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Abstract:

How do crying foul strategies, such as saying opponents are trying to "terrify" into a decision, pressure opponents to argue well? I submit that crying foul strategies work by making a norm determinate, and by making manifest the badness of the tactic and that the speaker is exercising forbearance. I explain why they generate pressure to repair or abandon questionable tactics, particularly when the norms they bring to bear in a situation converge with those of a broader political culture.

Text of paper:

How can arguers effectively counter questionable tactics? Researchers have inventoried or recommended some moves arguers may make in response to such tactics, such as saying that "no reason has been given to suggest that those doubts are well-founded" (Jackson & Jacobs, 2006, p. 96); or ignoring the questionable tactic, using it reciprocally, or challenging the use of it (Vasilyeva, 2010). Van Eemeren and Houtlosser (2006) have advised that arguers not "automatically" counter questionable tactics by invoking rules with a "goody two-shoes response" (p. 436). Certainly effective countermoves depend on the situation. In this essay I analyze one kind of countermove—crying foul—and explain why it may be reasonably expected to pressure opponents to repair or abandon questionable tactics, as well as situational factors that contribute to its effectiveness.

Crying foul strategies include saying opponents are trying to terrify others into a decision, using inflammatory language, and the like. I submit that crying foul pressures opponents to repair or abandon questionable tactics by making a norm determinate, and by making manifest the badness of the tactic and that the speaker is exercising forbearance. These design features involve the speaker manifestly undertaking risks and creating risks for opponents to continue using questionable tactics, and thus generate pressure or persuasive force to repair or abandon the questionable tactic. To support these claims, I first outline how a normative pragmatic theory of countering questionable tactics supplements comparable pragmatic theories of argumentation, and then analyze crying foul strategies used in a case of high-stakes political argumentation.

Normative Pragmatic Theory of Countering Questionable Tactics

Normative pragmatic theories, based on Kauffeld's (2001, 2009) work in philosophy of language, generate models of how strategies are designed to work to, say, pressure auditors to recognize premise adequacy (Goodwin, 2003; Innocenti, 2005), accept a claim simply on a speaker's say-so (Goodwin,

2001), respond to an accusation (Kauffeld, 1998), and more (e.g., Jacobs, 2000, 2006). The models comprise practical reasoning by both speaker and auditors that explains how strategies both bring to bear in the situation norms of argumentation and create risks for both speaker and auditors of not adhering to them. The practical reasoning need not be conscious thoughts; the aim is to provide a plausible theoretical account of why strategies may be reasonably expected to work based on tacit knowledge or an ordinary, pragmatic understanding of what makes sense (Kauffeld, 2001, 2009; Goodwin, 2001). The nature of these theoretical models as well as key assumptions may be detailed by comparing them to other pragmatic theories of argumentation.

The comparable theories most relevant to explaining why crying foul can be reasonably expected to counter questionable tactics are those that approach argumentation as interaction--as an exchange between speaker and auditors involving bilateral vectors of communication. In contrast to models that attempt to explain unilateral communication vectors only, such as a message-to-receiver vector, an interaction model aims to account for how saying something both enables and constrains what both speaker and auditors may subsequently say. A speaker may counter a questionable tactic at least in part in order to pressure auditors to repair or abandon the tactic, so a model of how a speaker may accomplish this ought to cover both speaker and auditors and how message design features enable and constrain the ongoing performances of each.

The desirability of incorporating an interactive dynamic into theories of argument analysis and evaluation has been recognized by theorists who have developed pragmatic theories of argument. As Johnson (2000) has noted about the traditional conception of argument: "it failed to see that the development of the argument is just one phase of the entire dialectical process that also includes the response by the critic, the arguer's response to that intervention, modification of the original argument, further criticism, and so on" (p. 144). He describes arguing as "an unfolding dynamic in which the arguer puts forth an argument, the Other responds, the arguer responds, now the Other may respond again and so on, until they agree to stop" (Johnson, 2000, p. 157). He captures the bilateral nature of the communication vectors when he amplifies the position that argument is dialectical: "An exchange is dialectical when, as a result of the intervention of the Other, one's own logos (discourse, reasoning, or thinking) has the potential of being affected in some way" (Johnson, 2000, p. 161). Likewise, van Eemeren and colleagues and Walton have constructed pragmatic theories of argumentation that analyze and evaluate arguments in the context of interactions (e.g., van Eemeren & Grootendorst, 2004; Walton, 1995). A normative pragmatic theory of countering questionable tactics advances these pragmatic theories in several ways.

First, a normative pragmatic theory accounts for reluctant auditors. Doing so advances argumentation theory because if a model can explain difficult situations where auditors are reluctant to, say, argue at all, it should also be able to explain what seem to be easier cases of arguing—where speaker and auditors have goodwill toward each other and share common goals such as resolving a difference of opinion. One example of stipulating cooperation as a normative ideal comes from Johnson (2000): "the arguer agrees to let the feedback from the Other affect the product. The arguer consents to take criticism and to take it seriously" (p. 161); and the arguer, critic, and those interested in the issue "agree to do nothing that would compromise either the substance or the appearance of rationality" (p. 163). Normative pragmatic theories, in contrast, explain situations where auditors cannot be counted

upon to agree to take criticism, to take it seriously, or to agree to manifest rationality in just the way demanded by a speaker. For example, auditors may be reluctant to seriously consider a speaker's counter-plan because it may be in their self-interest to get their own proposal accepted. It may be possible for them to reasonably dismiss a counter-plan on the grounds that decision-makers have time to consider serious proposals only. To constrain their ability to dismiss a counter-plan, the speaker needs to design a message that pressures even reluctant auditors to give it serious consideration—to make manifest that it is serious, for example, by making manifest that it is well thought out and takes into consideration auditors' interests. Other things being equal, if auditors were to quickly dismiss a proposal designed as such, they risk criticism for acting irresponsibly—for failing to manifest rationality (Kauffeld, 1998; see also Goodwin, 2001; Innocenti, 2005). Thus it is possible to account for how message design features—such as manifesting that a proposal is well thought out and considers auditors' interests—pressure even reluctant auditors to act.

Second, normative pragmatic theories provide a rationale for why message design features may reasonably be expected to work. To see how this advances other pragmatic theories of argument, consider for example the pragma-dialectical theory of argumentation and in particular strategic maneuvering as a way of explaining how to counter questionable tactics. Speakers strategically maneuver in an effort to get their own way (van Eemeren & Houtlosser, 2002) and at the same time to resolve a difference of opinion on its merits. The analytical elements of strategic maneuvering are topic selection, audience adaptation, and presentational devices (e.g., van Eemeren & Houtlosser, 2002). As is the case for all strategies, it is possible to describe crying foul strategies in terms of strategic maneuvering. The normative pragmatic analysis of crying foul presented in this essay differs from a pragma-dialectical analysis in that it describes the strategies not in terms of topic potential, audience adaptation, and presentational devices, but instead in terms of actions—i.e., what speakers crying foul do when they cry foul. Analyzing strategies in terms of actions enables normative pragmatic theorists to generate practical, strategic rationales for why crying foul may reasonably be expected to counter questionable tactics.

To see how rationales provided by normative pragmatic and pragma-dialectical theories compare, consider the guidelines that van Eemeren and Houtlosser (2006) have proposed for how a speaker may counter questionable tactics—guidelines based on topic potential, audience adaptation, and presentational devices. They recommend that the speaker “makes it optimally clear which aspects of the offender’s maneuvering, given *this issue*, *this opponent* and *this manner of presentation*, have derailed and conveys that the disputed maneuver, instead of retracting it altogether, should be readjusted by neutralizing the harmful factor so that the derailed maneuvering will be *re-railed*” (van Eemeren & Houtlosser, 2006, p. 436). They posit that this strategy works by “making it ‘manifest’ in the Ralph Johnson sense that the respondent is a reasonable discussion partner—and enhancing the chances that the ‘offender’ will effectuate the readjustment of his contribution and the discussion can go on” (van Eemeren & Houtlosser, 2006, p. 437). A question that remains unanswered is why manifesting rationality in just this way can be expected to work to counter the questionable tactic.

The pragma-dialectical account seems plausible in cases where opponents use a questionable tactic inadvertently or make an error. On such occasions it seems plausible that they would readjust it when a speaker made them aware of how it is derailing the discussion and therefore the resolution of

the dispute. Presumably opponents would want to correct their errors, and theorists need not presume goodwill as a rationale for why pointing out an error may reasonably be expected to result in a correction. It is in opponents' self-interest to correct their errors, because they would not want to risk criticism for continuing to make an error even after it had been pointed out to them.

But now consider a case where opponents use the questionable tactic presumably because they believe it is in their self-interest and perhaps even reasonable to do so. In this case making it optimally clear how opponents have derailed the discussion seems less likely to re-rail it and more likely to result in what van Eemeren and Houtlosser have described as a metadialogue about procedural matters. As van Eemeren and Houtlosser (2006) have suggested, such metadialogues may distract from the "substantial matters" at hand, and "arguers may become impatient and get the impression that things are held up unnecessarily" (p. 436). Their concern is serious given practical constraints such as time limits and given the need to maintain the legitimacy of the activity of arguing and its role in decision-making procedures. Van Eemeren and Houtlosser (2006) do not advise how this metadialogue ought to proceed, but probably they would hold that ideally it ought to proceed as a critical discussion in which the standpoint at issue is whether the maneuvering violates a critical discussion rule (van Eemeren & Grootendorst, 1992) and involves continuing to argue about how maneuvering has derailed the discussion away from dispute resolution. But the question of why any particular move may be expected to work to re-rail the discussion remains unanswered.

A normative pragmatic theory aims to answer that question—to provide a model comprised of interlocking practical reasoning by both speaker and auditors that accounts for message design strategies and provides a rationale for why a speaker may reasonably expect the strategies to work. For example, researchers generating normative pragmatic theories have proposed models explaining the persuasive force of proposing and accusing (Kauffeld, 1998), appealing to authority and emotions (Goodwin, 2001; Innocenti, 2006), and more. Broadly speaking, the models ground persuasive force (1) in norms that message design features bring to bear in situations, and (2) in risks for both speaker and auditors that doing so creates.

Consider for example Goodwin's (2001) model of dignity authority which I present in truncated form. The question is how an appeal to authority pressures even reluctant auditors to accept a claim simply on a speaker's say-so. The core of the appeal is: to avoid insulting people of dignity, do not openly oppose them. Message design features that the speaker uses to accomplish this include putting auditors in a position such that opposition will insult the speaker, and assuring auditors that the speaker's judgment is trustworthy. Norms that these design features bring to bear in the situation are: do not insult a person of dignity, and act in a trustworthy manner. The design features create a risk for auditors to dismiss the appeal (doing so would insult a person of dignity) but also create a reason for them to accept it (the speaker is trustworthy). At the same time, by using these message design features, speakers openly undertake a risk: they stake their claim on the trustworthiness of their judgment. If it turns out that their claim is in error in some way, then the trustworthiness of their judgment is called into question. Thus openly undertaking this risk creates another reason for auditors to accept the claim simply on the speaker's say-so. It creates an argumentative context such that auditors may reason that speakers would not risk their reputation for trustworthiness unless they were reasonably certain of the veracity of their claim. And thus what at first glance may appear to be a

questionable tactic—appealing to authority—creates conditions such that auditors are reasonably pressured to act.

Third, normative pragmatic theories account for how arguers themselves regulate the activity of arguing rather than measuring performances against an ideal model. Walton (1995), for example, has developed a dialectically-oriented theory of fallacy that explicitly treats discussion of questionable tactics and illustrates a theory of evaluation that involves measuring a performance against an ideal. One kind of crying foul strategy is exclaiming "Fallacy!" which Walton (1995) describes as "a kind of charge put forward by one participant in reasonable dialogue against another participant. To be sustained, the charge must be backed up by evidence, or it fails to hold up. A charge of fallacy, therefore, carries with it a burden of proof for the proponent who has made the charge" (p. 262). Thus the rationale he provides for how a charge of fallacy can be made to hold up seems to be based on a presumption that an arguer is innocent until proven guilty and on an ordinary understanding of burden of proof; the charge of "fallacy" is serious, and arguers and critics ought to be prepared to provide evidence if they expect it to hold up. Walton's (1995) advice for those making such a charge—or other charges about opponents' tactics—is to measure the tactic against the rules of informal logic (is evidence relevant and sufficient, for example) and against the context of the dialogue type in which it is used (e.g., pp. 271-272).

Walton's dialogue types, like the pragma-dialecticians' critical discussion, are ideal models. As a result, rules and norms are deduced from the models themselves and in particular the goal that a particular dialogue type is designed to achieve. For example, bargaining may be appropriate in a negotiation dialogue but not in a critical discussion, the goal of which is to resolve a difference of opinion based on the merits of the case. Normative pragmatic theories, in contrast, begin with the communication transaction itself and analyze how arguers regulate the practice of arguing—what norms they bring to bear in particular situations, how they do so, and why they may reasonably expect the strategies to work. Normative pragmatic theorists do not view the context of argumentation as given in advance and determinant of rules and norms, but instead as created, maintained, and changed in the course of arguing (Goodwin, 2007). Normative pragmatic theories have explained why questionable tactics do not generate force or pressure (Innocenti, 2005, pp. 146-47; Innocenti, 2007, pp. 391-93). In this essay I explain why arguers can expect crying foul to counter questionable tactics and to pressure opponents to repair or abandon the tactic.

Crying Foul

I submit that crying foul strategies pressure even reluctant auditors to repair or abandon questionable tactics by making a norm determinate, and by making manifest the badness of the tactic and that the speaker is exercising forbearance. To support this claim I analyze crying foul strategies in the 1788 Virginia ratifying convention debates about whether Virginia should ratify the proposed United States Constitution. The debates took place over a three-week period and may be best remembered for clashes between Antifederalist Patrick Henry and Federalist James Madison (e.g., Reid & Klumpp, 2005, pp. 148-73). Significantly, delegates clash most intensely in the first week and a half of the debates; fear appeals are rampant as delegates argue that harmful consequences will occur if the Constitution is

ratified, or not ratified. At this point in the debate, crying foul is also rampant. In the analysis that follows, I explain why crying foul may account for the improved argumentative conduct.

Almost certainly delegates would be reluctant to repair or abandon what opponents described as questionable tactics, because they would be reluctant to admit that the tactics were questionable. It would be in their self-interest to not use questionable tactics because the debates took place before a viewing public and were published with an eye toward both a broader reading public and posterity (e.g., Elliot, 1891, pp. 21, 56, 637, 652). And yet delegates find plenty of reasons to cry foul; they cry foul about emotional appeals circumventing reason (e.g., "Are we to be terrified into a belief of its necessity" [Elliot, 1891, p. 285; see also pp. 54, 62, 638]); about poor grounds ("It is a groundless objection, to work on gentlemen's apprehensions within these walls" [Elliot, 1891, p. 427; see also 154, 180, 212, 274, 313, 383, 642]); about mismatches between style and subject matter (an opponent "has highly colored the dangers" [Elliot, 1891, p. 466; see also 95, 191, 225, 277, 383]). Even Patrick Henry, the delegate who speaks most often (Briceland, 1988, p. 211; Rutland, 1966, p. 226, 233) and almost certainly uses questionable tactics most often, cries foul about delegates who try to make spectators "intimidated by imaginary dangers" and to lead their minds "away by unfair misrepresentations and uncandid suggestions" (Elliot, 1891, p. 140). Why could Henry and other delegates expect crying foul to pressure opponents to repair or abandon what they treated as questionable tactics?

One response to a questionable tactic is to ignore it—to proceed without crying foul and instead to continue making a case by stating claims and providing evidence so delegates are in a position to act on the merits of the case only. This response could be reasonably expected to work on an occasion when a speaker can count on the merits of arguments to speak for themselves—when the speaker can count on delegates to see that the speaker adheres to norms of argumentation while they do not, and can count on this to create a compelling reason for them to repair or abandon a questionable tactic. In the Virginia ratifying convention debates, ignoring questionable tactics and proceeding to argue well on the merits only would also involve the speaker counting on spectators to see that the speaker adheres to norms of argumentation while other delegates do not, and counting on this additional level of accountability to create another compelling reason for delegates to repair or abandon a questionable tactic.

However, the strategy of ignoring a questionable tactic carries risks even and perhaps especially if the speaker can count on spectators to see that other delegates do not adhere to norms of argumentation. Delegates can continue to use questionable tactics because the speaker has not created any reason for them not to use them; delegates can plausibly deny that the tactics are questionable and that the speaker judges them to be questionable. Delegates presumably used it in the first place because they believed it would pass muster and achieve some purpose or purposes. If delegates continue to use it with impunity, the speaker risks criticism by spectators either for not recognizing a questionable tactic or for not trying to promote the legitimacy of the transaction. The speaker can avoid this criticism by crying foul.

Making a norm determinate

Now consider a case where the speaker cries foul to counter a questionable tactic. Why could a speaker reasonably expect crying foul to pressure opponents to repair or abandon a questionable tactic? First, crying foul makes a norm determinate. Asking "Are we to be terrified into a belief of its necessity" makes determinate a norm that belief ought to be earned by reason. Asserting that a statement is "a groundless objection" makes determinate a norm that objections ought to be based on grounds. Noting that an opponent "has highly colored the dangers" makes determinate a norm that style ought to be appropriate for subject matter. Making a norm determinate pressures delegates to adhere to it because it holds them accountable for knowing it. Making a norm determinate constrains their ability to say they did not know the norm or see its relevance to their own conduct, because saying so would put them at risk for criticism for being ill-equipped to participate in the proceedings; in the case of the Virginia ratifying convention, delegates ought to manifest a capacity to act as responsible decision-makers—to reason well—and apparently failing to understand norms and their relevance is a fallible sign that they lack this capacity. The risk is serious since capacities for responsible decision-making are made determinate throughout the proceedings when, for example, delegates say that opponents' appeals are "trifling with the judgment of their fellow-citizens" (Elliot, 1891, p. 48; see also pp. 237, 248, 293); politics are "too often nourished by passion, at the expense of the understanding" (Elliot, 1891, p. 23; see also pp. 86, 177); every delegate "comes with a firm resolution coolly and calmly to examine, and fairly and impartially to determine" (Elliot, 1891, p. 42; see also pp. 68, 93, 104, 127, 213, 486); that assent ought to be earned by "not the dignity of names, but the force of reasoning" (Elliot, 1891, p. 85). To avoid such criticism, delegates may repair or abandon questionable tactics and adhere to the norm.

Of course it would also be possible for delegates to take issue with the speaker's characterization of their tactics—to argue or, put differently, hold a metadialogue about the propriety of argumentative tactics. Presumably the speaker would want to forestall such a metadialogue rather than risk criticism for delaying discussion of the issues at hand or for damaging the proceedings or his own reputation for responsible citizenship by crying foul when the tactic is fair. Making a norm determinate is a fallible sign that the speaker is making an effort to regulate the fairness and legitimacy of the proceedings, even if doing so creates a risk to himself for criticism. Manifestly undertaking this risk creates an additional reason for delegates to repair or abandon the questionable tactic, because it creates a context in which they and spectators can reason that the speaker would not risk criticism unless he had made a responsible assessment of opponents' conduct on that occasion.

In short, making a norm determinate pressures delegates to adhere to it—to repair or abandon a questionable tactic—because doing so creates risks for them to continue using it as well as risks for the speaker for criticism for de-railing the proceedings.

Making badness manifest

A speaker can make norms determinate in any number of ways, including stating them in declarative sentences such as, "Claims ought to be supported by relevant evidence." The added value of "crying foul" strategies or, put differently, a second core feature is that they make manifest the badness of opponents' conduct. Statements that opponents are terrifying people into a decision, proffering groundless objections, highly coloring dangers, and the like make manifest the badness of the tactic.

Making manifest the badness of the tactic pressures opponents to repair or abandon the tactic by creating risks for both opponents and speaker. By making manifest the badness of the tactic, the speaker openly undertakes a commitment to the position that he is upset that opponents are acting in a way that damages the deliberations. Thus the speaker creates a context such that if opponents continue to use the questionable tactic, they risk criticism for continuing to damage the proceedings; because making manifest the badness of the tactic constrains the possibility of them saying that they did not realize the tactic was inappropriate or damaging the proceedings. It does so by holding them accountable for knowing this; if they did not know it prior to the proceedings, they cannot deny knowing it now as it has been made manifest. The delegates in the Virginia ratification debates make the risk serious by pointing to the need for good deliberations—for delegates to avoid outside influence (Elliot, 1891, pp. 7, 177), for example, or to base their decision on "the force of reasoning" and not "declamation nor elegance of periods" which may "mislead the judgment" (Elliot, 1891, p. 104). To avoid the risks, opponents may repair or abandon the tactic. Thus the force of making manifest the badness of opponents' conduct derives from bringing to bear in the situation a norm of acting in a way that enables good deliberation and judgment.

Of course opponents could respond by denying that they are damaging the proceedings—by initiating a metadialogue about the propriety of the tactics. Again, the speaker would want to forestall the possibility of initiating a metadialogue. Manifesting the badness of opponents' tactics helps to do so. Manifesting the badness of opponents' tactics licenses them to retaliate, because the speaker has impugned their conduct and thus creates a risk to the speaker of criticism for unfairly impugning their conduct. Unfairly impugning their conduct is a fallible sign that the speaker does not understand appropriate tactics and puts opponents in a position to say that the speaker is damaging the proceedings both by unfair conduct and by delaying discussion of the matter at hand. Manifestly undertaking this risk creates an additional reason for opponents to repair or abandon a questionable tactic, because it creates a context such that they and spectators may reason that the speaker would not risk criticism unless he had fairly impugned the opponents' conduct. The more the speaker makes manifest the badness of the tactic, the more risk he undertakes, and the more need he has to make manifest the responsibility of his assessment of opponents' tactics.

Exercising forbearance

As the analysis so far suggests, making a norm determinate and making manifest the badness of the tactic alone could create grounds for opponents to retaliate and refuse to participate in the proceedings if the speaker has impugned their good name unfairly. How can a speaker pressure opponents to repair or abandon a questionable tactic rather than abandon the proceedings altogether? Another core feature of crying foul that forestalls the possibility that opponents can abandon the proceedings with impunity is making manifest that the speaker is exercising forbearance—is giving opponents an opportunity to repair or abandon the questionable tactic rather than abandoning the proceedings altogether on the grounds that opponents are acting unfairly. By doing so the speaker brings to bear in the situation a presumption of fairness—a commitment to fair proceedings. Despite a commitment to the position that opponents have used an unfair tactic—a commitment made manifest by crying foul—the speaker does not elect to abandon the proceedings but, by crying foul, makes

manifest that he exercises forbearance—that he expects opponents to amend their conduct so the proceedings can continue. This constrains opponents' ability to abandon the proceedings because doing so would be a fallible sign that they do not recognize the speaker's fairness in exercising forbearance. Thus they risk criticism for damaging the proceedings through both using a questionable tactic and refusing to participate appropriately even when given a fair opportunity to do so.

At the same time that exercising forbearance creates a risk for opponents to continue damaging the proceedings by continuing to use a questionable tactic or by abandoning the proceedings, it also generates a risk of criticism for the speaker. Exercising forbearance—expecting opponents to make amends—creates a context in which opponents can criticize the speaker for delaying the proceedings because, in the case of a questionable tactic, the speaker demands a response about procedural matters that stalls discussion of the issue at hand. In the case of a fallacious tactic, the speaker undertakes a risk of criticism by spectators for exercising forbearance when the fallacy warrants abandoning the proceedings—when abandoning the proceedings is perhaps the most reasonable response for creating a context in which opponents can no longer use the questionable tactic. The speaker manifestly assuming this risk enables opponents and spectators to reason that the speaker is making a good faith effort to continue the proceedings—even when doing so involves a risk of criticism about the propriety of the speaker's own conduct—and therefore to seriously consider repairing or abandoning the questionable tactic. The speaker stakes his claim about the propriety of opponents' tactics on his own claim to be a fair, responsible participant in the proceedings.

A speaker may make manifest that he has responsibly assessed opponents' conduct and is arguing fairly in other ways. For example, a speaker may make manifest that his assessment is responsible by manifesting the comparative quality of his own conduct—by making manifest that he has grounds for a position, for example, or asking opponents to state exactly what grounds they have; throughout the debates delegates call for opponents to provide grounds (e.g., Elliot, 1891, pp. 12, 66, 87). Giving them a chance to provide grounds—to make their case—shows that he is exercising forbearance. Again, this is a fallible sign that he has attempted to make a responsible assessment of opponents' conduct and, thus, forestalls criticism that he has unfairly impugned the conduct. In short, the more a speaker makes manifest the badness of opponents' tactics, the greater the risk of criticism the speaker accrues for his own tactics and conduct, and therefore the stronger the force or pressure on both himself and opponents to adhere to norms of argumentation and argue responsibly.

Conclusions

Crying foul pressures opponents to repair or abandon questionable tactics by making norms determinate, and by making manifest the badness of opponents' tactics and that the speaker is exercising forbearance. Crying foul generates pressure, based in norms of argumentation brought to bear in the situation, by creating risks for both speaker and opponents.

This analysis helps to explain van Eemeren and Houtlosser's (2006) observation that arguers ought not automatically counter fallacious moves by invoking rules with a goody two-shoes response. The persuasive force of crying foul depends on the situation or context. In the context of a debate class in a university, for example, invoking rules could pressure opponents to adhere to them because the norms of argumentation brought to bear in the situation align with norms made manifest in the broader

classroom context. But in some--perhaps many or all--civic contexts, political actors cannot count on spectators having a uniformly good education in sound reasoning. This would explain why in the Virginia ratification debates delegates do not invoke rules in a dialectical vein to counter questionable tactics. Instead, by crying foul delegates bring to bear in the situation converging rhetorical and political norms. For example, making manifest that opponents have used questionable grounds to work on spectators' fears, and that in doing so opponents damage the quality of the proceedings and the political process, increases the pressure generated by crying foul to repair or abandon the questionable tactic. The pressure generated by crying foul--e.g., saying opponents are terrifying into belief, making groundless objections, misrepresenting facts, and the like--derives from bringing to bear in the situation and making determinate a broader norm: do not interfere with the capacity to deliberate and judge. This norm is both rhetorical and a norm of political representation and citizenship. Making determinate this broader, political, procedural norm increases the risks to delegates of manifesting poor judgment on the level of a particular argument, because it makes manifest that localized flaws damage the proceedings and political process as well.

If this is accurate, then there are three complementary explanations for why delegates in the Virginia ratification debates consistently counter questionable tactics by crying foul and do so by bringing to bear in the situation norms of argumentation that converge with political norms. First, consider the fact that crying foul makes a norm determinate. Arguers must bring to bear in the situation norms that opponents do know or ought to know. This is why speakers can count on norms to pressure opponents to adhere to them. In the context of a debate by political elites before a broad citizenry, delegates may reasonably expect opponents and spectators to know the broader norms of the political culture—or may reasonably expect them to act as if they know them rather than risk criticism for poor citizenship. Thus making norms determinate both brings to bear in the situation norms that citizens know and coaches citizens in norms they ought to know.

Second, consider the fact that crying foul makes manifest the badness of opponents' conduct. In a civic context, delegates may not be able to count on opponents and spectators acknowledging the badness of a tactic because by one measure it may align with a norm of effectiveness. In tension are norms of short-term, personal effectiveness and long-term, political and cultural effectiveness in the sense of promoting political ideals. These two senses of effectiveness need not be mutually exclusive, but political actors must balance short-term personal success with longer-term success and civic goods. Crying foul--making badness manifest--is one way arguers may tip the balance.

Third, consider the fact that crying foul makes manifest that the speaker is exercising forbearance. In a civic context, speakers must negotiate manifesting adherence to, first, a broader political norm of engaging in principled opposition and, second, a more procedural-level norm of refusing to participate in a transaction with opponents who will not act fairly. Making manifest that he is exercising forbearance enables a speaker to engage the force of both norms—to manifest commitments to participating in the proceedings and to the quality of transactions comprising the proceedings. Manifesting a commitment to the legitimacy of the proceedings seems particularly important since regular, unchecked de-railments on a local level create grounds for spectators to ignore the proceedings and thus decrease the pressure of generating accountability. This also points to the

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desirability of self-regulation in arguing—that metadialogues about procedural matters are not external to the workings of arguing but an inherent part of their quality.

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