University of Windsor
Scholarship at UWindsor

OSSA Conference Archive   OSSA 8

Jun 3rd, 9:00 AM - Jun 6th, 5:00 PM

Telling Examples. Strategic manoeuvring in plenary debates in the European Parliament

H José Plug
University of Amsterdam

Follow this and additional works at: http://scholar.uwindsor.ca/ossaarchive

Part of the Philosophy Commons

Telling Examples. Strategic manoeuvring in plenary debates in the European Parliament

H. JOSÉ PLUG

Department of Speech communication,
Argumentation Theory and Rhetoric
University of Amsterdam
Spuistraat 134
1012 VB Amsterdam
The Netherlands
h.j.plug@uva.nl

ABSTRACT: Members of Parliament may make use of argumentation from examples to justify policies and legislation. In this contribution I concentrate on how argumentation from example may be used to manoeuvre strategically in plenary legislative debates in the European parliament. As a framework for the analysis of the strategic use of examples in the institutional setting of the European parliament, I shall make use of van Eemeren and Houtlosser's (1999, 2002) concept of strategic manoeuvring.

KEYWORDS: argument from example, hasty generalization, parliamentary legislative debate, strategic manoeuvring.

1. INTRODUCTION

Examples or exemplary cases may perform an important role in legislative debates in the European Parliament. Members of the European Parliament can make use of examples, not only to elucidate or to illustrate proposed legislation, but also to justify legislation. Argumentation from example may be found in plenary legislative debates in which the need for legislation is under discussion. In these debates, it should become clear that there is an economical, a legal or a social problem of sufficient seriousness as to require legislation.

Some of the rhetorical advantages of using examples are that they may substantiate subjects that might otherwise be too abstract, render difficult subjects more accessible and, moreover, may arouse attention, personalize a topic or humanize the discourse. Although the use of examples may be effective in achieving rhetorical gains, when used argumentatively they may be easily criticized for constituting the fallacy of a hasty generalization. This type of criticism can be illustrated by a debate in the Dutch parliament on a proposal for legislation on stalking. In order to argue that there was a serious need for legislation on stalking, the initiators of the bill brought forward that the current legal answer to stalking, a court injunction, offers insufficient protection to the victims of stalking. The initiators justified their standpoint by referring to a case which they called 'the classical example of stalking.' In this particular case, the offender could

not in any way be induced to end his stalking activities. Those opposing the proposal qualified the argumentation of the initiators explicitly as a fallacy of hasty generalization: 'too easily, a single case is generalized to a universal rule' (Plug, 2007). Members of Parliament may be expected to try to avoid this criticism and therefore, in terms of van Eemeren and Houtlosser (1999), manoeuvre strategically when putting forward argumentation from example.

In this contribution I will concentrate on how argumentation from example may be used to manoeuvre strategically in plenary legislative debates in the European parliament.[1] I will first discuss some of the features of this particular type of argumentative discourse. Then I will assess how these features may provide techniques to manoeuvre strategically when bringing forward argumentation from example. For the analysis of the argumentation, I will make use of the pragma-dialectical argumentation theory as developed by van Eemeren and Grootendorst (1984) as well as of van Eemeren and Houtlosser's (1999, 2006) concept of strategic manoeuvring.

2. THE PRAGMA-DIALECTICAL MODEL OF CRITICAL DISCUSSION AND LEGISLATIVE DEBATES

In the pragma-dialectical approach to argumentation, as developed by van Eemeren and Grootendorst (1984, 1992), political argumentative practices, such as legislative debates, may be considered as empirical approximations of a critical discussion that have to meet certain standards of rationality.[2] Participants in these practices are looked upon as rational decision-makers. When justifying their decisions they have to overcome rational criticism on their points of view.

Pragma-dialectics offers a general theoretical instrument, the model of 'critical discussion,' for the analysis and evaluation of argumentative discussions. The model specifies the resolution process, the stages that can be distinguished analytically in this process and the types of speech acts that are instrumental in resolving a difference of opinion.

In the extended version of the pragma-dialectical argumentation theory, van Eemeren and Houtlosser (1999) introduced the theoretical concept of strategic manoeuvring. This concept is based on the idea that arguers in argumentative discourse make an effort to balance rhetorical effectiveness and dialectical standards of reasonableness and enables us to include a rhetorical dimension in the analysis and evaluation of argumentative discourse. If, however, argumentative moves violate a rule for critical discussion, strategic manoeuvring derails and a fallacy is committed.

Strategic manoeuvring manifests itself in argumentative discourse in the choices participants make from the 'topical potential' available at a certain stage in the debate, in 'audience-directed framing' of the argumentative moves, and in the use of 'presentational devices.'

---

[1] A more extensive article, based on this contribution will be published in *Controversia*.
[2] This perspective on the legislative process is in line with MacCormick (2005, 295). He (being a legal theorist as well as a Member of the European Parliament) observes that: "in the European Parliament, legislative processes do have a rational and discursive quality, though falling well short of perfect rationality."

In order to include insights in strategic manoeuvring in a dialectical analysis and evaluation of argumentative discourse, it is, according to van Eemeren and Houtlosser (2005, 2006), necessary to take account of the specific activity type we are dealing with. An activity type, such as a plenary legislative debate in the European Parliament, should be considered as an empirical category that can be distinguished by 'extrinsic' observations of communicative practice in a specific political domain of discourse. The characteristics of the activity type and the preconditions that are partly codified, are instrumental in shaping the communicative practice concerned. The way in which these characteristics of a plenary legislative debate may affect strategic manoeuvring comes to the fore if the activity type is confronted with the model of critical discussion.

3. PLENARY DEBATES IN THE EUROPEAN PARLIAMENT

The way in which plenary debates in the European Parliament (Plenary Sessions or the Plenary) take place, is to a large extent laid down in the Rules of Procedure of the European Parliament. Members of the European Parliament (MEPs) must act in accordance with these rules of conduct.

The structuring of the debates always involves the allocation of speaking time. Specific speaking time is reserved for the Commission and the Council, but several categories of MEPs also have reserved speaking time. These include Reporters (Rapporteurs) and draftsmen of opinions and authors of motions for resolution. The largest proportion of speaking time is allocated to the political groups of the European Parliament. Each political group receives speaking time roughly in proportion to its number of seats.

A plenary debate in the European Parliament on legislative and non-legislative reports, normally starts with an opening statement from the European Commission. This statement is followed by the Rapporteur presenting the response of the relevant European Parliament committee. If applicable, draftsmen of opinions from other committees may speak after the Rapporteur. Then, the general debate follows with each political group speaking on the issue under debate, starting with the largest group. Party groups decide internally how to divide time among their Members of Parliament, with the time for individual speeches being strictly limited. At the end of the debate, the Commission replies to the speeches and indicates its position on proposed amendments to the legislative proposal.

After a debate in which the Commission, the representatives of the political groups and individual MEPs have expressed their views, a parliamentary report may be put to the vote. In Plenary Session, the European Parliament normally takes decisions by an absolute majority of votes cast. At the end of voting time, Members may request to take the floor again to give an explanation of vote and to present their analysis and explain their choice or that of their group.

3.1 Characteristics of plenary legislative debates in the European Parliament

In order to be able to analyse and evaluate the argumentation that is brought forward in plenary debates in the European Parliament on proposals for legislation, it is necessary to discuss how the legislative process in the European Parliament is organised and which

propositions are discussed in the legislative debates that take place in the different stages of the legislative process.

Although the European legislative process is in many respects similar to that in the national contexts, there are some differences concerning, for instance, the role of Parliament. In the national contexts the will of the nation is expressed in Parliament, whereas in the European Parliament the legislative powers of the Parliament are shared. Apart from the European Parliament, there are two other major European institutions involved in the legislative process: the European Commission and the Council of the European Union. In principle, the European Commission proposes new legislation. The main forms of EU-laws are directives and regulations. Before the Commission proposes legislation, they may issue working documents that include Green Papers (proposals in a specific policy area) and White papers (proposals for Community action). Both are generally used as a basis for public consultation before draft legislation is issued.

When the Commission puts forward a proposal for legislation, the proposal (draft legislation) is presented to the European Parliament, where it is scrutinised by one of the appropriate standing committees. A Member of the European Parliament from the committee is appointed to be the rapporteur, or spokesman who prepares a draft report. The standing committee discusses this report and decides whether to allow or disallow any amendments. The report is then debated at the Plenary and the European Parliament gives an opinion on the proposal which is agreed or rejected by an absolute majority of votes.

If accepted, the 'First reading' is sent to the Council of Ministers, which can either accept it, or review the amended text and in consultation with the Commission adopt a further amended version of the legislative text. This version is then returned to the European Parliament for a 'Second reading,' at which it may be adopted and become law. If this version is not accepted by the Parliament, a Conciliation Committee tries to formulate a mutually acceptable text and presents this final text to the European Parliament for a 'Third reading.' This proposal can only be accepted or rejected.

When using the model of a critical discussion as a tool to reconstruct the argumentative discourse that takes place in a plenary legislative debate (on the 'First reading'), the argumentative activity can be represented as follows (Van Eemeren and Houtlosser, 2005). In the confrontation stage, the proposition that is subject to the difference of opinion can be reconstructed as: 'Legislative proposal P_1 (including amendments A_1, A_n) is acceptable.' The opening stage is characterised by the explicit rules of the debate as formulated in the Rules of Procedure of the European Parliament, implicit (verbal behaviour) rules (of politeness, for instance) and implicitly or explicitly shared concessions between the (members of) political groups. In the argumentation stage, members of the political groups and non-attached members present their argumentation in favour or against the acceptance of the legislative proposal. In the concluding stage, the outcome of the argumentative exchange is determined on a vote.

Preliminary to a plenary debate on whether or not a specific proposal for new legislation (P_1) is acceptable, it might be expected that there has already been a debate on a proposition that should be considered as part of the legislative process as well. In such a debate, the proposition that should, in principle, already have been decided upon is: 'A proposal on new legislation at EU level (P) is needed.' This assumption would be in line with the logic of the analytical 'stock-issue model for academic debate (Hill and Leeman,

1997) in which the stock issue of ill (or significance) should be discussed before the stock issue of cure (or solvency). According to this model it would not be reasonable to discuss a (detailed) proposal for legislation (P_1) if the need for new legislation (P) has not been established. The stock issue of ill focuses on the assessment of the scale and the seriousness of the problem in order to determine whether it is serious enough to justify the need for (new) legislation.

Scholars in the field of constitutional law and legal theory, such as Fuller (1964), Atienza (2005), as well as Members of Parliament themselves (in reports on the quality of legislation), too, emphasize the importance of the justification of the need for legislation at EU level.

It is not standard procedure in the European Parliament to bring up for discussion the need for new legislation (at EU level) at the Plenary. It seems that it is, more often than not, taken for granted that the Commission has indeed decided on the need for new legislation at EU level before a proposal for new legislation is presented before the Parliament. In that case, implicit agreement on the need for legislation may be reconstructed as part of the opening stage of a plenary legislative debate (on the First Reading).

If, however, the subject is discussed at the Plenary, it usually is part of a debate on proposals for more general policies as in, for instance, White and Green papers which may in a later stage result in proposals for (draft) legislation. These discussions can therefore be seen as the first, preliminary stage of the legislative process. A reconstruction of the debate in this preliminary stage of the legislative process corresponds with the reconstruction of the legislative debate on the 'First reading.' However, the proposition that is subject to the difference of opinion as presented in the confrontation stage concerns the need for legislation, whereas the proposition in a later stage of the legislative process concerns the acceptability of a legal proposal.

Argumentation from example can be brought forward in the argumentation stages of both plenary legislative debates. However, this type of argumentation will most likely be found in plenary legislative debates in which the need for legislation is discussed. In these debates, it is, in principle, necessary to argue that there is a legal or social problem of sufficient seriousness to introduce (new) legislation. In order to defend or criticise the (sub)standpoint that there is a problem that provides enough reason to take action in the form of a proposal for legislation, argumentation from example may be advanced.

4. ARGUMENTATION FROM EXAMPLE

If one of the participants in a plenary legislative debate brings forward argumentation from example, an analysis of the argumentation scheme could determine the soundness of the argumentation. An argument scheme is a conventionalised way of displaying a relation between that which is stated in the explicit premise and that which is stated in the standpoint (van Eemeren and Grootendorst 1992). An MEP who advances argumentation in the form of an example aims to bring about a transfer of acceptance from the premises to the standpoint.

The pragma-dialectical argumentation theory, distinguishes three main types of argumentation, each with its own argumentation scheme: argumentation by comparison, causal argumentation and symptomatic argumentation. In argumentation that is based on

a symptomatic relationship, the standpoint is defended by mentioning in the premise a specific characteristic of what is mentioned in the standpoint and by presenting this characteristic as a typical quality of what is mentioned in the standpoint. Argumentation from example is interpreted as a subtype of the general scheme for symptomatic argumentation. A description of this subtype is provided by Garssen (1997) and van Eemeren, Houtlosser and Snoeck Henkemans (2007, 155): 'In argumentation from example separate facts are represented as special cases of something general: on the basis of specific perceptions a generalisation is made.'

4.1 EVALUATING ARGUMENTATION FROM EXAMPLE

An adequate evaluation of an argument depends on the argumentation scheme that has been deployed. Each argumentation scheme requires different criteria of soundness**.** In order to determine whether these criteria are met, pragma-dialectics formulated different sets of critical questions that are relevant to the different schemes. In case of argumentation from example there are two central questions in order to determine whether the argumentation scheme has been applied correctly. The first question focuses on the representativeness of an example and the second question concentrates on the sufficiency of an example. Since the correct use of the argumentation scheme calls for examples that meet these two criteria, both questions should be answered satisfactorily in order to conclude that the example is indeed typical of the state of affairs as it is formulated in the standpoint. If the requirements of the argumentation scheme are not met because the examples are not representative or not sufficient, the fallacy of hasty generalization (*secundum quid*) is committed. According to van Eemeren and Grootendorst (1992, 166) the fallacy of hasty generalization is generally regarded as an unacceptable way of arriving to general conclusions on the basis of specific observations. The trouble is that it is not always clear when a generalization is based on observations that are insufficiently representative or do not meet quantitative standards.

The following fragment illustrates how argumentation from example may be criticised on the grounds that the examples that are used to arrive at the conclusion are not sufficient. In a debate on Liberty and security, the Committee on Civil Liberties, Justice and Home Affairs has proposed new rules and regulations. In order to justify the need for measures at the European level to retain communication data, the Committee presented two examples. The MEP, Mr Reul, presents his criticism as follows.

> (1) Herbert Reul (PPE-DE).—(DE) Mr President, ladies and gentlemen, […] It is then that I—we—will be open to the possibility of considering new instruments, but I have to tell you, Mr Clarke, Mr President-in-Office of the Council, that every single measure needs to be shown to be necessary. It gives me pause of thought that this House has spent a year asking for proof of the need for these measures to retain communications data, and that it is only now that we are being given specific examples of why they are needed; even so, that is not evidence, but individual examples of cases in which it was of use. That annoys me; grateful though I am that these examples were at least provided, I have to tell you that they are not enough. […]
> (*7 September 2005—Strasbourg, Liberty and security*)

From this reaction to argumentation from example it becomes clear that the MEP, Mr Reul, does not reject the use of the argumentation scheme per se. He is, however, of the opinion that the argumentation scheme does not meet one of the correctness conditions.

In his view the two examples are not sufficient, which means that the Committee is implicitly accused of committing the fallacy of hasty generalization (*secundum quid*): two examples of situations in which retaining communication data was successful, are not sufficient to justify the need for new measures to retain communication data.

Both the question with respect to the sufficiency and the representativeness of examples is of particular interest for legislative discussions. They are in keeping with the important question whether a proposal for legislation could be criticised for being ad hoc or occasional. It is**,** in principle**,** taken as a ground rule that new legislation and statutory changes should not be based on incidents: the legislator should be blind to individual observations or specific cases (Eijlander, 2004). The question is how an MEP could make an effort to live up to these dialectical and legislative norms without giving up rhetorical advantages when presenting argumentation from example; in other words, which characteristics of the activity type could be instrumental to manoeuvre strategically with argumentation from example.

5. TECHNIQUES FOR STRATEGIC MANOEUVRING USING ARGUMENTATION FROM EXAMPLE

The possibilities MEPs may have to manoeuvre strategically when presenting argumentation from example are determined by the characteristics of plenary legislative debates in European Parliament. These characteristics may, however, be completed with features and conventions of political argumentation and features of argumentation in Parliamentary debates in general. Since plenary debates could be seen as a specific subgenre of political argumentation and parliamentary discourse, characteristics of these more general genres may be of influence on the course of the discourse as well. Zarefsky (2008) formulates features that are characteristic of political argumentation, such as: no temporal limits, no way to be sure that the argument is over, heterogeneous audiences. These features are considered as institutional conventions that shape political argumentation. Some of the relevant features correspond to the features of parliamentary discourse that are listed by Ilie (2003). Taken together, these features may provide or require techniques to manoeuvre strategically when staging argumentation from example. Both the features and the techniques may be related, although not exclusively, to the three aspects of strategic manoeuvring: 'topical potential,' 'audience demand' and 'presentational devices.' I will discuss some of the features and demonstrate what techniques they may provide or require with respect to the different aspects of strategic manoeuvring. The examples that are provided illustrate that MEPs do indeed apply these techniques.

Topical potential

One of the features that may be applied to manoeuvre strategically in plenary legislative debates is the multi-layered role of the Members of Parliament and the opportunity of role shifting (Ilie 2003). This feature, in particular, may provide tactical opportunities concerning the choice of topics within argumentation from example. Members of the European Parliament may play different roles at the same time. A politician is, apart from being Member of the European Parliament, a member of a national party, a citizen of a

particular European country, etc. An MEP of the UEN (Union for Europe of the Nations) Group, for instance, explicitly pointed at his multi-layered role when he stated: 'speaking as somebody who comes from the island of Ireland and who understands the effects and impact of terrorism.' From observations of the institutional interaction, it becomes clear that MEPs may not only shift between roles in the institutional and the private spheres, but also within the institutional sphere itself. There may, for example, be a shift between the role as Member of Parliament and that as member of a committee.

The different roles an MEP may play at the same time, provides him with 'sources' in different spheres for choosing examples that may be used in the argumentation. It also makes it possible to deploy complex argumentation that is composed of arguments from different spheres. These multiple roles do not only contribute to the increase of the quantity of potential arguments, they also make it possible to choose from a wider range of potential arguments that attune to the topic that is under discussion and the public.

In a debate on overweight and obesity in which legislation on labelling is one of the issues, one of the MEPs, Mrs Buitenweg, uses a role shift when bringing forward argumentation from example.

> (2) Kathalijne Maria Buitenweg, on behalf of the Verts/ALE Group.—(NL) Mr President, today we are discussing overweight and obesity and I think it is important […] not to talk too much about diet and waste, but to talk mainly about the need to eat healthily.
>
> A couple of months ago I was very shocked when my daughter, an extremely slim daughter, came home and did not want to eat her second slice of bread because she would get fat. She had heard a lot at school about how above all you must not be fat, but she was not sufficiently aware of how you should eat healthily and what a normal helping is. A child of eight does not really understand when you are too fat. Thus it is very important to talk mainly about healthy eating and not about whether a person is too fat.
> *(24 September 2008—Brussels. White Paper on Nutrition, Overweight and Obesity-related health issues)*

The MEP presents the experiences of her own daughter of eight, in order to justify the standpoint that eight-year-olds find it hard to grasp the concept of 'being to fat.' In doing so, she shifts from her role as Member of the European Parliament to her role as a parent. The rhetorical advantages of the role shift from MEP to the role of a parent are that it humanizes the debate, it appeals to the role many MEPs and other members of the audience have and that it provides her with the authority of a 'hands-on' expert. This last aspect may be seen as an attempt to prevent that the argumentation from example will be criticized for being a hasty generalization.

Audience demand

An important feature of legislative debates that may affect the way in which politicians make use of strategic manoeuvring when presenting argumentation from example is the presence of a multiple, heterogeneous audience. This feature requires techniques concerning the choices that could be made to adopt argumentation from example to beliefs and commitments of the audience. According to van Eemeren (quoted in Walton 1998, p. 191) 'the argumentation in parliamentary debates is not only directed toward the other party, but through newspapers and television to a much broader audience. The

audience might consist of political opponents, coalition partners and the public as a whole.' (cf. Ilie 2003 and Zarefsky 2008).

With respect to the audience to whom the argumentation in a legislative debate is directed, a distinction should be made between the different debates that take place within the legislative process. One may assume that the debate on the need for new legislation is held by a different group of MEPs than the debate which addresses the proposition of a concrete European law or regulation. In the first stage the argumentation may be directed to a broad audience that consists of specialists and non-specialists in the field of law-making. In the second stage, after the majority of the MEPs have voted on the need for legislation, the debate on the concrete formulation of the law is much more technical and the argumentation may be expected to address specialists rather than non-specialists. In the first stage in particular, in which an MEP has to adapt argumentation from example to a broad audience, it may be difficult to provide arguments (examples) that are acceptable to as many members of the audience as possible. Opportunities to 'bridge' these audiences can be found in choosing examples that are related to current topics and that may be taken as known.

Although Zarefsky (2008, p. 320) rightly observers that 'an arguer will have a difficult time attributing any specific commitment to the audience as a whole,' it may be profitable to make an attempt to choose examples which may be expected to be in line with common starting points and which concur with shared knowledge and values. In order to meet differences in common starting points and shared knowledge and values one might consider bringing up complex argumentation in which different examples adapt to distinctive groups within the audiences.

In the following example an MEP, Mrs Klamt, brings forward argumentation from example twice. On the basis of the first she concludes that terrorism acquired an unequivocally European dimension. The second is used to argue that perpetrators do not pass through porous borders in order to carry out terrorist acts in Europe.

> (3) Ewa Klamt (PPE-DE).—(DE) Mr President, Mr Clarke, Vice-President Frattini, ladies and gentlemen, (…) The '9/11' events in the United States gave terrorism a wholly new dimension, and it acquired an unequivocally European one with the attacks in Madrid on 11 March and in London on 7 July. The conflict is no longer a merely national one; the Western world faces a massive threat. What the atrocities in London showed was that the perpetrators do not pass through porous borders in order to carry out terrorist acts in Europe.
> (*7 September 2005—Strasbourg, Liberty and security*)

Here, the examples on which the argumentation (i.c. the generalizations) hinges are, undeniably, part of the common knowledge of the audience. The fact that the examples are 'loaded' and appeal to a shared feeling of horror and fear, may reduce the chance for the examples to be criticized for being insufficiently representative or not numerous enough.

Presentational devices

One of the characteristics of plenary legislative debates that is relevant with respect to presentational devices, is that the time to contribute to the debate is limited, whereas in political argumentation in general, as Zarefsky (2008, 318) points out, this is not necessarily the case. As I already indicated in the outline of the legislative procedure in

European Parliament, a political group may only decide on whether the allotted speaking time is awarded to one representative of a party or divided among the members. In any case, this means that every MEP has to utilize the allocated time in an effective and productive manner; the speaker has to single out the most important (sub) standpoints and arguments he or she wants to present and weigh them against the opportunity to come up with counterarguments or objections to the argumentation of other MEPs.

In plenary legislative debates, not only the allocation of time is regulated, but also the turn-taking structure. The MEPs, in principle, are allowed to have the floor just once during a debate on a particular report. In the plenary debates in the European Parliament, interpellations are, in principle, not allowed. In the Code of conduct (art. 141, section 4) it is stated that a speaker may not be interrupted, except by the Chair. This means that the proponent does not have the opportunity to 'repair' his contribution to the discussion in a later stage of the debate; nor is it possible to dose his argumentation in the course of the debate. There is no opportunity to respond to opponents' argumentations after one has had the floor.

These features prevent an MEP to present a list of examples in order to justify his standpoint, although that would reduce his chance to be accused of committing the fallacy of hasty generalization. According to Rendal (1992, p. 66) there are also other reasons to limit the number of examples in argumentation from example. He states that: 'precisely because the example is a "rhetorical induction" (Aristotle), and because offering too many examples is likely to be counterproductive by boring or confusing the audience, the choice of examples is a crucial consideration. If the situation or institutional regulations are such that the examples cannot rely on quantity to make its case; it has to rely on quality.' The MEP may therefore try to emphasize the quality of his example in the presentation of it. He may also try to suggest that, in principle, there are much more examples, but that he won't bring them forward because of his awareness of the rhetorical disadvantages or the procedural (time) constraints. Several presentational devices may be of help to express these considerations.

Linguistic markers, such as the adjectives 'typical,' 'telling,' 'characteristic' may be used to qualify the example that is used in the argumentation and emphasize the quality of the example. In example (5) the MEP, takes up the (sub)standpoint that there is a worrying trend (in) stopping young European Muslims from going to state or officially recognized schools in favor of Koranic schools. By qualifying the example as 'blatant,' the MEP suggests that he could have given more examples, but that he presents here the most striking one.

> (4) Antonio Tajani (PPE-DE).—(IT) Mr President, ladies and gentlemen, (…) We must not confuse Islam with terrorism, but we must condemn those who, in the name of extremism, try to stop young European Muslims from going to state or officially recognised schools in favour of Koranic schools. That is a worrying trend—*there is a blatant example in Milan*—for it aims at preventing the integration of immigrants in Europe so as to create pockets of illegality. (*7 September 2005—Strasbourg, Liberty and security*)

In the next fragment the argumentation from example is complex. The MEP, Mrs Klaß, however, seems to anticipate that the given examples may nevertheless be considered insufficient to justify the standpoint. By using the expression 'but a few,' the MEP makes an attempt to prevent this criticism.

(5) Klaß (PPE-DE).—(DE) Mr President, Commissioner, ladies and gentlemen, […]
The consequences of alcohol abuse affect us all. They affect families and societies. Road deaths caused by drunk drivers, loss of jobs and ultimately family break-ups *are but a few examples* of the ravages of alcohol abuse.
(*15 May 2001—Strasbourg, Consumption of alcohol by children and adolescents*)

The MEP, Mr Lundgren, brings forward the standpoint that the EU's politicians and officials try to centralize political power. By introducing the example with 'it is another,' he suggests that many more examples could be given, but that it would be superfluous to mention them because it is shared knowledge that there are.

(6) Nils Lundgren, on behalf of the IND/DEM Group.—(SV) Madam President, this report on the role of sport in education deals in detail with the question of how Member States shall organise the subject of physical education in school. *It is another example* of how the EU's politicians and officials go into any area and at any level of detail they choose in their zeal to centralise political power here.
(*12 November 2007—Strasbourg. The role of sport in education*)

6. CONCLUSION

A plenary legislative debate in the European Parliament can be characterised as an institutionalized activity type. A confrontation between this activity type and the model of critical discussion brings to light the characteristics that may influence the strategic manoeuvring that takes place in plenary legislative debates. One of the propositions that may be under debate in this activity type is whether or not legislation at the level of EU is needed. In order to justify the existence of a (social, legal or economical) problem that needs legislation, one type of argumentation that may be brought forward is argumentation from example. Although the use of examples may, in principle, be effective in achieving rhetorical gains, when used argumentatively they may be easily criticised for constituting the fallacy of a hasty generalization. MEPs may be expected to try to avoid this criticism and therefore manoeuvre strategically when they put forward argumentation from example. In this paper I have made an attempt to determine some of the techniques that may be used to manoeuvre strategically and at least give the impression of a wish to avoid derailments of strategic manoeuvring. The techniques that are discussed are provided by the features of the activity type and they are related to the different aspects of strategic manoeuvring.

Link to commentary

REFERENCES

Atienza, M. (2005), Reasoning and legislation. In: Luc J. Wintgens (Ed.). *The Theory and Practice of Legislation. Essays in legisprudence*, Aldershot: Ashgate, pp. 297-317.
Code of conduct European Parliament (2004), 16th edition.
Eemeren, F.H. van and Grootendorst, R. (1984). *Speech Acts in Argumentative Discussions. A theoretical model for the analysis of discussions towards solving conflicts of opinion,* De Gruyter/Foris, Berlin/ Dordrecht.
Eemeren, F.H. van and Grootendorst, R. (1992). *Argumentation, Communication and Fallacies. A pragma-dialectic perspective,* Erlbaum Associates, Hillsdale, NJ.

Eemeren, Frans H. van and Peter Houtlosser (1999). Strategic manoeuvring in argumentative discourse, *Discourse Studies* 1, pp. 479-497.

Eemeren, Frans H. van and Peter Houtlosser (2005). Theoretical construction and argumentative reality. An analytical model of critical discussion and conventionalized types of argumentative activity. In: D. Hitchcock and D. Farr (Eds.), *The Uses of Argument. Proceedings of a conference at McMaster University, 18-21 May 2005*, pp. 75-94.

Eemeren, F.H. van and P. Houtlosser (2006). Strategic maneuvering: a synthetic recapitulation. *Argumentation*, 20, 381-392.

Eemeren, F.H. van and P. Houtlosser (2007). Seizing the occasion: parameters for analysing ways of strategic manoeuvring. In: F.H. van Eemeren, J.A. Blair, C.A. Willard and B. Garssen (Eds.), *Proceedings of the Sixth Conference of the International Society for the study of Argumentation*, Amsterdam: Sic Sat. pp. 375-381.

Eemeren, F.H. van, P. Houtlosser and A.F. Snoeck Henkemans (2007). *Argumentative indicators in discourse*. A pragma-dialectic study. Dordrecht: Springer.

Eijlander, P. (2004). Gelegenheidswetgeving. Een rechtsstaat onwaardig? *Ars Aequi*, 53, 7/8, 484-491.

Freeley, A.J. and D.L. Steinberg (2009). *Argumentation and Debate. Critical thinking for reasoned decision making*. 12 th edition. United States: Wadsworth Cengage Learning.

Fuller, Lon L. (1964).*The Morality of Law*. Yale University Press, 1964. Pp. vi, 202.

Hill, B. and R.W. Leeman (1997). *The Art and Practice of Argumentation and Debate*. California: Mayfield publishing company.

Garssen, B. (1997). *Argumentatieschema's in pragma-dialectisch perspectief*. Amsterdam: IFOTT.

Ilie, C. (2003). Discourse and metadiscourse in parliamentary debates. *Journal of language and Politics* 2, 1, 71-92.

MacCormick, N. (2005). Legislative Deliberation: Notes from the European Parliament. In: Luc J. Wintgens (Ed.), *The Theory and Practice of Legislation. Essays in Legisprudence*, Aldershot: Ashgate, pp. 285-296.

Plug, H.J. (2007). Pitfalls in the Evaluation of Argumentation in the Legislative Process. In: Hans V. Hansen, Christopher W. Tindale, J. Anthony Blair, Ralph H. Johnson and David M. Godden (Eds.), *Dissensus and the Search for Common Ground.* Windsor, ON: OSSA.

Rendall, Steven (1992). Examples, Counterexamples (Review: Exemplum: The Rhetoric of Example in Early Modern France and Italy by John D. Lyons). *Comparative Literature*, Vol. 44, No. 1, pp. 59-67.

Zarefsky, D. (2008). Strategic maneuvring in political argumentation. *Argumentation*, vol. 22, no. 3, 317-330.