For over forty years I have taught a course in argumentation at the University of Texas. A major distinction discussed in this class is the difference between argument as “advocacy” and argument as “inquiry”—the former focusing primarily on explicit appeals to persuade and the latter emphasizing discovery.

This distinction is especially useful when evaluating congressional hearings. I have observed that more often than not members of Congress do not know how to—or won’t—ask genuine and useful questions. Their penchant is to practice argument as advocacy, spending their questioning
time making speeches and asking rhetorical questions designed to support a predetermined political claim.

Last Wednesday, Alexandria Ocasio-Cortez was the exception to the rule. While questioning former Trump fixer, Michael Cohen, Ocasio-Cortez practiced argument as inquiry. Her questions were probative and focused on discovery, setting up future lines of investigation, obtaining new information, and discerning additional witnesses who might testify.

For example, Ocasio-Cortez asked Cohen specific questions about how Trump handled insurance claims and whether he provided accurate information. “To your knowledge,” she inquired, “did Donald Trump ever provide inflated assets to an insurance company?” He had. She also asked whether Trump attempted to reduce his local taxes by undervaluing his assets. Cohen confirmed that the president had also done that.

It was refreshing, therefore, to see the rhetorical uniqueness of Ocasio-Cortez’s questioning noted by media and political pundits.

The larger point, extending well beyond Cohen’s hearing, is that too often members of Congress—Republicans and Democrats—don’t know how to or won’t informatively interview witnesses. Rather, they engage in argument as advocacy; they handpick witnesses, cherry-pick answers and generally substitute posturing, self-promotion, and speechmaking for questioning. This might explain why many of our public policies are not grounded in sufficient knowledge of the problems being addressed.

Just imagine what these hearings would look like if their primary objective was inquiry rather than advocacy—if questioning led to genuine persuasion and compromise based on informed and reasoned decision making.

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