Regrading as a Conversational Practice

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Abstract

The purpose of this paper is to initiate the topicalization of upgrading and downgrading (regrading) in conversational interaction; that is, to offer some fundamental considerations for viewing regrading as an object of study rather than as a taken-for-granted conversational practice. I begin by describing the conversation analytic conception and use of regrading and distinguishing three subtypes. I note further that regrading is a manifestation of scaling, the relationship between the two being reflexive. Regrading, from an interactional perspective, involves a positioning followed by a repositioning on a scale, and so is inherently sequential. I discuss the relationship of contrast and scaling, secondary scales, and certain sequential aspects of regrading. Through the examination of transcribed segments of talk, I comment on the prevalence of regrading as a conversational practice, and on scales as constituting, to a large extent, the underlying structure of talk. I want to claim that (1) Interaction consists, to some considerable extent, of movements, i.e. regrading, on various scales. (2) Understanding of those scales guides interpretation, especially implicature and implication. And (3) understanding word choices as scaling choices is a key to the analysis of how utterances function.

Keywords: regrading (upgrading/downgrading); scaling; contrast; implicature; sequence

1. Some basic considerations

Although in the conversation analytic literature, upgrading and downgrading are frequently observed occurrences, the nature and practice of up-

and downgrading as such have rarely been topicalized.[1] An indication, perhaps, of this inattention, is the lack of a generally accepted term that covers both upgrading and downgrading. I propose *regrading*. This paper, and the other papers in this volume, seek to ameliorate this deficit. In this paper, I want to begin to examine the nature and practice of regrading, rather than using the concept incidentally to pursue some other analytic objective.

Before proceeding further, I would like to offer what I think is a typical example of the way in which regrading has been treated in the CA literature. The segment and its analysis is from Stokoe and Edwards (2012: 175, 176-8). Graham and Louise, a married couple are complaining to a mediator (M) about the misbehavior of certain children on their street, and, specifically, in this excerpt, about the children's mother.

(1) Stokoe and Edwards 2012
13 G: No: she's o::ut at ni:ght and they are using it as a- a
14   rendezvous for the ga:ng.
15 M: So ↑when you say the mother goes ou::t,
16   (0.2)
17 L: She's u[s u a l l y   o u : t] at ni:ght[s.
18 G: [We >don't know whether sh-]   [We don'
19   know whether [she's working] w- I: ↓think she's working=
20 L: [some ni:ghts.]
21 G: =in [a pub.
22 L: [She's spending ni:ghts away isn't she.=

The authors comment: "In [this segment] the participants further develop their description of the mother's absences. These are occasioned by the mediator's prompt (line 15, 'So when you say the mother goes ou::t,') which

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[1] The exceptions, to my knowledge, are Couper-Kuhlen (2014); Ogden (2006); and Plug (2014), all of which deal with paralinguistic aspects of regrading. Of special note is Couper-Kuhlen and

notably omits the significant detail 'at ni:ght' from the prior turn ..., which Louise then re-inserts (line 17), characterizes as routine ('usually'), and re-asserts with an upgrade to 'spending ni:ghts away' rather than just going out for the evening. Louise is clearly working up the mother's moral accountability in a concerted manner, in which the absences are to be noted as nocturnal and regular" (Stokoe and Edwards 2012: 177-178). This is a very typical way that regrading features in analysis of conversational segments. An expression is identified as an (in this case) upgrade, with, perhaps, a brief, informal justification ("rather than just going out for the evening"). The upgrade is then argued to be in the service of some larger action ("working up the mother's moral accountability").

Another way that upgrades and downgrades appear in the CA literature is as typical occurrences within certain interactional sequences. The classic example is Anita Pomerantz's (1984) finding that assessments are frequently responded to with upgraded second assessments (see also Ogden, 2006; Edwards and Potter, 2017). Another example is Edwards' (2000) discussion of "softeners," downgrading extreme case formulations.

There is certainly nothing wrong with these analytical approaches, but they leave open some very large matters. What exactly is regrading, what are its varieties and manifestations, how is it carried off, what are its formal features, its logical, semantic, and implicational properties? A first finding, when we focus on regrading as such, is that it is a much more common practice than we might have supposed. As we shall see, a lot of what goes on in talk is structured by regrading.

The terms *upgrading* and *downgrading* were introduced into the CA literature by Anita Pomerantz (1978, 1984).[2] I refer to this conversational

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[2] A precursor is Sacks' (1992, Vol. 1: 585) notion of "positioned categories" where one member can be said to be higher or lower than another (as with baby/adolescent/adult).   Another example

analytic notion of regrading as *sequential regrading*.[3] An expression may be regraded by the speaker who originally produced the expression or by a respondent. I want to distinguish, initially, three types of sequential regrading.

I. In *referent regrading*, (a) there are two expressions which occur in talk, (b) they occupy different positions on some scale, (c) the two expressions, possibly including paralinguistic and gestural components,[4] refer to the same object, and (d) the second is offered as a replacement of, or as superseding, the first. These regrades are inherently sequential, consisting of an initial positioning of an item on some scale followed by a repositioning.

(2) From Pomerantz 1984 (excerpt 10)
J: T's- tsuh beautiful day out isn't it?
L: Yeh it's jus' gorgeous ...

II. I will call the second type of sequential regrading *non-coreferential regrading*.[5] This occurs when two expressions, occupying different positions on a scale, with different referents, are juxtaposed, that is, when an expression is either upgraded or downgraded.

(3) From Sacks 1992, Vol. 1 (p. 270)
1. Roger: I have got a speeding ticket on the average of one every
2.   three and a half months. Since I've been driving.
3. Al: I haven't- I have never gotten a ticket.

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from Sacks is the ordered invocation of different categories of persons, as described in "The Search for Help" (Sacks 1967), although perhaps "higher" and "lower" are not appropriate descriptors of the kind of order involved.
[3] There is at least one other type of regrading, where a word/sentence/utterance is treated as an upgraded or downgraded form, frequently in contrast to a postulated "normal" form. Since the editors elaborate on this in their introduction, I will not discuss it further.
[4] See Couper-Kuhlen 2014, Hauser this volume, Ogden 2006, Plug 2014.
[5] Thanks to Matthew Prior for suggesting this term in place of my original "expressive (de)escalation."

Line 3 is a regrade of lines 1-2. Ordinarily, it would be an upgrade, since getting no speeding tickets would usually be considered better than getting them on a regular basis.[6] However, the referents of the regraded expressions are different. The "I" in line 1 is a different person than the "I" in line 3. Although it might be said that one person is better (in respect of law-abidingness) than the other, neither has been regraded.

 III. I call the third type *cumulative regrading*. In Yuka Matsutani's data (this volume), the claim by a woman that her husband works almost 24 hours a day is subsequently upgraded by adding that he does it seven days a week. What makes this an upgrade is that the heavy weekly schedule is *added to* the daily schedule. Note that, although this upgrade is sequential, it also involves a commonsense notion of what is normal. Cumulative regrading can produce downgrades as well as upgrades. So, if the added information was that he works only three days a week, this would constitute a downgrade, since five days is the normal workweek.

All types of sequential regrading allow for an "unmarked" form to function as a regrade.

(4) From Pomerantz 1984 (excerpt 11)
A: ... Well, anyway, ihs-ihs not too co:ld,
C: <u>Oh</u> it's <u>warm</u> ...

The status of "warm," which is not in itself an extreme expression (like, say, *freezing* or *broiling*), as an upgrade is entirely dependent on the previous occurrence of "not too cold".

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[6] Sacks treats this as a kind of downgrade, since getting speeding tickets may be something that these teenage hotrodders would be proud of. However, this does not affect the point that I am making.

The claim of regrading depends on the positing of a scale, that is, an arrangement of items in an ordered array, less-to-more,[7] what Gal (2016) calls a "mode of comparison." We see item B as a regrade of item A by virtue of a perception that A and B are items on a scale, that one is a more extreme or advanced version of the other. So, the observation of regrading is dependent on the (participant's) perception of a pre-existing scale.[8] On the other hand, it is the very observation of regrading that indicates that such a scale is in play. So, for example, in excerpt (3), we can see "never gotten a ticket" as an upgrade of "got a speeding ticket ... every three and a half months" by positing a scale of law-abidingness. But, such a scale is made relevant, or perhaps even brought into existence, by seeing the one phrase as an upgrade of the other. This kind of reflexivity is familiar to students of ethnomethodology and hermeneutic interpretation. In practice, because of the linguistic, or paralinguistic, characteristics of the items and the way they are juxtaposed, their scalar relation may be readily apparent. The notion of scaling includes more than regrading—a linguistic expression, or even a gesture, may be seen as selected from a scale even when no regrading occurs.[9] We may, for example, note, as a rhetorical feature, that the speaker said X when s/he could have said something stronger or weaker.[10]

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[7] The less-to-more property applies repetitively to cyclical scales, such as days of the week. Within any particular week, Friday occurs after Monday. However, we cannot say, as a general matter, that a particular Monday occurs before a particular Friday, since the Friday may have occurred in the week before the Monday.

[8] This is a major point of Couper-Kuhlen and Thompson's (2005) important paper on "concessive repair." When we recognize downgrading (and, by implication, upgrading), we can look for an underlying scale.

[9] For example, Edwards (1997, p. 245).

[10] There are other ways that scaling can enter directly into interaction. For example, with questions, as in the following invented example:
A: That's good.
B: Just good?
And, of course, there are lexical "scale indicators," such as comparatives or "at least." These all stand in contrast to analysts' invocation of scales, as in "What are the determinants and consequences of him saying X when he could have chosen something stronger or weaker?"

There are numerous scale types,[11] and thus numerous types of regrading. *Generality↔specificity* is a scale. So is quantity (*more↔fewer/less*), time (e.g., *sooner↔later*), frequency (e.g., *never↔always*), space (e.g., *far↔near*), size, weight, intensity, certainty, informativeness, formality, politeness, etc. (The scales may, in many instances at least, operate together with notions of normality and markedness. So, for example, a particular expression may be seen as too polite for the situation at hand, giving rise to inferences.) With the realization of the multiplicity of scales comes the understanding that regrading may be a ubiquitous feature of talk. And, of course, since regrading may occur on any type of scale, a typology of scales offers one, content-based, way of typologizing regrading.[12]

When we speak of upgrading or downgrading, we are invoking directionality as a scale feature. That is, one direction is "more," the other "less." But which direction on a scale is more, and thus definitive of upgrading, and which less? Is a move from more specific to more general upgrading or downgrading? It is upgrading generality but downgrading specificity. How about a move from far to near? Context may provide the answer (e.g., if we are talking about getting somewhere quickly). Also, if we say "the sun is closer to earth than the stars," the directionality of an upgrade would be increasing nearness ("the moon is closer still"). If we say "the sun is farther than the moon," the directionality of the upgrade would be increasing distance. Directionality, then, is not an inherent quality of a scale, but a quality that is imparted to the scale by context or by linguistic features. Scales are arranged from less to more, but which end is less and which more is not (necessarily) structurally determined.[13]

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[11] On this point, see Sapir (1944: 94).

[12] Not the only way, as my discussion of types of regrading (referent regrading, non-coreferent regrading, and cumulative regrading) demonstrates.

[13] For a fuller discussion of directionality, see Cruse (2011: section 7.3.2.4).

Another important consideration is the relation between scales and contrasts. Scales are frequently, if not always, convertible to contrasts, and contrasts to scales. Here is a nice example:

(5) Secretary of Defense McNamara has called President Johnson to discuss an incident off the coast of North Vietnam (transcribed by Eric Hauser)
1. M: Mister President_ ↓uh (.) ↑General Wheeler and I are sitting here
2.   together.=we just received a cable from .hhh Admiral Shar:p
         ...

9.   ... ↑Sharp recommends first that (0.4) thee
10.   \uh: (0.4) thee ↑track of the destroyer be shifted from eleven miles
11. offshore to eight miles offshore:. ↑this makes no: sense to us.=we
         would recommend
12.   against it.
13.   (0.6)
14. M: uh: ↑his purpose (.) by: ↑shifting the track
15.   [is simply t' make clear: that we- [we=
16. J: [hh   [°mhm°
17. M: =believe the twelve mile limit is not an
18.   effective limit on us. (0.3) ↑we don'- ↑we think we do that adequately by:
19.   >sailing at eleven miles< as opposed to eight.
20.   (0.8)
21. M: ↑secondly ↑Sharp recommends that we authorize the [task   ]
22. J: ['n' what] reason
23.   does 'e give for 'is eight.
24. M: °(it is)° ↑simply that it more clearly indicates our (0.3) our refusal to
25.   accept eigh ((a)) twelve mile restriction.=↑we think we have clearly indicated
26.   our refusal to accept a twelve mile restriction with thee (0.3) with thee eleven
27.   mile limit=we see no need to change the track at this ti:me.

Admiral Sharp is viewing miles-from-shore as a continuous scale. The closer we come, the clearer the statement we are making (lines 24-25). M treats distance-from-shore as two-valued. Either we are outside the 12 mile limit or inside it (lines 14-19, 25-27). Distance, being inherently quantifiable, is a "natural" scale. However, a two-valued, contrastive logic can be imposed on it by

an act of categorization. The 12-mile limit is such a categorization. One can be on one side of the line or the other. How far from the line is irrelevant.[14]

The interplay between scale and contrast is of some interest, so I will offer a second example. Segment (6) is from a phone conversation between Linda Tripp (T) and Monica Lewinsky (L).

(6) Tripp 6-1.1
1. T: .hh I think down deep ya don't like t having to lie.
2.   (.5)
3. L: Of course I don't think anybody ↑likes to:.↑ (.5) I
4.   don't think anybody likes to

Ordinarily, when we say that we don't like something, we mean that we dislike it; that is, we rule out not only liking but also indifference (see Lyons 1977:278, Cruse [section 17.4.2.]). In other words, we posit a simple contrast— like vs. dislike. This is what T seems to be doing in line 1. L accepts T's assertion, but, in doing so, she reinterprets it. This is accomplished largely through stress and intonation. By stressing the word "like," she insists on a literal interpretation. She doesn't *like* to lie, but she doesn't necessarily dislike it either. As she says later, she was "brought up with lies."   In this way, she converts T's proposed like-dislike contrast into a three-part scale: *like↔indifferent↔dislike*.

There are settings, such as the rehabilitation hospital studied by Izumi 2016), where scaling is virtually the central preoccupation of the participants, at least the professional staff. Patients are constantly being rated, upgraded and downgraded, on formal scales regarding their abilities to feed themselves, move

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[14] I would like to say that contrasts may constitute binary scales insofar as the two expressions are seen as having different values on a scale. In such a case, a change from one to the other would be seen as a regrade. See my discussion below of talk vs. action.

about, etc. In looking at other settings, it has become increasingly evident to me that regrading, as conversational practice, and scales as structural elements, are a basic and ubiquitous part of conversational interaction and utterance meaning. In what follows, I will, first of all, consider a commonly occurring scale—degree of violence. I will draw heavily on a previously published short study (Bilmes 2010).[15] Then I will examine a segment of talk in an administrative institution. What I wish to show is that a sensitivity to regrading produces a particular and analytically interesting description.

2. Further Considerations: Regrading violence

Edwards (1997) writes about an exchange first presented and analyzed by Harvey Sacks (1992: 113-118). One of the principals characterizes his behavior toward his wife as moving her out of the way. His interlocutor, no doubt in consideration of the fact that the police had been called, suggests that he smacked her. When this description is rejected, another—"shoved"—is proposed. Edwards comments that "shove is then treated by A and B as a jointly acceptable substitute for 'move out of the way'. It is a substitute that manages to down-play any violence in the husband's actions [in contrast to "smack"], while still providing a plausible basis for an over-reacting and possibly biased witness…to call the police" (98). That is to say, "shove" is an intermediate point on a violence scale and a downgrade of "smack." At another point, Edwards mentions a description provided to the police of an incident in which the principal says that he "clipped" another person (1997:245). Edwards views the formulation as downplaying the violence involved, a kind of marked alternative to a more normal description. I want to examine more closely an exchange, recorded and transcribed by Matthew Prior, in which degrees of violence are at

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[15] The original article, which, outside of Japan, may be hard to access, has been uploaded to academia.edu and ResearchGate.

issue.[16] The data is part of a series of interviews that Prior did with a man who had immigrated to Canada as a youth.

(7) Prior interview
64 M: But- (0.9) what about that one time you-(.) you s(h)aid (.) you
65 threatened=
66 E: =to kill them=
67 M: =That-(.) °that one cook°
68   (1.1)
69 E: Huh?
70 M: The one who took your shoes?
71 E: Oh yeah. (.) t' kill them (.) yeah.
72 M: What is it you said (.) I'm gonna kill you or=
73 E: Yeah
74 M: I'm gonna [cut you?
75 E: [yeah
76 M: What did you say?
77 E: No I said [(I wanna I'm gonna) punch you (0.9)
78 M: [punch you
79 E: But punch you not (.) I think it's not too bad.
80   But when I said I'm gonna kill you because (0.6) that time
81   because I really::-.hh (1.8) see (0.4) those anger (0.3) that
82   anger unh-I have a lot of anger inside of me::.
83   (0.9)
84   I knew I (ha') a lot of anger inside of me sometime.
85   (1.1)
86   This anger one day might explode like a-(.) uh (.) that's why
87   I-(.) the only thing I see myself (.) that's why I try to
88   seek counseling the best I-(.) I try to make time to seek
89   counseling to talk about my anger (.) all the time.
90   (0.9)
91   .hh but my anger toward to someone that (1.3) I think (.)
92   mistreating me.
93   (1.4)
94   I don't go pick a fight w-with people y'see? ((slaps hand on
95   leg)) I don't go bullying people I don't ((slaps hand on
96   leg)) Because (.) since I wa' a child (.) m-because mostly my
97   father (0.7) or people bully me all the time. An' this anger

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[16] Prior (2016) offers his own analysis of this segment.

98   s-s-keep carry on in me-in-inside of me (1.1) °You see?° (.8)
99   And then suddenly when I (.4) even now till today, if someone
100   arrogant (1.0) arrogant people(.)obnoxious pe-(.) o-o-obnoxious?
101 M: (0.6) ((nods head))
102 E: And (.) anywhere
103   (.05)
104   If someone come to me and say (1.8) You an asshole (.) example.
105   (1.4)
106   I either (0.3) punch him or s-sp-fight back with him.
107   (1.3)
108 M: Have you punched somebody?
109 E: Not yet=
110 M: H-hh ((soft laugh))
111   (.4)
112 E: Almost (.) ((smiles)) (1.8) HHH. ((laughing exhale))
113   (1.1)
114 M: Have you yelled at somebody?
115 E: Ye::s, (.5) All the time.
116 M: ALL the time? ((laughing))
117 E: >Not all the time but sometime I-< (.2) a s'few time in
118   Toronto. A few time. (.6) A few time (.)specially wit' the
119   car. ((E continues with a story about dangerous drivers))

        I suggested in Bilmes (2010) that the primary scale in this segment is

yell↔punch↔cut↔kill.[17] In addition, there are what I referred to as a

"secondary" or "modifying" scales, in that they are applied to the primary scale.[18]

One is a frequency scale. Another, the one I want to discuss here is

threaten↔do. E says "I said (I'm gonna) punch you" (line 77) Later M asks

"Have you punched somebody?" (line 108). *Threaten/do* is one realization of the

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[17] That this is indeed a scale, from relatively mild to extreme manifestations of anger, can be at least largely supported by evidence provided by the conversation itself. It is the participants themselves who, for the most part, construct this as a scale. See Bilmes (2010) for the full argument on this point.
[18] Izumi (2016) shows that mobility aids are arranged in a scale which is used as a measure of the patient's mobility status: *reclining wheelchair↔self-propelled wheelchair↔walker↔four-point cane↔one-point cane↔high leg brace↔knee-high brace↔low brace*. This primary scale is modified by two secondary scales: *inside↔outside*, and *dependent↔independent*, which may be thought to up- or downgrade level of advancement as measured by placement on the primary scale.

saying/doing or *talk/action* pair. This is readily recognizable in common parlance ("All talk and no action." "Actions speak louder than words.") The action itself may itself consist of words (e.g., "Stop saying that you will ask for a raise and do it."). Of course, there are degrees of threat, and of doing as well, but there is, seemingly, a discontinuity between *threaten* and *do*, that is, e.g., *punch* might seem to be not a further degree of *threaten to punch*, but rather something fundamentally different. So, from this point of view, the various degrees of *threat* form one item in a pair, in relation to *do*.[19]

Still, it is possible to treat the various manifestations of *talk/act* as scaled relations (*talk↔act*). We should, first of all, consider that, e.g., a threat is a kind of action. Furthermore, "I punched him" is a verbal expression. So, in this case, the words are acts and the acts are (referred to in) words. "I threatened to punch him" and "I punched him" are both reports of acts, one verbal and one physical. Most crucially, the latter expression is, in some clear and intuitive sense, an upgrade of the former, in that it is a report of a more extreme act.[20] This is even clearer in the following (invented) case of downgrading: "I punched him. ((pause)) Well, actually I only threatened to punch him."[21] The "only" is an unambiguous indicator that we are dealing with a scaled relationship. But what is the scale? Perhaps we could think of PUNCH as a kind of abstract action, in somewhat the same sense that the plural morpheme is an abstraction with various manifestations in English. Then threatening to punch and punching would be weaker and stronger manifestations of the same entity—PUNCH. And, in fact, the relationship that I am positing between talk and action is recognized in

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[19]A similar scaled contrast is *think↔say*. Prior (this volume) relates a case where a woman claims to have retorted to an insult, and then, under questioning by the interviewer, says that she thought it but didn't say it.

[20] Compare this to a non-scalar contrast, such as the outcome of a coin flip. Neither heads nor tails can be said to be more extreme than the other, so the one is not a regrade of the other.

[21] I do not have a recording, or even a memory, of someone saying this. It is sufficient, I think, that it make sense, that it could intelligibly occur.

common talk, as when we speak of verbal violence and thus, in a way, equate it to physical violence.

As with other scale relations, the use of the weaker expression (under some conditions) implicates (when it doesn't entail) the absence of the stronger.[22] So, if in response to "What did you do?", one says "I threatened to punch him," it will be understood that one did not actually punch him, although there is no such logical entailment. On the other hand, if the response is "I punched him," there is no implicature or entailment that one did or did not also threaten to punch him. And, of course, if one actually punches a person, there is no suggestion that the person was threatened beforehand, whereas, if we see A threaten to punch B, we are likely to understand that A has not (yet) actually punched B.

The *threaten↔do* scale is, as I have said, a modifying scale (at least in the context of the exchange in segment 7). It can apply to any of the items in the violence scale (*yell, punch*, etc.) This creates some interesting possibilities. E says that he threatened to punch someone. Let us, for the sake of discussion, suppose that he subsequently claimed to have cut that person. What we get in going from *threaten-to-punch* to *cut* is a double upgrade—*threaten* is upgraded to *do*, and *punch* to *cut*. Perhaps more interestingly, suppose he claimed, as he in fact did (line 80), that he threatened to kill someone and then claimed that, no, actually he punched that person. *Punch* would clearly downgrade *kill* but simultaneously upgrade from talk to action. (Or think of yelling a lot vs. punching rarely.) When we topicalize regrading, we begin to see new wrinkles and possibilities, clearly worthy of further study.

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[22] An implicature is what is suggested by an utterance, as against what is entailed, i.e., logically implied (Grice 1975; Horn 1972; Levinson 2000, among many others).

Finally, I want to consider some sequential dimensions of regrading. I have already noted that (interactive) regrading is inherently sequential. A common sort of interactive upgrading occurs when person A says, in answer to a question, that he did something of extremity X (E says, in line 77, "I said I'm gonna punch you"). It is then in order for B to proceed to a question about extremity X-plus-1 (M subsequently asks, in line 108, "Have you punched somebody?"). Conversely, a negative response may lead to a question about X-minus-1. When E says that he hasn't punched (line 109), M asks about *yell* (line 114). It is to be noted that the occurrence of a specific question in line 76 ("What did you say?") produces an answer (in this case, in line 77, "No I said I'm gonna punch you") that does not carry the usual implicature. If the answer to "What happened?" is "I said I'm gonna punch you," the follow-up question might be "And did he back down?" There would be an implicature that threatening was as far as it went. But if the question was "What did you say?", and the reply is "I said I'm gonna punch you," the follow-up might well be "And did you carry out the threat?" (or, as in line 108, "Have you punched somebody?"). The original question, being limited to what was said, does not produce the implicature that nothing but talk occurred.

I mean, with the discussion in this section, to further illustrate some of the dimensions and complexities inherent in the concept of regrading. Some of the points I have made are generated more or less directly from analysis of the data; some involve rather less grounded conceptualization. In both cases, the goal is less to prove something than to begin to develop the topic of regrading. I go on now to analyze in more detail an exchange among lawyers in an administrative agency, with the objective of showing how a focus on regrading can inform our understanding.

3. The FTC Transcript

The following exchange occurred in a staff meeting at the U.S. Federal Trade Commission. The participants are J, the lead attorney, and M and S, who have drafted the memo under discussion in consultation with J. J is reviewing their work before it is sent up to higher organizational levels. The memo charges XYZ Finance Company with certain violations. The particular violation under discussion is XYZ's questioning of female loan applicants about their marital status, an action prohibited by the Equal Credit Opportunity Act.[23]

(8) 9-13 XYZ Finance Company
((Passage that J is referring to:
1. "No consumer redress has been suggested since it does not appear that
2. XYZ Finance actually used marital status information to discriminate against
3. applicants on the basis of marital status, and it is difficult to fashion an
4. appropriate remedy for the asking of an impermissible question that does not
5. seem to have significantly injured the person questioned." July 1, 1982 draft 6.
of Request to Initiate Consent Negotiations with XYZ Finance Corporation.))

7. J: … I mean if we're gonna say w<u>hy</u> ((we are not asking for
8.   remedies for this violation)) we should sa:y (2) we don't believe
9.   there is an appropriate r<u>e</u>medy for an impermissible request for
10.   information (.) it's <u>no:</u>t
11. M: hm (.) yeah
12. J: because there wasn't any <u>i</u>njury (.) which is what you seem to
13.   be s<u>ay</u>ing here –or at least impl<u>y</u>ing here (3.5) you're s<u>ay</u>ing (.)
14.   we're not asking for consumer redress for th<u>i</u>s violation because
15.   it did not lead (.) to an even gr<u>ea</u>ter violation (2) and I don't
16.   wanna
17. M: Yeah=
18. J: =I don't wanna rub their n<u>o</u>ses in that fact hhehhehe
19. ?: huhhuh (1)

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[23] More specifically, a loan company may not "ask about your marital status if you're applying for a separate, unsecured account. A creditor may ask you to provide this information if you live in "community property" states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. A creditor in any state may ask for this information if you apply for a joint account or one secured by property" (from Federal Trade Commission website, https://www.consumer.ftc.gov/articles/0347-your-equal-credit-opportunity-rights#apply).

20. J: u:m (1)
21. M: That isn't really what we me<u>a</u>nt (1) I mean (1) what we
22.   me<u>a</u>nt was (1) not that it's not an illegal pr<u>a</u>ctice but (.) they
23.   didn't <u>u</u>se it for the reasons Congress (.) said you can't have
24.   that inform<u>a</u>tion (.) in other words they didn't go ahead and
25.   discr<u>i</u>minate once they had gotten that information (1.5)
26. J: Wh<u>y</u>. Which is=
27. M: =which is (1)
28. J: which is saying: because you didn't (1) commit an even
29.   gr<u>ea</u>ter violation we're not going to ask
30. M: W<u>e</u>ll
31. J: redress [for the
32. M: [you c<u>ou</u>ld s<u>ee</u> it that way=
33. J: =hhuhhuh but that that's what I'm (.) that's how I'm afraid it
34.   will [be seen
35. M: [yeah (.) yeah

        This entire segment is an exercise in practical hermeneutics. Lawyers, for
obvious reasons, are preoccupied with language. They have to be concerned
with how they will be understood by judges, juries, or, in this case, by persons in
higher organizational levels who will be evaluating their work. They have to
make their strongest argument in a way that is not subject to "misinterpretation"
(that is, to any interpretation other than the one they prefer), and that will not lead
their recipients to unintended conclusions.

        We can begin by noting that any extended exchange is likely to have
numerous scalable expressions. For example, in lines 7-10, we find "gonna" (as
against, e.g., "might"), "say" (as against, e.g., "imply"), "believe" (as against, e.g.,
"suspect") "appropriate," "impermissible." Although these expressions (with the
exception, as we shall see, of "say") are not treated in the talk as scaled items,
the fact that they are scalable may be significant for a general study of
formulation. The analyst may ask, why did she choose this expression rather
than a more or less extreme alternative? This analytical practice is used, for
instance, by Edwards (1997: 98, 245) and Heritage and Raymond (2005). This

form of analysis requires some caution, since it poses a danger of excessive analytical license.

One legitimate reason to notice scalable items is to discover implicature. For example, when J says, "we don't believe there is an appropriate r<u>e</u>medy for an impermissible request for information" (lines 8-10), she is implicating that they are not entirely certain. That is, "believe" (in various contexts at least) implicates "not certain." In what follows, though, I will restrict my interest to expressions that are actually treated in the conversation as scalable, by virtue of being regraded.

J speaks of "this violation" (line 14) and "an even greater violation" (lines 15, 28-29). Let us consider the semantic relationships involved, putting aside, for the moment, her assertion that the one does not lead to the other (lines 14-15). In the memo, it is mentioned that *this violation* (asking loan applicants for information regarding their marital status) did not lead to discrimination (lines 1-2). J reformulates "discrimination," which appears in the memo, as "greater violation," a categorization of *discrimination*, and thus a more general form. (There are an indefinite number of other violations that fall within this category.) We can say, then, that *discrimination* is, like any categorized item, upgraded on a generality scale.

INSERT FIGURE 1

It is to be noted that this categorical relation (and the elaborations that follow in figures 2-6) is built from and based in the actual conversational (and documentary) data, and so is inherently sequential, rather than being simply a description of relations "in the language." *Discrimination* is *a greater violation* because it is categorized as such in the talk. Actually, whereas the upgrade

occurs in the talk, the original expression (i.e., the expression that receives the upgrade) occurs in the document that they are discussing. In considering institutional talk, the relations between talk and documents is especially important.

Unlike *discrimination*, *this violation* is not categorized by *greater violation*. However, *greater violation* is still at a higher level of generality than *this violation*. One way to see this is to consider that asking an impermissible question, when contrasted to a more trivial violation, is categorizable as the greater violation. So, in terms of generality, *greater violation* is an upgrade[24] of *this violation* (or, in fact, of any particular violation), as shown in Figure 2.[25] (We are, for the moment, ignoring the fact that *this violation* is said to not lead to a greater violation.)

INSERT FIGURE 2

By virtue of the word "greater," *this violation* is upgraded in a second sense. The greater violation is the more serious violation.

INSERT FIGURE 3

If *greater violation* is more serious than *this violation*, it follows that *discrimination*, which belongs to the *greater violation* category, is also more

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[24] This is what I called *non-coreferent regrading*, a type of upgrade where two expressions, occupying different positions on a scale, with different referents, are juxtaposed.
[25] In footnote 27, in connection with my discussion of Figure 5, I will present what may be a more conclusive argument on this point.

serious than *this violation*. The status of *discrimination* as an upgrade of *this violation* is implied. Insofar as *this violation* and *discrimination* apply to two different acts (which is the very point being made in the memo), this is a non-coreferential upgrade.

INSERT FIGURE 4

At this point, I introduce a "contrast maxim," which I proposed in Bilmes 2015: *When item A ["this violation"] is contrasted with a more inclusive item B ["greater violation"], this suggests a categorization of item A*. That categorization is "lesser violation," the converse (in Lyons' [1977] sense) of *greater violation*.[26] Furthermore, *greater violation* is clearly an upgrade of *lesser violation*.

INSERT FIGURE 5

We need one final elaboration. Recall that J says that this violation "did not lead to an even gr<u>ea</u>ter violation." I propose to call this type of construction a "negative upgrade"—this scalar position was *not* upgraded to that more extreme scalar position; the upgrade is simultaneously proposed and denied. I have found this to be a common construction. For example, in a debate, Al Gore says that he supports a woman's right to choose (to have an abortion) and then adds

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[26] At this point, we have an additional rationale for saying that *greater violation* is at a higher level of generality than *this violation*, since the latter is categorized by the converse of the former.

that he is not pro-abortion.[27] In Figure 6, the grey lines signify negative (direct or implied) upgrade:

INSERT FIGURE 6

When J speaks of "an even greater violation" she is suggesting, through the use of "even," that the lesser violation is great enough. The violation is worthy of remedy, but no appropriate remedy is available. This locution is made possible by the upgrade in generality.[28] We can understand the function of upgrading generality more clearly if we consider a contrasting, hypothetical case. Suppose that J hadn't generalized "discrimination"; suppose she had said, "we're not asking for consumer redress for the company's illegally asking about marital status because it did not lead to discrimination." This is pretty much what the passage under discussion says and, one supposes, this formulation would elicit some form of confirmation in response. Instead, J reformulates "asking about marital status" to "this violation" and generalizes "discrimination" to "greater violation." Rather than eliciting a confirmation, this formulation elicits "That isn't really what we meant."

J's reformulation is "loaded," it is packed with extra meaning, and she does this without changing the facts of the matter. She accomplishes this with two moves. 1. She subsumes asking-questions-about-marital-status and discrimination under the category of violation, placing them on a single scale. 2.

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[27] I want to distinguish this from "upgrading a negative." An example of upgrading a negative, from Yuka Matsutani's data (this volume) is "wait, it's not even that day old rice is not acceptable, even just a few hours old is not acceptable"; that is, a negative scalar position is upgraded to a more extreme negative scalar position.

[28] I describe a somewhat similar situation in Bilmes (2008). The speaker generalizes a statement made in a memo, which allows him to advance an argument that the original statement would not facilitate.

She generalizes "discrimination," allowing her to assign it a scale position ("greater") in relation to asking an impermissible question. Thus, she is able to imply that the difference between the one (asking about marital status) and the other (discrimination) is merely one of degree.

This analysis is an exercise in the occasioned semantics of regrading. Occasioned semantics is the study of the semantics of language-in-use. More particularly, it deals with the development of *structures of meaning* in actual occasions of talk.[29] Linguistic relations, that is, the semantics of English, are very much a part of this analysis. It is, for example, by virtue of our knowledge of language that we know that *greater violation* is not merely a substitute for *discrimination* but a categorization. But it is only through occasioned usage that we know that *discrimination* is deemed more serious than illegally inquiring about marital status.

There are also other scales in play in this segment, scales that are made relevant by relocating the position of particular referents, that is, by regrading. Consider "saying...or at least implying" (line 13). "At least" is a linguistic marker indicating scale. *Saying* is downgraded, on a scale of explicitness, to *implying* (and later upgraded back to <u>saying</u>).

There is a second scale involving <u>say</u>. "what you seem to be saying" (lines 12-13) is upgraded to "you're saying" (line 13). "Seem to be saying," as contrasted to "you're saying," proposes a scale ranging from interpretive flexibility to fixed meaning (might possibly be saying↔seem to be saying↔are saying).

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[29] The occasioned semantic approach is laid out most fully in Bilmes 2015. However, the attention to scaling, as represented in this paper and in Bilmes 2010 and 1993, is a major part of occasioned semantics that I am still in the course of assembling.

"Seem to be saying" proposes that there may be more than one way to interpret what you are saying.[30] (M picks up on this in line 32.)

What is behind J's equivocal "seem to be saying" and "implying"?   The memo mentions "an impermissible question that does not seem to have significantly injured the person questioned." So, the memo itself is somewhat equivocal on this point. J manages to get back to an unequivocal "you're saying" by reformulating the matter in terms of "this violation" and a "greater violation." ("you're saying we're not asking for consumer redress for this violation because it did not lead to an even greater violation…".) This formulation can be seen as a gloss of another passage in the memo, stating that it does "not appear that XYZ Finance actually used marital status information to discriminate against applicants on the basis of marital status…".

One consequence of reformulating from "[You're saying or at least implying that] there wasn't any injury" to "you're saying we're not asking for consumer redress for this violation because it did not lead to an even greater violation" is that she doesn't have to make an argument showing that "this violation" produces injury. Rather than argue that they should not say "no injury" because it is not logical or not factual, she argues that, although it is true that this violation did not lead to a greater violation, it would be unwise to say so ("don't wanna rub their noses in that fact."

Also, J manages, through reformulation, to upgrade *seem to be saying* and *implying* to *you're saying*. She follows this with "I don't wanna rub their noses in that fact." (The "they" of "their noses" refers to officials at higher organizational levels where the document will be reviewed.) *Imply* or *seem* might

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[30] "Seem to," in line 12, may apply not only to "saying" but also to "implying." "You're saying," then, would constitute a double upgrade of "seem to be implying"; an upgrade of both explicitness and definiteness of interpretation.

warrant "make them aware" or "remind them," but the more dramatic "rub their noses" is facilitated by explicit saying. So, the upgrade both of *seem* and *imply* to *you're saying* allows her to proceed to "rub their noses."   Once again, we see that regrading facilitates further rhetorical effects.[31]

"Seem to be saying" is echoed in a way in M's "you c<u>ou</u>ld <u>see</u> it that way" (line 32), downgrading J's "you're saying". M is proposing, in effect, that it could be seen in another way as well. This is simple Horn scale implicature (Horn 1972). If there was only one way to see it, a stronger term than <u>could</u> would be in order. Use of the weaker term implicates unavailability of stronger ones. This implication is strengthened by M's accentuation of "could." J responds by upgrading <u>could</u> to <u>will</u>. But she moderates her upgrade with "I'm afraid": "that's how I'm afraid it will be seen" (line 33-34). In effect, she upgrades <u>possible</u> to <u>probable</u>, but not all the way to <u>certain</u>. This downgrades her previous position from "you are saying X" to "you very likely will be seen as saying X." M, in line 35, appears to find this compromise acceptable.

This is a simple negotiating sequence. J makes an assertion. M at first appears to be arguing with her (line 21—"That isn't really what we meant"), then makes a partial concession to which J responds with a concession of her own. It is precisely because of scalarity that we can recognize concessions as such. And, by looking at this sequence in terms of regrading, we are able to examine the relevant scales and the implicatures produced by those scales.

In summary, there are, in this brief segment, at least five operative scales, marked by regrading:

- seriousness of violation ("even greater")

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[31] To talk about regrading is necessarily to talk about rhetoric, since regrading is, in itself, a rhetorical practice, What I am noting here, though, is that regrading facilitates further talk which would otherwise be out of place (inappropriate, odd, illogical, irrelevant, etc.).

- generality (discrimination reformulated to the more general "even greater violation."

- explicitness (implying/saying)

- interpretive flexibility (seem to be saying/saying)

- certainty (could be seen/will be seen)[32]

4. Conclusion

The presence and consequences of regrading have frequently been noted in CA studies. However, the identification of upgrading and downgrading as conversational phenomena has remained largely intuitive. We need to make explicit how we recognize regrading in conversation, what its varieties and manifestations are, and how it is achieved, as well as its logical, semantic, and implicational properties. Furthermore, my investigations into this phenomenon suggest that it is far more prevalent, complex, and important in verbal interaction than has so far been appreciated.

The first thing that emerges from this discussion is that we are able to describe a good deal about the organization of these transcribed conversational exchanges by attending to regrading. Regrading, both of one's own and others' expressions, is a very common move in conversation. We probably have not given it sufficient study. We should be aware of its prevalence and sensitive to its presence.

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[32] The last two scales, as applied to this segment, may be different perspectives on a single scale.

Second, we need to examine the conceptual aspects of regrading and, more generally, of scaling. There is a significant literature on the subject[33] in linguistics and linguistic pragmatics, as well as treatments at more "macro" levels (e.g., Carr and Lempert 2016), but the interactional approach developed in CA requires its own concepts and typologies.

Third, we need to recognize that regrades may involve primary and/or secondary (or modifying) scales, and that interactions between scales may occur and produce layers of structural complexity.

Fourth, a study of regrading requires an understanding of implicature and of how implicature and regrading are affected by questions and other sequential phenomena.

Fifth, regrading, and scaling choices in general, are related to rhetorical effects in a variety of ways.

Our conversational exchanges produce and are based in complex structures of meaning. Co-categorization, contrast, and hierarchy are aspects of that structure (Bilmes 2015). In addition, our talk invokes, proposes, negotiates, and, in various ways, draws on scales. There is surely more to the meaning of scalable expressions than their position on scales. But interaction can be understood, to some considerable extent, as placements and movements on those scales. Understanding of those scales guides interpretation, especially implicature and implication. And understanding word choices as scaling choices is a key to the analysis of how utterances function. Regrading is one way in which scales are made salient in talk and are made to do interactional work.

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[33] Particularly the subject of scaling. Although up- and downgrading are dealt with in linguistic pragmatics, it is only in CA that the notion of sequential regrading becomes prominent.

Acknowledgements

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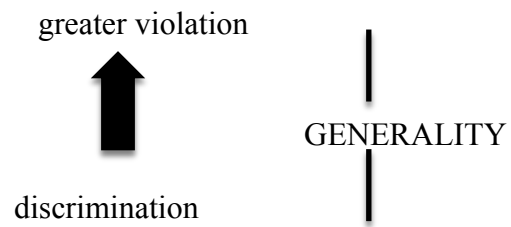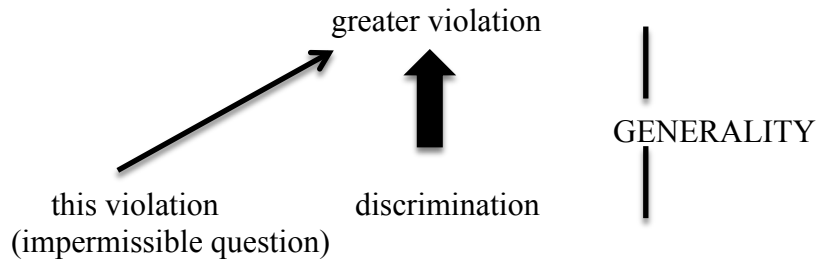
greater violation

↑

discrimination

GENERALITY

Fig. 1. Categorization: ↑   = categorical upgrade

greater violation

this violation
(impermissible question)

discrimination

GENERALITY

Fig. 2. Generality: ⬆ = categorical upgrade; ➔ = upgrade

SERIOUSNESS OF VIOLATION

greater violation

GENERALITY

this violation
(impermissible question)   discrimination
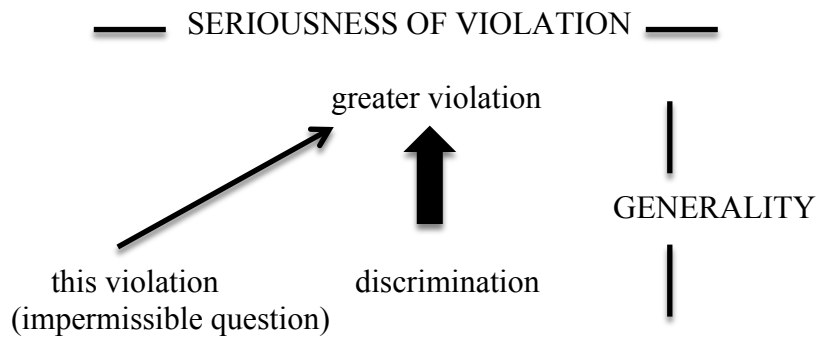
Fig. 3. Seriousness: = categorical upgrade;   = upgrade

—— SERIOUSNESS OF VIOLATION ——

greater violation

GENERALITY

this violation ----→ discrimination
(impermissible question)
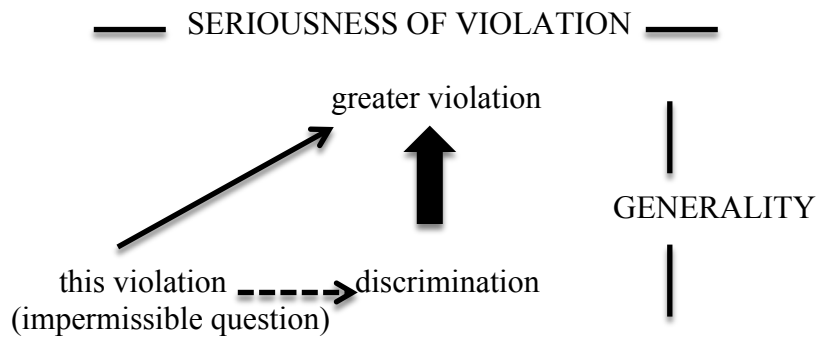
Fig. 4. Implied upgrade: ⬆ = categorical upgrade; ⟶ = upgrade;

----→ = implied upgrade

SERIOUSNESS OF VIOLATION

lesser violation ⟶ greater violation

this violation ⤏ discrimination
(impermissible question)

GENERALITY
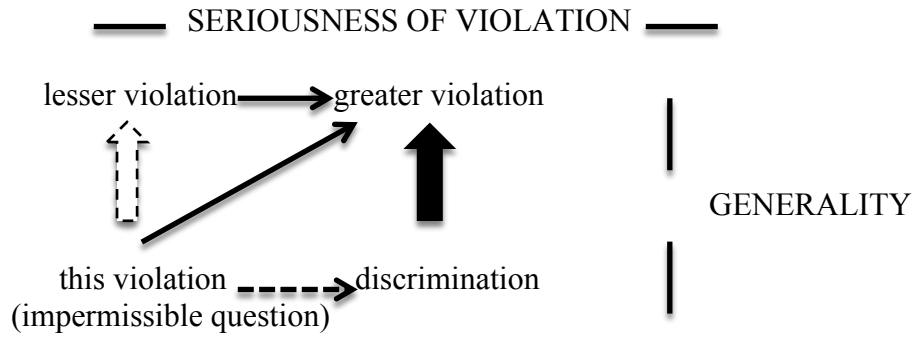
Fig. 5. Implied categorization: ⬆ = categorical upgrade; ⟶ = upgrade;
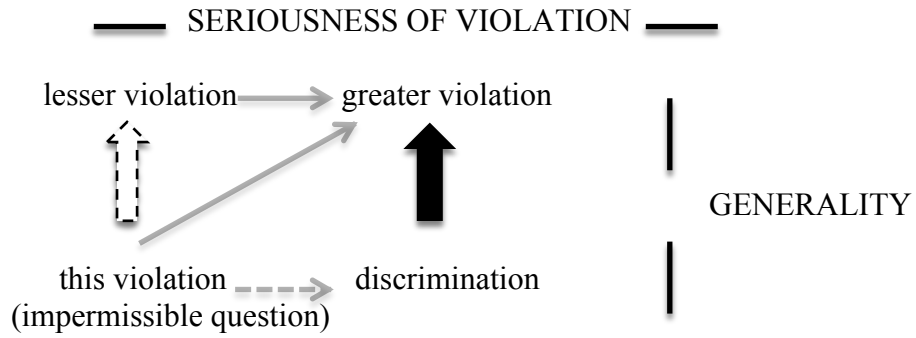
⤏= implied upgrade; ⇧ = implied categorical upgrade

SERIOUSNESS OF VIOLATION

lesser violation ———→ greater violation

this violation - - -→ discrimination
(impermissible question)

GENERALITY

Fig. 6. Negative upgrade: ▮ = categorical upgrade;

- - -→ = implied upgrade; ⇧ = implied categorical upgrade

———→ =negative upgrade