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ARTICLES

Contingent Adherence and the Suppression of Disagreement in Judicial Argumentative Interactions / *A adesão contingente e o apagamento do desacordo em interações argumentativas judiciárias*

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ABSTRACT
In this article we show that identifying processes of adherence in argumentative interactions is more relevant than drawing a rigid distinction between conviction and persuasion (CvP). Although accepted, such a dichotomy proves to be of limited effectiveness, since its boundaries remain unclear. From the perspective of argumentative interaction studies, we analyze how adherence to an opponent's point of view does not necessarily imply a "communion of minds," as defined by the New Rhetoric. Drawing on the TRIBUNAL database, we examine two excerpts from judicial decisions to highlight the fluid nature of the CvP dichotomy and to show that adherence may occur without conviction and/or persuasion, whether due to strategic convenience or prior agreements. We thus introduce the concept of "contingent adherence"—the acceptance of a standpoint without an effective "communion of minds" or genuine assimilation of arguments—and show how it operates in suppressing argumentative stasis in judicial interactions.
KEYWORDS: Dialogical Model of Argumentation; Argumentative Assimilation; Court of Appeals; Management of Disagreement

RESUMO
Neste artigo mostramos que a identificação do processo de adesão em interações argumentativas é mais relevante do que distinguir rigidamente os conceitos de convicção e persuasão (CvsP). Embora amplamente aceita, tal dicotomia mostra-se pouco eficaz na prática, pois seus limites são pouco claros. Na perspectiva dos estudos da interação argumentativa, analisamos como a adesão a um ponto de vista oponente não implica necessariamente uma "comunhão de espíritos", conforme definida pela Nova Retórica. A partir do banco de dados TRIBUNAL, examinamos dois excertos de decisões judiciais para evidenciar o caráter fluido da dicotomia CvsP e mostrar que a adesão pode ocorrer sem convencimento e/ou persuasão, seja por conveniência estratégica, seja por acordos prévios. Desse modo, introduzimos o conceito de "adesão contingente" — a aceitação de uma tese sem efetiva "comunhão de espíritos" ou assimilação genuína dos argumentos — e mostramos sua atuação no apagamento da estase argumentativa em interações judiciárias.
PALAVRAS-CHAVE: Modelo dialogal da argumentação; Assimilação argumentativa; Segunda instância; Gestão do desacordo

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1 The CvP Dichotomy

Beyond the dichotomy between persuading and convincing (CvP), any immersion in the literature on rhetoric and argumentation reveals how fragile this opposition of terms actually is. A brief survey of the field shows that the opposition between persuasion and conviction is usually grounded in an equally traditional separation between emotion and reason. Persuasion is frequently attributed subjective and affective components, whereas conviction tends to be associated with reasoning, objectivity, and rationality. This division also reverberates in how certain discursive domains are conceived: while persuasion would be more readily admitted in ordinary interactions, the legal sphere is often represented as a privileged domain of reason and, consequently, of conviction. Such a division, however, is far from self-evident when we observe how argumentative interactions actually work.

In their classic and widely celebrated *The New Rhetoric:* A Treatise on Argumentation,[1] Chaïm Perelman and Lucie Olbrechts-Tyteca are quite emphatic about the distinction between these two terms (CvP). Indeed, in the very first chapter, the authors take great care to explain that one who convinces does not persuade, and that persuading is not the same as convincing (Perelman & Olbrechts-Tyteca, 1971).[2] But should we be satisfied with this seemingly indefectible dichotomy? This is the starting point of the present article, whose central issue — the questioning of the classical split between persuading and convincing — seems to us necessary, though not original, since we are not the first to point to this supposed difference, so popular in the domains of rhetorical and argumentation studies and, for that very reason, already regarded as commonplace.

In the New Rhetoric, the object of study of those authors targets precisely questions related to this dichotomy, without losing sight of the *communion of minds* of an audience, whether universal, particular or of any other kind. For Perelman and Olbrechts-Tyteca, this dichotomy is fundamental and one of the reasons why the New Rhetoric is regarded as "new," because, in the end, the great contribution of this rhetorical treatise is

[1] PERELMAN, Chaïm; OLBRECHTS-TYTECA, Lucie. *The New Rhetoric:* A Treatise on Argumentation. Translated by Hohn Wilkinson and Purcell Weaver. London: University of Notre Dame Press: 1971.
[2] Footnote 1.

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to show that formal logic is not the only valid mode of reasoning, since there are arguments whose value is not demonstrative but which can nevertheless convince people, and argumentation, too, can be valid (Meyer, 2004).

Thus, as a typical heir to Aristotle,[3] the New Rhetoric combines the art of persuasion with the proper use of *topoi*. A speaker can win over an audience only by drawing on its values and beliefs. There, the assumption is that convincing is not the same as persuading; for these authors, the distinction is clear-cut. But does such a sharp and deep cut in the way the relationship between speaker and audience is framed hold in practice? We believe it does not, and this is what we aim to demonstrate in this article, whose central concern stems from a dissatisfaction with the CvP dichotomy reinforced by the authors of the New Rhetoric.

Both "conviction/convincing" and "persuasion" have been part of the repertoire of argumentation and rhetorical studies since the ancient Greeks, whose lessons we still draw upon today. Many different approaches have been devoted to the subject. In his *L'Empire rhétorique*, Perelman (1982, p. 18, emphasis added)[4] states that "A *convincing discourse* is one whose premises are universalizable, that is, acceptable in principle to all the members of the universal audience."[5] and that, broadly speaking, persuasion is tied to subjectivity and opinion. The very distinction made by the authors of the *Treatise* between particular and universal audiences suggests that the first type of audience (the particular) corresponds to the process of persuasion, just as the second type (the universal audience) corresponds to the process of convincing. In the same work, the authors state: "this status depends on the real or presumed adherence of the audience" (p. 48).[6] Still according to the authors, and to put it simply, "thus the philosopher appeals to common sense or common opinion, to intuition or to self-evidence, presuming that each member of the universal audience is part of the community to which he alludes, sharing the same intuitions and self-evident truths" (p. 17);[7] the single listener, by contrast, is often regarded as the embodiment of the particular audience.

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[3] ARISTOTLE. *The Complete Works of Aristotle: The Revised Oxford Translation*. Vol. 1. Edited by Jonathan Barnes. Princeton, NJ: Princeton University Press, 1984.
[4] PERELMAN, Chaïm. *The Realm of Rhetoric*. Translated by William Kluback. Introduction by Carroll C. Arnold. Notre Dame, IN: University of Notre Dame Press, 1982.
[5] Footnote 4.
[6] Footnote 4.
[7] Source consulted: "est constitué par chacun à partir de ce qu'il sait de ses semblables, de manière à transcender les quelques oppositions dont il a conscience."

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In support of this conception, the author reiterates in the *Treatise*, together with Olbrechts-Tyteca (1971, p. 28): "We are going to apply the term persuasive to argumentation that only claims validity for a particular audience, and the term convincing to argumentation that presumes to gain the adherence of every rational being."[8] Although the notion of adherence is admitted, tied to the concepts of audience, values, and argumentation (Perelman, 1989, p. 237; 1999, p. 106), among many other passages in which they discuss the theme, the authors end up reinforcing the CvP dichotomy they perceive there: a distinction that places persuasion and conviction on philosophically different grounds.

In discussing the term 'persuade,' Christian Plantin (2025, p. 442) states that this etymological family includes the proper name *Peithô*, the name of Aphrodite's companion (or perhaps Aphrodite herself), goddess of beauty, seduction, and persuasion. In this regard, Danblon (2005, p. 8, emphasis added) shows that the idea of persuasion has always been associated with enchantment, with magic, and that the word has always inspired a certain apprehension, since "its power of seduction, compared to that of a *femme fatale*, destructive of reason and social bonds, is regarded with fear and fascination."[9]

On the basis of the brief points listed above — far from exhausting the subject (see Damasceno-Morais, 2025) — we present, in Table 1, the main peculiarities highlighted regarding this dichotomous pair (from the perspective of the New Rhetoric). In this sense, the proposed synthesis offers a cross-section that helps us show how far this dichotomy is from having lost momentum today. As can be seen, the table lists, in two columns, the most common conceptions of *persuading/persuasion* (Column 1) and *convincing/conviction* (Column 2), allowing us to compare the main ideas surrounding this dichotomous pair (CvP):

[8] Footnote 4.
[9] Source consulted: "Pourtant la persuasion fait peur et cela, dès les origines. Sa puissance de séduction, comparée à celle d'une femme fatale, destructrice de la raison et du lien social, est regardée avec frayeur et fascination."

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Table 1 – CvP Dichotomy

	Persuading/Persuasion	*Convincing/Conviction*
1	Subjectivity, opinion, suggestion, appearance (Kant *apud* Perelman, 1989, p. 60)	Objectivity, science, reason, reality: demonstrative proofs[10] (Perelman, 1999, p. 106)
2	Common idea: one always persuades the other, never oneself	"We convince ourselves" (Chainet *apud* Perelman, 1982, p. 33)[11]
3	Particular audience	universal audience[12]
4	Recurring association: *ethos, pathos*	*Logos*
5	*Peithô*, *femme fatale* (Danblon, 2005, p. 8)	Reason (Martineau, 2010, p. 5)
6	Perlocution[13]	Non perlocution, since one does not depend on a third party to make oneself believe something

Source: Author's theoretical compilation

Perelman and Olbrechts-Tyteca (2008, p. 35) point out that, for Rousseau, there is no use convincing a child if we cannot persuade them. Endorsing Rousseau's assertion, the authors illustrate this maxim by noting that someone, even if convinced of the danger of swallowing food without chewing it properly, will not necessarily stop chewing poorly and hastily. This example suggests that, if placed on a scale, convincing would be worth much less than persuading, at least in these authors' perspective. However, this dichotomy seems quite artificial to us, especially in the examples cited. And it is precisely this that gives rise to the "intellectual itch" discussed by Booth *et al.* (2008, p. 45),[14] which we explain more fully in the following lines.

It is important to stress that we do not oppose this distinction, especially since, as noted above, this dichotomy has long been part of the development of argumentation and rhetorical studies. Nonetheless, we refuse to see this distinction as "self-evident" as the

[10] As we have seen, Perelman himself states in The Realm of Rhetoric (*Footnote 3): "A convincing discourse is one whose premises and arguments are universalizable, that is, acceptable, in principle, to all members of the universal audience" (1982, p. 18).
[11] Footnote 4.
[12]According to Perelman: "A convincing discourse is one whose premises and arguments are universalizable, that is, acceptable, in principle, to all members of the audience" (1982, p. 18). In the *Treatise*, he states: "instead, he searches for facts, truths, and universal values that, even if all the members of the universal audience do not explicitly adhere to them (…) are nevertheless supposed to compel the assent of every sufficiently *enlightened human being*." (1982, p. 17, emphasis added). Indeed, for us, the very concept of a "*enlightened human being*" is difficult to define rigorously.
[13]In the *Dicionário de argumentação* [Dictionary of Argumentation], Plantin (2025, p. 442) explains that, in English, the verb *to convince* should be reserved for situations in which beliefs are changed without any resulting action, while *to persuade* should be used for situations in which an action is undertaken. He adds that persuasion (which falls within the domain of the perlocutionary) results from the total or partial realization of the speaker's set of intentions (emphasis added).
[14] BOOTH, Wayne C.; COLOMB, Gregory G.; WILLIAMS, Joseph M. *The Craft of Research*. 2nd ed. Chicago: University of Chicago Press, 2003.

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authors who address it, especially those of the New Rhetoric, make it appear. In this respect, we draw on contemporary scholars such as Marc Angenot (2008, p. 93), for whom the dissociation that attempts to differentiate these terms (CvP) is somewhat fluid, arbitrary, and even ambiguous. For the author, one cannot build a science by speaking of a kind of ideal efficacy, persuasion, which, moreover, according to Angenot himself, occurs far less often than we imagine, since his thesis is that, although persuasion is much talked about, we are very rarely persuaded in the everyday situations of our lives.

In line with Angenot's thesis, we will likewise refrain from drawing the classical distinction between CvP in the brief analysis undertaken here. This difficulty in establishing a secure boundary between the two processes also appears in formulations such as that of Jean-Blaise Grize (1995, p. 264), according to whom "one may even be convinced, but nothing guarantees that one has been persuaded."[15] This statement presupposes that two distinct effects can be empirically identified, although we do not always have clear criteria for determining where one ends and the other begins. Plantin (2018, p. 457),[16] moreover, notes that much of the literature on rhetoric uses *persuade* and *convince* as equivalent terms.

In this study, therefore, we will not treat the CvP opposition as a rigid operational distinction: what interests us instead are the indices of adherence produced over the course of the interaction. Instead of seeking to classify each move made by the interactants as an effect of persuasion or conviction, we will examine what the interaction itself makes accessible to analysis: the discursive signs through which an interlocutor manifests a greater or lesser degree of adherence to a given standpoint. In our view, attempting to gauge the degree of adherence to a thesis seems more productive than insisting on the transposition 'persuasion → conviction,' a dichotomization that, not infrequently, proves fragile (Meyer, 2008, p. 34).

In light of these considerations, it becomes more pertinent to shift the focus away from attempts at a conceptual distinction between CvP toward a more concrete analysis of the moments in which some form of adherence occurs within argumentative practices, including those in the legal domain. It is in this context that the greater interest of this

[15] Source consulted: "on peut être convaincu, mais rien n'assure que je sois persuadé."
[16] PLANTIN, Christian. *Dictionary of Argumentation: An Introduction to Argumentation Studies*. Foreword by J. Anthony Blair. London: College Publications, 2018. (Studies in Logic: Logic and Argumentation, vol. 74).

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investigation is revealed: to identify the decisive instants in which an interlocutor *adheres to*, aligns with, an idea, a judgment, or an opinion — even though the paths leading to such adherence largely escape exhaustive description, as Richard Posner (2008, p. 377) points out, for whom, indeed, "the motivations and constraints operating on judges, and the judicial mentality that results, are ignored" (emphasis added).[17] For this reason, we will not dwell on trying to disentangle the 'conviction' dimension from the 'persuasive' side in the act of delivering a vote in an appellate court, at the deliberation table of a tribunal, particularly because we are aware that "the reasons for an audience's *adherence* to a thesis may be manifold" (Martineau, 2010, p. 6, emphasis added).[18] Ana Laura Nettel (2011) discusses the fact that influencing another's mental state is an arduous task, and even more so determining whether and when persuasion has been achieved.

In this sense, and as stated above, we consider it appropriate to treat the CvP split as superficial. Our focus is on the development of the *stasic situation* and on the manifestations of adherence that may occur among judges within it. We take up here the definition previously proposed by Damasceno-Morais (2023, p. 31):[19]

> … we cast a look at the conflictual context, its peculiarities, beyond the specific triggering action of a conflict (the stasis itself). The analysis of a stasic situation, beyond the element that triggers the confrontation, examines different conflictual situations in their entirety, particularly in seeking to understand how the pragmatic movement of reacting to an antagonistic move may shape an entire conflictual interaction.

For the purposes of this study, it is less relevant to assign to A or B a state of persuasion or conviction than to locate, in the very unfolding of the interaction, the moves through which disagreement is reduced, maintained, or seemingly disappears.

[17] Source consulted: "the motivations and constraints operating on judges, and the judicial mentality that results, are ignored."
[18] Source consulted: "les motifs de l'adhésion d'un auditoire à la thèse exposée sont multiples."
[19] Source consulted: "lançamos um olhar para o contexto conflitual, suas peculiaridades, para além da ação pontual desencadeadora de um conflito (a estase em si). A análise de uma situação estásica, para além do elemento desencadeador do embate, observa situações conflituosas diversas em sua integralidade, sobretudo ao se tentar compreender como o movimento pragmático de reação a uma investida antagônica pode configurar toda uma interação conflituosa."

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2 On Argumentative Assimilation

The New Rhetoric had already sparked curiosity about closely observing the reciprocal influence a speaker exerts on their audience within the dynamics of a discourse with persuasive intent, since the authors of the *Treatise* were attentive to the "discursive techniques allowing us *to induce or to increase the mind's adherence to the theses presented for its assent*" (Perelman and Olbrechts-Tyteca, 1971, p. 4).[20] Even if the discourse of appellate judges does not have a stated aim of persuading or convincing, since each panel member is meant merely to issue a technical assessment stemming from the recognized expertise inherent in their judicial office, it is evident that the argumentative roles they perform (Proponent ↔ Opponent ↔ Third Party) clearly display some kind of argumentative orientation (agreeing or disagreeing with a colleague's vote, for example).

Nevertheless, in panel deliberations, the convergence of votes produces an effect that goes beyond the mere sum of individual positions, since unanimity may function as an indicator of group cohesion, especially in trials of greater repercussion or controversy. Conversely, when a decision is reached only by majority, the very result records the existence of a dissenting position. In such cases, even if the judgment has been formally concluded, the disagreement among the judges does not entirely disappear, since at least one of the participants maintains a point of view distinct from that adopted by the rest of the panel.

As we have seen, our choice is not to turn the distinction between 'convincing' and 'persuading' into a criterion for analyzing the moves observed in the *corpus*. What interests us, rather, is recognizing the different ways in which *adherence* can become perceptible during a deliberation. Two of these deserve particular attention in the TRIBUNAL database: argumentative assimilation, already described in a previous study (Damasceno-Morais, 2025), and contingent adherence, the main object of this investigation. It is useful to revisit here, if only schematically, how the first process (argumentative assimilation) works, since the contrast between these two processes will allow us to better understand the specificity of the second (contingent adherence).

[20] Footnote 4.

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The choice of the term *assimilation* seeks to account for a progressive approximation between positions that initially present themselves as divergent. From a different perspective, Marianne Doury (2003) employs the notion of "amalgam" in the context of argumentative accusation, when an interlocutor is criticized for improperly bringing together elements or issues that should not be confused. In this usage, the amalgam may take on a negative value: it points to a junction considered abusive, capable of producing confusion or undermining the relevance of the argumentation. The assimilation we identify in the deliberations of the *corpus* does not correspond to this functioning. Rather than denouncing an illegitimate association between issues, it involves observing the movement through which previously distant argumentative positions begin to display points of convergence. For this reason, we consider such a process a positive amalgam, that is, when the junction between A's and B's points of view does not establish or intensify divergence, but rather attests to an approximation between the interactants and may contribute to bringing the stasis to an end. The interest of this movement lies precisely in the passage from a predominantly agonal configuration to another in which marks of rapprochement become observable, that is, to a more irenic configuration, in the terms of Catherine Kerbrat-Orecchioni (1992, p. 36).

This distinction also helps to clarify the relationship between assimilation and adherence. New Rhetoric assigns a central place to securing the audience's adherence, but establishing that a thesis has been accepted does not, in itself, resolve the question of how this convergence manifests itself in the concrete development of an interaction. By following the judges' speaking turns, we can identify markers that allow us to reconstruct this process: certain formulations pass from one interactant to another; arguments previously contested reappear in the opponent's speech; or elements of the other's discourse begin to integrate the support of a position that is being modified. It is at this interactional level that we situate argumentative assimilation.

In Table 2 below, we summarize the difference between a positive amalgam (the assimilation process as described here) and a negative amalgam (the accusation of fallacy).

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Table 2 – Positive Amalgam vs. Negative Amalgam

Amalgam	
Negative (accusation of amalgam)	*Positive* (process of 'argumentative assimilation')
Opening of a conflict	Closure of a conflict
Conflictual process (agonal)	Irenic (peace-oriented) process
An accusation made in a debate (for example, accusing someone of 'mixing apples and oranges')	An observation (as in the analysis undertaken here), rather than an accusation
Illocutionary act	Perlocutionary act (Austin, 1975)[21]
Confusion, sophism, fallacy	Appropriation, merging, integration

Source: Synthesis prepared by the author

In the TRIBUNAL *corpus*, this mechanism can be identified by tracing the interactional sequence itself. Listening to the recordings shows that not every closing of a stasis is achieved through an explicit and procedural declaration of agreement. There are situations in which a change of alignment becomes perceptible in another way: a participant's discourse begins to incorporate elements previously introduced by the interlocutor. Agreement, in such cases, must be reconstructed from the marks left in the chaining of turns.

We thus have a movement in which words, formulations, lines of reasoning, or arguments expressed by Y begin to reappear in the discourse of X, who had previously occupied an opposing position. This circulation of discursive elements is particularly important because it allows us to observe, in the verbal material itself, a change in argumentative alignment. Instead of simply inferring that X was persuaded or convinced by Y, we can point to what has become analytically accessible: X begins to draw on elements of the argumentation advanced by the person with whom X had disagreed moments earlier. Assimilation, in this sense, constitutes the observable outcome of this reconfiguration and can be understood as a perlocutionary effect (Austin, 1975)[22] of preceding moves in the interaction.

Consequently, assent need not take the form of an explicit declaration. When a judge takes up vocabulary, utterances, or lines of reasoning employed by a colleague and comes to incorporate them in support of his or her own position (assimilation), this

[21] AUSTIN, J. L. *How to Do Things with Words*. 2nd ed. Edited by J. O. Urmson and Marina Sbisà. Cambridge, MA: Harvard University Press, 1975.
[22] Footnote 19.

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produces a particularly significant mark of convergence. What interests us, therefore, is not merely the material repetition of words, but the fact that argumentative elements originating in the discourse of the former Opponent come to integrate the discourse of the one who initially rejected them. It is this displacement that allows us to speak of "argumentative assimilation" and of a reconfiguration of positions within the deliberation.

The resumption of this phenomenon, already described in greater detail in Damasceno-Morais (2025), is important here because it offers us a first modality of adherence that dispenses with the need for a rigid opposition between persuasion and conviction. In the process of assimilation, we have discursive evidence attesting to a transformation of alignment between the interactants: what previously belonged to the Opponent's argumentation comes, to some extent, to integrate the speech of the one who initially rejected it. In this context, we note that adherence was achieved, in the deliberation table, through an unexpected configuration (assimilation) and that a judge moved closer to the point of view upheld by his interlocutor within a peculiar argumentative configuration.

3 Contingent Adherence

We know that the core of rhetoric is, according to Aristotle, the ability to perceive everything that may lead to persuasion. This guiding principle, as is well known, is taken up by Perelman and Olbrechts-Tyteca in their *New Rhetoric*,[23] for they believe—just as the Greek philosopher did—that identifying and understanding the strategies that lead to a communion of minds, to the adherence of an audience to a speaker's discourse, constitutes a powerful way of putting rhetorical moves into practice.

We also know that, in the conception of the New Rhetoric, argumentative discourse is not subordinated to the condition of truth but to a logic of values (justice, truth, honor etc.), to which any social subject may resort in order to argue about his or her actions or to defend (or refute) a thesis more closely aligned with the values he or she upholds. Thus, the *Treatise on Argumentation* is concerned with the means of supporting

[23] Footnote 4.

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a given decision as more just, equitable, reasonable, appropriate, or consistent with the law than other equally admissible decisions.

The analysis of how a message is received by an audience lies at the heart of the way the *Treatise on Argumentation* conceives rhetoric, as an heir to the Aristotelian tradition (Meyer, 2004). The New Rhetoric thus broadens the concept of audience. An audience is constituted by anyone who can be influenced by argumentation. Accordingly, there are audiences of listeners as well as readers, particularly readers (Tringali, 2014). Within this framework, which brings together a "communion of minds," it is also important to remain attentive to different forms of "communion," whether it occurs directly, indirectly, spontaneously, automatically, *contingently*, and so forth. To this end, we present below two examples of moments in which a configuration arises that differs from the type of "communion" celebrated by the New Rhetoric, insofar as X adheres to Y's thesis without any observable signs of argumentative assimilation, doing so in a utilitarian manner, through strategic alignment—a kind of merely contingent adherence.

The judge X, in the deliberation setting, "agrees" to vote in favor of Y's thesis due to an apparent need to preserve and reinforce the image of the group (the panel of judges). Thus, X ends up agreeing with Y not because there has been an actual communion of minds or values, nor any form of argumentative assimilation, but because preserving the image of the panel (this being only a hypothesis) is more important than personal persuasion or conviction. In this context, the "Agreed!" pronounced by the judge does not mean genuine agreement, but rather a contingent form of adherence, driven by circumstances and whose real motivation we are not in a position to know (nor is it our task to determine), since it appears to be a matter of legal motivation. Nonetheless, the thread of argumentation established in the deliberation setting is of interest to us, and it is this that we attempt to show below.

As we have stated, we refuse to seek a differentiation between CvP in this study. The two judgments we present below are limited to showing the culmination of a process of argumentative interaction at the deliberation table, when X states that he or she will adhere to Y's point of view without any evidence of conviction/persuasion, doing so only to comply with the panel decision, that of the majority. In such moments, it becomes perceptible that safeguarding the group's image seems more important than firmly sustaining or defending an individual point of view. In this attitude displayed by the

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judges, we observe a clear manifestation of concern for the collective *ethos* (Amossy, 2010; Figueiredo and Damasceno-Morais, 2024), rather than the projection of a crossfire among themselves at the moment of defending their votes (points of view) during the deliberation session.

In short, in this and the following sections, we will attempt to show another form of adherence that stands out in the TRIBUNAL database, namely, the moment when a judge/interactant, at the deliberation table, openly declares agreement with his or her peers, without this representing a genuine "communion of minds" from the perspective of the New Rhetoric authors. Nevertheless, such an explicit declaration of assent ("Agreed!"), as we shall see, is merely contingent and, in this case, different from the process of argumentative assimilation, which is indirect and not overt, yet indicative of an actual "communion."

4 Two Brief Case Studies

4.1 The Tobacco Advertising Case

This case concerned tobacco advertising that, in the judges' view, had caused collective moral damage, that is, harm suffered not by a specific individual but by society. The judges agreed, both in the first and second instances, on the unlawfulness of the conduct, namely the existence of collective moral damage. By the very end of the judgment, the remaining conflict among the judges concerned solely the definition of the amount to be paid by the tobacco company as compensation for such damage.[24] Thus, the stasis—the point of conflict—, revolved essentially around the "arithmetic," the monetary sum to be paid by the convicted company. Taking part in this interaction are the presiding judge (PRES), the reporting judge (REL), and two associate judges (VOG_1 and VOG_2). All votes carry the same weight.

In this final excerpt from the ruling, we show how a judge adheres to a colleague's vote without being concerned with distinguishing "persuasion" from "conviction." Indeed, it has been observed that, in the TRIBUNAL *corpus*, stasis may be dissolved

[24] The amount proposed by the judges in the case under analysis revolved around R$ 4 million.

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(agreement, ratification, alignment, adherence to a colleague's vote in deliberation) without any evidence that A was convinced/persuaded by B. It is important to emphasize that, during deliberations, the nature and status of the panel, the judges who compose it, and the issues under debate may all modify the dynamics of the deliberation, the nature of the arguments employed, and even the motivation of judges when aligning themselves with another judge's opinion or when prompting a colleague's adherence. Since it is always a matter of a group outcome, that is, a deliberation, it may happen that the outcome of the trial matters more than each individual voice/vote of each judge.

In other words, a unanimous decision may carry greater significance than a majority decision, particularly in controversial cases that may serve as precedent. That being so, a judge may align himself with his colleague not because he genuinely agrees with him, but simply because the stasis must be resolved for various reasons—such as demonstrating the panel's unanimity (group cohesion) on a matter of public interest and reinforcing the authority of that panel's decisions. This constitutes a form of merely instrumental adherence.

According to John Woods and Douglas Neil Walton (1989, p. 21),[25] "A consensus technique is required for adjudicaling disagreements among equally qualified authorities."[26] In short, the dissolution of a conflict—a stasis—may occur without any indication that Y has persuaded or convinced X, but rather through the application of a routine, a "technique" with no connection to the rhetorical process of seeking the other's adherence in view of a communion of minds. This is precisely what we call, in this article, *contingent adherence*. Let us now consider the final excerpt from the judgment concerning collective moral damages:

EXCERPT 1: TRIBUNAL *Corpus* – The Tobacco Advertising Case[27]

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[25] WOODS, John; WALTON, Douglas N. Fallacies: Selected Papers 1972–1982. Dordrecht: Foris Publications, 1989.

[26] Source consulted: "une technique de consensus est nécessaire pour arbitrer les désaccords entre autorités également qualifiées."

[27] *Transcription conventions:* / rising intonation, \ falling intonation, (.) short pause, (..) medium pause, (…) long pause, (0.6) pause timed in seconds, [ ] overlapping speech, xxx inaudible passage, ((laughter)) description of the situation, ( ) uncertain transcription, & no interval between two speaking turns, = continuation of the same turn, XXxx emphasis, : sound lengthening, - interruption, º º soft voice, <(( )) translator's note>, # # fast speech. These conventions are based on those adopted by the ICAR laboratory – Interactions, Corpus, Apprentissages, Représentations – affiliated with the Université Lumière Lyon 2, France.

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169 ***VOG_1*** *xxxxx xxxxx i ll just make these remarks xxxxx maintaining*
170 *these four million seems to me, as this is the first*
171 *conviction imposed on on a a tobacco company*
172 *to be reasonable*
173 ***REL*** *mr. president (.) i dont know whether your honor will*
174 *consult our distinguished fellow judg:e*
175 ***PRES*** *ºeh::º((hesitation))&*
176 ***REL*** *& about my proposal /*
177 ***PRES*** *yes then judge ((speaks VOG_2's name))/*
178 ***VOG_2*** *mr president uh-the: eminent reviewing judge has really*
179 *convinced me and I understand that the amou:nt of the: indemnity should be*
180 *set the way your honor did in his brillian:t*
181 *and judicious vote&*
182 ***PRES*** *&º very wellº*
183 ***REL*** *mr president i bow to the reasons of this distinguished panel and*
184 *adapt my vote to also set the collecti:ve damages at*
185 *fo[ur million reais *
186 ***PRES*** *[four million reais*

169 **VOG_1** xxxxx eu passo faço essas ponderações xxxxx manutenção
170 desses quatro milhões me parece como sendo esta a primeira
171 condenação imposta a-a uma-uma indústria fumageira eu acho
172 que <u>é razoável</u>
173 **REL** senhor presidente (.) eh não sei se vossa excelência vai
174 consultar a ilustre voga:l
175 **PRES** ºeh::º((titubeio))&
176 **REL** &sobre a minha proposta/
177 **PRES** sim então desembargadora ((fala o nome de M2))/
178 **VOG_2** senhor presidente eh-o: eminente revisor realmente me
179 convenceu e entendo que o valo:r da: indenização deve ser
180 fixado na forma em que sua excelência fez em seu brilhan:te
181 e judicioso voto&
182 **PRES** &ºpois nãoº
183 **REL** senhor presidente me curvo às razões da egrégia turma e
184 adapto o meu voto para fixar também os danos coleti:vos em
185 qua[tro milhões de reais\
186 **PRES** [quatro milhões de reais

The sequence presented in Excerpt 1 constitutes the final stage of a judgment, from which we highlight only the last speaking turns before the unanimous proclamation of the result. The segment selected reveals a particularly tense moment, as it is precisely when the conflict of opinions among peers becomes evident. In this judgment, the reporting judge (REL), after having his proposed amount rejected for the second time by the first associate judge/VOG_1 ("*xxxxx xxxxx i ll just make these remarks xxxxx maintaining these four million seems to me, as this is the first conviction imposed on on a a tobacco company to be reasonable*" / l. 169–172), once again asks his fellow panel

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member for authorization to make a new proposal to the second associate judge ("*mr. president (.) i dont know whether your honor will consult our distinguished fellow judg:e/ & about my proposal* /" / l. 173–176). This constitutes a recalcitrant and persistent attitude, among the deliberations that make up the TRIBUNAL *corpus*.

Thus, the reporting judge, whose position had been challenged on several occasions throughout the judgment because the amount he proposed as compensation for collective moral damages had failed to secure the assent of his peers, makes one final effort to reach an agreement with his fellow judges. This is a last attempt to prompt his colleagues' adherence to his proposed compensation amount. Up to that moment, VOG_1 and VOG_2 had already declared themselves in agreement with each other, leaving traces of argumentative alignment between them (Doury and Plantin, 2015, p. 16), but in dissonance with the opinion (the amount of collective moral damages) of the Reporting Judge.

Thus, in response to REL's insistent request, the second associate judge (VOG_2) states: "*mr president uh-the: eminent reviewing judge has really convinced me and I understand that the amou:nt of the: indemnity should be set the way your honor did in his brillian:t and judicious vote&*" (l. 178–181). And here, curiously, we observe that VOG_2 announces having been "convinced" by VOG_1's "brilliant and judicious vote," and not by REL's argumentation. Thus, it becomes clear that the stasis between REL, on the one hand, and the alliance between VOG_1 and VOG_2, on the other, is not actually dissolved, since the divergence between REL and VOG_1/VOG_2 regarding the amount to be paid as collective damages for the tobacco advertising remains unchanged. Schematically, from the perspective of the Dialogical Model of Argumentation (DMA), we have:

Opponent vs. Proponents 1 and 2 (argumentative roles in the DMA) or REL vs. VOG_1 and VOG_2 (deliberative panel)

We are still in a situation of stasis, since REL is about to respond after VOG_2's renewed refusal to adhere to his proposal regarding the amount of compensation. If REL were to maintain his unsuccessful proposal (rejected more than once throughout the judgment by both VOG_1 and VOG_2), the situation would become an irreversible stasis

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or even culminate in a "dialogue of the deaf" (Angenot, 2008), that is, when two individuals repeat their arguments and refuse to listen to the other's reasons. On the other hand, if the reporting judge (REL) acknowledges his lack of success (the fact that he did not obtain the adherence of judges VOG_1 and VOG_2), the conflict of opinions may be dissolved— which is precisely what happens, since upon VOG_2's second refusal to adhere, the reporting judge reacts and concludes his vote by stating: "*mr president i bow to the reasons of this distinguished panel and adapt my vote to also set the collecti:ve damages at fo[ur million reais*\\" (l. 183–185).

Thus, and clearly against his preference, the reporting judge (REL) ends up aligning himself with the proposal of four million reais, already accepted by his peers (VOG_1 and VOG_2). It is noteworthy that the judge states he will "yield" and "adapt" his vote, which does not allow us to claim that he was persuaded or convinced, despite having adhered to the majority view of the appellate panel. In this sense, REL *adhered* to his colleague's vote, but *contingently* (without assimilation), that is, without any observable marks of persuasion or genuine appropriation of the arguments. Consequently, although the stasis is suppressed in the official outcome of the verdict (i.e., the end of the conflict of opinions), since the judgment is concluded, the conflict is not actually dissolved: the reporting judge merely adapted his vote, producing, as an interactional effect, the unanimity of the decision and reinforcing the stance of that judicial panel (its collective *ethos*) in cases involving tobacco advertising.

4.2 The Pain Syndrome Case

As we have seen, in studies devoted to verbal interactions, the term *agonistic* is generally contrasted with the idea of an *irenic* situation. According to Kerbrat-Orecchioni, "one may therefore assert that an exchange can occur in a peaceful, consensual, 'irenic' mode, or, on the contrary, in a bellicose, conflictual, 'agonal' mode." The author states that she borrowed this dichotomy from Francis Jacques (Kerbrat-Orecchioni, 1992, p. 141).[28] In his work, Antoine Garapon (2001, p. 147) explains in a note that the term *agon* derives from the Greek *agôn* and is related to situations of "oratorical argument."

[28] Source consulted: "on dira donc que l'échange peut se faire sur un mode pacifique, consensuel, 'irénique' ou au contraire belliqueux, conflictuel, 'agonal'."

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Aristotle (1984, p. 250)[29] mentions "an event of a given character will take place and another denies it" and the "matter of dispute" in his *Topics* (Book VIII, 11)[30] to refer to situations in which only one person can emerge victorious.

The analysis of the next (and final) sequence follows the same approach used in examining the previous case: it highlights the absence of conviction/persuasion at the moment of adherence to a standpoint. This is case _17, whose full judgment we do not transcribe here due to space constraints (it is a lengthy deliberative session). Nonetheless, for the purposes of this article, only the moment of the outcome of the second-instance deliberation is relevant. The judgment—clearly *agonal*, that is, conflictual—between members of the panel (Reporting Judge/REL, First Associate Judge/VOG_1, and second associate judge/VOG_2) concerns a disastrous surgical procedure that caused severe physical after-effects for the patient, who sought judicial compensation for moral damages and material losses. In this second-instance trial, we have one of the most intense conflicts in the TRIBUNAL database (Damasceno-Morais, 2021), in which the judges' attempts to negotiate a unanimous amount for the moral damages claimed by the victim who suffered the after-effects ultimately fail. In this case, the significance of the argumentative role of the Third Party—represented here by the second panel judge (VOG_2)—is far from negligible.

We bring into this discussion the definition offered by Salwa Zamouri (1995, p. 66) concerning the figure of the "third party." In her article, she writes: "I designate here, by the general term 'third party,' the participant in a triadic conversation who, at a certain moment of the interaction, finds himself 'outside' the pair of antagonists." She continues: "this, with the understanding that the same participant can hardly occupy the position of third party throughout the entire conversation: each of the three interlocutors in a triadic exchange is, in fact, liable to become the third party at any moment."[31] Garapon (2001, p. 100), also addressing the figure of the (judicial) third party, states:

[29] Footnote 3.
[30] Footnote 29.
[31] Source consulted: "je désigne ici, par le terme général de 'tiers', le participant d'une conversation triadique, qui se trouve à un moment donné de la conversation 'en dehors' du couple d'antagonistes; cela tout en sachant qu'un seul et même participant ne peut généralement pas occuper la position de tiers tout au long de la conversation: chacun des trois participants d'une conversation triadique est, en effet, susceptible d'être tiers à tout instant."

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> To claim the exercise of an arbitral function, it is imperative to abstract oneself from the conflictual relationship. Only a *third party* — that is, a figure who is not entirely one of the two — can bring the exchange into existence by rendering the partners equal, insofar as both are equidistant from him. Two points form a line, and at least three are required to create a space (emphasis added).[32]

This case offers an excellent opportunity to observe not only the behavior of the Third Party's argumentative role but also that of those who act as opponents, as well as how the interactants manage conflict at moments when the fluidity of the dialogue is interrupted, producing a forceful and irreversible stasis—that is, when the interactants fail to reach an agreement. This is because, in this judgment, the trial judge had set the amount of R$ 40,000.00 as compensation to the victim. On appeal, the plaintiff challenges the judgment handed down by that judge, thereby assuming the argumentative role of Opponent.

Next, we present the final segment of the deliberative moment related to this case, whose judgment was lengthy (1h20'42''), a duration that is considerable when compared to the other data in the TRIBUNAL corpus, whose average is five minutes (these are second-instance judgments, typically more dynamic). For the purposes of this article, we selected only the moment that highlights the *contingent adherence* by REL to the votes of his deliberative colleagues, VOG_1 and VOG_2. Let us turn to the brief excerpt:

EXCERPT 2: TRIBUNAL *Corpus* – The Pain Syndrome Case

48	***VOG_1***	*the distinguished first panel judge could perhaps speak now and participate in the*
49		*discussion as well/&*
50	***VOG_2***	*certainly i listened attentively both to the oral arguments and to the votes that preceded*
51		*mine which dissected the entire matter examining*
52		*in detail point by point and especially the expert report*
53		*that was prepared and thoroughly clarified the*
54		*issue\ uh as to the merits i follow both the*
55		*eminent reporting judge and the eminent reviewing judge\ as to the*
56		*amount of the indemnity i side with the eminent reviewing judge fifty*
57		*thousand reais which comes closer to the usually*
58		*adopted standards °°xxxxxxxxx°°*
59	***REL***	*mr president then so that there is no divergence i will adjust my*
60		*vote to the panels unanimous position fifty thousand reais*
61		*((41sec))*

[32] Source consulted: "pour prétendre exercer une fonction arbitrale, il est impératif de s'abstraire de la relation conflictuelle. Seul un tiers, c'est-à-dire un personnage qui n'est pas tout à fait un, peut faire exister l'échange en rendant les partenaires égaux parce que équidistants de lui. Deux points forment une ligne et il en faut au moins trois pour créer un espace."

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62 ***VOG_1*** *i therefore proclaim the final result of the judgment of the civil appeal*
63 *((identification)) [...] unanimous*

48 **VOG_1** a eminente primeira vogal poderia já adiantar e participar
49 também da discussão/&
50 **VOG_2** pois não eu ouvi atentamente tanto as sustentações como os votos
51 me antecederam que dissecaram toda a matéria examinando
52 detalhadamente pormenor por pormenor e principalmente o laudo
53 pericial que foi elaborado e que esclareceu detalhadamente a
54 questão\ eh no que pertine ao mérito eu acompanho tanto o
55 eminente relator quanto o eminente revisor\ no que pertine ao
56 valor da indenização eu fico com o eminente revisor cinquenta
57 mil reais que mais se aproxima daqueles padrões usualmente
58 adotados °°xxxxxxxxx°°\
59 **REL** senhor presidente então para que não haja divergência vou adequar o meu
60 voto no entendimento uniforme da turma cinquenta mil reais
61 ((41seg))
62 **VOG_1** proclamo então o resultado final do julgamento da apelação cível
63 ((identificação)) [...] unânime

The sequence in Excerpt 2 describes the same type of conflict (stasis) observed in Excerpt 1: the reporting judge (REL), defeated by the alliance formed between the first and second associate judges (VOG_1 and VOG_2), declares—albeit reluctantly—his adherence to the opinions of his colleagues, when he states: "*mr president then so that there is no divergence i will adjust my vote to the panels unanimous position fifty thousand reais*" (l.59–60).

At this moment, we observe the same deliberative behavior highlighted in Excerpt 1, namely, a situation of persuasive failure (for the reporting judge), or, in Angenot's terms, a situation of "non-persuasion" (2008, p. 10),[33] in which—curiously—the stasis is suppressed and the "unanimity" of the panel is established. Once again, we describe a manifestation of contingent adherence illustrating the same type of conflict presented in Excerpt 1. Thus, with little resistance, after VOG_2 aligns himself with the arguments presented by VOG_1, the reporting judge (REL) aligns his vote with the proposal already accepted by the other judges. Yet—worth repeating—there are no indications that he was convinced and/or persuaded by the arguments advanced by his peers throughout the second-instance judgment. In other words, as in Excerpt 1, we witness a mechanical adherence, a merely contingent "Agreed," far removed from the

[33] Source consulted: "ce que j'appelle échec, c'est-à-dire non-persuasion."

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communion of minds described in the New Rhetoric. Here, there is adherence, but without conviction and/or persuasion.

As we have sought to demonstrate, the unanimous result does not signify unanimity of opinions, since, as we can now see, the stasis was suppressed through a merely contingent adherence, which does not appear to involve conviction or persuasion in the classical, eminently rhetorical sense presented throughout this article. This mode of conflict resolution at the deliberation table, as we have attempted to describe and analyze in Excerpts 1 and 2, represents a process of argumentation followed by adherence, yet without the celebrated "communion" so widely emphasized by the authors of the New Rhetoric. It is, ultimately, an apparently quite productive mechanism for erasing argumentative stasis, at least in the excerpts presented here.

Final Remarks

As we have seen, a member of the deliberation panel (in both judgments) agrees to vote in favor of his colleague's thesis, producing an effect of preservation and reinforcement of the group's image (the panel of appellate judges). In this way, X ends up agreeing with Y not because there has been an actual communion of minds or values, in the perspective of the *New Rhetoric*,[34] but because preserving the panel's image may be more important than the personal conviction and/or persuasion of each actant. Apparently, the group's unanimity, in that context, counts for more than individual conviction and/or persuasion. There, it matters little to differentiate CvP. Recognizing the process of contingent, utilitarian, and strategic adherence helps us understand the argumentative dynamics at play in Excerpts 1 and 2. It is worth recalling that the analysis presented here is not a legal one but is grounded in the principles of the dialogical model of argumentation and of Rhetoric.

In sum, here is a way of approaching the interactional functioning of the dissolution (or erasure) of argumentative stasis in second-instance judgments, based on the TRIBUNAL *corpus*. We stress that we are not making any value judgment about how judges reach decisions during deliberation. Here we merely describe and analyze two

[34] Footnote 4.

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moments in the complex thread of argumentative interaction in which stating "Agreed!" may be merely the output of an adherence without persuasion, without conviction, and without actual assimilation of the other's arguments.

By way of conclusion, we hold that:

a) the CvP dichotomy is fluid and difficult to substantiate;

b) the process of argumentative assimilation is a form of effective, yet indirect, adherence, without any formal announcement of a "communion of minds";

c) it is possible to adhere to a thesis without any evidence of conviction/persuasion;

d) the dissolution of a conflict may occur without any evidence of conviction/persuasion, but rather owing to the convenience of a prior, contingent agreement;

e) contingent adherence is the process by which an interactant explicitly adheres to a thesis without any observable indications of assimilation of the arguments that support it.

To conclude the analysis presented schematically, we have prepared the following comparative table, which summarizes the two most relevant points of this article, namely, the distinctive features of what we call argumentative assimilation as opposed to *contingent adherence*:

Argumentative Assimilation	*Contingent Adherence*
Tacit adherence	Explicit adherence
Indirect adherence	Direct adherence
Effective adherence, with a "communion of minds"	Explicit adherence arising from contingency and/or convenience, without signs of argumentative assimilation
Adherence without formal announcement	Adherence with formal announcement
Collective *ethos* not necessarily salient	Possible preservation/reinforcement of the collective *ethos*
Spontaneous resolution of the stasis	Erasure without dissolution of the stasis
Independent of the CvP dichotomy	

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The contents underlying the research text are included in the manuscript.

Reviews

Due to the commitment assumed by *Bakhtiniana. Revista de Estudos do Discurso* [*Bakhtiniana. Journal of Discourse Studies*] to Open Science, this journal only publishes reviews that have been authorized by all involved.

Review I

The article initially problematizes the concepts of conviction and persuasion (CvP), especially in Perelman & Tyteca (1958), showing that such a dichotomy proves to be of limited practical efficacy—a critique already well established in argumentation studies. What stands out in the article is the proposal that an opposing point of view does not necessarily imply a 'communion of minds,' and that the resolution of a practical argumentative problem may occur without convincing and/or persuading, but merely through strategic convenience, which appears to be quite accurate. Accordingly, the author proposes the concept (more a notion or type of strategy) of *contingent adherence*—defining it as the acceptance of a thesis without genuine assimilation of the arguments. As empirical illustration and analysis, the author works with a *corpus* of judicial interactions. The text is relevant to the field of argumentation studies and deserves to be published. Remarks: There is a formatting gltich. ACCEPTED, since the author corrects the several formatting issues [Revised]

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Reviewed on October 23, 2025.

Review II

Unfavorable, for the following reasons: many assertions regarding the cited works are not supported by the actual content of those works, producing a factoid effect regarding the quotations, concepts, and theoretical explanations invoked. The author provides both direct and indirect quotations, but does not develop them nor clarify for the reader where, how, and why they matter for his main thesis: that the "dichotomy" between conviction and persuasion is unproductive for argumentation studies. The very categorization of the

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difference between these terms as a "dichotomy" is already a semantic and theoretical problem: conviction and persuasion are distinct philosophical concepts, but not dichotomous, as they are not mutually exclusive. None of the authors cited by the author present them in such terms. An utterance may result solely in persuasion or solely in conviction, but it is also possible for the outcome to be both simultaneously. Beyond this, the text contains conceptual gaps that must be addressed for the thesis to be scientifically sound. For example, the concepts of universal audience and particular audience. Without understanding them, a reasonable comprehension of the concepts of conviction and persuasion becomes difficult. Finally, the author repeatedly presents subjective positions without sufficient scientific support for academic validation. NOT ACCEPTED

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Reviewed on October 12, 2025.

Review III

I am in favor of publishing the article, as it presents a much broader view of the interactive process in argumentative constructions within legal discourse. ACCEPTED

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Reviewed on May 14, 2026.

Review IV

The article presents a reflection on argumentation in the legal sphere, specifically on identifying the process of adherence in argumentative interactions during court deliberation sessions. The author begins from the premise that it is more relevant to distinguish the argumentative process, in some manner, than to propose a rigid distinction between the concepts of convincing and persuading—an overarching thesis of the classical authors Perelman and Olbrechts-Tyteca, who emphasize the difference between these two terms. To this end, the author provides tables summarizing conceptual differences between terms, thereby expanding the classical conceptual proposal. In addition, for purposes of exemplification, two illustrative excerpts of argumentative confrontation are presented for discussion of the concepts addressed in the article. Specifically, the title is appropriate to the stated aims; the objectives are coherently aligned with the development of the text; and the theoretical discussion is up-to-date and relevant to the current landscape of argumentation studies. It is evident that the author presents argumentation as one of the principal instruments for conflict resolution and for the realization of justice, seeking to demonstrate that adherence does not depend on convincing or persuading. On this specific point, the article merits further elaboration, as it addresses a highly relevant topic within argumentation studies. The article thus offers a strong contribution. However, some expansion of the discussion is necessary, given that: a) the excerpts are brief, making it difficult for the reader to obtain a broader view; b) the

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analysis presented is, in some respects, limited, suggesting the need for more in-depth analysis. It is important to note that the article makes a significant contribution to the topic of legal argumentation and is precise and focused on its discussion of such classical concepts. The tables provided greatly aid theoretical comprehension. Finally, the article proves relevant both for academic training and for the improvement of professional practice—not only in the legal field, but for all scholars of argumentation.

Additional remarks: First, the importance of the article with respect to the conceptual discussion it proposes is reiterated. It is understood that some points require expansion, namely: i) a somewhat more extensive explanation of the research corpus; ii) contextualization of the illustrative excerpts, given that they constitute only a small portion of the "argumentative exchange" examined in the deliberation session. Additional contextual data are needed to situate the reader within the discursive act under analysis; iii) in the analysis, the linguistic resources that substantiate the author's claims must be demonstrated. In fact, the author "promises" such a linguistic-discursive examination at the beginning of the text. A modest expansion of the proposed analyses is recommended; iv) finally, the text requires careful rereading to eliminate certain departures from standard written usage. This includes attention to words that appear incorrectly joined together in the version generated by the system. It should be emphasized, in conclusion, that the suggestions offered here are specific and targeted. They are made with the understanding that they may contribute to strengthening the text. They do not detract from the article's overall quality. ACCEPTED WITH SUGGESTIONS

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Reviewed on July 07, 2026.

Review V

1. The title and the article are compatible.
2. The objective is clearly stated, and the development is coherent with the proposed aims.
3. The text is theoretically grounded primarily in Chaim Perelman and Lucie Olbrechts-Tyteca, authors of *The Treatise on Argumentation: The New Rhetoric*, a work that revisits Greco-Roman rhetoric and adapts it to the contemporary world, especially in the legal and political fields. Other voices are also present, whose contributions are pertinent to the intended development.
4. Originality is evident in the selection and analysis of the corpus, drawn from the TRIBUNAL database, from which the author highlights excerpts from two judgments and presents them as case studies in support of his viewpoint.
5. The author may not have noticed the carelessness in the presentation of the text: the formatting deviates from standard norms—irregular spacing between words; problems with section organization (the text jumps from item 2 to item 4), compromising overall readability. It gives the impression of a text subjected to a

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cut-and-paste procedure. These and other issues—problems in sentence construction, lexical inadequacies, and inadequate handling of referential expressions—undermine clarity and compromise the quality of the text for publication in Bakhtiniana.

Additional remarks: A general revision of the formatting is necessary, as it deviates from standard norms: irregular spacing between words; problems with section organization (the text jumps from item 2 to item 4), compromising readability. It gives the impression of a text subjected to a cut-and-paste procedure.

These and other issues—problems in sentence construction, lexical inadequacies, and inadequate handling of referential expressions—undermine clarity and compromise the quality of the text to be published in Bakhtiniana. MANDATORY CORRECTIONS [Revised]

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Reviewed on July 01, 2026.

Review VI

The revised text is a very strong article, demonstrating extensive knowledge of the field of argumentation and its major authors. Such expertise enables the author to question positions that have long been controversial in the area, such as the distinction between convincing and persuading, proposing what he terms *contingent adherence*. The presentation of the problem, as well as the discussion surrounding it, is carried out with theoretical and analytical depth, even though the analysis functions more as an illustration of the author's position. Without doubt, it should be published. ACCEPTED

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Reviewed on August 07, 2026.

Editor in Charge

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