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# Pressure and argumentation in public controversies

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**ABSTRACT:** When can exerting pressure in a public controversy promote reasonable outcomes, and when is it rather a hindrance? We show how negotiation and persuasion dialogue can be intertwined. Then, we examine in what ways one can in a public controversy exert pressure on others through sanctions or rewards. Finally, we discuss from the viewpoints of persuasion and negotiation whether and, if so, how pressure hinders the achievement of a reasonable outcome.

**KEY WORDS:** argumentation, fallacies, negotiation dialogue, persuasion dialogue, pressure, public controversy

## 1. INTRODUCTION

In public controversies, the discussants are not only arguing for their point of view but also playing in a social arena. They argue to convince others to get their consent, but at the same time they are negotiating and exerting pressure to get things their way. We focus on the exertion of pressure by threatening people with sanctions or enticing them by rewards. When do such means of pressure promote a reasonable outcome of a public controversy, and when do they only constitute a hindrance to its achievement?

We try to answer this question by adopting a dialogical perspective. Thus, we deal with a “public controversy” as an assembly of various types of dialogue, among which *persuasion dialogues* and *negotiation dialogues* are prominent. In a persuasion dialogue, the participants try to reach a *resolution on the merits of the case* for their difference of opinion. In a negotiation dialogue their goal is to reach a *compromise that will be acceptable for all*. Both kinds of outcome can be reasonable.

Ideally, pressure has no role to play in a persuasion dialogue; but pressure is part and parcel of the negotiating process. In practice, both kinds of dialogue are often intertwined so that pressure exerted in the negotiation dialogue can also influence the persuasion dialogue. With this in mind, we want to contribute to the development of instruments for the analysis and evaluation of argumentation in public controversies, focusing on the role of conditional sanctions and conditional rewards (Amgoud & Prade, 2006; van Laar & Krabbe, 2016a).

In Section 2, we discuss the use of persuasion dialogues and negotiation dialogues for achieving a reasonable outcome in a public controversy. In Section 3, we examine the ways one may exert pressure in the context of a public controversy. In Section 4, we discuss whether and how these means of putting pressure on one’s opponents hinder or further the achievement of a reasonable outcome. We conclude that pressure can indeed – but need not – degenerate into committing a fallacy such as, on the one hand, an *argumentum ad baculum* (“wielding the stick”) or, on the other hand, an *argumentum ad carotam* (“swaying the carrot”).

We illustrate our findings by examples taken from the public controversy about the energy transition in the Netherlands.

## 2. PERSUASION AND NEGOTIATION DIALOGUES IN PUBLIC CONTROVERSIES

A public controversy comprises a mosaic of dialogues of various kinds. Its starting point is usually a combination of: (a) conflicting interests, (b) differences of opinion, and (c) open problems. The prominent role in such controversies of dialogical exchanges in which the parties involved put forward their considerations points to a shared aspiration to reach a *reasonable outcome*, that is an outcome that will be acceptable for all parties and will stand the test of criticism.

We focus on the persuasion dialogues and the negotiation dialogues. In a persuasion dialogue, the participants try to *resolve* a difference of opinion, on the basis of the merits of the case, by an exchange of arguments and argumentative criticisms. But participants in a public controversy are often also involved in a social interplay of forces trying, in a negotiation dialogue, to *settle* a conflict of interests by a reasonable compromise that reflects an exchange of offers and counteroffers. In a negotiation dialogue they use offers and counteroffers (van Eemeren & Grootendorst, 2004, p. 58). A reasonable outcome of a public controversy can be a resolution but it can also be a compromise. In the latter case, the parties may stick to their different opinions but agree to consent to a policy that is, in their eyes, though not wholly satisfactory, yet preferable to a situation without a compromise. In both cases, the outcome has in some way been put to the test.

Sometimes a particular contribution to a dialogue must obviously be evaluated from a normative perspective that applies to persuasion dialogues; sometimes from one that applies to negotiation dialogues. But for fragments of discussion in which both kinds of dialogue are intertwined an evaluator may legitimately apply either or both perspectives, depending upon his or her interests.

Usually, negotiating involves arguing (van Laar & Krabbe, 2016b, 2018). Consider an offer, such as “You may buy this piano for no more than 6000 Euro!” Such a conditional offer instantiates the pattern: “If you are prepared to do X for me then and only then I will be prepared to do Y for you.” It can be understood as expressing simultaneously an “expediency argument”: “It will be expedient for you to accept my offer because you value this piano at 6000 Euro at least and I ask no more than 6000 Euro.” A counteroffer, such as “No, but I am prepared to give you 5000 Euro for the piano!” expresses a critical reaction to the preceding expediency argument but also introduces a new expediency argument. Expediency arguments instantiate the following argumentation scheme: “Accepting my offer will be expedient for you because if and only if you accept my offer you will obtain X at the expense of Y, while getting X at the expense of Y is expedient for you”. This scheme is a variant of the one for pragmatic argumentation (van Eemeren, 2016, p. 17).<sup>1</sup> Such an argument, accompanying each offer, can be interpreted as a contribution to a persuasion dialogue (in each case about a slightly different standpoint) embedded in the negotiation dialogue. Embedding is a kind of being intertwined, but not the only one.

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<sup>1</sup> The arguments that manifest themselves in an exchange of offers and counteroffers can be looked upon as a dialogical variant of an *argumentative pattern* that may characterize a certain institutionally embedded communicative activity. According to van Eemeren, “an argumentative pattern is characterized by a constellation of argumentative moves in which, in order to deal with a particular kind of difference of opinion, in defence of a particular type of standpoint a particular argument scheme or combination of argument schemes is used in a particular kind of argumentation structure” (van Eemeren, 2016, p. 14).

In argumentation theory, the subject of exerting pressure comes up primarily when discussing the *ad baculum* fallacy (Walton, 2000, 2014). But one may also exert pressure by enticing others with a reward. We shall therefore, following Woods, also discuss the “*ad carotam* fallacy” (Woods, 2004, p. 80). According to our usage of these terms, one deals in both cases with contributions that exert pressure on an interlocutor in a way that infringes upon the norms for reasonable persuasion dialogues. But that a contribution to a discussion is illicit from the perspective of persuasion dialogues doesn’t tell us much about the legitimacy of that contribution from the perspective of negotiation dialogues, since both perspectives have their own normativeness (Walton & Krabbe, 1995, Walton, 1998).

The term ‘fallacy’ we reserve, as in pragma-dialectics, for illicit moves in a persuasion dialogue (van Eemeren & Grootendorst, 2004). We adopt the following dialectical definition of the fallacy of *argumentum ad baculum*: Discussant A commits in contribution *c* vis-à-vis discussant B the fallacy of *argumentum ad baculum* if and only if through *c* A makes it clear to B that A will proceed to punish B if B maintains his or her contribution (standpoint, criticism, argument, critical question, etc.) to the persuasion dialogue. Thus we stay in line with the pragma-dialectical theory of fallacies according to which this fallacy counts as an infringement of the *freedom rule* (van Eemeren & Grootendorst, 2004, p. 190). For clearly discussant A is trying through the threat contained in contribution *c* to muzzle B. Let it also be noted that such infringements of the freedom rule are in our opinion not restricted to the confrontation stage of the discussion, where the initial difference of opinion is specified, but may also occur intermingled with the exchanges of arguments and criticisms.

We propose to define the fallacy *argumentum ad carotam* in a parallel fashion. Discussant A commits in contribution *c* vis-à-vis discussant B the fallacy of *argumentum ad carotam* if and only if through *c* A makes it clear to B that A will proceed to reward B if B retracts his or her contribution (standpoint, criticism, argument, critical question, etc.) to the persuasion dialogue. The *argumentum ad carotam*, too, infringes upon the freedom rule and constitutes a fallacy that can also be committed beyond the confrontation stage

### 3. THE ROLE OF PRESSURE IN THE PUBLIC CONTROVERSY ABOUT THE ENERGY TRANSITION

In a public controversy persuasion dialogues and negotiation dialogues are intertwined in different ways. Not only can dialogues of some type be *embedded* in a dialogue of another type, but there are also *hybrid* contributions: these contain not only a move in a negotiation dialogue but also one in a persuasion dialogue. Further, there are contributions with a *dual function*. We first give an example of a hybrid contribution.<sup>2</sup>

#### Example (1) *Transition offers opportunities*

[The companies] “Siemens, Eneco, Shell, Heineken, Schiphol, Van Oord, and Rotterdam Harbor make their appeal on Wednesday in a letter in the *Volkskrant* [a Dutch newspaper]. In this way, they support the initiative of Samsom and Klaver [members of parliament] to enact a national climate law. (...)

'We are convinced that the energy transition must go ahead in order to counter climate change and also see the acceleration of the transition as an opportunity for the development of a new economy', the companies write. (...)

But then, the companies do have a need for clarity 'outlasting the successive governments', they argue. That’s why it needs to be arranged in a law. ‘The

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<sup>2</sup> All examples are taken from Dutch sources and were translated by the present authors.

arrangements must be binding, because our investments will be based on them.” (Du Pré, 2016, p. 2)

On the one hand, the companies argue in favor of a climate law and an (accelerated) energy transition; on the other, they appear to make an offer: in exchange for a long-term commitment of the politicians, specified in a climate law, the companies are willing to invest more.

The next example is a case of dual function.

Example (2) *Shut down all coal-fired power stations!*

In its election program D66 (a progressive liberal party) writes: “Dirty energy originating from coal is, all in all, much more expensive than clean energy. Unfortunately, it is not yet the case that all costs are taken into account when calculating the price. Therefore we must give the market a hand. D66 wants to shut down, as quickly as possible but in 2025 at the latest, all coal-fired power stations in the Netherlands – starting with those that cause the greatest pollution. We safeguard the power supply by the growth of the share of sustainable power, the use of existing gas-fired power stations, and good transport links with surrounding countries.” (D66, 2016, p. 32)

In this example, D66 argues for a shut-down of all coal-fired power stations and thus contributes to a persuasion dialogue on this issue. But, since this is a fragment of the election program, there is at the same time an underlying message that the policy preference here expressed will figure as a demand in possible future coalition talks.

In such cases, the kind of pressure that characterizes negotiation dialogues may influence a persuasion dialogue. A party in a negotiation dialogue can be motivated to steer a persuasion dialogue in a particular direction to prevent unwelcome results of this dialogue from restricting its options or undermining its bargaining power in the negotiation dialogue. Suppose, for instance, that a conservative and a green party agree about the climate targets but are negotiating about the ways to get there. Suppose that, in an intertwined persuasion dialogue, both parties come to agree that the climate targets can only be achieved if all coal-fired power stations will be shut down within five years. Then the conservative party can, in the negotiation dialogue, no longer seriously ask the green party to go along with shutting down the last station only after ten years. Therefore the first party may be inclined the use the pressure that is normal in a negotiation dialogue also to redirect the persuasion dialogue.

That some degree of pressure is normal in a negotiation dialogue results from the circumstance that in negotiation every offer one makes involves the application of some kind of power. Offering to do Y is an enticement to get the other to do X. Refusing to do Y is a sanction for the other’s refusal to do X.<sup>3</sup> Thus each offer contains a “threat”: The promised concessions Y will be canceled if the other does not deliver X.

By applying pressure a speaker changes the social circumstances for the continuation of the conversation. For, as a *result* of the pressure, accepting the offer becomes expedient for the other party. At least, that is what the speaker hopes for. Through expediency arguments, the participants test whether a situation has been created in which the last offer that was put forward can be convincingly argued for on the basis of premises that are then and there accepted.

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<sup>3</sup> Our analysis of an offer matches Ihnen Jory’s analysis of the speech act of making a conditional offer (Ihnen Jory, 2016).

Pressure is a matter of degree. We distinguish two methods of increasing pressure: by the message that there is no room for further negotiation and by upgrading awards or punishments.

The first method increases pressure by suggesting that after a rejection of one's offer there might be no further offer: the parties will be back to square one. One may even point out that this is really the final offer: "no room for maneuver."

The second method would be to increase the rewards for accepting the offer or aggravate the sanctions for rejecting it: "raising the stakes." It is often a plausible assumption that, at the outset of a negotiation dialogue, the parties agree about the inventory of assets that may figure as negotiable: the counters of the negotiation game. When buying a piano the means of exchange is the amount of money, and perhaps also the mode of payment. You may raise the stakes and thus increase pressure by offering more money than you did at first or by proposing to pay cash right now instead of paying by giro later on.

You may also raise the stakes by basing your offer to the seller on an extension of the inventory of negotiable assets, for instance by proposing that, in exchange for a lower price, you are willing to visit the shop from time to time and play the pianos. After such a proposal, the other party should have the opportunity to accept the idea of extending the inventory ("OK, let us discuss that") or to reject it ("No thanks, we accept only money"). When this party accepts the idea, it may still opt for rejecting this specific proposal and for trying to get a better deal.

Moreover, you may raise the stakes by basing an increase of the rewards on a kind of inventory extension that one cannot expect to be overtly accepted. Suppose you not only offer the owner of the piano store 5000 instead of 6000 Euro but also promise her that you as a member of the city council will vote in favor of a proposal for extra parking space next to the store's entrance. That would be called "bribery." So bribery is also a way to increase pressure.

Finally, you may raise the stakes by aggravating the sanctions, threatening the other party in a way that goes way beyond what this party should have been expecting at the start of the dialogue: for instance, by threatening to blacken the store's reputation on social media if they don't let you have the piano for the sum you are prepared to pay. That would be called "blackmail." Like bribery, blackmail increases pressure.

In Example 3 there is no room for maneuver.

Example 3. *We cannot be stopped*

"They yelled: We cannot be stopped, climate change can! And that's the way it is. This is only the beginning. Today's climate parade in Amsterdam (...) was one of the actions within the rapidly growing movement against climate change (...) It is not a matter of some nice trees or a pretty forest for hiking in the weekends. It is a matter of survival. Within 30 years CO2 emissions down to ZERO in order to have any chance of a habitable planet. We accept no give and take, no bullshit. (...) We are now at the end of our patience. It is not a matter of cars, airplanes, televisions, and smart phones. It is a matter of rising sea levels, food production, and survival." (Wij Stoppen Kool, 2015)

The fragment contains this offer: "We are prepared to end our actions but only if you check the climate change." Pressure is increased by indicating that there will be no give and take, i.e. no exchange of concessions, making it obvious that this offer will be the last one that the action group is prepared to make.

Example 4 might contain a case of bribery.

#### Example 4. *Phone calls after office hours*

“Minister Henk Bleker denies that his officials have put pressure on the well-known conservationist Jaap Dirkmaat in order to stop the legal battle against his [nature] policy. (...) But indeed Dirkmaat accuses Bleker’s officials of such methods. He refers to phone calls from officials after office hours. They promised to support him in Brussels if he would abandon the fight. Dirkmaat: ‘They told me that Bleker would, in Europe, support my Association for the Dutch Countryside. But in that case, I had to forgo all legal action against him and retract the critical letter I sent him mid-March about his nature policy.’ Dirkmaat filed in Brussels a formal complaint against the Kingdom of the Netherlands because he thinks that Bleker’s cutbacks go against international treaties.” (Nieuwsdienst, 2011)

This can be looked upon as an example of a kind of bribery: Bleker’s officials offer a reward to entice Dirkmaat to do something in return that is not included in the inventory of negotiable assets, while it is also not to be expected that Dirkmaat could overtly extend this inventory to include this kind of act.

According to our analysis, an offer will always result in some pressure, because it goes with a threat and an attempt to entice, but the degree of pressure may vary. How then to evaluate cases of pressure?

#### 4. THE EVALUATION OF KINDS OF PRESSURE

From the perspective of persuasion dialogue, exerting pressure is irrelevant because pressure does not contribute to a resolution of a difference of opinion. For negotiation dialogues, to be able to threaten with sanctions and to entice with rewards constitutes a *sine qua non* and such tactics must therefore in that context be considered as *prima facie* legitimate.

Also increasing pressure by suggesting that you are approaching, or even have reached, your last offer – “no room for maneuver” – belongs to the permissible strategies of negotiation. For, in negotiation there is often pressure of time and a need to come to the end of the dialectic of offer and counteroffer. But even without pressure of time each party should always be free to prefer a script without a deal to one with a bad deal and to let the other party know that it thinks so.

Extending the inventory of negotiable assets also is to be looked upon as a legitimate kind of strategy. In the literature on negotiation, it is generally recommended as a means of facilitating “integrative negotiation” (Raiffa et al, 2002, p. 191). But this strategy also has a somewhat risky side: proposing to involve more issues in a negotiation can also be seen as a reprehensible kind of horse-trading, or even as blackmail or bribery.

Not all degrees of pressure are in keeping with the goal of a negotiation dialogue. From a normative point of view, the parties in a dialogue of this type are supposed to use reasonable and legitimate means in order to reach a compromise that they will voluntarily subscribe to. Blackmail and bribery are therefore out of order. They are instruments for overwhelming the other party so that their use would endanger the reasonable and voluntary character of a possible agreement. What would count as a case of blackmail or of bribery will, however, be different for different kinds of negotiation. It is not unlikely that the officials in Example 4 (*Phone calls after office hours*) tried to bribe Dirkmaat, but that a similar exchange of services would be entirely appropriate in certain kinds of business negotiation. Thus threats to freeze bank accounts may be inappropriate in a bank-client relationship but not in a context of diplomatic negotiation.

It could happen that two parties are involved in both a persuasion and a negotiation dialogue without letting proceedings in either dialogue influence proceedings in the other dialogue. That might even be possible when both dialogues are intertwined (as explained in Section 3). But in that case one would sooner expect that proceedings in one dialogue would influence the proceedings in the other dialogue. In Section 3, we already pointed out that a persuasion dialogue may affect the available options in a negotiation dialogue. But how may pressure in a negotiation dialogue affect a persuasion dialogue?

The effect of such pressure could be that the party under pressure forgoes further attempts to elaborate her position in the persuasion dialogue or bites back its points of view, critical remarks, or arguments. When the message is delivered that the other party had better keep her mouth shut on a certain issue in the persuasion dialogue if she wants to avoid a sanction or pocket a reward in the negotiation dialogue, this will hinder the normal proceedings of the persuasion dialogue. The more the pressure is increased the more it obstructs the kind of cooperation that is needed for a persuasion dialogue; ultimately, as a consequence of distrust, fear or irritation, a party under pressure may no longer be able or willing to continue the persuasion dialogue.

Negotiation dialogues admit a certain degree of pressure but then the kind and degree of admissible pressure depend on the kind of negotiation dialogue. Persuasion dialogues do not admit pressure. Therefore, as soon as a party in a public controversy exerts pressure within a persuasion dialogue, but also when it does so within a negotiation dialogue that is intertwined with the persuasion dialogue, and as a consequence – intentionally or not – hinders or even blocks the other party in its attempt to put forward a standpoint or express a critical stance in the persuasion dialogue, we say that there is a fallacy committed with respect to the persuasion dialogue: a fallacy of *ad baculum* if the pressure is more like a kind of threat; a fallacy *ad carotam* if enticement is more prominent.

In case the pressure is exerted in a negotiation dialogue but hinders a persuasion dialogue, we shall say that a fallacy has been *induced*. Such effects cannot always be avoided, but even if they occur it is not excluded that the public controversy will as a whole achieve a reasonable outcome. Moreover, one party may have good reasons to exert pressure, for instance in order to counterbalance pressure exerted by the other party and to get this party to adopt a more reasonable attitude (Jacobs, 2009; van Laar & Krabbe, 2016a).

## 5. CONCLUSION

Exerting pressure in a public controversy will sometimes be necessary. In negotiation a certain amount of pressure is unavoidable, but even in that case that does not mean that all kinds of pressure are equally legitimate. Nor does it mean that there are no *ad baculum* or *ad carotam* fallacies: indeed, such fallacies may occur in the persuasion dialogues that also belong to the controversy. Because negotiation dialogues and persuasion dialogues are intertwined, the legitimate kind of pressure that is exerted in the former dialogues may induce these fallacies in the latter dialogues. From the normative perspective of negotiation dialogues nothing much may be the matter yet from that of persuasion dialogues the argumentation is somehow defective.

It is a task for argumentation theory to provide the means of defense also for this kind of situation, where contributions to the discussion are normal from one normative perspective but abnormal from another.

We conclude, on the one hand, that the exertion of pressure, whether in the form of threats or in that of enticements, can further the achievement of a reasonable outcome of a public controversy as long as the kinds of pressure one applies do typically belong to the



kinds of negotiation dialogues in which they are applied but, on the other hand, that the exertion of pressure can be an obstacle for a reasonable outcome when it affects (directly or through negotiation dialogues) the proceeding of a persuasion dialogue that belongs to the same public controversy.

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