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Taking the moral high ground: Practices for being uncompromisingly principled

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**Taking the Moral High Ground:
Practices for Being Uncompromisingly Principled**

ABSTRACT

We examine how participants in a moral conflict hold fast to their beliefs during a highly-publicized moment in an ongoing social controversy. We apply discourse analysis to a video-recorded confrontation between a same-sex couple seeking a marriage license, and a county clerk refusing to provide the license for religious reasons, which took place after the overturning of the Defense of Marriage Act in the U.S.A. (and had prohibited same-sex couples from marrying). We examine how pragmatics of account avoidance sequences and framing are deployed in interaction to accomplish “being morally principled.” This case illustrates how mediated public conversations around social changes provide participants opportunities to perform moralities and define the terms of debate in relation to cultural institutions. We reflect on how the consequence of this event is a form of debate in which participants speak past each other ritualistically, constructing worldviews as incompatible and problems as unresolvable.

KEYWORDS: accounts; framing; conflict; public controversy; discourse analysis; grounded practical theory

1. Introduction

Polarization is a significant concern in society and scholarship (e.g., Cho & Ha, 2012). From disagreements in ordinary conversation to challenges of institutional decision-making and threats to international cooperation, the problem of what makes people differentiate themselves from one another evades easy solutions. Everything from big data to political theory has attempted to understand how individuals, groups, nations find themselves--increasingly, even intractably--at odds, drawing on psychological and other explanations (e.g., Jackson, Thorsen & Wring, 2016; Tucker, et al., 2018).

This paper examines how other social functions might make seemingly-pointless conflicts intelligible by analyzing the pragmatic accomplishment of uncompromising disagreement, focusing primarily on how this is done through accounts (especially account requests and account avoidance) and framing. Accounts involve an accusation or implication regarding untoward behavior (Buttny, 1993), while framing refers to how situations are defined (Goffman, 1974) implicitly or explicitly. In this analysis of a morally-contentious event, we argue that avoiding accounts allows participants to indirectly assert a view as morally unassailable and, by extension, beyond social accountability; while orienting to unshared framings redefines the terms of the argument to make cooperation more difficult. We apply discourse analysis from ethnomethodological and grounded practical theoretical perspectives to a recorded confrontation between a same-sex couple seeking a marriage license and a county clerk refusing to provide the license for religious reasons, which took place after the overturning of the Defense of Marriage Act (DOMA) in the USA (and had prohibited same-sex couples from marrying). In the following sections we review literature on moral conflict, then discuss the context of the case study and methodological approach. We thereafter present the results of our analysis, which explicates techniques participants use to enact moral identities in conflict. We end by reflecting on the implications of this analysis.

2. Literature Review: Moral conflict

Our focus is on interaction within a moral debate or moral conflict. The former emphasizes its public, mediatized nature (Hutchby, 2005); the latter, its intractability and hostility (Pearce & Littlejohn, 1997). Moral conflict is a kind of disagreement; in disagreements, participants take oppositional stances toward some person, situation, etc. Analyzing disagreement is analytically challenging. To maintain empirical rigor, one must neither advance an *a priori* definition, nor assume certain forms (such as negation) always function as disagreement (Angouri & Locher, 2012). An interactional approach focuses on the complexity of actual disagreements as they occur in context and are treated as disagreements by interlocutors (Haugh, 2007; Sifianou, 2012). Not all disagreements are necessarily moral. Thus, we do not describe this disagreement scenario as a moral conflict in a purely theoretical way or as an analytic term: the participants are “doing” moral conflict, and orienting to their conduct as such, through their turn-by-turn actions. By refusing to engage in the basic intersubjective expectations built into the fabric of ordinary conversation (Garfinkel, 1967)--and by avoiding providing normatively-demanded responses--the participants construct their interaction as an intractable conflict in which compromise is not possible.

Moral conflict involves incommensurable interactional frames: incompatible definitions about and actions in accordance with the definition of a situation, nature of a problem, terms of an argument (Brockriede, 1975; Goffman, 1974). For instance, in an analysis of interethnic relations at convenience stores in Los Angeles during the 1990s, Bailey (2000) showed how differing cultural beliefs about service encounters, ways of enacting respect, and social differentiation produced ethnic conflict. Another example, analyzed by Agne and Tracy (2001) and Agne (2007), involved negotiations during a 50-day standoff between the U.S. Federal Bureau of Investigation (FBI) and a religious group in Waco, Texas, that ended in a fire and the deaths of 80 men, women and children who were members of the group. Part of what led to this tragedy can be traced to how the problem of the conflict was defined and treated throughout the

negotiations: they ended up reinforcing the incompatibility of legal and religious frames, resulting in a devastating crosstalk (Agne, 2007).

As Brockriede (1974) and Fitch (2003) point out, argument and persuasion require a minimal shared cultural frame of reference. Without some common ground, participants in a conflict are liable to talk past each other and never progress toward understanding, let alone shared courses of action. One can observe this empirically through a lack of intersubjectivity (Sidnell, 2014), escalating disalignment, disaffiliation, or disagreement (Drew & Walker, 2009), and divergent communication patterns (Bailey, 2000). It is not necessary to deal with such psychological matters as intention (Edwards & Potter, 2005) to realize that when participants engage in such practices and orient to conflicting frames, they accomplish intractable conflict (Brummans et al., 2008). This is likely to be the case in moral conflicts because morality is socially defined by being principled, and principles are often conceptualized as unmovable and invariant (Bergmann, 1998). To treat them otherwise has implications for people's identities: once someone has taken a course of action, the seriousness of their choice is evaluated in part by whether they are easy to budge from that course. Framing and frame construals work in a similar way to present a particular view by authorizing or warranting one's actions (van der Houwen, 2009).

The hostile dimension of moral conflict resonates with a practice described by Tracy (2008) in which participants display "reasonably hostility" through emotion-limned talk that presents itself as righteous and warranted. In certain contexts, the sociolinguistics of aggression (Grimshaw, 1990) are considered appropriate (OMITTED). Participants may enact stances to present themselves as truly committed, evidenced through their displays of affect and willingness to engage in face-attack (Goffman, 1967). Though disagreements are "about" things, they are also "done" in ways that might be treated as face-threatening, dispreferred, or impolite (Georgakopoulou, 2012); this is not merely a feature of topics-in-interaction, but displays important connections to, and performances of, identities (Spencer-Oatey & Ruhi, 2007). How

much impoliteness is acceptable is contested, and attributions of impoliteness can also be strategies (Sorlin, 2017).

We focus on accounts as a practice through which participants orient to different frames, invoke different authorities, and do intractable moral conflict. Accounts are explanations offered in the context of potentially problematic situations (Buttny, 1993): they are reasons where reasons are purportedly needed. Accounts make one's actions intelligible. We focus on accounts demanded and offered or withheld in the course of interaction (see Boden, 1994; OMITTED). Our focus on account avoidance seeks to encompass various forms--e.g., refusing accounts, ignoring accounts, etc.--to emphasize that this is not solely accomplished by particular participants, but is constructed across their turns.

By avoiding giving accounts that are demanded, participants propose such demands are unintelligible or inappropriate. Accounts can be rejected, as answers may be treated as uncooperative (e.g., Antaki & Stokoe, 2017)--so it is not just about what a participant says, but how this is taken up. We examine how features of interaction, such as dispreferred and disaligned actions, pronoun use, question delivery, orientation to authority, etc. (e.g., Gruber, 2001; Heritage, 2002), are used in account sequences during a morally-conflicted interaction. Through such formulations, participants in a conflict attempt to frame one another's views and conduct (van der Houwen, 2009). In the data we examine, interlocutors' avoid offering accounts, demand accounts in ways that presuppose no reasonable account can be forthcoming, and align themselves with frames that warrant their behavior as socially and morally righteous.

3. Data and methods

3.1 Context

We focus on an event characterized by morally-opposed views related to an ongoing controversy in the U.S.A. In June of 2015 the U.S. Supreme Court overturned DOMA, granting same-sex couples the right to marry under the 14th Amendment to the Constitution. Several counties across three states in the Southern U.S. refused to comply. Kim Davis, a county clerk

in Kentucky, garnered national attention after David Ermold and David Moore released video-recorded footage of her denying them a marriage license. Lawsuits were filed against her and she was briefly permitted to work during a stay of her appeal against the lawsuits. Our analysis examines the second interaction between Kim Davis, and David Ermold and David Moore, during which Davis had returned to work. Though the stay granted Davis was contingent on her complying with the issuance of licenses until a possible appeal, she continued to refuse granting marriage licenses to same-sex couples.² Ermold and Moore returned to repeat the process of procuring a license, but coming after the original video and subsequent media attention, it is a more crowded and public affair. In addition to Davis and her coworkers on one side of the counter,³ Ermold and Moore are flanked by other couples attempting to obtain licenses, media reporters, and members of the public. Thus, this second encounter provides an opportunity to capture, in action, how this encounter was worked up by participants as a public spectacle, with a purpose oriented as much to an imagined audience as to the local context (figure 1).

² Davis was charged with contempt of court and briefly jailed after this, during which her office began issuing marriage licenses as ordered; Davis ultimately returned to work but removed her name from and refused to authorize marriage licenses personally.

³ In multi-party conflict such as this one, oppositional stances are often produced across the interaction and may be reinforced in various ways to ally certain participants with others (Kangasharju, 2002). In this case we see this being done in relation to the physical environment and the appropriate institutional roles played out within it, as the counter forms a barrier that is oriented to as the dividing line between ideological positions several times during the interaction.

Figure 1. The highly public spectacle of the second attempt to obtain marriage licenses.

A video clip of approximately 5 minutes, available on *USA Today's* YouTube channel¹, was transcribed by organizers of the 2016 International Communication Association Preconference “How to Analyze Authority and Power in Interaction,” at which we presented preliminary findings⁴ (see Milburn, 2017 for more background and analysis).⁵ The transcription uses simplified Jefferson (1984) notations that capture aspects of the interaction beyond content, including overlaps, pauses, and volume; and we attend to nonverbal components. Though we analyze a single case, it is not simply that we take an instance and consider whether it might apply elsewhere: we are analyzing a particular instructive event for understanding the phenomenon we illustrate herein (see also Maynard & Manzo, 1993; Schegloff, 1987; Whalen,

⁴ A forthcoming edited collection based on the pre-conference is in development that also analyzes this interaction with the goal of providing pedagogical guidance on how to analyze authority and power in interactions.

⁵ Milburn's (2017) analytic orientation is also discursive and ethnomethodological, but does not employ grounded practical theory; and her project also differs from this one in applying Membership Categorization Analysis. Milburn examines how the participants use membership categories to accomplish a local interpersonal conflict as part of a large social crisis. This event, as a social drama, shows how “natural” categories are challenged and redefined through transgressions; Milburn describes the outcome of this as an “irreparable schism” that maintains the conflict and projects it into the future.

Zimmerman & Whalen, 1988). The event itself is noteworthy and worth deconstructing, and is not merely as one instance from which to generalize.

3.2 Methods of analysis

We apply discourse analysis and features of conversation analysis (Cameron, 2001; Ehrlich & Romaniuk, 2014; Heritage, 2005; Tracy, 2001) to examine how accounts and frames are produced or avoided in turn-by-turn interaction and what social functions these actions serve in an event that occurred during a controversial political moment in U.S. history. We focus on language and its pragmatic use while considering how actions are sequentially and multimodally accomplished. Discourse analysis approach is informed partly by ethnomethodology--examining how participants render their actions intelligible (Garfinkel, 1967), especially in a situation where they seem determined not to do what they're meant to be doing--and primarily by grounded practical theory (GPT)⁶.

GPT (Craig & Tracy, 1995) is a normative approach to communication that examines techniques people use to address problems, analysing these as strategies that (do or don't) accomplish participants' aims. Our empirical approach is similar to action implicative discourse analysis (Tracy, 1995) in that, drawing on GPT, it examines situated goals, and strategies participants use to accomplish them. We show how, within the actions of demanding and denying accounts and orienting to divergent frames, participants produce moral conflict and portray themselves as uncompromisingly principled.

4. Analysis

4.1 Holding fast by withholding accounts

We examine sequences in which accounts are made relevant or explicitly demanded, but no account is forthcoming. While accounts may be used to manage conflicts (Sitkins & Bies,

⁶ Craig (2003) has detailed some of the challenges in combining ethnomethodology's (EM) epistemological position with normative analysis, and notes the usefulness of borrowing from EM for examining argumentation. While doing so may "violate" fundamental assumptions of EM according to Garfinkel's articulation of it, the attempt nonetheless appears to be useful.

We examine how accounts and account denials “frame out” certain sources of authority by instantiating genres and embedding themselves into generic, recognizable scripts. The idiom “framing out” is apt because in Goffman’s (1974) conception of frame analysis, situations are built and roles organized within frames, and most of the time people work to be “in frame”; but in the same way that buildings are “framed out” by the literal process of construction, the account refusals we examine produce multiple interactional misalignments that diverge their framings outward rather than inward toward a common ground. From the moment Kim Davis enters the room, this process begins.

1 MOORE: solutely ludicrous (0.5) don't smile at me
2 (1.0)
3 DAVIS: I did not smile (1.0) I'm not being disrespectful to you-
4 ERMOLD: you absolutely have [disrespected]
5 MOORE: [you absolutely] have been disrespectful to us
6 treating us as second class citizens is what you are doing
7 DAVIS: [mm no no no]
8 MOORE: [telling us that] we don't deserve the same right rights that you do that you
have
9 DAVIS: I'm saying that [you do]

- 10 MOORE: [that you've] enjoyed your entire life. (0.5)
 11 would you do this to an interracial couple?

Immediately, Moore charges Davis with an accountable action (line 1): by issuing a directive against an action usually interpreted as prosocial (smiling) (Hudak & Maynard, 2011), Moore suggests her behavior is inapposite. By doing so, he makes an account relevant. Davis begins by denying having smiled (line 3); the video is not clear enough when zoomed in, but her face may have the appearance of a smile (figure 2).

Figure 2. Though the image is blurred, the shape of the shadow suggests an upturned mouth.

What is worth noting is how Davis repairs her denial of smiling to “I’m not being disrespectful to you” (line 3). In doing so, any actions she may have done are being claimed as “not disrespectful.” Smiling is considered a reasonable greeting in most interpersonal encounters, especially service encounters (Cameron, 2000). Though at this point we cannot confirm that Davis is operating within a service encounter frame, subsequent actions make the interpretation reasonable. After a pause, Kim’s negative response (“a man and a woman, no”), and another pause (lines 12-14, omitted for space), Davis again avoids an account by invoking a customer service frame:

Excerpt 2 “Not issuing marriage licenses”

- 15 MOORE: how many times have you been married Kim?
 16 DAVIS: I just want to let you know that we are not issuing marriage licenses
 [today]=
 17 OTHER: [Why?]

18 DAVIS: =pending [um]
 19 OTHER: [((yelling)) in] contempt to court=
 20 MOORE: =what appeal is left?
 21 DAVIS: <pending> the appeal [that of the Sixth Circuit]
 22 MOORE: [it has been denied]
 23 DAVIS: the appeal to [stay has been denied]=
 24 MORE: [()]
 25 DAVIS: [=so]
 26 MOORE: [right] the induction is the order is that you
 27 are supposed to issue marriage licenses
 28 DAVIS: and we are not issuing marriage [licenses today]
 29 MOORE: [the Supreme] Court denied your stay.
 30 DAVIS: we are not issuing marriage licenses today sir=
 31 MOORE: =based on what?
 32 DAVIS: I would ask you all to-
 33 MOORE: why are you not issuing [marriage=]
 34 DAVIS: [go ahead-]
 35 MOORE: =licenses today?
 36 DAVIS: because I'm not

Moore once again asks Davis to account by asking in line 15 “How many times have you been married?” Though it’s not a literal challenge requesting a number per se, it is meant to highlight an apparent hypocrisy between Davis’s actions and her personal life. As with the example “would you do this to an interracial couple” in excerpt 1, it functions to do enticing (Reynolds, 2011) by using a seemingly-innocent question to challenge the other. Davis offers a non-type-conforming response (line 16, “I just want to let you know that we are not issuing marriage licenses today”) apparently appealing to the local organizational context by invoking a style reminiscent of a customer service genre. She uses “we” in an institutional sense and formulates a denial of service as a statement of fact, in the same way any business might say “we are not doing such-and-such today.” Institutions have rules that are presented as not negotiable; repeating such facts, as Davis does (lines 28-30), is a way of resisting customers’ attempts to negotiate non-negotiables, positioning the other as problematic.

This positioning may give service workers grounds for removing customers (as evident in posted signs such as “we reserve the right to refuse service”); this, too, is invoked in Davis’s

denial of service beginning in line 16 (and reincorporated throughout the rest of the interaction). First, she invokes language that is reminiscent of an institutional script. Davis's use of "we" unites her voice with that of the organization. To avoid giving an account, Davis invokes a customer service frame within which her greeting is considered polite, and her refusal to issue licenses is a simple denial of service which she has the "right to refuse." She aligns her authority with that of an institution that is service-oriented and located primarily within the organizational space of that county office and the workers and ordinary tasks within it.

Moore and those in alignment with him challenge this by issuing their demands for accounts and by framing her actions as problematic. To return to excerpt 1, Moore and Ermold are not merely disagreeing about whether she was respectful or not, but provide a different grounds on which to understand what "respect" means. In lines 5-6 and 8, Moore and Ermold reframe disrespect as a form of discrimination. This too is an institutional frame, as discrimination has legal connotations, and this understanding of its meaning is bolstered by excerpt 2 in which Moore and others explicitly move to a legal frame.

Moore and others shift the institutional frame from a single service encounter, to an ongoing legal encounter that is not just built into the history of these people's prior interactions (notice Moore uses Davis's forename name in line 15) (see Sifianou, 2013 on relational history and conflict), but into the history of discrimination and its legal relation to marriage (as when Moore refers to interracial marriage in line 9). No one explicitly targets Davis's job at this point as a basis for the wrongness of her denials: rather they bring up the legally-mandated necessity for her to provide licenses (lines 19, 22, 26-27, 29). This is in contradiction to Davis, who draws on the legal context as a basis for her denials, citing her appeal in lines 21 and 23. Even as both parties seem to be drawing on an institutional context, they are drawing on different institutions; and even after they both seem to be drawing on the legal institutional context to account for their actions, their talk actually indexes different components of the legal process. They therefore come to differentiated conclusions about whether Davis's refusals are institutionally

right. Differing institutional contexts are “made to matter” (see Cooren, 2015), thus constituting the grounds of accountability in divergent ways.

That Moore refuses to accept Davis’s account is evident in lines 33 and 35, in which he makes explicit his own demand (and recycles the account-seeking made by someone else present in line 14, not shown): “why are you not issuing marriage licenses today?” This turn effectively erases the previous sequence, rejecting Davis’s legal accounts and demanding another. In response, Davis once again does not provide an account (line 36). The intonational shift between “because” and “I’m not” projects that this could have been a point of possible completion, an instance of self-repair, or a shift in emphasis (or some combination thereof): this could indicate that “I’m not” is a revision of “we are not”, marking a transition between Davis speaking as an institution and speaking as herself; it could mean that Davis merely wanted to more clearly articulate that this is a personal choice embedded within an institutional action. It does not necessarily project that an actual account is forthcoming; “because I am” or “because I am not” is an authoritative move (Edmundson, 2013) and one formulaic practice by which participants can provide a response-like second pair part without providing a response (Maynard & Peräkylä, 2006). This is a way of doing authority that requires no account. That this is resistant is evidenced in excerpt 3 by Moore’s continued pursuit at line 37, and in close overlap with this, Ermold asks for a specific institutional reason “under whose authority” (line 38), rejecting Davis as the basis of authority.

Excerpt 3 “God’s authority”

37	MOORE:	wh[y]	
38	ERMOLD:	[un]der whose authority? (0.5) [are you not issuing] licen[ses?]	
39	OTHER	[(	)]
40	DAVIS:		[under]
41		God’s authority	
42	OTHER:	[God’s authority] ((behind the counter))	
43	OTHER:	[did lawyers tell you ()]	
44	MOORE:	[I don’t believe in God]	
45	DAVIS:	[(	)]
46	MOORE:	[did God tell you how to treat us (.) like this?]	

- 47 ERMOLD: [I don't believe in your God.] I don't believe in your God=
 48 DAVIS: =I've asked you all to leave (.) you are interrupting [my business
 49 MOORE: [you can call the police=
 50 OTHER: [t's not your business]
 51 MOORE: [=if you want us to] leave (1.0) you can call the police I'm paying you your
 52 salary (.) I pay your salary

It is at this point that Davis presents her personal, belief-driven grounds for refusing to issue licenses, invoking an ideological and moral frame that is simultaneously broader (beyond the institution) and more specific (within herself). In lines 40-41 she formulates her response, in a type-conforming fashion, to match the request for an “authority” by saying “under God’s authority.” The turn is accompanied by Davis lowering her eyebrows and pushing her head forward on her neck, which may display resolve or of dramatically indicate a point (note also that she sustains this pose through the subsequent five lines of talk).

Figure 3. Davis’s expression as she comes to the completion of her turn at lines 40-41.

This appeal to authority is rejected by others present (lines 43, 47), and Davis thereafter reverts to appealing to the institutional context by once again framing herself as a besieged employee dealing with rowdy customers, reminding those present that she wants them to leave and formulating their talk as an interruption of her business (line 48). The formulation “my business” is ambiguous. It could be referring to Davis’s position, the office generally, or the organization they represent; or it could be referring to tasks she has to complete that day. “You

all” may suggest a shift to the general public (all the people present), away from the personal conflict she has with Moore and Ermold (though she maintains eye contact with Moore). The response “it’s not your business” in line 50 treats Davis’s prior turn as claiming some ownership of the office, implicitly highlighting the disconnect between Davis’s invocation of the institution in her talk, and her personal reasons for not doing her job.

There is a mismatch between what frames each party’s language is indexing (c.f., Tracy, 1997). Moore and the others frame the institution as a site where certain work must get done, beholden to legal and governmental demands, but also as a moment in a history of discrimination. Davis locates the institution in the physical organizational space she occupies, in relation to her own sets of tasks, and therefore beholden to her personal choices about completing them. Such choices are revealed to emerge from her individual religious beliefs, superseding institutional requirements. The next two excerpts show how the conversation evolves in ways that emphasize the differentiated frames and trajectories of talk already established.

Excerpt 4 “Do your job”

- 53 OTHER: we pay your salary
 54 MOORE: I pay you to discriminate against me right now ((banging hand against the
 55 counter)) that’s what I’m paying for >that’s what I’m paying for< I’m paying for
 56 this memory with my partner that I love that I’ve been with for seventeen
 57 years=what’s the longest you’ve been with someone that you’ve been married
 58 to someone
 59 OTHER: ((laughs))
 60 DAVIS: I’m asking you to le:ave,
 61 MOORE: I’m not leaving.
 62 DAVIS: ↑okay you all [can just push back away]
 63 MOORE: [I’m not leaving]
 64 ERMOLD: [I’m asking you to do your job]
 65 DAVIS [you are all welcome to] stay
 66 MOORE: [I’m not leaving]
 67 DAVIS: [just push back away from the counter]
 68 MOORE: [can’t help with the press here] (.) no

- 69 ERMOLD: no=
 70 DAVIS: =just push back [away from the counter]
 71 ERMOLD: [No, we're not leaving] until we have a license (.) we're not
 72 leav[ing until we have a license]
 73 DAVIS: [then you're gonna have a] long day
 74 OTHER: DO YOUR JOB
 75 MOORE: () call the police
 76 DAVIS: good day ((leaves))

As with excerpt 3, excerpt 4 continues a customer service frame, this time mobilized by Moore and his supporters through an account sequence in which descriptions of “we pay your salary,” “I pay you,” and “what I’m paying for” call Davis to account for the fact that she is not doing a job for which she has been paid (lines 53-55, 64, 74). Rather than being of the same customer frame within which Davis is attempting to deny service, Moore and others use a frame associated with public service (Tracy, 1997). Because public sector jobs are provided by the state and may be funded in part by taxpayers’ dollars, there is a slightly more literal relationship between the service nature of Davis’s job and customers’ rights to be served. Davis, however, continues to operate in a “right to refuse” customer service frame, continuing to ask them to leave, requesting they “push back away” in lines 62 and 67 (because of the crowd, and Moore being at the front, he cannot merely turn around and walk out) (figure 4).

Figure 4. Davis makes this gesture as she produces the request at line 62.

Though Davis suggests as in the previous excerpt that “all” are interrupting her business or should leave (line 62), in line 65 she seems to partition at least some part of the crowd, positioning them as potential “reasonable” customers, and again framing the dispute as centered between herself, and Moore and Ermold. In response to the ultimatum that Ermold issues in lines 71-73, Davis offers a somewhat ironic prediction, once again refusing to concede her ground--but also potentially orienting to the fruitlessness of the situation.

In the next excerpt, the theme of calling the police (mentioned in excerpts 3 and 4), is taken up more forcefully after Davis has returned to her personal office.

Excerpt 5 “Call the police”

77 MOORE: I will ask them to arrest you
 78 OTHER: DO (.) YOUR (.) JOB
 79 MOORE: CALL THE POLICE (.) [CALL THE POLICE GO AHEAD () arrest you]
 80 [(applause, shouting)]
 81 OTHER: ((chanting)) do your job (.) [do your job (.) do your job]
 82 MOORE: [YOU SHOULD BE ASHAMED OF YOURSELF]
 83 EVERYONE IN THIS OFFICE SHOULD be ashamed of themselves (0.5)
 84 IS THIS WHAT YOU WANT TO REMEMBER? (1.0) IS THIS WHAT YOU
 85 WANT TO REMEMBER? (1.0) THAT YOU STOOD UP FOR THIS?
 86 (1.0)
 87 OTHER: aymen (.) yes sir ((behind the counter))
 88 MOORE: THAT YOUR CHILDREN WILL HAVE TO LOOK AT YOU
 89 AND REALIZE THAT YOU ARE A BIGOTS AND YOU
 90 DISCRIMINATED AGAINST PEOPLE? is that what you want af-
 91 is that what you want?
 92 OTHER: ((behind the counter)) God's word () [()]
 93 ERMOLD: [God] does not belong in the county
 94 clerk's office
 95 OTHERS: [((shouting))]
 96 OTHER: THIS IS NOT A HOUSE OF GOD
 97 MOORE: call them call the police (.) call them now. ((hits hand on the counter))
 98 SOMEBODY CALL THEM
 99 ERMOLD: call them

Moore delivers a commissive in line 77, and recycles the command “call the police” twice as a challenge in line 79, accompanied by pointing (figure 5).

Figure 5. Moore points at Davis as she is entering her personal office while producing the talk at line 79.

The applause (line 80) ratifies this as something toward which the interaction has been leading the whole time: the completion of a ritual in which neither side expected to prevail, and in which that was perhaps never the point.

Davis exits, and Moore's raised voice and gestures suggest he is addressing himself to her in addition to the audience around him. He continues to speak loudly but now includes others more explicitly, moving from "you" in line 82 (which could be taken as singular, referring to Davis) to "everyone in this office," after which subsequent references to "you" seem to encompass those in the office who may support Davis's position (lines 84-85) (c.f., Fetzer & Bull, 2008). In this turn Moore again frames the interaction as discrimination and makes explicit that the activity is associated with a category of people, "bigots" (line 89), members of which are identifiable by their discriminatory activities. Religious invocations and references to God are produced again (lines 87, 92), countered by Ermold (lines 93-94). This utterance acknowledges the reference to God, but while before the account was rejected on the basis of differing beliefs (Moore and another say "I don't believe in God" in excerpt 3), here it is directly framed as incompatible with the organizational context of the "county clerk's office." Moore and Ermold continue to ask that the police be called, and these appeals to the police further cement the

interaction as intractable and beyond resolution (lines 97-99). Because all parties seem to be orienting to this below-surface interactional goal of performing morality for an audience, their conflict is in part jointly accomplished--but since the accomplishment is about divergence, their actions must consistently refuse to comply with the most obvious institutional goals of the occasion.

We described several examples in which accounts were made impossible, either because they were demanded in ways that refuted their validity from the outset, or because they were withheld. Within these account avoidance activities, scripts and authorities were invoked to frame the interaction in incompatible ways. These divergent framings reproduced complex and incompatible differences in expectations between the local organization (the office of the county clerk), and institutions such as law, marriage, and religion. Next, we examine account avoidance sequences that invoke the frame of the conversation itself.

4.1.2 Taking the moral high ground in metadiscourse

The phrase “taking the high ground,” almost by definition, means not taking the “common ground.” The implication is that to share the same ground is beneath one’s principles. As Billig (1989) notes, “strong views” are constructed in response to opposing views, and are rhetorically not just about the topic at hand, but about arguing about that topic. At certain points in this interaction, participants’ accounting tactics take place within a “righteous” metadiscourse that explicitly (re)frames what one another is doing, what it means, and what moral issues are at stake. Bateson (1955) describes metacommunication as a practice in therapy that can shift a conversation beyond seemingly paradoxical frames. In this view, metacommunication could have moved the conversation toward a more “genuine dialogue” (Buber, 2007). However, metadiscourse is also used to assert particular directions in talk or to critique higher-order terms of an argument or the person delivering it (as when disputing interlocutors accuse each other of “going too far”--see Kampf & Daksal, 2013; OMITTED). Here, metadiscourse functions even more decisively to preclude understanding.

Excerpt 6 “Listen” “Beyond Listening”

100 DAVIS: listen=
 101 MOORE: =I'm beyond listening to you
 102 DAVIS: [()]
 103 MOORE: [THIS IS RIDICULOUS]
 104 DAVIS: Please I'm not- [just listen to me=]
 105 OTHER: [DO YOUR JOB]
 106 DAVIS: =just listen to me [()]
 107 MOORE: [I don't-] I don't care how polite you are
 108 OTHER: WE'VE HEARD YOU=
 109 MOORE: =or what you fe:el=
 110 DAVIS: =I know you don't care
 111 MOORE: you're not- this is not poli:te
 112 DAVIS: this is- this is what [()]
 113 MOORE: [I would never do this to someone]
 114 what you are doing to us I would never do to someone=
 115 DAVIS: =do you believe passionately [in what you are doing as I do okay]
 116 MOORE: [you do not understand what you are doing]
 117 to people=
 118 DAVIS: =as I do=
 119 OTHER: =but you're forcing religion on other people

Here Davis's attempt to initiate a new kind of sequence is firmly rejected (lines 100-101). Her "listen" is a directive, and ambiguous: it could be a move to de-escalate or make herself understood, to reach some form of common ground; or it could be a further attempt to persuade Moore and others to leave. That Moore rejects this indicates he does not believe Davis's attempts to engage him are genuine; or it could be a way of performing frustration. By formulating his turn as "I'm beyond listening to you" and defining the interaction as "ridiculous" (lines 101, 103) he positions Davis as someone who has done too much damage. This was already clear throughout the interaction, but is solidified here: the use of metadiscourse, framing the conversation itself, is a way of attempting to regulate another's conduct (Craig, 1996). Moore even displays acknowledgement of her use of politeness styles (line 107), but rejects this as a basis for engagement. This is in parallel with the sequence first described, in which Davis's

possible politeness or verbal shows of respect are treated as too superficial given the impolite and disrespectful nature of her discriminatory actions. Politeness is expected of a customer service dimension, but the larger context has been reframed as combative.

In his continuation of the turn (lines 107, 109), Moore describes Davis's "listen" as indexing Davis's "feeling." This suggests that he is interpreting her requests that he "listen" as a bid to speak more about her personal viewpoints, projecting that he takes these to be inappropriate, unreasonable, or perhaps "too little, too late"; furthermore, by thematizing her turn as personal and psychological (Edwards & Potter, 2005), he may also be proposing that these matters are inappropriate to the organizational context, where opinions and other personal matters are presumed to be set aside. Davis's "I know you don't care" (line 110) positions Moore as unwilling to listen. Moore begins by saying "you're not," then repairs this to "this is not polite" (line 111), again displaying that Davis's apparent tone may be polite in some sense, but her actions are not. He elaborates on this with an extreme case formulation (Pomerantz, 1986): "I would never do this," repeated twice, which reinforces Davis's actions as immoral and wrong. Davis then makes what appears to be a bid for a chance to account for her behavior.

In line 115, Davis initiates a new sequence with an interrogative "do you believe," framing what comes as a discussion of beliefs. Davis may be attempting a genuine discussion, but she may instead be merely seeking an opportunity to publicly formulate her beliefs for the audience around her (and those who will see the video later). Her attempt is not treated as a good-faith effort, and the prior interaction, as well as the forthcoming basis of Davis's beliefs, suggest that this may not be an invitation to "discuss" at all. This is also suggested by the fact that she acknowledges but does not address Moore's interruption in lines 116-117, nor does she respond to the accusation that she is "forcing religion on other people" (line 119), though this could be because the interaction is interrupted briefly for a side-sequence between Moore and the crowd behind him (lines omitted).

Excerpt 7 "Beliefs cannot be separated" "Force your religion"

126 MOORE: you guys come up here too (.) come up here (.) tell them (.) tell them- tell
 127 them to their face.
 128 DAVIS: I don't ()
 129 BEIGE: she's already denied it a couple times with us, so
 130 OTHER: this is your job mam that's all we are asking (.) do your job- but you have
 131 another option, you can step down
 132 (1.0)
 133 OTHER: If your beliefs mean that much to you? resign (0.5) but does 80,000\$ a year
 134 mean more to you than your beliefs.
 135 (1.0)
 136 DAVIS: no my beliefs cannot be separated from me=
 137 BEIGE: [then you should quit]
 138 DAVIS: [=I cannot take] my hat off in my [(in my own)]
 139 BEIGE: [then you should quit]
 140 DAVIS: ()
 141 BEIGE: so you're gonna force your religion on us?
 142 ERMOLD: why? are- are- are- you saying [that our lives]=
 143 MOORE: [I would quit]
 144 ERMOLD: =are worth your [80,000\$ a year?
 145 DAVIS: [I'm not saying your lives are [not worth () I don't ()]
 146 OTHERS: [you are] [yes you are]
 147 DAVIS: you are putting words in my mouth and that will not do. I simply told you all-
 148 I'm willing to face my consequences and you all will face your
 149 consequences when it comes time for judgment
 150 MOORE: we don't have [consequences]
 151 DAVIS: [it's plain and s]imple=
 152 MOORE: =not everyone [believes]
 153 BEIGE: [not everyone] believes what you [believe]
 154 DAVIS: [that's your] choice
 155 [that's your choice]
 156 MOORE: [you're creating a re]ligion in this office=
 157 DAVIS: [↑no I'm not]
 158 MOORE: [= () =]
 159 BEIGE: =yes you are [you are making yourself a figurehead of this new church here]=
 160 DAVIS: [()]
 161 MOORE: =this is not the 1960's=
 162 DAVIS: =it's-=
 163 MOORE: =this is not-
 164 DAVIS: [Jesus is the same yesterday today and forever]

In excerpts 7 and 8, Davis more clearly attempts to reframe the conversation ideologically. In some ways, this is consistent with the historical discrimination frame advanced by Moore and others, but takes up the matter from an entirely different perspective. Kant (and Berlin, 2002)

distinguishes positive liberty, or “freedom to,” from negative liberty, “freedom from.” Davis’s invocation of her religious beliefs to account for her (lack of) institutional action is an example of “freedom to,” in this case freedom to believe in a religion. Implicitly, this framing suggests that the legal and institutional demands being made of her can be seen as an example of “freedom from,” an imposition on her belief system. On the other side, Moore and others invoke “freedom from” Davis’s beliefs which are affecting their ability to complete an institutional hurdle. Implicitly, this framing links up with their “freedom to” marry. This logic is visible in Moore’s and others’ repeated references to Davis forcing her religion on them (lines 141,153, 156).

Though Davis rejects the assertion that she is “creating a religion in this office” (line 156) in line 157, her later rejection that she is behaving in an “outdated way” (line 161) uses her belief in Jesus to account for the rejection: if Jesus “is the same yesterday, today and forever” (line 164⁷), then social changes and institutional rules are irrelevant to whatever a reference to “Jesus” is meant to index here. It seems likely that referring to Jesus is a kind of icon meant to stand for Davis’s religious beliefs in general, rather than indexing a particular teaching of Jesus that makes relevant her refusal to issue licenses.⁸ This ambiguity is noted in Moore’s next turn in which he begins by challenging Davis, but ends by dismissing her beliefs as irrelevant (excerpt 8).

Excerpt 8 “The right to your beliefs” “The right to take away our rights”

165	MOORE:	I don't- do you even know our religious beliefs are? you know why? you
166		don't need to know we don't need to [know yours]
167	DAVIS:	[that's okay] okay=
168	MOORE:	=you can [have whatever beliefs you want]
169	DAVIS:	[that's okay that's] [your choice]
170	MOORE:	[I believe] you should have the right to have
171		whatever beliefs you want=
172	DAVIS:	=that's- exactly <u>exactly</u> =
173	MOORE:	=you have the right to your [beliefs]

⁷ This line occurs in overlap with unintelligible bystander talk in 164, which has been omitted for space.

⁸ Nowhere in Jesus’ teachings does he reference same-sex relationships, although he refers to God creating “man and woman” in a way that suggests a special sort of relationship in Matthew 19:4 and 10:6.

174 DAVIS: [exactly] so if what [you all are trying to accomplish=
 175 MOORE: [you don't have the right to take away our rights based on
 176 =your beliefs=
 177 DAVIS: =is to get a marriage license [you can go anywhere in the surrounding areas
 178 MOORE: [we are trying to get a marriage license and we
 179 are going to stay until you give it to us

An illustrative moment in this encounter occurs in lines 165-174: we see ostensible agreement, with repetitions of “that’s okay” and “exactly.” When Davis initiates with “what you all are trying to accomplish” (line 174), she asks Moore and the others to account for the fact that they are in fact not acting in ways that would result in obtaining a marriage license. Moore accedes this, not by providing an account as such but by making it clear that he is acting in this situation “on principle”: that he will not leave until he has made the point (lines 178-179), and that he will sue her if he has to (lines omitted). Moore’s point, in a sense, is stated in lines 175-176: “you don’t have the right to take away our rights based on your beliefs.” Though there is an underlying orientation to rights and freedoms as relevant to this conversation, this ideological and legal frame invokes again a difference between the parties in understanding what constitutes rights and freedoms, and where the balance tips when freedoms are enabling or protective. Because these rights and freedoms are in tension, it is difficult to accomplish one without threatening the other--hence so many intractable political debates. The scripts deployed here, which echo Western patterns of “personal belief” and “individual freedom,” authorize the same ideals (and imply their documents, such as the Bill of Rights and the Constitution) to accomplish different goals.

In these data, participants jointly produced “at odds” talk that exploited the diversity of frames by invoking conflicting institutional and ideological frames to warrant the others’ accountability and one’s own unaccountability for the current conflict. By using familiar scripts, and appealing to and identifying with certain authorities, participants strengthened the system of

legitimacy and rightness from which they spoke, performing moral rightness to accomplish a fraught organizational situation.

5. The consequences of taking a stand

When people take a stand, they become committed to it. This can pose a dilemma for participants when their positions are opposed, especially in complex institutional settings where contradictory political and moral ideologies are at play. In this case there are two, intersecting dilemmas. On one hand, there is the dilemma of upholding one's individual beliefs versus upholding institutional requirements. If one is seen to waver, it could suggest one is not as committed to their beliefs. Moreover, there is a dilemma of authority--does one uphold the authority of God (as interpreted through individual beliefs), or does one uphold institutional authority? The analysis demonstrates one way to navigate these dilemmas through the communication practice of account avoidance.

Our analysis showed how participants jointly avoid accounts by withholding or demanding accounts that cannot reasonably be provided, based on divergent framings of the situation locally and ideologically. In other words, they work together to deny accounts as possible based on their different views and aims. As Schiffrin (1990) notes, conflict can be as collaborative as it is competitive. If there's one thing on which the parties of this interaction are aligned on, it's that no one is going to change anyone's mind, and no one is really trying: the interaction is a performance, a ritual. They cooperate by not cooperating, because that is the language game they are playing. Though on the surface we might say their conflict strategies were unsuccessful, it's a different story if the conflict was never meant to be resolved anyway. The ritual resolves the dilemma and gives it moral meaning, if not institutionally practical effects.

At the beginning of this paper, we posed the following questions: What actually happens when people are in the midst of unyielding disagreement? How do people accomplish intractability in interaction, and what might this tell us about the social and practical achievement and function of seemingly-incompatible positions in conflict? We examined how participants in a

moral conflict appear to hold fast to their beliefs: by withholding accounts when accounts would be expected (or are explicitly demanded), demanding accounts that presuppose no reasonable account can be provided, and orienting to divergent framing through these account practices and metadiscursive comments. From a grounded practical theory perspective, this is a technique that participants seem to employ here (but it is available to, and quite visible, in many other kinds of conflicts) that functions to pragmatically accomplish moral firmness and incompatible ideological positions. This points out some of the ways in which participants orient to one another's positions as incommensurable, and (re)create their engagement as an intractable conflict. By framing another's views as unreasonable, participants show their commitment to their own principles, and producing their talk through different organizational and institutional frames allows them to operate within a variety of flexible logics. Different institutional frames were adapted to the demands of the interactional moment, rather than working to portray a consistent position across the interaction. These differentiated orientations also worked to produce disagreement rather than to seek common ground. In other words, the participants worked up their interaction as a sort of crosstalk--not developed out of misunderstanding, but out of conflicted positions.

Our analysis has contributed to empirical descriptions of disagreement in moral conflict, including some of the ways this can be pragmatically accomplished; furthermore, we showed how account avoidance and divergent framing are key ways of differentiating moral positions and producing those positions as insurmountably opposed. This allows people to put the value of being morally principled and committed to a righteous viewpoint over the resolution of a problem. It is reasonable to see the outcome of public moral debates such as this one as a ritual, in which its accomplishment is not what it appears on the surface, but rather has the function of paying homage to some virtue (Philipsen, 1992; Goffman, 1967). In this case, we propose that the value of a number of local and higher-order ideals (attaining institutional

objects, going about organizational business, coming to agreements in arguments, etc.) are sacrificed to display and uphold the moral rightness of each party's position.

In grounded practical theory, we ask how the empirical techniques participants deploy might be judged as successful or unsuccessful communication strategies. As Craig (2018) notes, pluralism is a communication problem, and this event displays exactly how competing moralities can emerge in the practice of inclusive ideas. As positive as it seems to come across as morally principled, this type of interaction has ambivalent results for interlocutors' identities as well as for the possibility of resolution or compromise. For audiences in agreement, a person may come off as admirable; for those in disagreement, they may seem stubborn at best. This also shows how, especially for debates such as this that become public and widely shared, audiences may also be influenced to differentiate and polarize. It's worth reflecting on what "doing being principled" really gets us in conversation. There are situations where that ritual is what's really going on: this case constituted a performance for an audience in relation to a highly visible political issue. But in much of the day-to-day life of organizations--and when we decide to actually make headway--perhaps it behooves us to put moving forward ahead of bolstering our own rightness, and to value being practical over being principled. Future research could explore how account sequences function in similar organizational and public conflicts to preclude attempts at common ground among interactants, and what consequences this has for audiences, public discourse, and moral problems.

Sidnell (2016) suggests that "ethical life, to the extent that it is an aspect of our relations with others, is realized in and through the moment-to-moment unfolding of social interaction" (p. 4). People take ethical stances and present selves as ethical persons through their actions together; this statement resonates with our tendency to see person's actions as consistent with their identities. In highly public, charged interactions, in which one's ethics are under scrutiny and have wider implications, conflicts can easily take on a ritual character in which upholding a moral system and one's place within it takes precedence over local intersubjective and practical

demands. In such situations, we may see the fine interactional workings of how uncompletable projects are constructed while participants are seemingly engaged in a desperate battle to get something done.

Notes

¹<https://www.youtube.com/watch?v=ComaDQijgxA>

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