and can therefore be applied as a tool in educational discourse to teach students and other non-specialist users how to identify and repair defects of argumentation arising from misquotation and misrepresentation of an arguer's position more generally.

The sixth conclusion is that the deepest and most serious problems confronted by some of the examples were shown to be rooted in the problem of interpreting a party's communicative intention, and more precisely in the dialectical and rhetorical difficulty of disproving an interpretation. It was especially brought out in Chap. 3 how problems relating to misquotation and misrepresentation frequently stem from the representational and selective nature of direct and indirect reports. The argumentative force of such reports lies in the relationship between quotations and commitments, and the resulting dialectical and rhetorical consequences.

The seventh conclusion is that diagnosing argumentation problems that arise from distorting a point of view for argumentative and rhetorical purposes is grounded on the capability for interpreting the text in which the distortion was carried out. Such a process of interpretation is itself based on argumentation. As shown especially in some of the legal examples treated in the book, there are special argumentation schemes for use in putting forward and criticizing a particular interpretation of a text that has been advocated or criticized.

The eighth conclusion is that straw man arguments based on strategic manipulation of the interlocutor's or a third party's point of view, tend to be most rhetorically effective, and at the same time difficult to diagnose, when they turn on a potential ambiguity or possible interpretative doubt. Once the problem has been pinpointed, there can be a follow-up conversational exchange between the critic and the Original Speaker to live up to the possibility of modifying a point of view expressed in an utterance or a written statement within a specific context. The potential ambiguity at different levels of discourse allows the quoter to shift the burden of proof onto the interlocutor, who needs to provide reasons countering the quoter's interpretation of his claim. This conclusion takes us to the next one concerning the operation of bur-

den of proof in a dialogue structure where the burden of proof shifts from one side to the other as the one party responds to the prior argument of the other.

The ninth conclusion to be drawn from the evidence provided in this book is that the repair procedure for correcting the fault can itself be expressed as a dialogue between two parties, the Original Speaker and the critic. Here, once again, the value is in rethinking the notion of fallacy, and moving away from the traditional view that an accusation of fallacy is a knockout blow from which OS cannot recover. By reserving the use of the term 'fallacy' only for the more extreme cases, we have advocated the more realistic method of examining each case on its merits by studying the evidence from the text and context in any given case. By this means, the implementation of the new pragmatic approach displayed in the chapters of this book has been made possible. Both the strengths and weaknesses of a given argument or interpretation could be brought out by this new pragmatic method.

The tenth conclusion, brought out in some of the examples, is that the straw man fallacy can be considered as a fallacy of relevance. Case 4.9 (Open all the banks) and Case 5.1 (Nixon's Checkers) show clearly how a distorted interpretation of a viewpoint can be an interpretation that is irrelevant or poorly relevant in the original context. On the perspective presented in this book, relevance is a pragmatic concept that can best be evaluated by using formal dialogue models, argumentation schemes, and profiles of dialogue.



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