Argumentation in Practice

Edited by Frans H. van Eemeren
and Peter Houtlosser



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Argumentation in Practice

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Volume 2

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Amsterdam/Philadelphia

808.53
ARG
v.2

™ The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences – Permanence of Paper for Printed Library Materials, ANSI Z39.48-1984.

Library of Congress Cataloging-in-Publication Data

Argumentation in Practice / edited by Frans H. van Eemeren and Peter Houtlosser.
p. cm. (Controversies, ISSN 1574-1583 ; v. 2)
Includes bibliographical references and index.
1. Persuasion (Rhetoric) 2. Discourse analysis. I. Eemeren, F. H. van II. Houtlosser, Peter, 1956- III. Series.

P301.5.P47A74 2005
808.53--dc22 2004062796
ISBN 90 272 1882 X (Eur.) / 1 58811 616 6 (US) (Hb; alk. paper)

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John Benjamins Publishing Co. · P.O. Box 36224 · 1020 ME Amsterdam · The Netherlands
John Benjamins North America · P.O. Box 27519 · Philadelphia PA 19118-0519 · USA

Table of contents

List of contributors IX

Introduction 1
Frans H. van Eemeren and Peter Houtlosser

I. Forms and conceptions of argumentation

Chapter 1
"The issue" in argumentation practice and theory 11
Robert T. Craig and Karen Tracy

Chapter 2
Hearing is believing: A perspective-dependent account of the fallacies 29
Christopher W. Tindale

Chapter 3
Let's talk: Emotion and the pragma-dialectic model 43
Michael A. Gilbert

Chapter 4
Indicators of dissociation 53
M. A. van Rees

Chapter 5
A collaborative model of argumentation in dyadic problem-solving interactions 69
Matthieu Quignard

Chapter 6
The argumentative dimension of discourse 87
Ruth Amossy

Chapter 7
Designing premises 99
Jean Goodwin

Chapter 8
On the pragmatics of argumentative discourse 115
Lilit Brutian

Chapter 9
From argument analysis to cultural keywords (and back again) 125
Eddo Rigotti and Andrea Rocci

II. Empirical studies of argumentative practice

Chapter 10
The accusation of *amalgame* as a meta-argumentative refutation 145
Marianne Doury

Chapter 11
Constructing the (imagined) antagonist in advertising argumentation 163
Albert Atkin and John E. Richardson

Chapter 12
Competing demands, multiple ideals, and the structure of argumentation practices: A pragma-dialectical analysis of televised town hall meetings following the murder trial of O. J. Simpson 181
Harry Weger, Jr. and Mark Aakhus

Chapter 13
Arguments of victims: A case study of the Timothy McVeigh trial 197
Janice Schuetz

Chapter 14
Coductive and abductive foundations for sentimental arguments in politics 215
Bruce E. Gronbeck

Chapter 15
Reparations or separation? The rhetoric of racism in black and white 231
Tom Farrell and Mark Lawrence McPhail

Chapter 16
Discursive collisions: A reading of "Ellen's energy adventure" 251
V. William Balthrop and Carole Blair

Chapter 17
Aesthetic arguments and civil society 267
Gerard A. Hauser

Chapter 18
The use of arguments from perceived opposition in U.S. terrorism policy 285
Carol Winkler

Chapter 19
How could *official speakers* communicate reasonably with their king? 305
Um Hoon

Chapter 20
Argument density and argument diversity in the license applications of French provincial printers, 1669–1781 321
Jane McLeod and Hans V. Hansen

Chapter 21
Inventional capacity 337
Dale Hample

Chapter 22
The conventional validity of the pragma-dialectical freedom rule 349
Frans H. van Eemeren, Bart Garssen and Bert Meuffels

Index 367

Introduction

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1. Studying argumentative practice

Since the late 1950s the study of argumentation has gradually developed from a marginal part of logic and rhetoric into a genuine and interdisciplinary academic discipline. Although most argumentation scholars were from the beginning in the first place motivated by their interest in argumentative practice, more in particular in improving argumentative practice, in the initial stages of this development their primary concern seems to have been to create a perspective on argumentation that could serve as a good starting point for theory building. Not only Stephen Toulmin and Chaïm Perelman and Lucie Olbrechts-Tyteca, but also Arne Naess, Rupert Crawshay-Williams and later theoreticians such as the 'informal logicians', the 'natural logicians', the protagonists of 'formal dialectics' and 'pragma-dialectics' and the 'radical argumentativists' paid a great deal of attention to drawing the philosophical outlines of their various approaches and giving shape to the general theoretical frameworks they were in favour of. They usually connected their work with earlier dialectical or rhetorical traditions and with theoretical approaches from outside the realm of the study of argumentation. The interest in other theoretical approaches ranges from logical systems such as relevance logic and dialogue logic in the studies on fallacies of John Woods and Douglas Walton and in Else Barth and Erik Krabbe's formal dialectics, to psychological theories such as Piaget's in Jean-Blaise Grize's natural logic, and philosophical and pragma-linguistic conceptions of verbal communication such as Paul Grice's views of conversational maxims and implicatures, John Austin and John Searle's speech act theory and several variants of discourse analysis that can be found in the pragma-dialectical approach of Frans van Eemeren and Rob Grootendorst, the

analysis of argumentative conversation by Sally Jackson and Scott Jacobs, and in Oswald Ducrot and Jean-Claude Anscombre's argumentative linguistic approach. What these argumentation theorists have in common, in spite of all the differences, is an inclination to concentrate in the first place on developing, in different degrees of abstraction, systematic typologies and conceptual models of argumentation and general aspects of argumentative discourse that take the study of argumentation to a theoretical level.[1]

Although the development we just described has by no means come to an end, let alone resulted in general agreement on the philosophical starting points and the theoretical premises of the study of argumentation, many scholars of argumentation have shifted their focus since the mid-1980s gradually from an emphasis on philosophical perspectives and theoretical concepts to an immediate concern for the ins and outs of argumentative *praxis*. They started paying more and more attention to the characteristics of the specific forms of argumentative discourse as they present themselves in the various areas of real-life communication and the characteristics of such situated argumentative discourse. It goes without saying that they realised from the start that in this endeavour they had to distinguish clearly between different sorts of argumentative practices, or argumentative 'action types', depending on institutional and similar kinds of contextual constraints. Argumentative discourse takes always place in a particular historic context and this context can affect the argumentation systematically at the macro-level as well as the micro-level. In the study of argumentation in practice such contextual factors that have an influence on the specific features of argumentative discourse must be duly taken into account.

Just as differences in philosophical perspectives and analytic considerations have led to a great diversity in the contributions that have been made to the development of theoretical models and other theoretical constructs in the study of argumentation, differences in practical interests that argumentation scholars have and in the empirical methods they prefer to use, have resulted in a considerable amount of variety in the contributions that have been made to the study of argumentative practice. In fact, several sorts of argumentative practices and aspects of argumentative practices have been studied, they have been examined descriptively as well as normatively, making use of both qualitative and quantitative methods, concentrating on one particular case, a number of cases or on more general and broader phenomena. This volume aims to provide an insight in some prominent and interesting facets of the study of argumentative praxis and in some of the different ways in which this praxis has been approached. It is the editors' intention to present a series of contributions that make clear that,

at the best of times, practical and empirical studies are in fact closely connected with studies of argumentation that are primarily philosophical or theoretical.

Argumentation in Practice is divided into two inter-related parts. The first part, 'Forms and conceptions of argumentation', introduces various perspectives on the study of argumentation in practice. It contains essays that make clear how the authors view the problems of argumentative practice they are interested in and in what way they would like to tackle these problems. The second part, 'Empirical studies of argumentative practice', offers insight in different ways of approaching argumentative practice empirically. This part of the volume contains essays written by authors who represent a diversity of traditions in the study of argumentative practice, and includes both empirical studies of a more general kind and various types of specific case studies.

2. Forms and conceptions of argumentation

However close to argumentative practice one would like to remain, the examination of argumentative discourse, just like the study of other empirical phenomena, cannot start completely from scratch but must depart from some, at least basically articulated, theoretical perspective – be it descriptive or normative – that provides a conceptual framework that makes it possible to state the problems one is interested in and make sense of the empirical data one encounters. Such a fundamental framework will guide every analysis and every evaluation of argumentative discourse. Robert T. Craig and Karen Tracy show in Chapter 1, '"The issue" in argumentative practice and theory', that only given a certain conceptual model the analyst can observe and identify certain practical phenomena as, for instance, the 'issues' that are at stake in the discourse. In Chapter 2, 'Hearing is believing: A perspective-dependent account of the fallacies', Christopher W. Tindale stresses in regard of the evaluation of argumentative discourse that even if norms for evaluating argumentation are in some way or other "derived" from practice, rather than based on an abstract ideal, normative considerations are always also theoretical considerations, no matter what exactly their relations to argumentative practice are.

What are we actually talking about when we talk about examining argumentative practice? It is, of course, important to make clear what our subject matter is. One possibility is concentrate on one particular aspect or dimension of argumentative discourse and narrow down the focus of interest to a topic of attention that can be clearly identified. In Chapter 3, 'Let's talk: Emotion and the pragma-dialectic model', Michael A. Gilbert calls attention to the role

expressions of emotion may play in argumentative discourse. One can even go a step further and focus one's interest on a particular type of argumentative activity. In Chapter 4, 'Indicators of dissociation', M. A. van Rees zooms in on the argumentative technique of 'dissociation', which was coined and first described in Perelman and Olbrechts-Tyteca's new rhetoric but deserves more, and more detailed, attention.[2] One may also choose to stand a little further away from the particular kind of argumentative discourse one is interested in to be in a better position to bring out its distinctive features. This is what Matthieu Quignard does in Chapter 5, 'A collaborative model of argumentation in dyadic problem-solving interactions', in order to shed more light on problem-solving discussions. An even greater distance is maintained by Ruth Amossy in Chapter 6, 'The argumentative dimension of discourse'. Amossy begins her essay with a consideration concerning the phenomenon of discourse in general and then goes on to identify the argumentative aspect of that phenomenon.

Foundational theories of argumentation may not be so popular among most students of argumentative practice, in that practice itself the arguers are all the time engaged in creating foundations for their arguments. How they proceed strategically in doing this is in Chapter 7, 'Designing premises', illustrated from a rhetorical perspective by Jean Goodwin. Goodwin examines a number of verbal strategies that arguers make use of to establish an adequate starting point for their arguing. Lilit Brutian moves still closer to the problem of how argumentative activities are practically verbalised. In Chapter 8, 'On the pragmatics of argumentative discourse', she views the "way of arguments" as the "way of words". Following a pragma-linguistic approach, Brutian identifies what she regards as the general linguistic features of argumentative discourse. In doing so, she sets the stage for Chapter 9, 'From argument analysis to cultural keywords (and back again)'. In this chapter, Eddo Rigotti and Andrea Rocci highlight the cultural meaning of words by focusing on the impact of words in the persuasion process.

3. Empirical studies of argumentative practice

A great many contributions to this volume are empirical in the direct sense of dealing immediately with actual argumentative discourse. They are included in the second part of the book. Some of the authors show an apparent interest in the conventional and the institutional aspects of argumentation. Obviously, argumentative practice is always to some extent conventionalised in the sense that it is largely in conformity with the norms and rules of everyday communication

and interaction. This is not to say, however, that the conventions and norms of argumentative discourse are always immediately obvious. In Chapter 10, 'The accusation of *amalgame* as a meta-argumentative refutation', MarianneDoury elucidates the myriad argumentative functions of the mystical (French) word 'amalgame', in the process revealing the apparent normative concerns of those who use this word. An example of an argumentative area that can be considered conventionalised in a somewhat stronger sense is the practice of advertising. In Chapter 11, 'Constructing the (imagined) antagonist in advertising argumentation', Albert Atkin and John E. Richardson examine the proceedings that are followed in advertising in order to achieve the goals desired by the advertisers. The theoretical framework of discourse analysis provides the additional conceptual tools that enable them to describe these proceedings. The importance to the study of argumentation of examining such more strongly conventionalised practices is that, apart from insight in the procedures that are operative, conclusions can often be drawn that transcend the context that was studied. An example of a study that leads to more general conclusions in this sense is Chapter 12, 'Competing demands, multiple ideals and the structure of argumentation practices: A pragma-dialectical analysis of televised town hall meetings following the murder trial of O. J. Simpson', written by Harry Weger Jr. and Mark Aakhus. Some types of argumentative practice are not just strongly conventionalised but are genuinely institutionalised. This institutionalisation applies *par excellence* to argumentation in the context of law. This is exemplified in Janice Schuetz's Chapter 13, 'Arguments of victims: A case study of the Timothy McVeigh trial'.

In Chapter 14, 'Coductive and abductive foundations for sentimental arguments in politics', Bruce E. Gronbeck explores the reasoning mechanisms featured in Martha Nussbaum's analysis of what she calls 'poetic justice'. His contribution is, loosely speaking, halfway between the kind of conventional and institutional analysis that we just described and the type of analysis that belongs to the tradition of 'rhetorical criticism', whose pertinence is in the first place derived from a rhetorically inspired critical interpretations of argumentative events or phenomena. The three contributions that follow Gronbeck's can without any further ado be characterised as exercises in such rhetorical criticism. In Chapter 15, 'Reparations or separation? The rhetoric of racism in black and white', Tom Farrell and Mark Lawrence McPhail analyse the rhetorical privileging of being white as it occurs in so-called anti-reparations rhetoric. In Chapter 16, 'Discursive collisions: A reading of "Ellen's energy adventure"', V. William Balthrop and Carole Blair give a critique of the practice of corporate companies taking possession of sources of information (and persuasion) in

public life, as exemplified in Exxon Mobile's involvement in a Disney multimedia presentation project. Gerard A. Hauser explores the relationship between public art and the deliberative process in civil society in Chapter 17, 'Aesthetic arguments and civil society', clarifying this relationship by analysing the film "In the Name of the Father" as a case of art functioning as an argument form. In Chapter 18, 'Perceived Opposition as Argument in Formulating U.S. Terrorism Policy', Carol Winkler, relying on the same tradition of rhetorical criticism, provides a rhetorical interpretation of the conception of a critical audience as an argument in the presentation of a specific policy.

An argumentative analysis can sometimes lead to insight that is usually not easily achieved by specialists in the discipline to which the type of case that is analysed resorts, whether they are historians, lawyers or other professionals. Two good examples are Um Hoon's Chapter 19, 'How could *official speakers* communicate reasonably with their king?' and Jane McLeod and Hans V. Hansen's Chapter 20, 'Argument density and argument diversity in the license applications of French provincial printers, 1669–1781'. Um Hoon examines in Chapter 19 the etiquette in the ancient Korean court. In their multidisciplinary study reported about in Chapter 20, McLeod and Hansen argue that the idea that people have of a 'good printer' was established only in the first half of the eighteenth century.

There are still other types of contributions to this volume that aim to gain more general insight in the conduct of argumentation in practice by carrying out an experimental research. Dale Hample's Chapter 21, 'Inventional capacity', intends to make clear what kinds of capability are involved in realising the specific task of invention. In Frans H. van Eemeren, Bart Garssen and Bert Meuffels' Chapter 22, 'The conventional validity of the pragma-dialectical freedom rule', one of the normative 'rules for critical discussion' is the point of departure for experimental research into the relationship between theoretically motivated standards for argumentative conduct and the norms that are acceptable to ordinary arguers in argumentative practice.

Notes

1. For the theoretical development of the study argumentation and the main contributions that have been made to it, see van Eemeren et al. (1996).
2. Cf. Perelman and Olbrecht-Tyteca (1958/1969:411–419).

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PART I

Forms and conceptions of argumentation

Chapter 1

"The issue" in argumentation practice and theory

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1. Introduction

This study compares metadiscursive uses of "the issue" in two settings (college classroom discussions and public participation at school board meetings), and reflects critically between these empirical cases and the concept of issue in argumentation theory. Our intent is to pursue this critique in both directions; that is, to critique the practical discourse in light of normative argumentation theory while also considering how argumentation theory might be informed by practical considerations. Based on study of the interaction, we reflect on the ideals that would be suitable for talk in these sites. The ultimate goal of our research is a grounded practical theory, a conceptual reconstruction of discursive practices that is both rationally warranted and practically useful (Craig & Tracy 1995).

Grounded practical theory (GPT) takes the development of ideas that will contribute to the cultivation of existing communicative practices as the goal of research. It seeks to identify the problems of existing practices, discursive strategies that respond to them, and the ideals participants hold about good practice (situated ideals). Based on reconstruction of the practices in these three aspects, GPT advances proposals as to what the participants in the practice ought to reflect about as they consider how to act. Action-implicative discourse analysis is a methodological arm of GPT: It specifies how to select, transcribe and analyze practical discourse to accomplish GPT's metatheoretical aims (Tracy 1995).

GPT shares with linguistic pragmatic perspectives (e.g., Blum-Kulka, House, & Kaspar 1989; Coupland 2000) an interest in developing descrip-

tively rich accounts of how talk is conducted in a variety of communicative sites. It differs, however, from this tradition, as well as most linguistic traditions, in its commitment to building normative theory rather than empirical scientific theory. In that regard, GPT is more like critical discourse analysis (CDA) and normative pragmatic argumentation theory. Similar to GPT, argumentation theory (e.g., Goodwin 2002; Van Eemeren & Houtlosser 2002) is normative theory. It offers rational-moral principles for the critique of interaction in sites in which argumentative discourse could be expected. Both types of theory seek to develop an ideal that is rationally warranted and practically useful. But rather than beginning with a priori principles, as argument theory does, GPT begins by looking closely at interaction in particular sites, seeking to take seriously the multiple aims and points of view that are part of the focal practice. That is, GPT does not presume that there are known ideals that are universally applicable. CDA (e.g., Fairclough & Wodak 1997; Van Dijk 1993) is also a normative theory interested in fostering critique of existing practices. It differs from both argumentation theory and GPT in the focus of its critique. CDA is centrally concerned with exposing social inequality and the invisible practices of power rather than deviations from an ideal of rational discourse. In contrast to both of these two approaches, GPT pursues ideals that are both situated and multifaceted. Although recognizing that power inequities are an important dimension of most situations and that rational deliberation is a good thing, GPT does not assume a priori that either of these features will be the best lens through which to view a practice and its problems.

GPT is inductive in thrust, beginning with study of the practice of interest and moving toward more general claims. This paper proceeds accordingly. After a brief discussion of the concept of issue as it as been developed in argumentation theory, we turn to the classroom and school board sites. We describe the two discussion contexts and show how the issue was employed as a metadiscursive device (a way of talking about the ongoing talk) that serves rather different pragmatic functions in the two sites. Then, we reconstruct the interactional problems to which the different metadiscursive uses can be seen as responsive. The paper concludes with some initial thoughts on the normative basis of desirable conduct in these practices.

2. The issue as a theoretical construct

Jean Goodwin's (2002) work on a normative pragmatic theory of "Designing Issues" offers an especially useful conceptual anchor. For Goodwin, "an

issue is a more or less determinate object of contention that is, under the circumstances, worth arguing about" (p. 86). For the purposes of argumentation theory, the existence of a determinate issue can often be taken for granted as one of the preconditions for arguments to be made. In reality, however, issues are not always well defined, nor do they "simply lie there" waiting to be argued about. "An issue arises when *we make an issue of* it" in practical discourse (p. 86). Issues exist when arguers successfully design them so as to create the pragmatic conditions for argumentation to occur. "In order to make an issue of some matter, the arguer will have to (a) render it as determinate as required for the particular situation, and (b) show that, under the circumstances, it is worth arguing" (p. 88).

To understand how issues are designed in practical discourse becomes, then, a task for argumentation theory. As Goodwin points out, the issue itself is at issue in many controversies, and discursive resources for framing and defining issues play important roles in argumentative practice. The task of a normative pragmatic theory is to explain how issues can be designed so as to induce interlocutors to address them. This requires more than a mere classification of issues, for example as provided by the traditional *stasis* theory of forensic rhetoric. Following Kauffeld (e.g., 1998), Goodwin shows that designing an issue requires the use of available discursive resources to create conditions in which interlocutors will be held responsible for addressing the issue, whether it be an accusation of wrongdoing or a claim about the likely consequences of a policy decision.

Our analysis of classroom discussions and public participation at school board meetings reveals an interesting contrast with respect to Goodwin's theory of the issue. Whereas in the classroom discourse the issue was often invoked in ways that displayed some implicit attention to Goodwin's normative criteria of issue design, issues in the school board meetings were more typically designed as *non*-issues – not matters of controversy but rather obvious problems requiring specific solutions.

3. Classroom discussions

The classroom data are drawn from a corpus of student-led discussions of controversial issues in college "critical thinking" classes (Craig 1997, 1999, 2000; Craig & Sanusi 2000, 2002). Transcribed from audio- or videotapes, the discussions usually lasted about 40 minutes and involved 18–25 participants, 4–6 of whom had been assigned as a group to select an issue and lead the discussion.

Craig (1999) showed how participants in one such discussion used a theoretically informed concept of the issue as a normative resource for managing the group's interaction. Participants mentioned "the issue" when doing such things as defining a topical focus, supporting or attacking the relevance of an argument, or questioning an assumption. In performing these actions they relied on certain normative attributes of the issue that had been emphasized in this critical thinking class: that critical discussion should focus on an issue; that the issue should be a clear, unitary question; that prescriptive and descriptive issues should not be confused; and that arguments (conclusions supported by reasons and evidence) should be relevant to the issue under discussion. The issue thus served as a pragmatic metadiscursive device that enabled participants "to conduct their discussion while reflecting on the normative basis of some of the practices by which they conduct their discussion" (p. 27).

In pragmatic terms, the issue is a device for negotiating the topical focus of discussion. Presuming that the issue has a certain normative status – i.e., that discussion *should* focus on the issue – statements of the issue can be used strategically to create a context in which some lines of argument are more relevant than others and therefore easier to pursue. If different statements of the issue favor conflicting lines of argument (e.g., "right to life" versus "right to choose" formulations of the abortion issue), then the issue itself can become the issue, the focus of controversy (cf. Goodwin 2002).

Craig (2000) showed how certain ambiguities in the issue can "affect its strategic use as a normative standard for what the group should be discussing" (p. 65). "The issue" may refer to the "nominal" (officially announced) issue, the "de facto" (actually being discussed) issue, an issue that "comes up" or is "brought up" during the discussion, or the "real" issue (the underlying, important, or controversial matter that should *really* be discussed). Participants maneuver strategically among these distinctions in order to influence the topical focus of discussion: "getting back" to the issue, getting down to the "real" issue, pursuing or declining to pursue an issue that has "come up".

Issues that "come up" or are "brought up" in discussion were treated only briefly in Craig (2000). For purposes of comparison with the school board case, it is especially interesting to see how metadiscursive references to such issues were used pragmatically in the classroom discussions.

Three features that characterize the pragmatic context of these classroom discussions should be noted before proceeding. First, the institutional set-up of a critical thinking course invited the participants to couch their discourse in an "argument" frame. Although the discussions actually varied in argumentativeness, often drifted away from the announced topic, and in general were

not heavily laden with "argument" terminology (issue, conclusion, reason, assumption, evidence, etc.), the classroom environment and the official purpose of the assignment, which was to exercise critical thinking skills in a 40-minute discussion of a controversial issue, did shape the discourse in certain obvious ways. The institutional set-up supported the presumption that there was an issue, the issue was controversial, and it was appropriate to express opinions and make arguments that addressed the issue.

A second pragmatic characteristic is that the discussions were classroom exercises in which little was at stake beyond the personal skills, knowledge, and opinions of the participants, and, for the leaders, an academic grade. The students were required to discuss an issue but not to resolve or otherwise do anything about it. The classroom is not a public forum or deliberative body, and the students, who tend to be apolitical, did not generally approach it as a site of political struggle even when arguing passionately on different "sides" of the issue. In American culture, the classroom is a relatively low-risk environment for self-expression, interaction, and learning.

A third pragmatic feature of the situation is that the discussion leaders had official authority to announce and interpret the nominal discussion issue, which could then be "mentioned or alluded to by any participant as an authoritative warrant for establishing, clarifying, or criticizing the relevance of statements" (Craig 2000:65). Other participants could invoke, question, or challenge the nominal issue, or bring up other issues. Discussion could (and frequently did) drift away from the nominal issue as long as no one intervened to reassert it. The leaders, however, could intervene at any time. The nominal discussion issue, whatever its actual role in the discussion, was nothing but whatever they said it was.

Although only the leaders could announce *the* issue, other issues could *come up* in the discussion, and any participant could *bring up* an issue. Bringing up an issue or noting that an issue had come up were ways of introducing a topic for discussion, thereby authorizing the speaker to express an opinion and/or inviting others to do so. Leaders would often come prepared with lists of discussion questions, which they would bring up throughout the discussion by way of moving on to the "next" or "another" issue. Another common practice was to break the class into small groups for a preliminary exercise or discussion prior to the main class discussion, during which participants might later bring up issues that "came up" in the small groups. Issues were also brought up, apparently spontaneously in response to, or triggered by, something said in the discussion ("that brings up", "another thing", "spinning off of that"), or even out of sheer curiosity.

Regardless of how it was brought up, however, in order for an issue that was brought up to be accepted as a legitimate discussion topic, it needed to be sufficiently relevant, both to the immediate conversational environment and to *the* issue – the nominal discussion topic (for example, as a sub-issue or a larger issue implicated by the nominal issue). Otherwise, a discussion leader or some other participant might challenge it. Speakers, then, in bringing up issues, used a variety of discourse devices to establish their topical relevance, and other participants could accept such an issue (by responding in topically appropriate ways), challenge it, or modify it in some way to negotiate its relevance. On either side, this only occasionally involved labeling the issue explicitly *as* an issue (using the word "issue" or some equivalent metadiscourse marker) or *as* being "brought up".

(1) CT960410, 732–745 (Symbolism Over Substance):[1]
Mike: (go ahead) (.) yeah (.) go ahead uh::
Barb: oh this is just (.) uh: (.) I kinda (wanted) to go back to big-big business just cuz it's kinda I mean it's kind of little side line but (.) speaking of (.) uh like symbolism over substance (.) I wanna know like (.) I don't really understand that invisible hand so where is like (.) the substance in this invisible hand (.) magical hand that's gonna come down and help the little people uh:
Sam: well (.) there is not that's just basically John (.) John Adams (.) mentioned that (.) he believed ( ) that uh: (.) he said that in the free market there's an invisible hand that'll keep everything balanced out (.) yeah the free … [turn continues]

In (1), Mike, a discussion leader, recognizes Barb, who brings up a challenge to the economic concept of the "invisible hand" that had been mentioned earlier in the discussion. Barb marks her discourse in several ways to display that she is bringing up an issue that is only peripherally relevant to the nominal discussion issue ("oh this is just … kind of a little side line") yet still sufficiently relevant to earlier discussion and further warranted by personal curiosity ("kinda wanted to go back to … I wanna know). Barb's curiosity may be disingenuous, given her ironic and ideologically loaded characterization of the invisible hand ("magical hand that's gonna come down and help the little people"). Her use of irony displays that she is bringing up a controversial issue, a challenge against the concept of the invisible hand, not merely a request to define the term. Sam's reply straightforwardly addresses the issue by explaining the invisible hand with a garbled appeal to the authority of Adam Smith. This example illustrates one way in which an issue can be brought up by a participant, in-

serted coherently into the ongoing discussion, and implicitly accepted without challenge by other participants as a discussion topic.

Explicit use of the word "issue" as a metadiscourse marker often indicates a challenge or anticipated challenge to an issue that someone is bringing up. (2)–(4) illustrate such uses.

(2) CT960426, 954–985 (Capital Punishment):
Sally: I agree th't the law should be changed um just outta curiosity there's one text that says somebody comes into y'r house and attacks you you c'n shoot to kill n you will not face (.) any
Male voice: (here too)
Female voice: s'p-
Male voice: Yeah- maybe ( )
Sally: Yeah I mean what if- if- if that's basically everybody in the government's (.) ability tuh- (.) kill people intuh the hands of the people or any things like that
Susan: That's not the issue.
Sally: I figure it wo- it's the same thing though (.)
Fred: nnn I: know 't you'd be less apt to break into a house if you thought you c'd get shot (.) doing it.
Jessica: Yeah b't- what about the guy, the guy who accidentally crosses g- s guy's lot n what was it. It was accidentally w- got on the other side of the barbed wire fence there w's like a break in the fence=
Male voice: =( )=
Jessica: =this guy comes out an blows him away:: n didn' even know he was there even though he was trespassing. ((audible in-breath)) All of a sudden e's dead and this guy's freaked cuz=
Female voice: =( ) anybody (.)
((group laughter))
Female voice: like you were on my grass
((multiple voices commenting))
Susan: That makes sense. You know I mean but- but I mean that's not what we're talking about. We're talking about capital punishment for first degree murder.

In this example, Sally brings up a law that allows anyone to shoot an intruder in certain circumstances. She marks this topic change as peripherally relevant ("um just out of curiosity"). Although the topic clearly stimulates and engages the group (as displayed by the animated exchanges among Fred, Jessica, and several other participants), Susan, a discussion leader, definitively rejects it as

"not the issue" and "not what we're talking about", after which the leaders bring the discussion to a close with no further mention of this topic.

(3) CT981113, 761–769 (Sexual Attraction in the Workplace):
Jill: what about (.) sexual harassment (.) and uh (.) a role that plays (.) if you don't (.) make any rules in companies (.) an:D (.) a superior is putting pressure on someone (.) about (.) making sexual advances (.) how do you: (.) weigh that (.) because that's how sexual harassment cases start (.) in the first place (.)
Mary: I think they're both (.) two different separate issues (.) one's (consensual) and one's not . . . [turn continues]

(4) CT971203, 139–142 (Smoking Bans):
Marge: . . . so it was really close. (.) (Jenny?)
Jenny: an issue ( ) you have to go outside and smoke by yourself. Don't you think that's an issue.
Marge: right. . . . [turn continues]

In (3) Jill brings up the issue of sexual harassment, and Mary (not a discussion leader) challenges its relevance by distinguishing it from the nominal issue of romantic relationships in the workplace. Jenny in (4), having been recognized by one of the leaders, seeks confirmation that the topic she has brought up is "an issue". In this case, the issue is explicitly accepted as a topic of discussion. Apparently, so is the issue brought up in (5).

(5) CT981120, 391–401 (Capital Punishment)
Linda: What about drunk driving? I mean
John: Yeah.
Linda: If they drank and they drove I mean.
John: What if what if their parents were alcoholics and that's the life that they live. They don't get the death penalty for that.
Beth: Well that brings up an interesting question is when would the death penalty apply, or you know is it for all murders, or is it for if you are a serial killer and that's I think one of the major controversies surrounding the issue.

As we have seen, an issue that has been brought up may be accepted or challenged by other participants. Acceptance is usually implicit, indicated simply by continuing the topic. Challenge more often involves the use of explicit metadiscourse markers (issue, etc.). Sometimes, though, an issue that has been brought up is *explicitly* accepted, usually by a discussion leader, and usually as a prelude to reformulating the issue or changing the topic. In (5) Linda and John col-

laboratively bring up the issue of whether a drunk driver who kills someone (or perhaps the alcoholic parents of the drunk driver?) should be subject to the death penalty. Beth, a discussion leader, explicitly accepts the topic ("that brings up an interesting question") but immediately reformulates the issue as the broader question of crimes to which the death penalty should be applied, which she labels "one of the major controversies surrounding the issue". She thus manages to shift the topic back toward the nominal issue while explicitly accepting another issue that has been brought up.

Although much more was going on in the pragmatics of these classroom discussions than can be accounted for by argumentation theory alone, the classroom context did invite the use of an "argument" frame to manage the discourse, and argumentation theory is therefore often quite relevant to a normative evaluation of the discussions (which by that standard too often displayed an abysmal level of argumentative quality). The participants themselves quite often evaluated issues. For example, they asked for clarification of the nominal issue, argued for claims about the real issue, offered warrants for bringing up issues, and commented critically on issues that were brought up. In doing these things, they often displayed an orientation to one or both of the two normative standards defined by Goodwin (2002): that an issue must be sufficiently determinate and worth discussing. The pragmatic context constrained participants to search for issues that were sufficiently clear and controversial to sustain a "good" discussion.

4. Public participation at school board meetings

Tracy's studies of school board meetings (e.g., Tracy 2002; Tracy & Ashcraft 2001) provide a useful setting for comparison to the classroom data. In this site, the more common move was for participants to dispute what issue should be the issue. Tracy and Standerfer (2003), for instance, showed how the group's deliberation about what procedures to put in place to select a new school superintendent occurred within the context of a larger implicit issue (the competence of the Board members and whether they should be re-elected). Tracy and Muller (2001) examined how different labels that could be given to the interactional trouble the group was experiencing led to markedly different assessments of what issue was most pressing for the group to confront. The present study extends these analyses to examine how participants in a controversy that touched on matters of race and fairness, freedom of speech, and

age-appropriate school activities sought to argue what the issue "really" was. First, a few specifics about the communicative site.

School board meetings in Boulder Valley School District (BVSD), a community in the Western United States, involve an elected board of seven who oversee the staff responsible for educating more than twenty-five thousand children at 50-plus schools. Meetings, which are held twice a month in the district's administrative center, are open to the public and are broadcast over a local cable channel. A typical meeting begins with public participation, a time when community members bring concerns of any type to the board. Then the superintendent and board members offer comments and decisions are made about non-controversial actions (referred to as the "consent grouping"). Finally the school board gives its attention to the day's focal business: discussion and voting on the policy issues that are on the agenda.

The concerns that garner the board's attention in the discussion-voting segments of the meeting are ones that have made it through an informal nomination and selection process. Although any citizen, staff person or board member may propose items for the agenda, there are many more items (i.e., problems or issues) demanding attention than there is meeting time. One function of public participation, then, is to address the ever-present albeit tacit issue of "what concerns deserve the collective public attention of the board?" Issues that make it onto formal meeting agendas are ones that involve potential differences of opinion; items that are uncontroversial will be put in the consent grouping. Proposals as to what the school board *ought* to be addressing are especially likely following a controversial event.

4.1 "Barbiegate"

In the first February meeting of 2001 a dismayed dad came to the board meeting to protest the decision of his daughter's elementary school to prohibit the display of her science project as part of her school's science fair. In an emotion-filled speech, the father framed the action taken toward his daughter as highly inappropriate, raising serious issues for the school board. He began by describing his daughter's project and its results: His daughter had done an experiment that presented 30 adults and 30 5th-graders with racially black and white Barbie dolls wearing dresses of different colors where each person was asked to say which doll was prettier. The adults selected the doll with the purple dress; most of the children selected the white doll. Following his description, the father characterized the reason for his participation:

(6) *The Father:* "What I'm gonna cover is the reaction of the school, which was the antithesis of science, it's censorship, it's sweeping racial inji-issues under the rug, it's a violation of your own strategic plan, and it opens the district up to extremely serious legal liability. What the school board does with this is extremely important".

The father's comment drew a sympathetic editorial in the local newspaper, which in turn elicited additional local as well as national coverage, most of which portrayed the school in a negative light.

At the next meeting, two weeks later, speakers representing different constituencies, as well as each of the board members, offered comments on this event that one board member dubbed "Barbiegate". Speakers during public participation included the father, two representatives from the American Civil Liberties Union (ACLU), a teacher speaking for the staff of the focal elementary school, a parent, the president of the school's parent-teacher organization, and a spokesperson from the Million Man March, an African American group in a nearby large city.

In the public participation and board commentary phases of the meeting, speakers noted that they were "concerned", had "a problem with", wanted "to cover", or "speak to" something. During this hour-long segment, the term, "issue" was used 42 times. Worth noting is that usage of an argument frame in school board meetings is uncommon (Tracy & Muller 2001). By and large the typical practice in the observed meetings, and presumably in other deliberative groups, was for speakers to describe an existing bad state of affairs, speaking as if everyone would see the event in the same way. Framed a bit differently, we would say that in school board meetings the preferred way to raise an issue was to frame it as a *non-issue* – a problem that all could see in which the only uncertainty concerned what needed to be done to correct it. This, in large measure, was what the father did in his comments during the first board meeting.

4.2 Pragmatic uses of the issue in public participation discourse

In community groups responsible for developing policy and making decisions about limited resources, a first task is to determine what concerns need to be treated as issues and what can be treated as problems (situations everyone agrees are undesirable). In this context, speakers do everything they can to frame their concerns as being non-controversial, problems rather than issues. Speakers, however, cannot control how others respond and once a good number of others begin weighing in with different opinions, a problem be-

comes an issue (or set of issues). This is what happened with Barbiegate. With the media attention that the father's comment garnered, it was clear that the school district had a controversy on its hands. But what exactly was the issue? Analysis of the meeting points to three distinct but interlocked kinds of issues animating people's talk.

Issue Type 1: How should this event be assessed?

When a controversial event has occurred and parties speak out, their comments can be interrogated and understood as speaking to the issue of how the particular event should be assessed. In this case, then, all comments could be seen as addressing the forensic issue of whether the decision to remove the girl's science project was a good or reasonable one. Of interest is that the only participants who explicitly framed their comments as addressing this issue were those who defended the school's action. Participants who saw the school's action as inappropriate treated the assessment of the event as obvious (it was bad) and explicitly focused their comments on the other kinds of issues. An example of explicitly addressing the forensic issue is displayed in the comment from the teacher representing the school.

(7) *Teacher:* "I am a teacher at Mesa Elementary, and I am speaking on behalf of the staff. The staff at Mesa Elementary wants to clarify the information concerning the decision to not display the Barbie doll science fair project … [main body of the teacher's comments deleted] … We must say, however, that there is clearly more than one viewpoint, on whether the project should have been displayed, and we feel our decision was appropriate given the ages of our students, the arena of a grade school science fair, and the district's nondiscrimination policy. The project did not belong in the science fair forum, but the issues it brings up do belong in the classroom in the homes of our students. Thank you".

The teacher's statement that "there is clearly more than one viewpoint, on whether the project should have been displayed", and her following summary of arguments for the school's standpoint, implicitly cast the issue within a normative argument frame. Her concluding reference to "issues it brings up" exemplifies a less argumentatively focused pragmatic use of the issue that appears more commonly in the school board data.

Issue Type 2: What larger issues does this event raise?

Events that generate controversy generally do so by virtue of tapping into recurring concerns in a society. Yet, naming the bigger issue can itself be-

come an issue. For the Barbiegate controversy, two families of larger issues were flagged. The first focused on freedom of speech and the First Amendment to the U.S. Constitution. Consider a small part of what one of the ACLU representatives said:

(8) *ACLU Representative:* "... the ACLU's very concerned about the prohibition of this project, of the display of this science fair project ... we haven't heard anything about fear of imminent disruption of education or um of rioting or a history of that sort of thing in the school, of racist incidents at Mesa Elementary, or anything of that that sort ... it's ironic that this experiment was suppressed by the school in the name of protection of the rights of the members of minority groups. Because freedom of speech has historically been a bulwark for minority groups and viewpoints against the tyranny of the majority".

But while the ACLU and other speakers treated the Barbiegate event as raising a First Amendment issue, not everyone agreed. This is illustrated by the comments of two participants who spoke after the ACLU representatives.

(9) *Million Man March Representative:* "... We believe you are right on this issue. This is not about First Amendment, this is not a First Amendment issue. I'll be the first one to stand up as a Black man and say we stand by the First Amendment".

(10) *Elementary School Parent:* "I also don't think that this is a freedom of speech issue. I think that um the project was given the opportunity to be discussed and that was deni- that was um rejected".

The second larger concern raised by Barbiegate, actually more a topic than an issue, was related to race. By virtue of U.S. history, any event that connects to treatment or assessment of black Americans easily can become a focus of concern. But what was especially striking about this second "issue" was its vagueness. Barbiegate may have raised the "issue of race" but what exactly that issue meant was not clear. Interestingly, it was in this least determinate of contexts that the word "issue" was most often used.

(11) *Father's comments at second meeting:* "Fourth, race remains a huge *issue* in this country and clearly one that is very difficult to talk about. However, we cannot limit discussion about race merely to the sterile controlled environment of a set lesson in a classroom".

(12) *Teacher Spokesperson:* "This project brings with it much controversy. It carries the *issues* of sensitivity to race and the freedom of speech".

(13) *School Board Member:* "And this *issue* of being sensitive is important. But I don't think that we can always look for a nice controlled environment to talk about these *issues*, and we need to find a way as individuals, as teachers, as human beings to have that moment even outside of that structure. And I truly believe in my heart that this school board and this school district is totally committed to dealing with these *issues*".

More than identifying a determinate object of contention, *issue* in these cases was used as a delicate reference to point toward a morally sensitive matter (Bergmann 1992, 1998). In using the term, speakers marked that they regarded the topic in all of its facets as needing to be approached with caution.

Issue Type 3: What group-level policy should we be addressing?

Finally, in civic groups such as school boards, speakers are concerned about more than the reasonableness of a past action or a larger issue. If an event has occurred that is evaluated as bad or a larger issue has been raised, it is because the event has implications for an existing policy or points to the need for a new policy. But again, what particular policy issue an event raises is frequently disputed. For Barbiegate, four issues deserving future deliberative attention were flagged. The issues were: (1) whether the district's nondiscrimination policy infringed on freedom of speech; (2) who – the elected officials or the school administrators – should be responsible for making decisions about the handling of "these" types of events; (3) how, if at all, science fair guidelines should be revised so that this kind of event would not occur in the future; and (4) several times labeled the "real issue", what to do about the achievement gap between white and minority students.

We have referred to these four items as deliberative issues. From this group's point of view, however, rather than issues (i.e., matters of controversy), the proposals were formulated as obvious problems that needed to be addressed. And, in the intervening time since the Barbiegate controversy, many of them have returned to the group as formal agenda items. But are they problems or issues? What is the significance of these two discursive frames? *Problems*, we would suggest, are foci that a group can cooperatively turn its attention toward; they are objects a group collectively can move forward toward solving. *Issues*, on the other hand, are what come up when a problem-solving frame is challenged. Issues occur when there is contention, when a group is "stalled" and arguing about direction. A civic group that is addressing a lot of *issues* is likely to be a civic group that is ineffective. Deliberative groups will do everything

possible to frame what they are doing as solving problems rather than arguing about issues.

5. Normative reflection: Reconstructing interactional problems and situated ideals

These two cases offer an interesting contrast. In the classroom case the end goal for talk was to have a lively, focused discussion in which each participant arrived at a more thoughtful, developed understanding of an issue as well as his or her standpoint toward it. In this American classroom the primary dangers that discussion leaders faced were lack of involvement from fellow students or a lack of focus and conversational drift. Although the discussions sometimes became heated, which could be a problem for the leaders to manage, having too little rather than too much heat was the more typical danger. In the school board setting the aims of talk and the dangers were quite different. For citizens the aim was to persuade the board to take seriously a concern they had as well as to address it in a particular manner. For board members the goal was to make timely and reasonable decisions. In addition, board members wanted to do so in a way that showed citizens in the district that they took their concerns seriously. In this context the personal and political stakes for citizens and board members were high: reputations and scarce resources were on the line. Talk that became angry and emotional was a real fear; deadlocking in lengthy discussion was an ever-present danger.

The role for issues differed in these two situations. In the classroom, having an issue enabled the group to accomplish its goal of having a good critical discussion. An issue provoked controversy and helped the group achieve a livelier, more focused exchange. In the school board context, having an issue was undesirable. Issues divided the group, keeping it from making decisions or opening the group to charges of making decisions undemocratically. Issues generated negative feelings; they generated questions as to whether the board leadership was effective. In this context, then, issues were designed as *non*-issues.

A second difference between the two pragmatic contexts is the difference between staying on *the* issue and raising *an* issue. In the classroom context there was a single issue – the issue – to which all talk was expected to be responsive. *The* issue framed what could or could not legitimately be talked about. *The* issue anchored judgments of relevance and provided a normative standard for assessing how people were talking. In contrast, during public participation at school board meetings the job of speakers was to raise *an* issue: either a topic

deserving controversy or more frequently an uncontroversial problem warranting action. Although speakers could comment on what others had said, they did so infrequently. Raising different issues was legitimate; actual back-and-forth discussion of any of them was not. In this sense, civic groups can be seen as building considerable space between the raising of *an* issue and its appearance on the agenda as *the* issue for an extended period of focused discussion. Moreover, the behind-the-scenes design of *the* issues for meeting discussions seeks to strip them of as much controversy as possible.

This comparative study of two communicative contexts has revealed important variations in the meaning of the "the issue" and the ways in which participants orient to issues. The "situated ideal" (Craig & Tracy 1995) of classroom discussion is generally quite compatible with the use of an argument frame to manage the discourse. Issues are matters of controversy, and are ideally designed to be both sufficiently determinate and worth arguing (Goodwin 2002). The situated ideal of public participation at school board meetings is somewhat different. Participants actively avoid the use of an argument frame. Issues are ideally designed to be *non-issues:* obviously problematic states of affairs that can be described objectively and resolved cooperatively. Depending on the pragmatic context, issues may be designed either to sharpen and stimulate controversy or to minimize it. And as we have seen, the metadiscursive term, "the issue", contains abundant resources of ambiguity with which to pursue either goal or maneuver between them.

If we step back from our two contexts, we see that group situations may be framed as instances of controversy over issues or as problem-solving discussions. In some cases the fit between a talk occasion and a frame is likely to be so obvious that there is no sense of a frame being chosen. Such was the case in the critical thinking classroom with the argument frame; in a college math class we might expect a group problem-solving frame to be equally fitted and invisible. In situations in which the frame is straightforward, norms of evaluation, even recognizing their application is a matter of judgment, will also be relatively straightforward. In other group situations, however, there is not a single frame that is routinely adopted by participants. Either a problem-solving or a controversial issue frame might be invoked. In such contexts, school board meetings being one example, the frame becomes a rhetorical choice, a communicative action that can be assessed for practical and moral reasonableness. Identifying the factors and situation features that should guide a choice in each direction deserves systematic reflection, a task beyond what can be done in this conclusion. As a starting point for future work we would suggest that the choice of frames should be shaped by the situational importance of understanding ac-

tual opinion differences and the reasons for them, the needed quality for the decisions that the group discussion implicates, and the importance of timely action and group agreement.

Note

1. In examples from the classroom data, the title indicates the date of recording (year, month, day), transcript line numbers, and the discussion topic. Transcripts have been simplified to enhance readability. Speaker names are fictitious. The following special conversation analytic transcription symbols are used: "(.)" = brief untimed pause; ":::" = elongated syllable; "=" = no gap between utterances; "( )" = transcriber uncertainty.

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Chapter 2

Hearing is believing

A perspective-dependent account of the fallacies

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In an earlier project (Tindale 1999), I have attempted a description of 'fallacy' in terms of a "bad process" between arguer and audience that occurs in the act of arguing. This involves the key feature of exploring fallaciousness from the audience's perspective, considering ways that prevent the audience from fulfilling its role in argumentation, where it is unable to appropriately supply assumptions required to complete the argumentative exchange.

The current project has two aims: (i) the first is to explore which traditional fallacies may best be categorized as fallacies of "bad process", and give an account that justifies categorizing some fallacies under this designation; and (ii) the second aim is to organize the traditional fallacies, generally, into a preliminary taxonomy that categorizes them according to whether they involve a problem with the product, procedure, or the process of arguing (and, hence, are primarily logical, dialectical or rhetorical).[1] The question of the value of such a taxonomy will be considered through some remarks offered by Whately, and attention will also be given to the way some traditional fallacies have instantiations under more than one of the proposed categories.

It is a mistake to think that there can be one account of the fallacies, captured under a single definition like 'a fallacy is an argument that seems valid but is not', or 'a fallacy is a deficient move in argumentative discourse'. Such an approach provides the frustrating results of examples that do not fit the account and raises suspicions about the legitimacy of such a project generally.

Rather, we should review the history of fallacy treatments, from Aristotle's basic lists, through the addition of the so-called 'ad' fallacies, to the richer and more varied modern accounts, with a view to asking whether the mistakes (insofar as we must agree that if fallacies are anything they are mistakes) arise

in the product that argumentation produces (a logical perspective), the procedural rules that govern the argumentation (a dialectical perspective), or the process of addressing an audience argumentatively (a rhetorical perspective). As the ideal fails to be achieved under each of these headings, we can speak of a bad product, a bad procedure, or a bad process. It is only after exploring the essential characteristics of each of these types that we can step back and ask what, if anything, they have in common and so describe fallacies in a way that captures these essential differences.

1. The three perspectives

We might approach these perspectives in terms of their dependence on (or independence from) the context of argumentation. Thus, one perspective, the logical, treats arguments as products divorced from the contexts in which they arise. The criteria for success or legitimacy are captured by ideas like 'validity', 'soundness' or 'propositional relevance', that allow us to test arguments according to the internal relations of their parts. The corresponding fallacy will arise in terms of this internal relationship.

Thus, we can ask: *if there is a mistake here, can we assess it merely by looking at a relationship between parts of the argument and without recourse to its context?* The latter clause needs to be qualified, for we may indeed need to refer to the context to establish meaning, and errors of meaning can arise in this sense. But these precede the (re)construction of the argument itself and its subsequent testing.

The other two perspectives draw us essentially into the context. The dialectical perspective had its basis in dialogue and the idea of argumentation as a series of procedural moves in a dialectical context aimed at establishing one's thesis and/or refuting the thesis of an opponent. The criteria for success or legitimacy have to do with the correct use of the procedural rules, whether these sit outside as overriding governors of any discourse, or are agreed to by the participants for the purposes of the argument (as Socrates might solicit the commitment of his interlocutor to a particular procedural point during the course of a dialectical exchange). The corresponding fallacy will arise in relation to these rules, through their misuse or the prevention of their use.

Thus, we can ask: *if there is a mistake here, can we assess it by looking at the dialogue involved: what stage it has reached, what obligations are incurred, what agreements have been entered into? That is, where has it been and what has*

been allowed? These considerations require us to be aware of and make use of the context.

The second contextual-based perspective has its basis in the relationship between arguers or between arguer and audience, looking at the make-up of those different players, and what is appropriate or needed to convince the audience. It takes us beyond just the procedures employed to the arguer's knowledge of the audience and the active involvement of the audience in the development and success of the argumentation. The criteria of success and legitimacy have to do with gaining adherence of the audience. The corresponding fallacy will arise in relation to this goal, as the audience is impeded from performing its tasks or some feature of it (the audience) is misused or misled. That is, this perspective takes us into the domain of the audience. Thus, we can ask: *if there is a mistake here, can we fully assess it only by looking at the audience?*

This last perspective is the one that has received the least amount of attention, and so will receive more of the focus in what follows. I would point out, though, that nothing precludes a piece of argumentation being fallacious in more than one of these ways, and in fact our experience confirms that this is often the case. This, I think, has been part of the confusion. And it may be that the same 'standard fallacy' has manifestations under two or more of these perspectives.

2. A lesson from Whately

Although only recently revived as a subject of concentrated study, fallacy-theory has given rise to a number of different taxonomies over the centuries. As an example of this, and to provide something against which to discuss my own suggestions below, we can take the taxonomy set out by Richard Whately in his *Elements of Logic* (1836). Whately organizes the fallacies into two basic groupings, each of which allows of various sub-sets, and provides a chart to show the relationships among them (156). Essentially, the basic distinction is between fallacies that are logical and those that are non-logical (material). The former, which contains what I will call type-I fallacies, is characterized by the fact that the conclusion does not follow from the premises. These in turn may be deemed purely logical, or semi-logical, depending on whether the problem in question hangs on some concern with meaning. An example of a purely logical fallacy would be the 'Fallacy of the Undistributed Middle'; whereas an example of a semi-logical fallacy would be the 'Fallacy of Ambiguity of the Middle Term'. The latter obviously has to do with the meaning of the middle

term in a syllogism (although should an ambiguity be discovered, the argument in question would then presumably commit the logical fallacy of having more than three terms).

Whately's second major category, containing what I will call type-II fallacies, is characterized by the fact that the conclusion *does* follow from the premises. Again, he offers two general sub-sets of this (with further sub-sets of those): (i) those in which premises should not have been assumed; and (ii) those for which the conclusion is irrelevant. Thus, for example, the 'ad' fallacies are type-II fallacies where the conclusion of the argument is irrelevant.

Lest we be confused by his having irrelevant conclusions *follow from* the premises (type-II ii), we can understand him to mean that though the conclusion does follow logically, it is not the one required (by the audience) for the argument itself to be accepted. That is, I am required to prove a conclusion, but I prove not that conclusion but one that might be mistaken for it. Still, we might do well to dwell over this question of irrelevance of the conclusion, and to whom it is irrelevant. It will in part account for the distinction I wish to make within his type-II fallacies.

While I agree largely with the basic division Whately has made, my concern is, then, to make a further division in the second category. But there are also fallacies he has identified as type-I the categorization of which we should clarify. The fallacy associated with analogy, for example, is listed under the logical fallacies. But his discussion (pp. 176–177) clearly indicates that he is thinking here of confusions that arise from the relativity of meanings. Thus a 'sweet' taste gratifies the palate, while a 'sweet' sound gratifies the ear. Two things seem to be connected, when they have in fact no resemblance. While he refers to analogy, then, what he has in mind is closer to our treatments of equivocation, which in some instances would fit the type-I category.

Again, under type-I fallacies he includes some 'from context', including Division and Composition. But the recourse to context here is no more than is needed for any check of meaning, and the problem still lies internal to the argument itself: "since in each of these [fallacies] the middle Term is used in one Premiss *collectively*, and in the other *distributively*" (p. 180).

Disagreements with respect to type-I fallacies are not substantial, then. At least, no more than one might expect. And Whately himself anticipates this concern, defending the process in which he engages in a way that would be welcomed by anyone attempting a similar taxonomy: "if anyone should object, that the division about to be adopted is in some degree arbitrary, placing under the one head Fallacies, which many might be disposed to place under the other, let him consider not only the indistinctness of all former divisions, but

the utter impossibility of forming *any* that shall be completely secure from the objection urged, in a case where men have formed such various and vague notions, from the very want of some clear principle of division" (149). Sage advice that shows him open to adjustments to his own taxonomy, and a sentiment I would wish to share.

The question before us now is, whether it is sufficient to do as Whately has done and group together all the remaining fallacies under the broad heading of the non-logical or material. My proposal is that it is not, and it is to show this that I now turn.

3. Bad process

Let's look more closely at the distinction made earlier between procedure and process. In the first of these (procedure) the attention is on the moves in the dialogue itself: who is saying what and when, and are they abiding by agreements or following rules. In the second case, while we could also look at the procedures involved, analysis of the argument *requires* us to consider the audience: its beliefs and attitudes, the objections it raises, and the ways even that its presence influences the meanings of terms. Consider the following example:

> And the LORD sent Nathan unto David. And he came unto him, and said unto him: There were two men in one city; the one rich, and the other poor. The rich man had exceeding many flocks and herds: But the poor man had nothing, save one little ewe lamb, which he had bought and nourished up: and it grew up together with him, and with his children; it did eat of his own meat, and drank of his own cup, and lay in his bosom, and was unto him as a daughter. And there came a traveller unto the rich man, and he spared to take of his own flock and of his own herd, to dress for the wayfaring man that was come unto him; but took the poor man's lamb, and dressed it for the man that was come to him. And David's anger was greatly kindled against the man; and he said to Nathan, As the LORD liveth, the man that hath done this thing shall surely die: And he shall restore the lamb fourfold, because he did this thing, and because he had no pity. And Nathan said to David, Thou art the man. [...] And David said unto Nathan, I have sinned against the LORD.
>
> (2 Samuel, 12: King James Version)[2]

In this example, Nathan presents an analogy to David, insofar as a conclusion is drawn from that analogy and an action decided upon, we can see it as an argument. The argument is addressed to David, and this is important because in this piece we have both an arguer and an identified audience. In asking whether

the argument is a good one, we must ask whether it is good for its intended audience, David. We could, of course, ask whether it is good in itself and provide some kind of analysis of its logic, but that would surely miss the point. Arguments are directed at *someone* (or group). The success of Nathan's argument depends upon his accurate assessment of his audience's character – that he will be provoked to indignation by the story, and also, once it is revealed to him in the statement "Thou art the man", that he will see the other analogue as himself and the applicability of the conclusion, since he, David, has provided that conclusion (that such a man should be punished). This is often a crucial feature of argumentation characterized by an invitational rhetoric – the audience completes the reasoning, thereby participating in its own persuasion. If Nathan had misjudged his audience and constructed his argument otherwise, then the reasoning would fail. As it is, we have a successful argument.

We see here the case for looking beyond the procedures involved in such reasoning to the parties involved, and we cannot assess the qualities of this argument from analogy without considering the audience for whom it was intended, that is, as the term is used here, without considering the process.

From the perspective of fallacies (rather than just instantiations of argument schemes, like the above example), what should strike us in traditional definitions is the emphasis placed upon *seeming* incorrectness (the semblance of validity, in Aristotle's formulation). A fallacious argument *seems* to be correct, but is not. Such a traditional understanding as this implicitly recognizes the importance of the audience. For if an argument *seems* to be valid (or correct, or cogent), it is important to ask to *whom* it seems so. This puts us directly in the domain of the audience, the hearer(s). For it is in that domain that many fallacies will or will not appear. We must take seriously the idea that arguments that fail to address their intended audience, that fail in an essential sense of relevance, are in some ways "bad". Insofar as our understanding of 'fallacy' has been broadening and the term's definition is still under debate, then this seems as legitimate sense as any to attribute to it.

One objection that is likely to arise to this is that it seems to make the fallaciousness of an argument relative to the audience that assesses it, and hence the same argument may be relevant in one context but not in another, doing away with any stable notion of incorrectness. We can counter this by making several things clear: (i) It is not the audience that assesses an argument that matters, but the one for whom it was intended (admittedly, this will mean that sometimes we will have to reconstruct audiences as best we can when doing assessments of our own); (ii) Argumentation is context-dependent, to talk of the *same* argument in different contexts is to miss the point that, from this rhetor-

ical point of view, the context is an essential component of the argumentative situation; the argument is fallacious in *its* context, or not, nothing more; (iii) Finally, and most importantly, not knowing whether a fallacy has arisen until we have assessed a context and its audience does not mean that we lack stable notions of incorrectness (or correctness): arguers use identifiable, repeated strategies (argument schemes) which have objective descriptions; where they are appropriately applied we have measures of correctness, otherwise we have measures of incorrectness or fallaciousness. Furthermore, a crucial tool of the rhetorical perspective, drawn from the work of Perelman and Olbrechts-Tyteca (1969), is the universal audience, a standard of reasonableness alive in each particular audience that I have discussed elsewhere (see 1999: Chapter 4).

4. A perspectival taxonomy

I cannot defend a full taxonomy of fallacies in the space available here, but I will set out the proposal and address some of the placings of various fallacies under the headings 'logical', 'dialectical', and 'rhetorical' in order to illustrate the proposal in as detailed a way as possible. I begin with a chart that includes most of the more prevalent fallacies from past and recent treatments. It is not exhaustive and others could be added, but those included should be sufficient to make my points. The distinction that interests me the most is that between the dialectical and the rhetorical, so that distinction will receive the most attention in the discussion. This being said, I must allow (and echo Whately here) that in many cases what I would consider to be a rhetorical fallacy could also be recast as a dialectical fallacy simply (although it's not always so simple) by devising a rule that has been violated. Also, I have allowed that many fallacies have descriptions under each of the labels. This has, I believe, contributed much confusion over the nature and descriptions of fallacies.[3] But what I want to focus on are fallacies that fit essentially and foremost into one of these three perspectives. Perhaps in some secondary sense some of them will fit another. But it is the primary sense that will concern us here.

In the chart, a '√' indicates whether a fallacy belongs to that perspective; an 'X' excludes it from the perspective; and an '?' simply indicates that at this stage of the project it is unclear whether the fallacy belongs to that perspective.

From the chart, we can see that, for example, I would consider the fallacy of the Undistributed Middle to be a logical fallacy, the fallacy of the *ad ignorantiam* (appeal to ignorance) to be a dialectical fallacy, and the fallacy of the

Fallacy:	Logical	Dialectical	Rhetorical
Illicit Process	√	X	X
Undistributed Middle	√	X	X
Modus Ponens & Tollens	√	X	X
Composition	√	X	X
Division	√	X	X
Equivocation	√	X	√
False Cause	√	?	X
Begging the Question	√	√	X
Straw Man	X	√	√
Slippery Slope	X	X	√
False Analogy	X	X	√
Hasty Generalization (unrepresentative sample)	X	?	√
Guilt by Association	X	X	√
Ad hominem	X	√	√
Ad baculum	X	√	√
Ad Verecundiam	X	√	√
Ad Ignorantiam	X	√	X

Slippery Slope to be a rhetorical fallacy.[4] To illustrate my point I will discuss each of these.

I would assume that the assignation of the fallacy of the Undistributed Middle as a logical fallacy is uncontroversial, and I mention it only for completeness' sake. In an interesting discussion of 'fallacy' (interesting because he ponders the causes of such moves by otherwise reliable reasoners), Paul Grice (2001) provides the following example: 'Jack says to Jill (whom he does not know very well), "Career women always smoke heavily. You smoke heavily, so you must be a career woman"' (2001:6). Recognized as a syllogism (and how we make such a recognition is relevant but cannot be addressed here), we can see that the term which the premises have in common, 'people who smoke heavily' (the middle term), is positioned such that the conclusion cannot follow from it. It is possible for both Jill and 'career women' to be part of the class of people who smoke heavily without the two coinciding. That is, they could belong to different parts of the class. So the conclusion is not guaranteed by the premises. This is a feature of the internal relations of the statements involved, we do not need to know anything about the participants in this exchange, or their obligations toward each other, to make the assessment of the incorrectness of the argument. We have a logical fallacy.

Now consider the case of the *ad ignorantiam*. As a legitimate argument scheme (Walton 1996) often used in science (where for example it allows a positive conclusion to be drawn about a hypothesis in the absence of evidence disconfirming it), it allows an arguer to draw a conclusion on the basis of the absence of evidence *if* they have ascertained to the best of their ability that such evidence does not exist. That is, the argument scheme burdens the user with a dialectical obligation that he or she must fulfill to use the argument scheme correctly.

For example, an argument drawn from what I will call the 'Lomborg debate'[5] can be reconstructed to read (it is a reconstruction, so I will not attribute it to the scientist who used it) that, since the reviews that have praised Lomborg's book have been in non-science journals, like the *Economist*, and by non-scientists, and since the reviews in science journals, like *Scientific American*, have been by scientists and have involved scathing repudiations of Lomborg's arguments, then we can conclude that no scientists support his position. To argue in this way, the author is obligated to have canvassed both the two sets of journals that he cites and a reasonable sample of other reviews in order to be sure there are no counter instances to his conclusion. The legitimacy of his appeal to ignorance depends on this attempt to find evidence, and the assessor of the argumentation (whether its audience or a third party) must judge whether or not the obligation has been met. In doing so, that assessor is not looking at the internal logic of the argument itself, nor at the beliefs of the audience for which it is intended (although, in a *secondary* way such would be appropriate), but first and foremost the assessor must attend to a crucial aspect of the context, the meeting of this dialectical obligation, in deciding if a fallacy has been committed. If it has, what we have primarily is a dialectical fallacy.

The Slippery Slope involves a causal chain to an undesirable (or perhaps desirable) consequence. Since, for example, if a proposed action will set off a causal chain that, once begun, cannot be halted, and that will lead to an undesirable conclusion, then the proposed action should not be taken. It may be easy to approach this argument in a formulaic way such that we can simply appraise the probabilities involved in each claimed causal link. But the Slippery Slope argument is aimed directly at an audience. As important as the causal chain is, the conclusion hinges on the undesirability of the result. And in deciding *that*, we must consult the beliefs and values of the intended audience. Is it undesirable *to them*? If not, the conclusion does not follow, since the reason for not doing the proposed action has not been established.

Even the causal chain has its root in the rhetorical figure of the *gradatio*, a series of phrases or clauses constructed so that each, with the exception of the

first, repeats the previous item. In her recent study of rhetorical figures like the *gradatio* in argumentation, Jeanne Fahnestock (1999) includes the following example from a *New York Times* piece supporting the reintroduction of wolves into Yellowstone National Park in the winter of 1994–1995.

> 1. Carcasses of large prey, like elk, slaughtered by wolves will add nutrients and humus to the *soil*. 2. The more fertilized *soil* will support lush vegetation, probably attracting snowshoe *hares*. 3. The presence of *hares* will likely prove a lure for *foxes* and other predators. 4. The *foxes* will also prey on rodents like *mice* in the area. 5. A misplaced *mouse predator*, like a weasel, is likely to fall prey to an owl. (Stevens 1995, C1; italics added to emphasize overlapping terms; an interesting comparison can be made with the "lax" version of the same argument expressed in the text of the article.) (1999: 109)

We can imagine this causal chain placed into a (positive Slippery Slope) argument, and as Fahnestock puts it: 'the experts at scientific accommodation...realized that a gradation would most persuasively express the causal reasoning for the large, mixed audience of the *New York Times*' (p. 109). That is, in her judgment, the argument is prepared with a specific audience in mind; it is, we might say, audience-directed. And in assessing its 'correctness' we cannot ignore its rhetorical nature. There do seem to be weak links in the causal progression, but when we look for a perspective from which to judge them, the perspective we turn to must be the intended audience. Or, rather, we consult the perspective of the universal audience within that particular audience; the principle of reasonableness at work within them. Where the Slippery Slope fails to address the audience, in either its causal progression, or more particularly in its claim of undesirable consequences, then the application of the argument scheme is incorrect. We have first and foremost a rhetorical fallacy.

Let me close out this part of the discussion with two further examples, emphasizing the relationship and distinction between the dialectical and rhetorical perspectives when it comes to fallacies.

The Straw Man (or Person) fallacy, a staple of most informal logic textbooks, is not a logical fallacy. We cannot assess it without going into the context, in particular the background, of the issue and any previous argumentation. But in this case, it does not seem that we can decide which of the dialectical or rhetorical perspectives is primarily involved in its incorrectness. The following is another example from the Lomborg debate. Here a scientist, Thomas Lovejoy, in a piece commissioned by *Scientific American*, is attacking Lomborg's treatment of biodiversity:

The pattern is evident in the selective quoting. In trying to show that it is impossible to establish the extinction rate, he states: "Colinvaux admits in *Scientific American* that the rate is 'incalculable"', when Paul A. Colinvaux's text, published in May 1989, is: "As human beings lay waste to massive tracts of vegetation, an incalculable and unprecedented number of species are rapidly becoming extinct". Why not show that Colinvaux thought the number is large? Biased language, such as "admits" in this instance, permeates the book.

Lovejoy's concern seems to be with the language that Lomborg has used. But the greater problem seems to be that Lomborg has committed a Straw Man. That is, he has misrepresented Colinvaux's position by selectively quoting him to support his (Lomborg's) own ends. In doing so, Lomborg has clearly violated a widely recognized dialectical rule: do not misrepresent the opposition (for to such Colinvaux belongs). Thus, he commits a dialectical fallacy; the determination of which requires that we have recourse to the context. But, insofar as Lomborg's audience includes both the lay public and the scientific establishment, he has also failed to accommodate the beliefs and values of an important part of his audience. The principle of reasonableness within them (the universal audience) would never accept such an argument. On this front, it also is a rhetorical fallacy.[6]

I close with a further example to illustrate fallacies from the rhetorical perspective. Again, I draw on the wealth of material provided by the Lomborg debate. This is a letter to *Scientific American* by one A.B.

> In the 1970s there was a lot of excitement over two books: one theorized that our planet had been visited by friendly aliens who had helped our ancestors with all kinds of "impossible" achievements, including the building of the pyramids; another proposed paranormal explanations for the Bermuda Triangle, complete with "irrefutable" evidence. I can't remember the titles of these books or the authors' names, but I do remember watching one of them being interviewed on television. Although the interviewer was definitely hostile, the author remained confident and self-assured. After 15 minutes or so of well-informed questioning, however, the interviewer had effectively boxed his guest into a corner. At which point the still smiling, recently successful author finally stated, "If I'd said it that way, I probably wouldn't have sold many books".
>
> As far as Lomborg and his book go, I don't think we need look any further than the above statement. Also, growing up and going to school in Cambridge, England, I am extremely disappointed that Lomborg's book was published by Cambridge University Press. I just hope they realize how they have tarnished their reputation by publishing such a work. I think a more suitable vehicle would have been the checkout stand at the local supermarket, which thrives on misinformation and distorted facts.

There are several things we might draw from this example, but I want to attend to the double use of Guilt by Association. This is an argument scheme that casts aspersions on a position because of some questionable association that its holder is believed to hold. The issue is always whether 'guilt' exists, and can be transferred from one party to another. So, two questions are involved. A.B. provides two instances of Guilt by Association, one in each paragraph. In the first, he associates Lomborg with two pseudo-scientific authors of the 1970s, thereby categorizing Lomborg as non-serious and effectively dismissing him.

Having established Lomborg's 'guilt', this is transferred in the second paragraph to Cambridge University Press, Lomborg's publisher. Again, in these cases we must turn to the context to assess the reasoning. There may well be dialectical rules that we could imagine here (such as, you should establish guilt and not assume it), but first and foremost the attribution of guilt seems a rhetorical device designed to alter an audience's view of an individual or group. Would these examples be successful? Insofar, as he writes to the *Scientific American* and that publication has come out in opposition to Lomborg's work, then A.B. is accommodating the beliefs of his audience. But how does that audience "hear" this? That is, how do they receive it? And here we look again at the principle of reasonableness at work in the audience. This is an educated audience, groomed on respect for evidence and a desire to look seriously at the same. This audience cannot assess the 'guilt' of Lomborg (and hence CUP) because A.B. does not attempt to establish it. He gives a charged association on a suggestive analogy but without any support. As assessors of this argument (both arguments) ourselves, we should not allow that the audience would accept them, because the correct use of the scheme has not been followed. As such, a rhetorical fallacy has been committed (twice).

5. Conclusion

In this paper, I have begun the work of categorizing traditional fallacies according to a taxonomy that treats as violating principles of good product, procedure, or process. In particular, given the larger project of rhetorical argumentation to which this study belongs, I have stressed the matter of "bad process" and shown the viability of understanding certain fallacies in this way. Space has not allowed a fuller discussion of the range of fallacies across the three perspectives, but I hope enough has been provided to interest others in the value of such an approach. Of particular importance for future research, is a deeper consideration of fallacies that violate more than one of product, pro-

cedure or process. Why is this the case with some traditional fallacies, but not others? How might we prioritize mistakes in instances such as these?

In part of his discussion of fallacies, Whately worries about interpretation. Sometimes, when a premise is suppressed, it could be interpreted so as to commit a fallacy under either of his type-I or -II divisions. So which did the speaker intend his audience to understand? He answers: 'Surely just whichever each of his hearers might happen to prefer' (1836: 150). What Whately has in mind is that if an author is prepared to commit a fallacy to persuade an audience, then that author doesn't care how the audience hears it as long as they accept it. But the point is also that, in such cases, the fallacy (i.e. which type it is) is in the hearing, it lies with the audience. What I have argued here is that the set of cases for which this is appropriate is much larger and includes fallacies that have received much different treatments elsewhere. For in more cases than we might have been imagined the fallacy is in the hearing, or in Aristotle's 'seeming'.[7]

Notes

1. In adopting this triad, which has its roots in Aristotle's *Rhetoric*, I follow the leads of Wenzel (1979) and Habermas (1984).

2. I am grateful to David Schmeidler for this example and its discussion, as this was included in his paper 'Rhetoric and analogies' (co-authored with Enriqueta Aragones, Itzhak Gilboa, and Andrew Postlewaite), presented at the Centre for Interdisciplinary Research, University of Bielefeld, Germany, October 2001.

3. Frans van Eemeren (2001) notes that fallacy theory failed to acknowledge the shift from Aristotle's dialectical notion of fallacy to the logical, thus accounting for some of the problems. He also indicates what I would take to be a similar missed shift when he writes of the *ad* fallacies that they 'are "irrelevant" because they offer no logical justification for the opinion expressed; all the same, they may be a rhetorically effective means to persuade an audience' (p. 146). (Although I doubt that he would take such an observation to the lengths that I will here.)

4. Note that I stress the *fallacy* of each argument scheme. Because for many of these there are perfectly legitimate applications (though not for all, as we see with the Undistributed Middle); the fallacy is the incorrect application of the scheme. Hence, I would distinguish between Slippery Slope arguments and Slippery Slope fallacies, depending upon whether an instance met the conditions of correct application.

5. In 2001 Bjørn Lomborg, a statistician and political scientist at the University of Aarhus in Denmark published a book title *The Skeptical Environmentalist* (Cambridge University Press). This has subsequently given rise to a heated debate between Lomborg and his defenders and members of the scientific establishment. As an exercise in argumentation, it has proved an interesting case study.

6. I could imagine someone insisting here that even logical fallacies violate the principle of reasonableness in audiences. Indeed they do. But the point is that such contextual features as discussed here come essentially into our evaluation. Logical fallacies require no similar recourse to context.

7. An earlier version of this paper was presented at the Fifth International Conference of Argumentation, in Amsterdam, June 2002. I am grateful to the Social Sciences and Humanities Council of Canada for a grant that made my participation possible. I would also like to thank an anonymous referee for comments that have led to a number of clarifications in the final paper.

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Chapter 3

Let's talk

Emotion and the pragma-dialectic model

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1. Introduction

The purpose of this paper is to continue my programme of making space within the major argumentative theories for human emotion (Gilbert 1997, 1997a, 2001, 2002). I believe that there is, in fact, no argument, no disagreement, perhaps even no communication without at least a minimal emotional component. At the least, writers such as Damasio (1994) see emotion in the form of preference, choice and concern as necessary conditions for caring enough to take up a position. Still, it is not an essential hypothesis of this programme that there exist no argumentative interactions that are devoid of emotion. Moreover, there may be ideal critical discussions as envisaged in the Pragma-Dialectic (PD) model that are wholly rational and disinterested. It is sufficient for my concerns that the vast majority of human dissensual communications contain at least a modest element of emotional commitment.

While the fact that emotion plays some role in most argumentative interactions is sufficient to make its study important, the real key is that in many such interactions the role played by emotions is crucial. Emotional attachment explains why we hold on to a position that is clearly untenable, or defend a view that is indefensible. But even when such extremes are not at issue, the understanding of why a position appeals to a proponent is often part and parcel of the reasons for its maintenance. Moreover, in a significant number of arguments, the real issues are not those discursive matters initially raised, but rather the feelings of the proponent who raised them. In the majority, however, there is integration between the emotional and logical, an intermixing that is frequently so thorough that separation is difficult if not impossible. (This, of

course, supposes that such a separation is philosophically comprehensible in the first place.)

There are two ways in which emotion is present in argument. The first, is when we are arguing *about* an emotion. You might, for example, be claiming that I am feeling jealous or angry, acting depressed or giddy. This claim can become an issue about which we interact. On the other hand, most of the time emotion is present in arguments it is not that explicit; most of the time the emotion is around the argument rather than the subject itself. This division, however, is far from exact: emotion can move from the background to the foreground and back again quite easily. Someone might, for example, respond to your query or claim with a clear emotional tinge. When you respond to the suppressed emotional content rather than the expressed logical content, then the emotion moves from background to foreground. Once that is dealt with or passed over, the argument will likely slide back to the original subject.

As human communicators we are attuned to the emotional communications being transmitted by our dispute partners. We are aware of and constantly process messages for their sincerity, truth, and the feelings, such as anger, love and fear, embedded in them. These aspects of a message, whether explicit or implicit, frequently direct or inform our subsequent moves within the interaction. Understanding what someone means or intends, whether referring to logical or emotional content is always a matter of interpretation and processing (Gilbert 2002). Language, as Wittgenstein showed us, is rarely so simple as to be incapable of misinterpretation; no message is so straightforward as to be impossible to misunderstand. More, it is often necessary to be familiar with the language and social customs of particular sub groups in order to be able to truly follow the implicit meanings and references in their communications (Willard 1989).

I have argued elsewhere (2001) that the Pragma-Dialectic model is susceptible to reinterpretation in emotional terms provided certain changes are made. This is not a question of "adding emotion and stirring", but of using the core model as a guideline for the enterprise of guiding and understanding emotional communication. Toward this end I examined the four foundations of Pragma-Dialectics and demonstrated how the pillars of externalization, functionalization, and socialization can be straightforwardly amended to apply to emotional content. It is only the foundation of dialectification that requires major change. This was accomplished by the introduction of the notion of "Emotionalization", and the *Principle of Pragmatic Emotionalization* [PPE] (op. cit.). The heart of the matter as expressed in the PPE is that we sometimes identify a dissonance between a logical discursive message and the emotional con-

tent or context of that same message. The classic example is the dispute partner who says, angrily, "I'm not angry". We all know which aspect of the communication will have greater sway; no sensible communicator familiar with the language and culture would ignore the underlying inconsistency between the words and the message.

In what follows I want to examine another aspect of the PD programme in order to further investigate the impact of the inclusion of emotional aspects of a disagreement. In particular, I will map the stages of a dispute into the emotional arena. Toward this end I will focus on the descriptions offered in *Reconstructing Argumentative Discourse* [RSA], (Van Eemeren et al. 1993) as I believe the recommendation and strictures there are among the most liberal provided. In turn, the stages of confrontation, opening, argumentation, and resolution shall be discussed.

2. Confrontation

It is very interesting that the ways we recognize disagreement frequently involve non-discursive messages. Often a look or the tone of a comment are the clearest signals that a partner is not in accord or not wholly in accord. What is interesting in the emotional arena is that when the disagreement is not explicit, there are two separate options. The first is to acknowledge the emotional message and inquire as to the disagreement, and the second is to ignore the non-discursive component and follow the discursive. In the latter case, you are usually offered a verbal agreement or assent, but the concomitant emotional message differs. That is, the literal message is agreement, but the implicit message is not. In Example (1) the words signal assent, but the way they are offered and the intonation indicate the agreement is forced or superficial.

(1) Emma shrugs, grimaces, looks away, and says, "Sure, whatever you want".

Now, without the non-discursive signals, we might take Emma as agreeing to whatever was at stake, but given those cues she is, we can assume, not enthralled with the conclusion to which she is assenting. The proponent now has two choices. First, he can inquire as to whether or not Emma really agrees or is just being nice or avoiding the issue, etc. On the other hand, he might simply take her "at her word" and say, "Great, thanks". In other words, the implicit disagreement can be acknowledged or ignored. If it is ignored, then the confrontation stage of this sub-argument does not get started. If it is acknowledged, then a further discussion will ensue.

What is interesting is that there is a striking similarity between the emotional and logical situations. If someone produces an utterance with which I disagree, then I must make the choice as to whether or not I will pursue the disagreement. Sometimes it is not worth it; the issue is insufficiently important, a dead horse, or I am just not in the mood. But the logical, discursive does require that move to pursue as much as any other. Consider example (2).

(2) Jean-Paul says, "Take the Laurier bridge, it's faster this time of day".

I may well disagree with Jean-Paul, but decide not to follow through on that disagreement for any number of reasons. So, when I answer, "Sure", I keep my tone even to avoid further discussion. That is, I am careful not to signal a non-discursive disagreement as we well know that emotional reactions can as easily instigate a confrontation as any method. The difference, and it is significant, is that in some instances the emotional message at odds with the logical message can be ignored, *because the logical is explicit.* That is, when Emma says that it's all right, I can take that as sincere even though I am perfectly aware that it is not. This leads us to a suggestion that in good emotional argumentation, such signals would not be ignored. As it is, most arguers are perfectly aware that one ignores the emotional level at one's peril.

3. The opening stage

The opening stage of an emotional argument is very important because it is at that point that the emotional level of the argumentation is laid out, at least for that part of the argument. The question for the opening stage in an emotional argument is just how emotional it is going to be. Are we going to talk about the emotions we are experiencing? Are we going to explore the emotional aspects of the logical issues? Are we going to express our emotions, discuss them, investigate their impact? These are all ways in which we can proceed.

Confusion and difficulties can enter a discussion when there are different assumptions being made about the level of emotional input and its centrality to the subject. In fact, a great number of arguments that go awry do so because of differing expectations regarding what is being discussed. When the differing expectations concern the emotional versus the logical subject matter, the results can be severe. This is compounded by the fact that we are, ourselves, not always clear just what we expect or want.

Sometimes the emotional temperature of a discussion can change, even suddenly. In this case it is best if the opening stage is re-negotiated. But that

may not happen, in no small part because we are conditioned to ignore the emotional aspects, to pretend they are not there or are peripheral to the real activity of the discussion. In reality our feelings are crucial in explaining how and why we do things, what decisions we make and why we hold the beliefs we do. (Vide, for example, Damasio 1994.) What is needed is more direct emphasis on the emotional level and its importance. We do sometimes explicitly assert that we do or do not want to "get emotional". Statements such as the following address the matter and may lead to a re-negotiation of the opening stage.

(3) Let's not get emotional

(4) You're getting too emotional.

(5) What's wrong with getting emotional?

These, and others like them, can act as catalysts for an opening stage negotiation. One of the most important points in considering emotion in argumentation is to be prepared to re-negotiate the opening stage so that the degree of emotional communication can be established and set to the satisfaction of all parties. Doing so increases the likelihood that the partners to the disagreement are in accord as to the degree of emotional information that is being exchanged, and, importantly, the extent to which the emotional issues are the actual subject matter of the discussion.

4. The argumentation stage

Needless to say, the argumentation stage is at the heart of the Pragma-Dialectic programme insofar as it is in that stage where the actual persuasive and argumentative acts take place. This is as true of emotional argumentation as it is of logical arguments. There is a common view of emotional argumentation that involves raw emotional expression, usually anger, spewed forth in uncontrolled and frequently damaging ways. Such quarrels do occur, and can even have positive consequences (cf. Walton 1992). However, the best emotional arguments deal less confrontationally with the feelings we have about the issue at hand *and* about the person with whom we are communicating. The difficulty is that many avenues of inquiry that touch upon emotional aspects of a position are traditionally excluded from discussion. There are two reasons behind this thinking. The first is that emotional interaction will get out of hand and deteriorate the quality of the argument. The second is that emotional considerations are irrelevant to standpoints.

The idea that any argument occurs without emotional content or an emotional aspect is hard to fathom. This means that the majority of arguments do contain emotion and do, at the same time, proceed within reasonable parameters of civility. What is needed is an exhaustive examination of the rules for proceeding within an emotional milieu *while at the same time* focusing on a mutually acknowledged standpoint. There has been a fair amount of discussion of this objective from the point of view of specifically relational arguments, mostly within psychology, but more is needed from the point of view of Argumentation Theory. That is to say, we acknowledge that arguments contain an emotional element, and we also acknowledge that the emotional aspects can become more central as the argument progresses. Beginning from this, it follows that in (virtually) all arguments we need to be able to manage the emotional temperature as well as discuss and argue about the emotional components. Rules for the handling and use of emotions in argumentation are required, and this includes rules that go beyond the relational arena into the argumentative realm. (This is the next major objective of my own research.)

Some emotional arguments go beyond the ability of the protagonists to work out the details. Such *intractable* arguments are discussed in the ongoing work of Friemann (2002) and require, he argues, third party intervention. He is correct, insofar as emotional arguments can become entrenched and responses become automatic in various ways. In such instances professional assistance in the form of therapists, mediators, or other experts are properly called for.

It is not only emotional argumentation that can go awry, logical arguments can go wrong as well. Irrelevancies, faulty information, loss of topic, and bad logic can lead perfectly non-emotional people into errors and blind alleys. There is nothing about being logical that makes an argument a good one. Beginning from wrong or evil first principles, one can continue in a perfectly logical way to dreadful results. Often it is just the emotional input that is needed to humanize the argumentative process. So the answer is quite straightforward: Yes, emotional arguments can get out of hand, and when they do it can be unpleasant, but any argument in any communication mode can go awry, and there is nothing special about the logical discursive form that privileges it.

Emotional considerations are relevant to standpoints. Why someone holds a position, what goals are involved, what their objectives are, are all aspects of a position that can be considered in order to reach agreement and concord. As I have argued extensively (1996, 1997), goals are crucial to a good dispute because they allow us to explore alternative answers, solve problems, and examine positions in a rich way. Exploring motivation is not an instance of the genetic fallacy, but a way in which avenues of communication can be opened

for mutual benefit. In fact, when arguments do not proceed well, examination of the goals and needs and desires of one's partner can lead to an opening up of possibilities previously not considered. Goals, after all, are inherently emotional, since they both describe and ascribe our values, dreams, and desires. Certainly, our goals and even our desires are influenced by logical matters such as facts and beliefs, but the ultimate basis of their strength lies elsewhere. Far from being irrelevant to the standpoints at issue, emotions can be the most central items considered.

5. Resolution

One of the difficulties we face with emotional argumentation is deciding just when an argument with strong emotional content is over. Moreover, when an argument is strongly emotional, the idea of determining which of the initial standpoints has been successful may not appropriately apply. This can be seen to pose difficulties for using the Pragma-Dialectic model, (vide Gilbert 2000), unless a fairly liberal interpretation of the notion of "resolution-centred system" is used. Fortunately, there is warrant for this in RSA where such a system is described as one where "there is no other judge than the participants themselves" (25). One can argue that the resolution of an emotional argument that does not stand on clear standpoints cannot meet the requirement that "the settlement is one recognized by both parties as correct, justified, and rational" (25). But I believe that, if this requirement is taken to mean that an emotional argument cannot, ipso facto, be "correct, justified, and rational", then the very question is begged. I also believe that the inclusion of emotional arguments as possibly resolved or conjointly settled, does not do disservice to the thrust of the Pragma-Dialectic programme.

When we apply Argumentation Theory, in whatever form, to actual argumentation, then various concepts we would like to be clear necessarily become fuzzy. One such concept is resolution, and especially in the context of agreement, the idea becomes less clear. As I have argued elsewhere (Gilbert 1995), the concept of agreement is one that has many subtle meanings and shades of emphasis. In the conservative interpretation of PD, resolution occurs when either you or I withdraw opposition to a standpoint. In the liberal interpretation, it seems we can end up with a third alternative so long as we both agree completely with the result. It is this latter interpretation that is important to the resolution of emotional arguments. Furthermore, "settlement" in RSA is

something that is imposed from the outside as opposed to the joint agreement of a resolution.

The resolution of an emotional argument, it is important to remember, might occur as a subargument within a larger process. Furthermore, it may or may not end that larger process. Consider two examples.

(6) Ralph and Tony are arguing about how the examples need to be changed for the Esperanto edition of their book. Ralph suddenly looks upset.
Tony: What's wrong.
Ralph: You're not paying attention.
Tony: Of course I am.
Ralph: No, you're not listening to my points at all.
Tony: But I am, you just said, . . .
Ralph: Well, all right then, but it looked as if you weren't paying attention.

In (6) there is an emotional aside that must be dealt with before the main discussion can get back on track. Ralph's feeling that Tony was not paying attention prevented the central standpoints from being discussed.

In the following, the central standpoint becomes irrelevant once the underlying emotional issue arises.

(7) Karen and Artie have been arguing about the new work assignments. Artie has been claiming that Charles is not sufficiently experienced to take up the assignment Karen has given him.
"Frankly," Karen says, "you're not making a lot of sense. Do you really think he's incompetent".
"No, I wouldn't say that. Do you really think he can do my job?"
"No, of course not!"
"Then why," Artie replies "have you given him the assignments I was hoping for".
"Why? Because you've been killing yourself, and you're too important for me to let you burn out, that's why!"
"Burn myself out?"
"Exactly. You've been looking exhausted, and. . ."
"Oh, hell, Karen, I thought you weren't happy with my work".
"Not happy. . . That's crazy".
"Well, in that case. . ."

The question of resolution in this example is interesting. The original standpoint concerned the competence of Charles, but the real issue pertained to Artie's notion of how Karen thought of him. Once this *emotional* issue was re-

solved, the superficial logical issue disappeared. So, yes, the original standpoint was resolved insofar as Artie came to agree with Karen, but the real resolution was for the sub-argument concerning why the assignments were made the way they were. So long as we are not tied to the original standpoint in some sort of fixed way, then the resolution is acceptable. That is, both parties have come to agree that a particular standpoint is acceptable. (There is another issue here about the nature of standpoints and positions, and whether they can be isolated in simple discursive terms. See Gilbert 1997, 2000.)

6. Conclusions

The stages of argument are intended, I believe, to act as a heuristic device for the analysis of arguments. The fact is that argumentation is a process that involves the starting, ending, cessation and re-commencement of a number of sub-arguments, some of which may be in different modes from the original starting standpoint. Sometimes one of the sub-arguments can become more central and crucial to the matters at hand than the initial issue. The sub-argument may be an emotional one that is what is "really" going on, or it might be a logical matter, e.g., a "fact". In the former case we might be dealing with hurt feelings, a sense of neglect, or any one of a million emotional issues that arise daily in human interactions. In the latter case, a disagreement might be founded on a false belief, and once that is cleared up, the path to agreement and resolution is simple. Indeed, sometimes an emotional argument is dependent on a logical fact, (as in, "But I never said that!) such that the resolution of the logical issue defuses the emotional one.

Once we stop thinking of arguing about emotions as inherently different from arguing about anything else, the path to understanding them, creating models and moving forward becomes manageable. Emotional arguments, like all other arguments come in various styles, and degrees of complexity and difficulty. Our attraction to dealing with the "concrete" makes it seem as if words are easier to understand than expressions of emotion, but, in reality, we invariably trust our emotional instincts over discursive encounters (Gilbert 2002). That is why it is not uncommon for an emotional argument to rear itself at any stage of an argumentative interaction, and when it does we will do best if we are prepared for it.

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Chapter 4

Indicators of dissociation

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1. Introduction

Dissociation is one of the two main categories that Perelman and Olbrechts-Tyteca distinguish in their influential taxonomy of argumentative techniques (the other being association). They define dissociation as an argumentation scheme in which the speaker separates elements that previously were considered by the auditorium as a whole or a conceptual unit (1969:190). Perelman and Olbrechts-Tyteca distinguish dissociation from an attack against an association connecting or bringing together elements that were previously regarded as separate (1969:412). Only in dissociation a more or less profound change is brought about in the conceptual basis of an argument: one single unitary concept is separated into two, new, concepts. An example is the separation of the single concept of 'law' into two new concepts, 'the letter of the law' and 'the spirit of the law'.

Up till now, not much study has been made of dissociation. Perelman and Olbrechts-Tyteca are the only authors who have treated the technique in detail.[1] In previous publications (Van Rees 2002a, 2002b) I have investigated in which contexts and with which dialectical and rhetorical effects dissociation is actually used in argumentative discourse. In this article, I concentrate on the question how dissociation manifests itself in argumentative discourse, investigating what textual indicators there are for this argumentative technique. As a point of departure for this investigation, I first will seek clarification of the notion of dissociation.

2. The notion of dissociation

Perelman and Olbrechts-Tyteca do not give a more precise definition of dissociation than the rather vague one cited above. In various places in the chapter in which they treat this argumentative technique, however, they do mention some characteristics of dissociation. From these places we may deduce that Perelman and Olbrechts-Tyteca conceive of dissociation as an argumentative technique that serves to resolve the contradictions that a notion that originally was covered by a single term and that was considered a unity, gives rise to. Dissociation resolves these contradictions by distinguishing various aspects within that notion, some of which are subsumed under a new denominator.[2] The now reduced old notion and the new notion that has been split off are not equally valued, one is considered more important or more central than the other; therein lies the source of the argumentative potential of the technique.[3]

The expanded definition just given can help to distinguish dissociation from other, related notions. First of all, dissociation can be distinguished from the notion semantic shift (Depperman 2000). In semantic shift, different participants in a discussion use the same term (for instance, "freedom") in a different sense. Semantic shift differs from dissociation in several respects. Firstly, the multiple meanings with which the term is used suggest that no single, unitary concept actually is in use. Moreover, none of the participants tries to separate one meaning from the other one. Nor does anyone try to resolve the contradictions that result from using the term in different meanings (for instance, the consumptive society limits *vs.* extends my freedom) through reserving the term for one of the meanings while excluding and devaluating the others.[4]

The difference between dissociative and non-dissociative distinctions can now be clarified, as well. Through dissociation a number of aspects is placed *outside* a given domain, while through a non-dissociative distinction they are kept *within* a given domain. Moreover, in the former, the alternatives are not equivalent (that is what makes dissociation into an argumentative technique), in the latter, they are. The non-dissociative distinction between Newtonian physics and post-Newtonian physics (Goodwin 1991), for instance, distinguishes between two variants of physics that in principle are of equal value, albeit that the one serves to explain other phenomena than the other. The distinction would become dissociative if one of the two variants would no longer be considered true physics, that is, would be placed outside the domain of physics proper and would be valued differently from the other one. A typical example of a dissociative distinction is the slogan of a Dutch brewer "You've

got beer and you've got Grolsch". Grolsch is placed outside the category of beers and gets valued differently from the members of that category.[5]

Finally, dissociation can be distinguished from the notion of precization. Naess' (1966) definition of this notion contains important aspects of what goes on in dissociation: T0 has two reasonable interpretations, T1 and T2, such that T0 is only tenable if it is interpreted as T1 and untenable if it is interpreted as T2. An important difference is that precization merely describes existing usage. Dissociation introduces new usage and, in addition, stipulates that the term covers only one of the various interpretations. In Naess' terms, what happens in dissociation is more like definition: stipulating that T0 be interpreted as T1. But there remains a difference with dissociation: in dissociation two concepts stand side by side that, moreover, are valued differently, which is not the case in definition.

3. How dissociation manifests itself

The definition of dissociation given above also forms a starting point for gaining an insight into how dissociation becomes manifest in argumentative discourse. I sum up once more what this technique comprises. Speakers in a community use a term referring to a single unitary concept. The present speaker distinguishes various aspects in this concept and resolves the contradictions that the concept gives rise to, by redefining the original term, placing one or more aspects outside the original concept in a newly formed concept, and assigning different values to the reduced and the split off concept. The contradictions that arose from the original concept are now resolved because a statement containing a proposition in which the reduced concept occurs can now be denied, while a statement containing a proposition in which the split off concept occurs can now be asserted (or the other way around), without running into a contradiction.

From this definition a number of potential clues for dissociation can be derived. None of these is sufficient to serve as an unambiguous indicator for dissociation, but a combination may result in a strong indication that this argumentative technique is being used. Three groups of clues can be distinguished, each corresponding to a feature of dissociation. I treat the clues in each group separately, even though in the actual examples often a combination of types occurs.

3.1 Separation

The most important group of clues can be derived from the feature that is crucial to this argumentative technique: from a single unitary concept one or more parts or aspects are separated and are brought under a different denominator. If a text contains clues that such a separation is effected, that is a strong indicator of dissociation.

In the following example, one aspect of an existing unitary concept is split off.[6]

(1) Jury sports **must go back to** the circus, ice show, or freak show. Everything is all right, as long as we are delivered from them during the real sports events. **Sports are sports except** jury sports, another word for unfair. Jury sports are sometimes quite nice to watch, but they **shouldn't be made into** competitive games. *De Volkskrant* February 15, 2002

Jury sports are among the sports that are part of the Olympic Games. But in "Sports are sports, except jury sports" jury sports explicitly are separated from the concept of competitive sports. The sentence contains a (quasi-) definition of sports, through "except" separating what does not belong there. Separation is also signaled by the sentences that state that jury sports **must** be kept away from "the real sports events" and **shouldn't** be made into competitive games.

Because, before the dissociation, the various aspects of the concept that is originally regarded as a unity are expressed in one single term, and because after the dissociation that term gets a different content, all references to precization or definition or the necessity thereof can serve as a clue for dissociation. An instance of an explicitly performed precization can be found in the following example.

(2) We **should precizate** the image of the Dutchman: there is a difference between our cultural and our constitutional nationality.
De Volkskrant March 16, 2002

In the newspaper article from which this example originates, the writer defends the claim that the fact that all of us are Dutch does not mean that we all share the same culture. The notion 'the Dutchman' implies shared nationality. In this fragment of the text, however, the notion nationality is separated into two notions, cultural and constitutional nationality. With "we should precizate" the writer says explicitly that precization is necessary and after the colon she actually performs that precization.

A clue for precization is a reference to the possibility that a term can be interpreted in various ways. The most clearly this is done in expressions like "in the meaning of" or "in the sense of". An example can be found in the following fragment.

(3) Bolkestein earlier did place a rectification in VN. In this, he says: 'I meant "fraudulent declaration" **not in the technical sense of the word, but in the sense of** cooperating in giving a patently false impression of things with regard to my tax declaration'. *De Volkskrant* November 13, 1999

Earlier, Bolkestein had claimed that reporter Fons de Poel had filed a fraudulent declaration against him with the IRS. Forced to rectify, he now states that De Poel did not make a fraudulent declaration in the technical sense of the word, but that he did in another sense. The dissociation is brought about by distinguishing two senses, one of which is completely new, of the term "fraudulent declaration".

Another indicator of precization is a reference to the necessity for precization, by pointing out that there is "confusion" about a concept. This happens in the next example.

(4) The discomfort at cloning of humans seems to me to be the product of a **confusion between the notions** 'identical people' and 'genetically identical people'. *De Volkskrant* April 11, 1997

The genetic biologist quoted in this newspaper interview contests the viewpoint of people who reject human cloning because it would lead to identical people (and thus loss of human dignity). He indicates that to the term "identical" two concepts correspond, (merely) genetically identical, and identical in the sense of having no separate individuality; cloning leads to the former only, not to the latter. He indicates the necessity for this precization by pointing to "confusion" between the two concepts.

Because it is inherent to the separation of a concept that a (dissociative) distinction is made, all words and expressions signaling a distinction may form a clue for dissociation. Instances of these are "distinction", "difference", "not the same as", and "something else than".

Two types of indicators can be distinguished here: explicit and semi-explicit.

An explicit distinction is made if the speaker or writer says in so many words that a distinction must be made. This happens for instance in the following fragment.

(5) According to Jorritsma, the cabinet will not revert to a tolerance policy, as it was applied in 1997. 'That was once, but never again, we said at the time. But tolerating **is something quite different from** anticipating on a change of law which everybody thinks should be put into effect'.

De Volkskrant January 22, 1998

Minister Jorritsma has been brought to book in Parliament because she wants to adapt the allowable noise levels for Schiphol airport. Parliament is of the opinion that adaptation is the same as tolerating that the standards are exceeded, and had the minister earlier not asserted that such a policy of tolerance should no longer be put into force? Jorritsma contests the argument that adapting the allowable noise levels is the same as carrying out a tolerance policy. With the expression "is something quite different from", the minister performs a usage declarative (Van Eemeren & Grootendorst 1984) through which she brings about a dissociative distinction in which from the single concept 'tolerance' two concepts are split off, that of 'allowing a violation of legal regulations just like that' and that of 'allowing a violation of legal regulations in anticipation of a change of law that everybody thinks should be put into effect'.

A semi-explicit distinction occurs when the dissociation is not achieved through a usage declarative like the one above, but is presupposed and as such referred to. That is the case in the following example.

(6) **That is the difference between** *plaisir* and *jouissance*, between pleasure and delight, the all too easy well-being while reading and the delight of reading that can very well go with discomfort, lust and pain (...).

De Volkskrant March 15, 2002

From the notion 'delight of reading' an aspect is separated that is not considered to belong to the true delight of reading, "the all too easy well-being" that is subsumed by the denominator "pleasure". This is done semi-explicitly: the difference is not made, but presupposed ("that is **the** difference), but this difference is referred to.

In the next example, the distinction also is made semi-explicitly, but is even more embedded than in (6).

(7) The insurance company is a solid sponsor that has been financially supporting skating as a sport for a quarter of a century. (...) Apparently Blankert does not recognize **the difference** between bona-fide financiers that have made sports, and opportunist sponsors.

Algemeen Dagblad February 19, 2002

The notion of sponsor is separated here into "solid", "bona-fide financiers" (real sponsors) and "opportunist sponsors". The distinction is signaled through "the difference". The author does not *say* that such a distinction should be made, nor does he *say* that the difference exists, the difference is presupposed and presented as self-evident.

Often the dissociative distinction is made completely implicitly and only the result is visible, as in the following example.

> (8) That her grandmother is known for being ambitious and vain, she also deems irrelevant. And incorrect, as well. 'She loved beautiful clothes, but was not vain. (...) She had the gift of a profound scholarly modesty'.
>
> *De Volkskrant* January 5, 1999

From the notion 'vanity' the physical aspect of loving beautiful clothes is split off and is no longer considered to be a part of that notion. The original notion is now reduced to the mental aspect only. This separation is not explicitly performed, nor is it referred to in any way, as was the case in the examples above. The dissociation is taken as a self-evident starting-point for the opposition that is expressed. It does not need arguing that only in the explicit and semi-explicit cases we can speak of a true indicator of dissociation.

Unfortunately, the presence of words and expressions indicating a distinction as such is not sufficient to indicate dissociation; after all, they do no more than indicate a distinction. In order for them to indicate dissociation, the distinction needs to be one in which an existing unitary concept is split up, with one or more aspects being subsumed by a different denominator. The analyst has to decide in each instance whether that is the case.

Fortunately, Perelman and Olbrechts-Tyteca point out a number of indirect indications for a unitary concept having been split up: the use of paradox, tautology and opposition of synonyms. An example of paradox is: "She loved beautiful clothes, but was not vain". An example of tautology is: "You've got beer and you've got Grolsch". An example of opposition of synonyms is: "the difference between pleasure and delight".

3.2 Negation

A second group of clues results from the fact that dissociation serves to resolve a contradiction or paradox. The speaker asserts that a statement in which a term occurs is true in one interpretation of that term and denies its truth in another interpretation. Through this denial, dissociation functions as a critical technique. Of course, the mere fact that a statement is criticized is not a sufficient

indication for dissociation. But when the criticism focuses on the application of a certain concept or the use of a certain term, it can serve as an indicator.

This type of indicator takes different shapes. Explicitly it can be found in the following example.

(9) The chief conductor, in spite of what he calls a "bar on public speaking", told about a number of abuses in the company. (…) The spokesman for National Rail, though, says that **it is not a question of** a bar on public speaking for personnel, but the agreement is that personnel encounter the press through public relations officers appointed for that task.
NRC Handelsblad January 8, 2002

Explicit mention is made of a statement of a chief conductor that there is a ban on public speaking, against which the quoted spokesman for National Rail levels criticism pertaining to the use of the term "bar on public speaking". He denies that it is a question of such a bar and dissociates between a bar on public speaking and an agreement to encounter the press through public relations officers appointed for that task.

Semi-explicitly a critical reaction against a statement is signaled by all indicators for opposition, specifically the presence of "but" combined with a negation. "But" indicates – apart from certain exceptions (Snoeck Henkemans 1995) – that the speaker distances himself from a position. This is the case with both concessive and replacement "but". In a dissociation with concessive "but", with the negation following the connective, the speaker agrees with the statement that he criticizes in one of the dissociated interpretations, but not in the other. With replacement "but", with the negation preceding the connective, the speaker rejects the statement that he criticizes in one of the dissociated interpretations, and replaces it with a statement in the other interpretation. Of course, once again, the criticism must revolve around the applicability of a term or concept; the mere presence of concessive or replacement "but" is not sufficient to serve as a clue for dissociation.

An example of concessive "but" can be found in (8): "She loved beautiful clothes, **but** was **not** vain".

Instances of replacement "but" can be found in examples (3) – "**not** in the technical sense of the word, **but** in the sense of cooperating in giving a patently false impression of things with regard to my tax declaration" – and (9) – "**not** a question of a bar on public speaking **but** that the agreement is that personnel encounters the press through public relations officers that have been appointed for that task". In both examples the one statement is replaced by the other.

In cases in which explicit or semi-explicit clues for contradiction are absent, a careful study of the context may provide clues. For instance, at first sight (6) may seem an 'innocent' distinction, in which it is not clear what contradiction is solved. But if we take the preceding paragraph into consideration, we can see that there is a contradiction involved indeed.

(6a) 'When something resounds too violently', Barthes writes in his Discours, 'it makes such a lot of noise in my body that I have to give up all activity; I lie down on my bed and let, without reply, the "inner storm" pass by; unlike the Zen monk, who wants to empty himself of the images, I let myself be filled by those images, I suffer their bitterness till the very end'.
That is the difference between *plaisir* and *jouissance*, between pleasure and delight, the all too easy well-being while reading and the delight of reading that can very well go with discomfort, lust and pain (...).

In these two paragraphs, violence, noise, inner storm and bitterness are related to delight. That is a paradox that can only be solved by a dissociative opposition between easy pleasure, in which there is no place for pain, and delight, that can go together with discomfort.

Another example we find in (2). Here, too, we can only understand what contradiction is solved if we consider the context. In the newspaper column from which the fragment is taken, M. Februari argues that it makes little sense to hold up the ideal image of the Dutchman for immigrants, if the Dutch themselves maintain divergent norms and values – of which the author gives a number or examples.

(2a) For the sake of convenience the discussion about safety lately has been linked to the discussion about the multi-cultural society: if we confront all Moroccan scamps thoroughly with Dutch norms and values, the swimming pools can re-open (...).
True, in the debate on immigrants 'the Dutchman' invariably appears as a mythical hero, an indestructible unity of nationality and indigenous culture. But so indestructible, so indivisible that unity is not. (...)
It is strange that in the debate about multi-culturality so little attention is given to the meaning of being Dutch. (...) **We should precizate the image of the Dutchman: there is a difference between our cultural and our constitutional nationality.**

The contradiction that the dissociation in (2) is intended to resolve is that we, as Dutchmen, are both the same and different.

3.3 Value

A third group of clues results from the fact that the two dissociated concepts are valued differently. The one is considered more important or central than the other. In this connection, Perelman and Olbrechts-Tyteca pointed out that expressions like "real", "pseudo", and "true" point to a dissociation.

A clear example can be found in (1).

(1) Jury sports must go back to the circus, ice show, or freak show. Everything is all right, as long as we are delivered from them during **the real sports events.**

The author distinguishes jury sports from 'real' sports.

Another example is (7).

(7) The insurance company is a solid sponsor that has been financially supporting skating as a sport for a quarter of a century. (...) Apparently Blankert does not recognize the difference between bona-fide financiers that have made sports, and **opportunist sponsors.**

The author distinguishes sponsors from (merely) opportunist sponsors. The phrase "opportunist" expresses that this is a spurious form of sponsorship.

Also mentioned by Perelman and Olbrechts-Tyteca is the use of the expression "technical sense", signaling a diminished value relative to 'the' sense. An example can be found in (3).

(3) 'I meant "fraudulent declaration" not **in the technical sense of the word,** but **in the sense of** cooperating in giving a patently false impression of things with regard to my tax declaration'.

The speaker did not intend his accusation in the (merely) technical sense, but in the non-technical sense, which he apparently thinks more important.

It is no accident that the notion that is considered central is often expressed by an unmarked term, and the notion that is considered peripheral by a marked term, containing a specification or circumlocution. Examples are: sport *vs.* jury sport (1), sponsors *vs.* opportunist sponsors (7), meaning *vs.* technical meaning (3), identical *vs.* genetically identical (4), tolerance *vs.* anticipating on a change of law which everybody thinks should be put into effect (5), vain *vs.* loving beautiful clothes (8), and bar on public speaking *vs.* an agreement to encounter the press through public relations officers appointed for that task (9).

Another clue for the application of a value scale like essential-incidental, also mentioned by Perelman and Olbrechts-Tyteca, is the distinction between

theory and practice. Which of the two is valued most, is not clear in advance. An instance of opinions in practice being valued over opinions in the abstract can be found in the following example.

(10) W: yeah well this is the Rotterdam point of view what I just told you
I: isn't it a bit strange that in a small country like The Netherlands such diverging opinions reign between two large cities?
W: eh well for the moment yes you assume that there is a difference of opinion it could very well be the case that **in practice** in the end it will lead to the same result

An implicature of W's first utterance is that Rotterdam has an opinion of its own. When the interviewer questions the desirability of this, W distances himself from this implicature; he says that 'in practice' there is no difference of opinion between the two cities. He makes a dissociation between opinions in the abstract, and opinions in practice, and the latter he deems decisive.

The opposite we find in the following fragment.

(11) D: practically speaking, really, I don't see my way through it
B: but, OK, **that is practically speaking**, how how do you view it er, (.) policy-wise?

B has made a policy proposal that D rejects. Then B dissociates between practical implications of a policy and the policy itself, belittling the former in favor of the latter.

In addition to value scales of the sort of essential-incidental and real-pseudo, often a second value scale is applied to the two members of the dissociated pair, in which the one member is valued as good, the other as bad. In (1), jury sports are deemed "another word for unfair"; in (6), pleasure is identified with "all too easy well-being"; in (7), only the real sponsors are called bona-fide and solid. It is not necessarily the case, though, that the member considered central or essential gets a positive evaluation and the member considered peripheral or incidental a negative one. Examples of the opposite are to be found in, among others, (8) – 'vain', the central notion, is valued negatively, the peripheral notion 'loving beautiful clothes', positively – and (5) – 'tolerance', the central notion, is valued negatively, the peripheral notion 'anticipation on a change of law which everybody thinks should be put into effect', positively.

4. Conclusion

In order to get a better view on how dissociation is manifested in argumentative discourse, I first undertook to give a conceptual clarification of what this technique comprises. Dissociation is characterized by three features: 1. from an existing conceptual unit, expressed by a single term, one or more aspects are split off; 2. through this operation a contradiction or paradox is resolved because now a proposition can be considered true in one interpretation of the original term and false in the other; 3. the reduced and the split off concept are assigned a different value. On the basis of this characterization, dissociation can be distinguished from other, related notions.

Semantic shift (Depperman 2000) meets none of the three conditions for dissociation. One single term is used in different meanings by different discussion participants. In that respect one can hardly speak of one single unitary concept. Moreover, nobody tries to resolve the contradictions which arise from these different usages by distinguishing one meaning from the other one, assigning only one of the meanings to the term, while excluding and assigning a different value to the other.

A non-dissociative distinction does not meet the first and the last condition. The distinction can be used to resolve a contradiction, but none of the aspects that have been distinguished is placed outside of the domain in question, and one member of the pair that was distinguished is not considered more important or central than the other one.

Precization and definition do not meet the last condition. Different conceptual interpretations are distinguished within one term, but these do not receive a different value. Moreover, precization describes current usage, while in dissociation current usage is changed.

The conceptual clarification of the notion of dissociation also provides a starting point for gaining an insight into the way in which dissociation is manifested in argumentative discourse. With the three features that were distinguished, three categories of clues for dissociation correspond.

The first group of clues can be derived from the fact that dissociation involves separation of aspects from an existing unitary concept. Indicators for a usage declarative with which this is achieved are a strong clue for dissociation. All indicators, direct and indirect, for definition and precization belong to this category. A clue that is less strong are words and expressions that, explicitly or semi-explicitly, signal a distinction in the wider sense. Of course, in order to signal dissociation, the distinction made should be one in which an existing unitary concept is split up. That is to be decided by the analyst, but if in the

distinction a paradox, tautology, or opposition of synonyms is expressed, that is a strong indication.

The second group of clues can be derived from the fact that dissociation serves to resolve a contradiction or paradox, the proposition in which the original concept figures being judged true for the reduced concept and false for the split off concept (or the other way around). A negation of the truth of a proposition in itself is not sufficient to serve as a clue for dissociation, but if the criticism revolves around the application of a concept or term, it does function as an explicit clue. Semi-explicitly a critical reaction is signaled by concessive or replacement 'but' preceding or following a negation. In cases in which these indicators are absent, the context may provide clues about a contradiction or paradox that is resolved.

The third group of clues can be derived from the fact that the two dissociated concepts are assigned a different value, which gives the dissociation its argumentative potential. The value scale involved is one like essential-incidental, central-peripheral, real-pseudo. All words and expressions signaling the application of a value scale like this on the dissociated concepts form a strong indication. Moreover, the concept considered central often is expressed by an unmarked term, while the concept considered peripheral is expressed by a marked term. Often a second scale is applied as well, of the kind of good-bad. Words and expressions signaling the application of a scale like that, also function as a clue for dissociation.

None of these types of clues in itself points unambiguously to dissociation. Minimally a combination of clues for separation and clues for application of a value scale, or else a combination of clues for resolving a contradiction or paradox and clues from the two other categories is required. But the presence of one of these combinations is a strong indicator of dissociation.

Notes

1. Goodwin (1991, 1992) treats similarities between making a distinction and dissociation. Schiappa (1985, 1993) points out the essentialistic basis of dissociation. Grootendorst (1999) analyzes an example of inappropriate dissociation.

2. Parts of this definition can be found in definitions that other authors give on the basis of Perelman and Olbrechts-Tyteca's work. Van Eemeren, Grootendorst and Kruiger (1978) define dissociation as follows: 'The speaker introduces a new term aside the old one that does no longer cover all differentiations and in this way performs a dissociation that serves his argumentative purposes' (p. 284). Schellens (1985) regards dissociation 'as introducing differentiations within a concept, comparable to an activity like precization of concepts' (p.

59). Van Eemeren, Grootendorst and Snoeck Henkemans (1997) say that dissociation comprises 'introducing a separation in a set of elements that previously the auditorium regarded as a unity. In practice this means that a certain concept is distinguished from the concept of which previously it was a part' (p. 144). Garssen (1997), finally, describes dissociation as follows: 'By claiming that certain elements that the auditiorium reckons to belong to a certain concept, do not belong to that concept, the meaning of the word that expresses that concept is reduced: dissociation results in a re-definition of a term' (p. 72).

3. Dissociation may have various consequences for the use of the original term. Firstly, the term denoting the original concept may be given up, while two new terms are introduced, one for the reduced notion and one for the notion that has been split off. That is the case, for instance, in the dissociation affecting the original term "law", that term having been replaced with two new terms, "the letter of the law" and "the spirit of the law". Alternatively, the term denoting the original concept may be reserved either for the reduced, or for the split off notion, a new term being introduced to denote the other notion. In that case, the original term is redefined (even if the redefinition is not always explicitly presented as such), because the meaning of that term is reduced. An example can be found in the dissociation affecting the original term "death", the term "brain death" being introduced for the split off notion 'manifesting no brain activity', and the original term being reduced to the meaning 'manifesting no outward signs of life'.

4. Depperman, too, asserts that there is no dissociation here. But he uses the term in a different meaning from the usual one. He uses the term to indicate a lack of coherence.

5. Typical for advertisements, the slogan has a second layer, in which the dissociation is cancelled: because we know that Grolsch is a brand of beer, the slogan functions as the expression "you've got beer and you've got beer", in which two kinds of beer are distinguished, good beer and bad beer.

6. The words and expressions signaling dissociation in the feature at issue are printed bold.

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Chapter 5

A collaborative model of argumentation in dyadic problem-solving interactions

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1. Introduction

Within a cognitive approach to argumentation, our research deals with the argumentative processes of knowledge co-construction in dialogue (Baker 1999).[1] From this point of view, we have been designing experimental situations favouring argumentation in dyadic problem solving over several years (Quignard & Baker 1998; Baker, Quignard, Lund, & van Amelsvoort 2002), in order to understand the roles of argumentation in the resolution of conceptual problems (Baker 1998; Baker, Brixhe, & Quignard 2002). Whereas our previous research focussed on socio-cognitive conditions promoting emergence of argumentation between learners (Quignard 1999 from a previous work of Golder 1996), in this paper we address the problem of analysing the argumentation processes carried out in problem-solving dialogues and the interactional processes by which knowledge is collaboratively elaborated. On one hand, our cognitive approach to argumentation is naturally very closely related to studies of dialogue in pragmatics, which aim to describe or analyse the relationships between the use of language and its social or contextual implications in concrete situations. On the other hand, the phenomenon we want to explain – argumentation – has been very well described in normative models of dialectics, which give quite solid bases for defining the limits of argumentation phases, together with their specific moves, schemas (attacks and defences) and rules. The proof of the consistency of such dialectical systems (see for example Barth & Krabbe 1982) is another argument in favour of their universal domain of application. These two very different approaches to argumentation are not necessarily to be opposed when the pragmatic foundations of the logic

of these systems can be defined with some degree of formality (see for example Quignard & Baker 1997). Recent developments in pragma-dialectics (van Eemeren & Grootendorst 1992) have shown the efficiency of this combination, being both a normative and descriptive method for understanding argumentative discourse (van Eemeren et al. 1993) or for designing argumentation situations, even for the purposes of learning (see Jackson 1998).

In fact, – and without playing on words – the previously described models of argumentation meet their limits when dialogue is not yet or no longer argumentative. In other terms, when argumentation is too much considered as a verbal activity *per se* (with its own rules and own moves) there are some difficulties in taking into account the cognitive continuum underlying the dialogue, including for example rational commitments or problem-solving goals. Krabbe (1988), in an answer to Lorenz (Ibid.), stated that argumentative commitments can be contracted in non-argumentative phases (e.g. theses), and thus some argumentative rules could prevail outside argumentative phases. In a later work with Walton (Walton & Krabbe 1995), he tried to provide a logical framework for keeping track of commitments across different dialogue phases; but that approach cannot be considered as a cognitive model. Another difficulty concerns the definition of a set of argumentative moves for the purposes of describing argumentation processes. These moves cannot relate to the general process of dialogue, since they concentrate on purely argumentative objects of discourse: theses and arguments. Therefore, argumentation is disconnected from the pragmatic context of the dialogue from which it emerged, like a dialectical game interrupting a collaborative action. In fact, collaborative action (or the general goal of the dialogue) underlies argumentation, and may change at any time (for example, to a conflict dissolution, because the interlocutors need to move on to another topic). Nevertheless, it is clear that providing two separate sets of speech acts for analysing both parallel processes independently (argumentation and general dialogue) is also not a satisfactory solution since – at least for cognitive reasons – these processes are closely linked.

Therefore, a solution would be to derive argumentation moves from general dialogue categories, allowing a unique cognitive action to achieve several functions at a time. The multi-functionality of utterances has been already used in many cases to explain the diversity of things one can do with only a few words. Authors like Allwood (1995) or Bunt (1994) have used it to distinguish task-oriented speech acts from dialogue control ones (for interaction management). Our main idea is based on the pragmatic conception of dialogue of Morris or Clark, who considered it as a verbal problem-solving activity (people use language for collaborating with respect to a given problem). The key aspect

of our approach is to consider argumentation as a specific case of problem-solving, where the problem to be solved is a "conflict of avowed opinions" (Barth & Krabbe op. cit.).

In this framework, three basic and independent components are required for identifying the *problem-solving functions* of utterances, i.e. the way the locutor intends the problem situation to be transformed or improved: universe of reference, interlocutory orientation and critical thinking operation. Two supplementary components are required to describe the *dialectical function* of the same utterance: the proponent of the thesis and the argumentative polarity of the argument. Since the independence of these components can be shown, a systematic classification of dialectical functions of utterances can be elaborated, giving rise to eighteen mutually exclusive categories covering the classical dialectical moves and other argumentation moves that contribute to conflict resolution in a non-orthodox manner (such as clarification or ratification moves in dialectics).

Such a systematic decomposition of argumentation moves provides a powerful analytic method, since the identification of five independent criteria allows us to choose within the large set of the resulting categories. Another benefit of such a method is to provide a schematic representation of dialogical argumentation that can be used either by participants to externalise and reflect on their opinions or to analyse argumentative activities (dialogues or texts).

In the following sections we present our collaborative model of argumentation in problem-solving dialogues and its graphical extension. We illustrate the theoretical and the graphical model by extracts from corpora of argumentative interactions between students. Finally, we explore some of the limits of these models and suggest some improvement for further research.

2. A collaborative model of argumentation in dyadic problem-solving interactions

Our model for analysing argumentation follows the pragmatic and collaborative view of language, whose function is to coordinate actions and cognitions of participants for solving a common problem (Clark & Schaefer 1989). We postulate that a problem is always at the origin of a dialogue, even if it is not explicitly defined. Dialogic activity is thus oriented towards the achievement of a certain goal, which can be a concrete, practical result or else a pure social (or even phatic) role. With respect to this conception of dialogue, speech acts are

by definition the basic actions that take part to the resolution of this particular problem, and thus cannot be defined intrinsically within language.[2]

Analysing dialogues consists thus in the identification of problem-solving functions of utterances, i.e. the manner in which each utterance contributes to the resolution of the various problems arising throughout the dialogue.[3] Such a problem can, of course, be the original problem that triggered the interaction and its correlated questions; but it can also correspond to dialogal or interactional problems arising in conversation (perception, turn management, time management, understanding difficulties), due to the dialogue activity itself (see the feedback functions of Allwood 1995, or dialogue control acts in Bunt 1994). In this framework, utterances are already multi-functional, since they can contribute at any time to the main problem (we call it *dialogic*) and to the control of dialogue (we call such problems *dialogal*). These basic functions are analysed according to the following criteria:

- *Universe of reference*: this first criterion denotes the problem the utterance focuses on and can be further developed when we specify which particular aspect of the problem the participant would like to address. If the universe of reference is the problem-solving task (for example, in a learning situation), we can identify whether the participants focus on a particular solution, a rule, a notion, etc. For dialogal problems, we can specify whether the utterance concerns the dialogue structure (opening, topic management, closing), mutual understanding, time or turn management, etc.
- *Critical thinking operation*: this criterion defines the cognitive action that the speaker expects to locally improve the problematic situation. We distinguish two kinds of operations: *evaluations* (axiological contributions), whose function is to judge, appreciate or evaluate a situation or a particular point of the problem, and *elicitation* (epistemic contributions), which transforms the state of knowledge by some conceptual operations such as explanation, reformulation, inference, etc.
- *Interlocutory orientation*: in the utterance, the speaker expects one particular participant to perform the cognitive action on the problem. Speakers produce their contributions within the interlocutory space of the interaction. The expected *agents* can be speakers themselves, in a case of a direct contribution, or other participants if they request someone else to produce the cognitive action.

Each utterance is then analysed at least on the basis of what problem(s) is (are) to be solved, by whom and by means of which cognitive operation(s). Each triplet of <referent, critical thinking operation, interlocutory orienta-

tion> defines one problem-solving function, allowing a single utterance to be multifunctional. This framework may be easily developed to make the analysis more accurate, depending on which particular aspect of dialogue the analyst is interested in.

In the framework of an argumentative phase, – i.e. in a dialectical sense, a dialogue situation involving defense of previous statements – all statements automatically refer to theses. The argumentative problem is thus a "conflict" to be solved, or at least an agreement to be reached with respect to one or more theses. Argumentation is thus to be analysed as a particular case of dialogal problem solving (the highest stage of Allwood's model of communication: determine attitudes towards an agreement). The u*niverse of reference* in argumentation is thus composed of the conflicting theses, that we identify by their *proponents* (my thesis, MT, or your thesis, YT). Another criterion is also needed to understand the argumentative function of utterances: the *argumentative orientation* of the contribution – in favour (PRO) or not (CONTRA) – with respect to the thesis. We retain the typology of critical thinking operations (evaluations and elicitation) even if they are termed differently in an argumentative context: evaluations have functions of *taking dialectical positions* (TDP) and elicitations of *providing arguments* (ARG).

The combination of these 4 independent criteria gives rise to a large set of 18 dialectical functions, listed and explained in the following table (Table 1). The following are examples of these dialectical functions:

- ARG-PRO-MT: the speaker provides an argument in favour of his own thesis;
- REQ-ARG-PRO-YT: the speaker asks his opponent to provide an argument in favour of her thesis (ask for justification);
- TDP-CONTRA-MT: this is a case of a retraction of a thesis, up to here defended by the speaker;
- REQ-TDP-MT: the speaker asks his opponent to take a position with respect to his thesis.

We note that concession is not present in the table. It is actually a conjunction of an argument and a dialectical position with an opposing dialectical orientation (for example ARG-CONTRA-MT + TDP-PRO-MT).

The main utility of this classification is to cover the classical categories of dialectical systems and to propose new categories whose function is to clarify the dialectical situation. Though these categories are not provided in formal models, they are quite often used in natural dialogues. For example ARG-CONTRA-MT justifies a retraction, REQ-TDP-PRO-MT and REQ-

Table 1. Dialectical functions

Systematical Dialectical Analysis				Dialectical functions	
Interlocutory Orientation	Critical Operation	Dialectical Position	Thesis Proponent	Dialectical function	Designation
Speaker = Self Agent = Self –	Take a Dialectical Position (TDP) *I say…*	acceptance (PRO) *that I accept…*	Self (MT) *of my thesis* Other (YT) *your thesis*	I maintain my thesis I accept your thesis	TDP-PRO-MT TDP-PRO-YT
		opposition (CONTRA) *that I do not accept…*	Self (MT) *to my thesis* Other (YT) *your thesis*	I retract my thesis I oppose to your thesis	TDP-CONTRA-MT TDP-CONTRA-YT
–	Argue (ARG) *I give you a reason*	acceptance (PRO) *to accept…*	Self (MT) *of my thesis* Other (YT) *your thesis*	I argue for my thesis I argue for your thesis	ARG-PRO-MT ARG-PRO-YT
		opposition (CONTRA) *to not accept…*	Self (MT) *to my thesis* Other (YT) *your thesis*	I argue against my thesis I argue against your thesis	ARG-CONTRA-MT ARG-CONTRA-YT

Table 1. (*continued*)

Systematical Dialectical Analysis				Dialectical functions	
Interlocutory Orientation	Critical Operation	Dialectical Position	Thesis Proponent	Dialectical function	Designation
Speaker = Other Agent = Self REQ	Take a Dialectical Position (TDP) *to express my position*	open choice (Ø) *with respect to*	Self (MT) *my thesis* Other (YT) *your thesis*	I am asked to take a position w.r.t. my thesis I am asked to take a position w.r.t. your thesis	REQ-TPD-MT REQ-TDP-YT
	Take a Dialectical Position (TDP)	acceptance (PRO)	Self (MT) *my thesis*	I am asked whether I maintain my thesis	REQ-TDP-PRO-MT
		that I accept…	Other (YT) *your thesis*	I am asked whether I accept your thesis	REQ-TDP-PRO-YT
		opposition (CONTRA)	Self (MT) *to my thesis*	I am asked whether I retract my thesis	REQ-TDP-CONTRA-MT
	to confirm	*that I do not accept…*	Other (YT) *to your thesis*	I am asked whether I oppose your thesis	REQ-TDP-CONTRA-YT
	Argue (ARG)	acceptance (PRO)	Self (MT) *of my thesis*	I am asked to argue for my thesis	REQ-ARG-PRO-MT
		to accept…	Other (YT) *your thesis*	I am asked to argue for your thesis	REQ-ARG-PRO-YT
		opposition (CONTRA)	Self (MT) *to my thesis*	I am asked to argue against my thesis	REQ-ARG-CONTRA-MT
You ask me	*to give you a reason*	*to not accept…*	Other (YT) *your thesis*	I am asked to argue against your thesis	REQ-ARG-CONTRA-YT

ARG-PRO-MT respectively ask to confirm the acceptation of the opponent's thesis and to justify it.

Another useful aspect of the classification is practical rather than theoretical. Such a systematisation based on the independence of four criteria guarantees that the sets of functions will cover all the cases, with mutually exclusive categories, and provides a practical and powerful method for analysing argumentation since 4 categorisations are sufficient to identify, without uncertainty, the appropriate category amongst the others.

3. Corpus sample 1: A chat interaction analysis

In Table 2, we present the argumentative phase of a problem-solving dialogue between two students. In a school physics exercise, these two 16-year-old girls discussed with each other via synchronous typewritten computer-mediated communication (cf. CHAT), in order to solve the following problem: model energy flow (storage, transfer and transformation) in an electrical circuit composed of a battery and a bulb connected to each other with two wires.[4] The main difficulty of this exercise is to not confuse energy flow with electrical current, and to understand that electrical work transfers the energy from the battery (initial *reservoir*) to the bulb, transforming the energy into light and heat that are in turn released into the environment (final *reservoir*). Note how the graphical solution is different from the electrical circuit diagram.

The names of the two students have been changed to preserve anonymity and their dialogue has been translated into English from the original French, without rendering the original orthographic or typographic mistakes (we kept, however, capitalised words and most of the students' punctuation). This dialogue also contained an extensive closing phase that has not been reproduced here.

Their dialogue begins immediately with a dialectical phase involving a mixed conflict, where each participant maintains her thesis (TDP-PRO-MT) against her opponent's (TDP-CONTRA-TT). Anna's argumentation (A5) leads Daisy to retract her thesis (It is "true" that there must be only one transfer) even if she maintains her critique with respect to Daisy's thesis (it would be "logical" to have two wires). In the remainder of the dialogue, Daisy requires the help of Anna to dissipate her doubts (D8) and to be convinced with respect to her solution (D20).

An important episode happens between utterances D10 and A17 when, after the reformulation of her thesis by her opponent (D10), Anna retracts her

Table 2. Analysis of an argumentative chat interaction

N	Mn:ss	Speaker	Utterance	Analysis
A1	0:05	Anna	Hi!	
D2	1:45	Daisy	What do think of it ? of this thesis?	*REQ-TDP-MT*
A3	2:56	Anna	I think, there is only one transfer, the wire	*TDP-CONTRA-YT* *TDP-PRO-MT*
D4	4:16	Daisy	I think there are two, the wires, the positive wire and the negative wire	*TDP-PRO-MT*
A5	6:25	Anna	The transfer is between the reservoir and the transformer, so it is only the positive wire	*ARG-PRO-MT* *ARG-CONTRA-YT*
D6	7:37	Daisy	wait, i'm thinking	
A7	9:17	Anna	I'M WAITING BY THE WAY I FORGOT TO GO TO THE	
D8	14:03	Daisy	BATHROOM… Well, after a reflection, reading again, it is true that there must be a transfer between a reservoir and a transformer. I don't think it's logical since we have two wires. Can you explain why I have this feeling ?	*ARG-PRO-YT* *ARG-CONTRA-YT*
A9	18:19	Anna	I am more and more in doubt. But I think, when they say on the sheet that a transfer is achieved by the way of an electric moving, it is correct i don't know	*ARG-PRO-MT*
D10	21:52	Daisy	So for you the electric current as they say, i say it is done by two wires but in one form called TRANSFER…	*REQ-TDP-PRO-YT*
A11	22:09	Anna	Yes	*TDP-PRO-MT*
D12	22:28	Daisy	OK ?	*REQ-TDP-PRO-YT*
A13	24:33	Anna	I think i made a mistake. It was all on what we disagreed so we have finished	*TDP-CONTRA-MT*
D14	26:48	Daisy	NO… because my explanation meant that I understood your reasoning. Read again and you'll see !	
A15	29:14	Anna	Well, so these two wires are called TRANSFER. So in this circuit, there is only one wire?	*TDP-PRO-MT*
D16	30:49	Daisy	You don't seem very sure of yourself and you haven't completely reassured me.	*REQ-TDP-PRO-YT* *TDP-CONTRA-YT*
A17	37:08	Anna	But yes in this circuit there is only one transfer. The two wires are its components. Uuh I just thought of something: if the transfer was just the positive wire since on the sheet they say that a transfer is from the reservoir to the transformer so from the battery to the bulb	*TDP-PRO-MT* *ARG-PRO-MT* *TDP-PRO-MT'*
D18	39:54	Daisy	Yes so you deduce… Answer A, there are 2 transfers, answer B there is one?	*REQ-TDP-PRO-YT* *REQ-TDP-PRO-YT'*
A19	40:39	Anna	There is only one: the positive wire	*TDP-PRO-MT'*
D20	42:56	Daisy	YOU CONVINCED ME, there is only one, excuse me for this loss of time that was very pleasant	*TDP-PRO-YT'*

thesis (A3) and Daisy asks her to uphold her role of proponent (D14, D16). This reformulation in fact hides a new solution (the correct one), elaborated as a compromise between Anna's solution (one transfer) and Daisy's solution (two wires). But when Anna seems to be convinced by this solution (A17), she returns to her initial thesis in which there was only the positive wire as a transfer. Daisy asks Anna to take a clear position between her two theses, and follows Anna's final choice: the transfer is achieved by the positive wire only.

The dialectical analysis shown on the last column of the table shows the dissymmetry of collaboration in this problem-solving and conflict resolution sequence:

1. *Theses* (*dialectical referents*): only 4 argumentative moves refer to Daisy's thesis (utterances 2 to 5), whereas 19 refer to Anna's throughout the dialogue. The major part of argumentation (8 to 20) is thus organised like a simple conflict where Daisy critiques what Anna proposes.
2. *Interlocutory orientation*: Anna performs only direct contributions. Daisy charges Anna to provide answers to Daisy's questions.
3. *Critical thinking operations*: the cognitive activity of the participants is essentially axiological and rarely epistemic (17 vs. 6). This argumentation phase is thus rather deliberative; very few arguments have been produced.

These briefly presented results reveal a quite original form of argumentation that classical models of dialectics would have some difficulties to apprehend. It is a case of a simple conflict, won by the proponent, whose resolution does not come about by means of convincing arguments, but rather *by the expression of a convinced opinion*: Daisy accepted Anna's thesis as soon as the latter seemed to be convinced. The rare arguments provided in the dialogue – and even a reformulation – leave few opportunities for co-constructing a new solution. Agreement is achieved with respect to Anna's initial solution, through the eradication of Daisy's solution (it is too close to the electrical circuit diagram to integrate the constraints of the energy model).

4. A graphical representation of dialogical argumentation

Since argumentation moves can be decomposed into four basic sub-components, we can use the previously described model to providing a graphical language for argumentation. Boxes will represent the epistemic parts of arguments; directional arrows (links) will make explicit the reference of the argument to the thesis. On such links we put a node with a label for their ar-

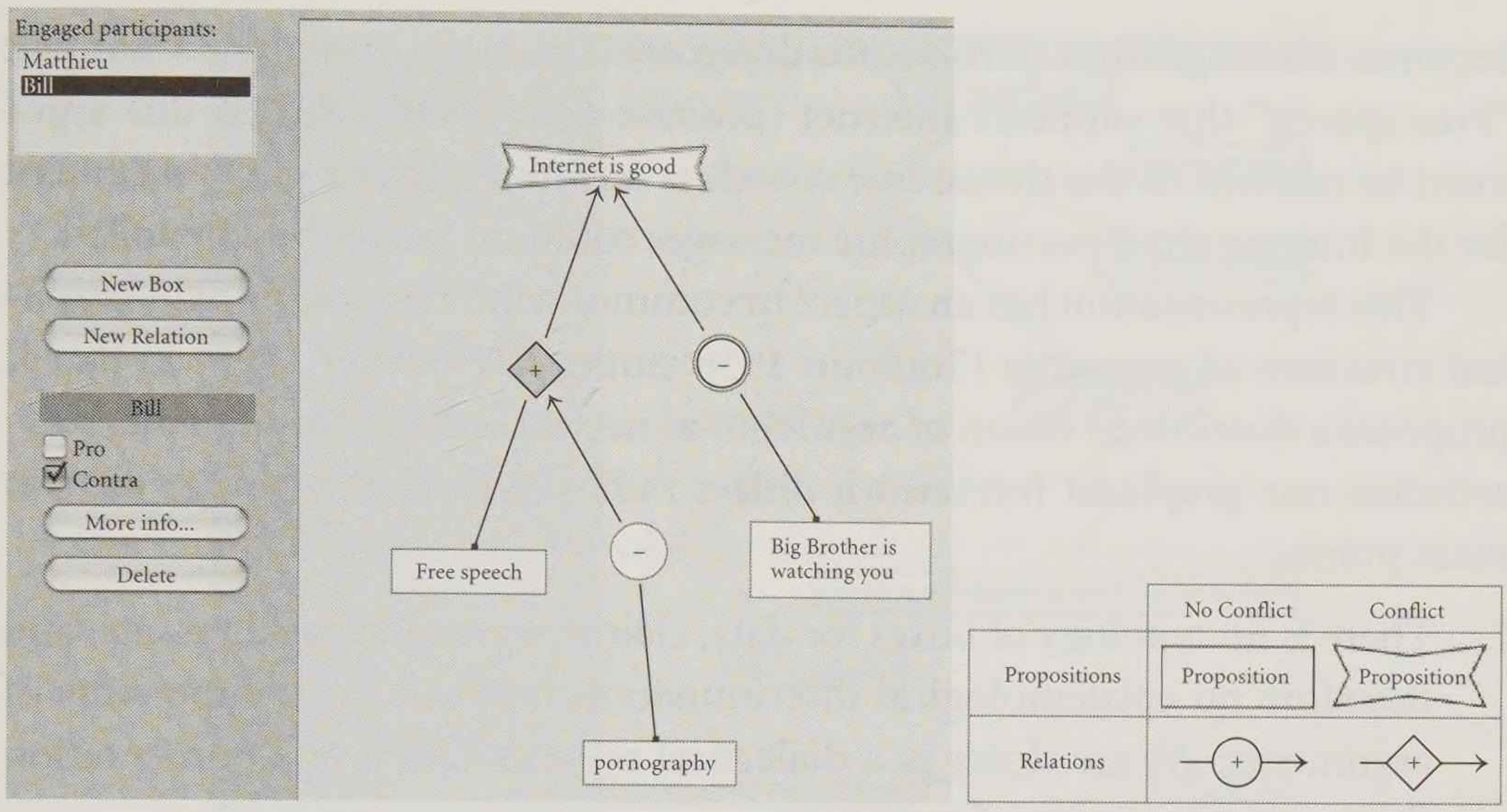


Figure 1. The Java interface for graphical argumentation in DREW

gumentative orientations (the symbol "+" for PRO and "–" for CONTRA). Attitudes are made manifest by the state of checkboxes situated in the margin of the graphical zone, and are displayed when the corresponding object (box or node) is selected.

This graphical language is recursive: argumentative relations represented by the nodes can be attacked, and defended by second-order arguments. There are thus two ways of defeating an argument: either by attacking its backing boxes (undercut) or its node (rebuttal).

Colours are another graphical feature used in this framework for showing which participants are committed to which potential theses. Each participant has a coloured signature, and every time s/he evaluates a box or a node (either PRO or CONTRA) the border of the object is surrounded with his/her colour. When two opposed attitudes have been expressed, the shape of the object changes to show that a conflict has arisen.

Figure 1 is a screen dump of the implementation of this graphical system in a Java applet, running in the collaborative environment DREW.[5] In this simulated example, two participants (Matthieu in blue and Bill in orange) discuss the pros and cons of Internet. The main thesis is "The Internet is good". The participants disagree with respect to this thesis, as shown by the crushed shape of the box. An argument against the Internet is provided, denoted by the negative node: "Big Brother is watching you" (i.e. the Internet is a means to control users' communication and to interfere with individual liberties). Both participants agree on this argument because the shape of the node is a circle (it

becomes a lozenge when participants disagree). This is the case of the argument "Free speech" that supports Internet (positive node). Bill attacked this argument in relation to the thesis: free speech is not necessarily a good argument for the Internet since pornographic messages could no longer be controlled.

This representation has an aspect in common with the Toulminian graphical structure of argument (Toulmin 1958; Suthers & Weiner 1995) in that it proposes a distributed vision of argument as networked subcomponents. Nevertheless our graphical framework differs radically from the former on two main points:

1. There is no typology of boxes for data, claims, warrants, backings, etc. and therefore no epistemological discrimination between the components of arguments. We are closer to a dialectical representation of argumentation than a representation of reasoning.
2. This is a *dialogical* representation of argumentation, whereas Toulminian graphs are a monological representation of an argumentative discourse structure. Different points of view can be simultaneously represented and related to each other, giving rise to expression of agreements or disagreements.

Two implementations of this system have been carried out, both in Java. One, called JigaDREW,[6] is used as a means of collaboration in the collaborative environment DREW, and thus enables participants to argue through the production of an argumentation graph and the use of other communication modules (a CHAT, for example). Another implementation can be used as a stand-alone applet, for argumentation analysis purposes. For example, the analyst can simulate the presence of several protagonists in order to represent polyphonic aspects of argumentative texts or of course, dialogues.

5. Corpus sample 2: A graphical argumentative interaction

The following figure (Figure 2) represents the final stage of a multimodal discussion on the topic "Should we authorise the production of Genetically Modified Organisms (GMOs)?". This example is taken from an experiment carried out in France for the SCALE European project.[7] As before, the graph has been translated from French into English and the names of the participants have been changed. This was the first time that we evaluated this kind of representation in a pedagogical debate activity (see Baker, Quignard, Lund, & van

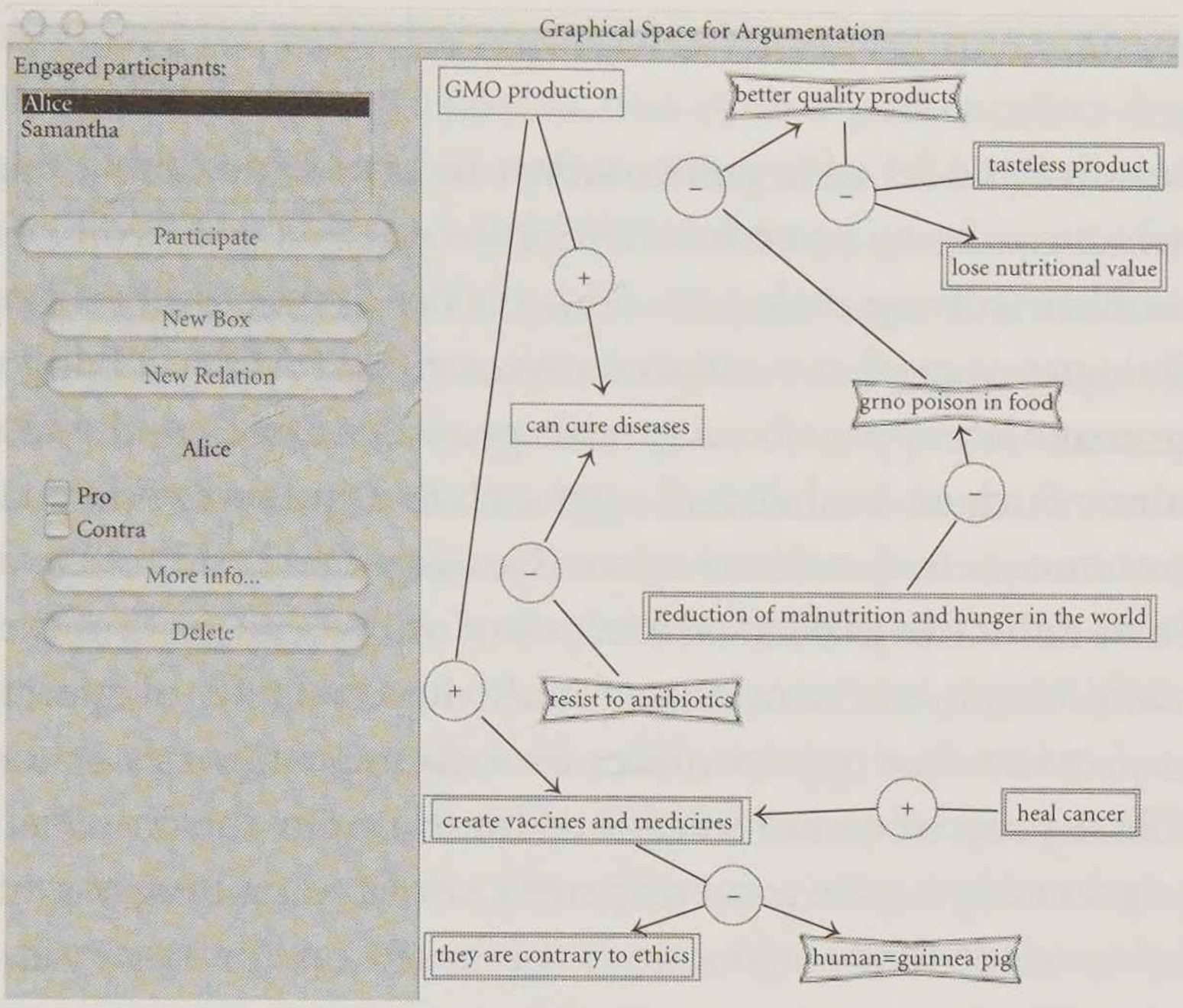


Figure 2. The final stage of a chat-graphical debate on Genetically Modified Organisms

Amelsvoort 2002). It should be noted that this is only a snapshot of a dynamic diagram, interactively modified by the participants.

Evaluating such diagrams is not easy, especially if we neglect the historical processes of their generation (that is, argumentation).[8] If we initially only look at the boxes, omitting the relations between them, it is clear that these two participants succeeded in exploring many parts of the debate: medical developments, ethical questions, food quality issues (taste and nutritional value) and geopolitical issues about GMOs reducing malnutrition. Participants generally agree on the expressed arguments, and only disagree on food issues and the ability for GMOs to resist antibiotics. This example shows the usefulness of such a tool for expressing ideas (at least) and elaborating a common ground.

If we take into account the argumentative relationships (arrows and nodes) in the above diagram, we have some difficulties in understanding its argumentative structure. Of course, one can easily observe that the debate consists of two connected sets of arguments (two sub-debates), one on medical and the other on nutritional issues. Yet the participants have confused argumentative orientation and causal relations. For example, "GMOs can cure diseases" and "create vaccinations" are two arguments in favour of GMOs, and thus should have arrows in the opposite direction.

6. Discussion

The collaborative model of argumentation in problem-solving dialogue described above provides an open framework for analysing the role of argumentation in problem-solving dialogues. This model derives from a more general model of dialogue, viewed as a collaborative verbal problem solving activity, in which argumentation appears as a specific phase focussed on the resolution of a disagreement. Such an 'embedded' approach to argumentation enables argumentative utterances to functions other than argumentative ones, and avoids an exclusive or reductive dialectical analysis of only some parts of the dialogue. With its incorporation of the notion of multi-functionality of speech acts, this model thus provides free opportunities for refining categories or for incorporating further aspects of communication (for example, the co-construction of the social relationship between participants), whilst remaining cognitively consistent (to the extent that all functions are based on the same set of critical thinking operations).

We provide a set of non-*ad hoc* argumentative functions, generated systematically on the basis of clear and simple theoretical principles. These categories cover a larger set of moves than classical dialectical systems and reveal the use of dialectical clarification moves in natural dialogues. Moreover, the organisation of dialectical functions on the basis of 4 independent criteria also provides a means for analysing the collaborative roles of participants and the different forms of dialectics in learning situations. Unfortunately what we gain in coverage is lost in accuracy. The reduction of argumentative moves to basic functions breaks down reasoning processes or strategies. Reasoning features such as *reductio ad absurdam*, concessions, etc. need to be recomposed to be effective. Non-adversarial argumentative moves are difficult to analyse as well. An hypothetical thesis, or a collaboratively supported thesis may be discussed, defended or attacked, without being necessarily the thesis of one of the participants. The proponent role should not be restricted to one particular participant; it may also be adopted by a set of persons; an hypothetical proponent may consist of no-one in particular.

Our model also provides the theoretical foundations for a graphical representation of dialogic argumentation. In distinction to Toulminian graphs and the Belvedere environment (Suthers & Weiner op. cit.), our graphical representation takes into account dialogic features of argumentation, since several voices can be represented and confronted. The representation focuses on argumentative relationships between propositions, with the recursive possibility of arguing about arguments as well as with respect to argumentative links. Such a

model can be used for analysing argumentation, or for interacting with other people by the collaborative co-construction of an argumentation diagram. The latter usage of this tool has been tested with a class of 18 years old students. The results are mixed: although JigaDREW offers a good means for externalising opinions and arguments, the graphical meanings of arrows are not very well understood, and probably need an intensive teaching sequence for emphasising the difference between an argumentative diagram and a conceptual map. An important difference with the analytical model it is based on is that only direct contributions are graphically represented. When participants request some information or some particular action, they are obliged to use another means of communication. Therefore, as a communicative tool, JigaDREW cannot be used alone. Further developments are planned for improving features of JigaDREW, within the framework of the SCALE European project, for example, by providing an automatic layout algorithm, a intelligent tutoring system giving feedback to participants in a specific configuration of the graph, etc. But the most significant part of planned further work concerns the integration of this tool (either for producing or for analysing argumentation) in pedagogical situations – within collaborative work with teachers.

7. Conclusions

We have presented a collaborative model of argumentation in problem-solving dialogues. This model aims to provide an analytical framework for describing the cognitive processes of argumentation and their potential roles in problem solving. To preserve cognitive coherence and continuity of the dialogue, argumentation has been considered as a specific case of problem solving, where a "conflict" is to be solved. We show how argumentation moves can be derived from general functions of problem solving, in a way that is integrated with various aspects of communication management. A large set of dialectical functions has been generated on the basis of four simple criteria: *thesis proponent*, *argumentative orientation*, *interlocutory orientation* and the *critical thinking operation*. This model has been shown to be relevant for analysing collaboration and cognitive roles of participants, and to be relatively easy to apply, despite the diversity of categories.

This model also provides a foundation for a graphical representation of dialogic argumentation, providing at least a tool for representing the structure and the evolution of argumentation dialogues. This graphical system has been implemented in a stand-alone Java applet for analysis purpose, and in a com-

munication module for interaction purposes, within an existing collaborative environment, DREW. This interface is currently under development, and aims to support argumentation-related learning and debate across the Internet for pedagogical purposes. Close collaboration between researcher and teachers in the framework of the SCALE European project will undoubtedly be beneficial in improving the functionality of this interface and its pedagogical usefulness.

Notes

1. I am gratefully to my thesis supervisor and colleague Dr. Michael Baker for his guidance in my doctoral and postdoctoral research. The development of the JigaDrew interface could not have been possible without the support of the SCALE project consortium, the École des Mines de St-Étienne, and especially the help of Philippe Jaillon, the core designer of DREW and also the brilliant network engineer that help us to carry out the first experimentation of the interface. Finally, I would like to thank warmly all participants of the experiments described here, students from Bron and La Mulatière, their teachers, and all colleagues that helped me in their organisation.

2. Vernant (1997) claims that the use of language is governed by extrinsic rules, outside language.

3. Here we encounter a "problematologic" view of dialogue from Meyer (1982), where the meaning of utterances consists in their relation to a particular problem that they locally transform.

4. More information on the conditions under which this data has been collected can be found in Quignard and Baker (1998).

5. Dialogical Reasoning Educational Web tools. The DREW environment is a development of the RIM research team of the École des Mines de St-Étienne (http://scale.emse.fr/drew/). It is available under GPL in different European languages (French, English, Finnish, Dutch, Hungarian and Portuguese).

6. Java Interface for Graphical Argumentation in DREW. This interface has been implemented by Matthieu Quignard in 2001, under contract with the École des Mines de St-Étienne, with the help of Philippe Jaillon, the main designer of the DREW environment.

7. The SCALE project (Internet-based intelligent tool to Support Collaborative Argumentation-based Learning in secondary schools, March 2001–February 2004) is funded by the European Union under the Information Societies Technology (IST) Programme. Information on the project can be found at: http://www.euroscale.net.

8. The interested reader is invited to replay this interaction on http://scale.emse.fr/pws/experiment/index.html.

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Chapter 6

The argumentative dimension of discourse

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1. The scope and limits of argumentation

The study of argumentation is often restricted to discourses clearly meant to persuade or, in Chaim Perelman's terms, to gain "the adherence of minds" to a given thesis (Perelman & Olbrechts-Tyteca 1969: 14). In this view, it mainly deals with argument building and refutation. According to van Eemeren and et. al'.s definition, "argumentation is a verbal and social activity of reason aiming at increasing (or decreasing) the acceptability of a controversial standpoint for the listener or reader, by putting forward a constellation of propositions intended to justify (or refute) the standpoint before a rational judge" (1996: 5). This delimitation of argumentation's scope allows for a clear-cut definition distinguishing argumentation from other kinds of verbal activities. However, it also narrows its field by exclusively concentrating on discourses that have an explicit argumentative *aim*.

In the last decades, the "classical" rhetorical approach has been challenged by various theories, mainly developed in the francophone area, illuminating the argumentative *orientation* or *dimension* of *any* utterance. A brief confrontation between Perelman's new rhetoric and Anscombre and Ducrot's influential "argumentation in language" will clearly illustrate this point. While Perelman (1969) offers a definition of argumentation both *strong* and *restricted,* Anscombre and Ducrot (1988) provide a definition that might be called *weak* or *loose* (in a non- pejorative sense) and *extensive.*

The rhetorical, neo-aristotelian definition is strong insofar argumentation is perceived as an overall art of persuasion based on discursive efficacy and consisting of verbal strategies intended to make an audience adhere to a given thesis. It implies that rhetoric deals only with discourses displaying an ar-

gumentative purpose, or at least clearly meant to bring a point home. The definition worked out in the framework of Ducrot's pragmatics is based on a weak conception of argumentation insofar it reduces the persuasion enterprise to a linking of utterances: a speaker makes an argumentation when he presents an utterance (U1) that is meant to bring along and show as plausible another utterance (U2) (Anscombre & Ducrot 1988:8). Concentrating on utterance linking, argumentation in language mainly dwells on connectives (*mais, puisque, eh bien, etc*) and on topoï, in the sense of "general principles on which reasoning relies but which are themselves not reasoning [...], almost always presented as being an object of consensus in a more or less large community" (Anscombre 1995:35, my translation), and orienting the addressee toward a given conclusion (This guy is very lazy – meaning: don't select him for the job). The main originality of this deliberately narrow approach to argumentation is its capacity to reframe it as a linguistic phenomenon pertaining to language – "la *langue*", in Saussure's sense – rather than to discourse. The rhetorical component thus becomes an integral and undissociable part of the utterance's meaning. As Anscombre and Ducrot aptly put it,

> The meaning of an utterance includes, as an integral, constitutive part of it, the form of influence called argumentative force. Meaning, for an utterance, is orienting. (1988, avant-propos; my translation)

In this perspective, argumentation is not a feature inherent in certain types of discourse and limited to them: it appears as a general phenomenon determining the capacity of language to signify. This is why the so-called "integrated pragmatics" provides a concept of argumentation extended to language in its totality, thus differing from rhetoric in two main aspects: (1) as mentioned before, argumentation is built into language and pertains to its pragma-semantic level; (2) being all-encompassing, argumentation does not call for any differentiation between those sequences of utterances that do pertain to a persuasive enterprise and those that do not.

Between these two poles, however, the francophone landscape presents a third option represented by theories adopting multiple and sometimes quite different forms, but sharing a common denominator: they offer a definition of argumentation both *strong* and *extended*. Drawing on classical rhetoric, they all define argumentation in discourse and examine the use of verbal means in terms of force and efficacy. Simultaneously, they all conceive of it as a phenomenon encompassing any kind of utterances, even those that have a strong claim to neutrality. This conception of argumentation already informs Moeschler's conversational analysis in the eighties, and can be found in this

trend of studies in later works (Martel 1998; Plantin 1998). They show that ordinary exchanges, daily conversations have an argumentative orientation that can be revealed through linguistic and mainly pragmatic means. Such a stand implies, according to Plantin's synthetic formulation, that:

> Any utterance is meant to act upon the addressee, upon the other, and to modify his way of thinking. Any utterance compels or incites the other to believe, to see, to act, differently. (Plantin 1996: 18; my translation)

In another field of argumentation belonging to rhetoric rather than to pragmatics, Grize's theory of natural logic provides a similar view:

> In the common meaning, to argue is to provide arguments, thus reasons, for or against a thesis [...] But it is also possible to conceive of argumentation from a broader perspective and to understand it as a process that aims at exerting an influence on one's opinion, attitude, even behavior. It is however important to insist on the fact that the means are discursive.
>
> (Grize 1990: 41; my translation)

Does this imply that argumentation can exist even when there is no clear confrontation of opposite stances, namely, without any declared conflict of opinions? At first sight, such a stand is surprising. One would think that there can be no argumentation when controversy is not possible: self-evidence does not call for rhetoric, and a question that does not allow for at least two alternative answers produces no debate. Thus for argumentation to emerge and fully develop, the thesis of the proponent has to be challenged by an opponent (Amossy 2002: 22, on Plantin). However, the existence of several optional answers to a question does not entail that the confrontation between opposite opinions has to be explicitly formulated. As Bakhtine-Volochinov brilliantly demonstrated (1986), any utterance is an answer to some previous saying and is built as such: it is a confirmation or a polemical reaction to previous discourses; it is inevitably haunted by the questions that lay at the heart of contemporary society. What is more, it foresees reactions from the audience even if the latter is virtual or apparently absent. The social nature of discourse accounts for its inherent dialogism – which in turns explains how an utterance that does not voice the argument of the Other is still informed by it and provides an answer to objections, or to antagonistic opinions, circulating in the verbal surrounding of the speaker.

Such is the global perspective adopted by "argumentation in discourse" (Amossy 2000), which explores any saying in an intertextual, or rather interdiscursive, space where it acquires its dialogical dimension, thus appearing as a reaction and a more or less direct answer to preexisting utterances. In this

framework, discourses that do not overtly discuss a controversial subject (texts providing factual information, for example, or creating a fictional world) also belong to the realm of persuasion insofar as they try to orient the audience's ways of seeing and judging the world. To convey this view, Perelman's basic definition has to be slightly amended rather than reformulated. We can say that in argumentation, verbal means are used not only to make the addressee adhere to a specific thesis, but also to modify or reinforce his representations and beliefs, or simply to orient his reflexion on a given problem (Amossy 2000: 29). Analysis of utterance linking drawing on Ducrot is taken into consideration since it is a part of any attempt at persuasion; but it also is integrated in the global study of the discursive moves and verbal interaction that develop in a given situation of communication. What is more, utterance linking is not examined in artificial, fabricated examples, but in the dynamics of real texts (or "authentic" conversations) analyzed in their actual setting.

This approach, however, raises some crucial questions, especially concerning:

- The limits of argumentation: Does extending it to any kind of utterance, regardless of its declared objectives, deprive it of any meaning?
- The strategies of argumentation: if argumentation is not necessarily built on a series of rational arguments arranged in a more or less complex structure, can it consist of any kind of verbal means; in this case, does it still offer any discursive specificity?
- The methods of analysis: what kind of tools can be used to describe and analyze the argumentative dimension of texts pertaining to a wide variety of types and genres?

My contention is not only that texts can have various *degrees of argumentativity*, going from the overtly polemical to the apparently informative or descriptive, but also that this argumentativity is closely linked to the *genre* of discourse in which a more or less strong attempt at persuasion occurs.

This genre-focussed approach remains faithful to the spirit of classical rhetoric with its threefold partition: the deliberative, the forensic and the epideictic. Moreover, it draws on Perelman's insights concerning the argumentativity of the epideictic, sometimes supposed to be more literary than argumentative: "In my view, the epideictic genre is central to discourse because its role is to intensify adherence to values [...] The goal is always to strengthen a consensus around certain values which one wants to see prevail and which should orient action in the future" (Perelman 1982: 20). However, argumentation in discourse adopts a broader view of generic categories, defining genre (in the

French discourse analysis tradition) as a socio-historical discursive model, endowed not only with rules and constraints, but also with some kind of institutional recognition. The art of persuasion displays different forms and strategies according to the framework in which it appears. It is thus important to ask not only "who speaks to whom" where and when, but also what tacit communication contract is activated, what are the rules and constraints of the chosen genre and how they accommodate argumentative moves.

In this perspective, argumentation analysis should be based on discourse analysis (as defined in Charaudeau & Maingueneau 2002: 41–45), as well as on rhetorical and argumentation studies. In other words, the tools provided by classical rhetoric (like figures and tropes) and by argumentation studies (like Perelman's techniques of argumentation, Ducrot's utterance linking, pragma-dialectics' reconstruction of arguments, etc.) should be considered in the framework of the genre that imposes on the text its peculiar logic and communication norms. An analysis of the text in all its verbal and institutional dimensions is needed in order to see how it sets out to construct a point of view and share it with the audience.

I will here chose examples that do not allow for any overt exploitation of rhetorical and argumentative elements in order to show that the argumentative dimension of texts can be analyzed even in discourses that by definition do not and cannot adopt any clear persuasion aim.

2. The argumentative dimension of discourse: Case studies

2.1 The case of war testimony

Let us first address historical testimony, a kind of discourse that is not supposed to develop arguments, but to present facts. Testimonial narrative is by definition uttered by an individual who declares that he has actually seen what he relates, that he has been there. The told episode, certified true, is thus closely connected to the biography of a narrator who takes responsibility on what he tells, as well as on its possible social consequences (Dulong 1998: 56). Factuality as opposed to fiction, but as tightly connected to subjectivity (the witness truly and sincerely reports what he has personally seen and felt), is thus the main feature of testimonial discourse. Desire to prove anything but the truth of the related event cannot help but look suspicious. The witness points to historical facts (limited by his knowledge, of course, and the accuracy of his memory) in order to establish the truth. Any declared militant objective makes his re-

port dubious since the witness could be accused of distorting reality to serve his own purposes.

Historical testimony expresses itself in numerous genres, such as memoirs, autobiographical narratives and confessions, published personal diaries, as well as letters. The modes of testimonial discourse thus vary according to the specific rules of the generic category in which it appears: the style of historical memoirs, for example, widely differs from intimate epistolary writing. Thus the text is submitted to a double sets of constraints – the rules defining testimonial discourse, and the rules of the specific genre through which testimony is transmitted.

Here is a quotation borrowed from a war diary ("carnet de route") written by Paul Lintier, soldier in the French artillery, during August-September 1914, later reviewed and published by him (May 1916, Plon):

> L'angoisse m'étrangle. Je raisonne pourtant. Je comprends clairement que l'heure est venue de faire le sacrifice de ma vie. Nous irons, nous irons tous, mais nous ne redescendrons pas de ces côtes. Voilà! Ce bouillonnement d'animalité et de pensée, qui est ma vie, tout à l'heure va cesser. Mon corps sanglant sera étendu sur le champ. Je le vois. Sur les perspectives de l'avenir, qui toujours sont pleines de soleil, un grand rideau tombe. C'est fini! Ce n'aura pas été très long; je n'ai que vingt et un ans. (1916 in Cru 1993: 182)

> Anguish is stifling me. However, I'm reasoning. I clearly understand that the hour of sacrificing my life has come. We will go, we will all go, but we will never more go down these slopes. Here it is! This teeming with animality and thought, which is my life, will stop in a short time. My bleeding body will lay on the field. I see it. On the perspectives of the future, always full of sun, a big curtain is now falling down. It is over! It has not been very long; I am only twenty-one. (My translation)

These notes, first taken for himself during the campaign, primarily express Lintier's state of mind and intimate feelings before an imminent battle. They do not have any immediate argumentative aim, nor do they originally address any specific audience beyond the diarist. The text in the first person faithfully describes what the "I" thinks, feels and imagines in front of danger; it forcefully expresses the fear and regrets of a very young man about to make the sacrifice of his life. The deictics and the verb tenses stress the importance of the moment and the place in which this discourse is uttered. The alternation of the future and the present, as if the subject was contemplating his own dead body – "My bleeding body will lay on the field. I see it" – emphasizes the anguish of the living. So do the repetitions ("we will go, we will all go"), and the exclamations

("Here it is!", "It is over!"). The text thus conforms to the norms of the intimate diary with its expressive function: an "I" writes down his most personal feelings at the very moment of their occurrence, with the authenticity and sincerity granted by the immediacy, but also by the absolute confidentiality inherent to diary writing.

Nevertheless, the text is eventually intended for an audience, even when the diarist keeps it to himself on the battlefield. This is amply proved by his rewriting and publishing his "carnets de route" two years later at Plon (a good Parisian publishing house). As such, the faithful report constitutes not only the trace of a personal souvenir, but also the testimony of a "poilu" (an ordinary Great War French soldier) about the way he coped with the close perspective of bloodshed and death. Because he has been there, and describes only what he actually felt, his text is endowed with testimonial value. As such, it is liable to enter the public sphere and provide a valuable stand on the issue of war heroism.

In this view, Lintier's personal evocation displays a second layer, in which argumentative tones can be detected. The expression of feelings is no longer the only objective to be taken into account: far from being self-sufficient, emotion rather plays a part in the effective transmission of a specific vision of war. It increases the impact of the text on the reader by inviting him to both understand and *feel* the experience of the warrior in all its complexity. He can share Lintier's inner conflict, displayed in the use of connectives that confer upon the text its argumentative orientation.

The first connective is "*pourtant*" – however – which substitutes reasoning for sheer anguish: "anguish is stifling me. However, I'm reasoning". The first move is thus to show how rational thinking can subdue anxiety, and how it allows for a clear understanding of the situation: "I clearly understand that the hour of sacrificing my life has come". The idea of sacrifice appears as part of the reasoning. It echoes public opinion since the willingness to die on the battlefield is implicitly presented as a noble behavior, a patriotic duty that stands no protest. The doxa underlying this utterance allows for the conclusion "we will go". This fragment is thus the representation of a self-deliberation using rationality to make a final decision on the necessity of fighting, whatever be the risks involved. It is based on premises generally agreed upon during the days of the "sacred union". However the connective "*mais*" – but – "we will go, we will all go, *but* we will never more go down these slopes", reverses once more the orientation of the discourse. If what precedes the *but* (to go and fight) is important, what follows it is by definition even more important (Ducrot 1980).

The horror of the fatal issue is thus emphasized at the expense of the duty to be performed.

It is interesting to point out that the veiled antagonism between the official discourse the soldiers were supposed to feed on, and what they truly felt in their heart, was emphasized by later readings of the twenties and the thirties. Lintier's text was then perceived as a strong, though indirect, denounciation of war heroism as glorified by patriotic and militarist discourses. For Norton Cru, who reproduced the quoted lines of Lintier in his famous 1929 book *Témoins* (*Witnesses*), such a testimony showed that the 1914 soldiers, far from facing death stoically and without any fear, suffered a terrible psychological misery, a genuine moral agony.[1] Indeed, the loss of life, the end of sensuality and thought that come as a result of performing one's duty are indirectly presented by Lintier as an injustice through his emphatic sentence on the brevity of his existence: "It has not lasted very long; I am only twenty-one".

Thus the emotional passage delivers a message insofar it depicts war less in the light of the official discourse on sacrifice and duty, than of a counter-discourse faithfully reporting the thoughts and feelings of those who actually experience fighting. Even if Lintier uses the "I", his evocation of the pronoun "we" makes him part of a group. Even if he does not take the liberty to say it in so many words, since he is testifying only on what he knows from his own experience, we can imagine that he represents most of his companions.

It is thus interesting to see how a fragment apparently intended to give an outlet to the writer's anguish is endowed with an *argumentative dimension*. This argumentation can be analyzed through the connectives allowing for utterance linking, but also through the contrast between the doxa (Amossy & Sternberg 2002) mobilized by reasoning (the official discourse on war) and the experience of the soldier facing death. The transmitted vision of war opposes the dominant views the diarist himself was brought up to believe in. It is thus no wonder that it can be quoted by those who, in the early thirties, look for pacifist arguments.

2.2 The case of literary narrative

The second example is taken from a novel by Marguerite Duras, *The Lover*, a narrative with autobiographical overtones alternatively written in the first and third person, and telling the first love affair of the very young protagonist with a rich Chinese young man. Here is a passage dealing with the "I" narrator's mother and with her views on family pictures:

> De temps en temps, ma mère décrète: demain on va chez le photographe. Elle se plaint du prix mais elle fait quand même les frais des photos de famille. Les photos, on les regarde, on ne se regarde pas, mais on regarde les photographies, chacun séparément, sans un mot de commentaire, mais on les regarde, on se voit. On voit les autres membres de la famille un par un ou rassemblés. On se revoit quand on était petit sur les anciennes photos et on se regarde sur les photos récentes. La séparation a encore grandi entre nous. Une fois regardées, les photos sont rangées avec le linge dans les armoires. Ma mère nous fait photographier pour pouvoir nous voir, voir si nous grandissons normalement. Elle nous regarde longuement comme d'autres mères, d'autres enfants. Elle compare les photos entre elles, elle parle de la croissance de chacun. Personne ne lui répond. (Duras 1984: 115–116)
>
> From time to time, my mother says: tomorrow we will go to the photographer. She complains about the price, but she still pays greatly for family pictures. We look at those pictures, we do not look at each other, but we look at the photographs, each of us separately, without a word of comment, but we look at them and we see ourselves. We see other members of the family one by one or gathered together. We see each other as we were when we were little in the old pictures and we look at each other as we are on the recent pictures. The separation between us has grown even more. Once looked at, the pictures are put away with the linen in a closet. My mother has us photographed so that she can see us, see whether we grow up normally. She looks at us at length like other mothers do at other children. She compares the pictures, she talks about everyone's growth. Nobody answers. (My translation)

This text does not have any argumentative aim: it describes an episode of the protagonist's family life in what is supposed to be a faithful report of the past. This evocation in the first person is written in a pseudo-oral style – the syntax imitates spoken French: "the pictures, we look at them". It is a flat style full of odd repetitions ("we *look* at the pictures, we don't *look at* each other, but we *look at* the photographs…") and of trivialities ("One can see the other members of the family one by one or gathered together. We see ourselves when we were very little on the old pictures and we look at ourselves on the recent pictures"). The narrator not only transgresses the rules of literary writing, she also deviates from the norms of autobiography by avoiding any personal judgment (there are no evaluative adjectives, no axiological terms) and by erasing any direct expression of feeling. The overall effect is surprising by its very simplicity. In its feigned orality, in its striking banality, it does not correspond to what the reader expects from a literary text. The name of Marguerite Duras, however, and the prestigious publishing house "Minuit", easily account for a deviation

perceived as avant-garde transgression and, moreover, as the search of a woman artist for her own autobiographical voice.

Is there any argumentative dimension in a text that invents a new style to tell a woman's life story, and recall childhood scenes related to family pictures? A closer look at the paragraph clearly shows that the aesthetic effect of the writing builds a special vision both of family pictures and of family life. The stance of the writer is indirectly expressed through the manipulation of doxa and its transformation into paradoxa – that is, in the movement that turns upside down a banal situation and opinion. The avant-garde style that emphasizes triviality only to better twist and deconstruct it constitutes a powerful rhetorical means: it unveils a hidden reality behind familiar scenes. Thus the repetition based on a trite assertion: they *look* at the pictures, they do not *look* at each other. The members of the family are like strangers who can see each other only through the mediation of the camera. The mother looks at the pictures of her children like other mothers do, but she actually sees them (and their growth) only in the photos. The ordinary social function of family pictures, ensuring group cohesion, is magnified to the point that they replace personal relations and contact. Photography only reveals alienation and the inability of all the family members to see each other in real life, to relate to each other. The sentence: "The separation between us has grown even more", referring to the children's individual development, is deliberately ambiguous: it conveys to the reader the idea of an emotional distance keeping the children more and more apart from each other. Even the mother's comments on the pictures cannot create any feeling of community among the sister and the brothers: "She compares the pictures, she talks about everyone's growth. Nobody answers".

It thus appears that a peculiar vision of Duras' family life is unveiled in this text through the apt manipulation of a pseudo-oral, trivial discourse. No doubt the autobiographical narrative does not claim universal value: it describes a singular, somewhat unusual childhood. One cannot help, however, feeling that this particular scene denounces the hidden traps of family life in general. *The Lover* not only transgresses literary expectations, it also constitutes a demythification of doxic views. This does not mean, of course, that the text sets out to demonstrate anything. It does not intend to provide clear-cut answers about the nature of family life. It does, however, raise questions and re-orient our way of looking at the very stuff of our ordinary life. What is the function of family pictures beyond what we have been taught to think of? Is Duras' case a monstrous exception confirming the rule, or is it a breach that opens up questions about reassuring habits, if not about the very nature of normality? In other words, the argumentative dimension of Duras' autobiographical novel is pe-

culiar not only because it is built through avant-garde literary means, but also because it consists of raising questions it does not set out to answer.

3. Conclusions

Although quite different, the cases of war testimony and avant-garde writing thus show that discourses that do not have any explicit argumentative aim can still have an argumentative dimension, and that this dimension is woven into the text by means that are undissociable from its generic constraints or aesthetic norms. The analyzed fragments do not build or refute any rational argument and the linking of utterances is not governed by the logic of demonstration. There is no clear-cut thesis nor any explicit intention to prove something. However, in both texts, there is an attempt at re-orienting the reader's views. Through the expression of personal feelings and puzzlement, the diarist's testimony sets out to reveal the truth about the soldier's attitude toward death, thus implicitly opposing the official discourse prevailing in 1914–1918. Through the apparently flat and neutral report of a female autobiographer, the virtues of family communion as expressed in photographs are denounced. Thus non-conformist interpretations are conveyed, that are meant to replace doxic views and destabilize common beliefs. There can be an argumentative dimension in discourses not meant to persuade, and this argumentative dimension can be built by verbal means derived from generic constraints or stylistic innovations. Discourse analysis, in its emphasis on generic frameworks and discursive strategies, provides here an adequate approach to the study of the argumentative dimension of texts.

Note

1. According to Norton Cru, Lintier's *Ma pièce,* published two months before his death on the war front, clearly discredits the official patriotic discourse on the troops' moral, on the so-called bellicous drives of the soldiers, of the latters' indifference in front of danger and death. In the perspective of the violent debates that followed the Great war, Lintier's testimony acquires for Cru more than an argumentative dimension: it also endows it with a polemical value. And indeed in the pacifist historian's eyes, "no argument against war can equal in force this argument: the infernal anguish that tortures all soldiers, poor men who are again and again depicted as indifferent to the idea of risk" (Cru 1993: 184). Lintier's text, though, does not participate in such an overt polemic. It would be quite anachronistic to see it as part of a controversy on war and peace.

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Chapter 7

Designing premises

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1. Introduction

Puzzles about premise adequacy have vexed argumentation theorists since Hamblin opened the issue in his pioneering work on *Fallacies* (1986/1970). Anyone trying to evaluate an already-existing argument must (among other tasks) apply some standard to assess the goodness of its premises. Various informal logicians have proposed one or more of the following standards: truth (Johnson 2000), actual acceptance (or, roughly, belief; Johnson 2000; Hamblin, in one reading), and acceptability (what is reasonable to believe, with variations; Govier 1987; Johnson & Blair 1994; Pinto 1994).

Premise adequacy is not just a puzzle for evaluators after the fact, however; arguers as they go about their business face a similar task. Each arguer presumably expects the argument she deploys to do some work for her. To do that work, her argument will need (among other things) to have adequate premises. Thus she too confronts the problem of figuring out whether premises are up to standard, whatever that standard may be.

But in another respect, the arguer's task is somewhat different. The arguer is addressing her argument to others. She needs to make sure not (or not just) that her premises *are* good, but that their goodness is *conspicuous* to her audience. And in securing this sort of adequacy, the arguer encounters at least two practical difficulties.

First, the situations in which arguments are expected to work are characterized by open and sometimes deep disagreement (Benoit 1991; Trapp 1986). Under conditions of disagreement, it may occur that the arguer and her audience will start with few shared understandings as to what premises count as adequate. Further, the audience may have little motive to cooperate with

the arguer (Goodwin 2001) to reach new understandings, whether by examining the truth or acceptability of proposed premises, by admitting that they are accepted, or by otherwise establishing them as adequate. The audience may, for example, refuse to acknowledge their "dark-side commitments" (Walton & Krabbe 1995), publicly challenging premises that they privately accept, find acceptable or even take as true. The arguer therefore may need to exert some (communicative) force to get her audience to recognize the adequacy of her premises.

Second, the arguer often works to a tight deadline, since in practice not to complete an argument within a reasonable, often quite limited, time is effectively to not argue. Whatever work she needs to do to secure the adequacy of her premises, she needs to do quickly. She doesn't have time for infinite regresses where her premises are secured by further arguments, the premises of which need to be argued in turn; she often won't have time even for one or two. To begin her argument, she must locate the unargued.

To carry her business forward, the arguer must adopt some strategy to overcome these practical difficulties, inventing (that is, discovering or creating) expeditiously the unchallengeably adequate premises she needs. Premise adequacy, in other words, is not just a problem in evaluation; it is a pragmatic problem as well. Or more specifically, a problem of normative pragmatics (Van Eemeren 1994; Goodwin forthcoming; Jacobs 1999): for as above I will take it for granted that premises must be good in order to do their work.

In this paper, I examine a very few of the practical strategies arguers use to establish adequate starting points for their arguing. Following the main line of the rhetorical tradition, I take up case studies of the normative pragmatics of premises in two contexts: forensic (courtroom) and deliberative (public policy) arguing. In the next section, I turn to the norms and procedures of the Anglo-American jury trial generally, drawing examples from the 1995 criminal trial of O. J. Simpson for the murder of his ex-wife. In the third section, I examine premises in the 1991 U.S. Congressional debate over initiating hostilities in the first Gulf War. As I have argued elsewhere, the strategies arguers adopt within such exemplary practices provide good evidence for the normative structure of arguing (Goodwin 1999). Thus although these two case studies cannot lead to a complete theory of premise design, they should expand our understanding of the ways arguers can so act as to invent the adequate premises they need for their arguing to proceed.

A secondary purpose of this study is to continue to explore rather experimentally exactly what an account of this mysterious thing, "the normative pragmatics of arguing", might look like. In the final section I therefore conclude

with some remarks about the differences between the normative-pragmatic and informal-logical approaches to premise adequacy.

2. Premise design in a forensic setting

The contours of the jury trial are well known – throughout American culture at least – and in the following discussion I do not attempt to point to anything surprising. Rather, I hope to suggest how some of these familiar practices serve to solve the pragmatic problem of premise adequacy.

What are adequate premises in a forensic situation? – what premises can advocates rely on when arguing to the jury, the jurors rely on when arguing with each other? The norm imposed on advocates' closing arguments is strict: "any representation of fact" made by an advocate "must be based solely upon the matters of fact of which evidence has already been introduced" (Chadbourn 1976: §1806). The norm voiced to jurors is similar, and is commonly incorporated as one of the first instructions the judge gives them as they begin their deliberations. This excerpt from the Simpson trial is typical:

> (1) You have two duties to perform[;] first, you must determine the facts from the evidence received in the trial and not from any other source... You must decide all questions of fact in this case from the evidence received here in court in this trial and not from any other source. You must not make any independent investigation of the facts or the law, or consider or discuss facts as to which there has been no evidence. This means, for example, that you must not on your own visit the scene, conduct experiments or consult reference works or persons for additional information. You must not discuss this case with any other person except a fellow juror, and you must not discuss the case with a fellow juror until the case is submitted to you for your decision, and then only when all 12 jurors are present in the jury room. Evidence consists of the testimony of witnesses, writings, material objects, or anything presented to the senses and offered to prove the existence or non-existence of a fact.
>
> ('Lectric Law Library, 1995)

At trial, clearly, only "the evidence" are adequate premises. What then is evidence? First and most obviously, to be evidence an item must be something "presented to the senses" of the participants in a trial – it must have been made evident to them. Indeed, the entire evidentiary process may be considered as a ritual for making items present and attended to; in the case of testimonial

evidence, for example, a witness is ceremoniously called forth, seated in a conspicuous place, sworn in, and then speaks while everyone else remains silent.

Second, to be evidence, an item must be made present *at the trial* – it must be ostended in the presence of all trial participants simultaneously. As the instructions stress, "evidence" must be "received here in court in this trial and not from any other source". No juror may use sense impressions gained by "any independent investigation, … on your own". All discussion must take place "only when all 12 jurors are present in the jury room". Similar norms bind the presentation of items during the evidentiary process itself. The process must cease when even one juror is absent. If during their deliberations the jury finds it needs to examine the evidence again, they are not given the transcript (which only one could read at a time); instead, they are brought back into court and the testimony is read to them all simultaneously. Even the physical setting of the trial ordinarily emphasizes the fact that the evidence is being received in common; it is presented in the midst of a circle, with the advocates, judge and jury spread out along the periphery, able to observe both the evidence itself and also the other participants, observing the evidence.

These two conditions – ostension of an item, in the presence of all participants simultaneously – serve to create evidence – adequate premises – of a specific sort. Through ostension, each trial participant can reasonably be expected to learn that the item exists, and something of what it is; the expectation is reasonable because learning through the senses is widely considered a reliable method for finding things out, and one available to all. Thus the participant learns that a knife has *this* appearance, or that a witness says *that*. Through ostension in the presence of all, moreover, each trial participant can reasonably be expected to learn that all other trial participants have so learned.

The evidentiary process thus serves to create not just knowledge but what has been called mutual knowledge, through a strategy dubbed the "physical copresence heuristic" (Clark & Marshall 1978; note that the terms "knowledge" and "heuristic" may be problematic). Or to speak the language ordinary to arguing, the evidentiary process serves to create *assumptions* (Kauffeld 1995). After an item of evidence is introduced, each participant is licensed to take its existence for granted; each participant is warranted in believing that no other participant will doubt or challenge that. Thus in arguing a participant may legitimately assume that a witness said what she said, or that a knife is the size that it is. By introducing evidence, the participants have managed to invent premises adequate for their arguing.

An exception proves the rule. It would probably be impossible to rely only on the evidence in arguing, even after a nine month trial. Therefore the local

norms of the jury trial allow a mechanism known as "judicial notice", through which trial participants are licensed (subject to judicial supervision) to use premises beyond the evidence. When is this proper? One leading commentator put it thus: "that a matter is judicially noticed means merely that it is taken as true without the offering of evidence by the party who should ordinarily have done so. This is because the court assumes that the matter is so notorious that it will not be disputed" (Chadbourn 1976: §2567). "Notorious" here suggests that the matter is conspicuously well recognized – not only is it widely recognized, but it is widely recognized as being such. Through judicial notice, trial participants are thus licensed to assume a premise in their arguing at the trial because they are already licensed to assume it in general.

Let me pause for two asides. First, I want to reply to any skeptical of the second condition for evidence. Is awareness of others' awareness really necessary? I suggest a thought experiment contrasting trial practice with teaching a class. In the latter case, teachers ordinarily ostend certain items – the course readings – to each and every student. But in contrast to the trial, students are expected to learn about the readings individually, outside of each other's presence and the presence of the teacher. The result, we all know: teachers are *not* licensed to take the class readings for granted; we cannot *assume* them in our talk to our students.

Second, it is important to note what precisely the evidence licenses participants to assume as they argue. They can assume that the witness said what she said; they cannot assume that what she said is the case. Similarly, they can assume that the knife looks like this – it has something crusted on it; they cannot assume that it has blood on it. Participants can assume that the evidence is what it is; they cannot assume what the evidence *means*.

This limitation is in part overcome by a variety of other trial mechanism which serve to expand the range of what can be taken for granted, taken as undoubted – assumed – by the participants. One mechanism includes "exclusionary rules" that prohibit whole classes of items from being introduced as evidence in the first place because they are routinely subject to doubt. Most notable here are the rules which eliminate doubts about authenticity and accuracy by allowing only the original of an item to be presented at trial. The "best evidence rule", for example, prohibits copies of documents, recordings, photographs and the like from being introduced as evidence. The "hearsay rule" in parallel fashion bans testimony about what someone said outside of court. (Each of these rules is of course subject to numerous limitations and exceptions; I paint only with the broadest brush strokes here.) Another mechanism for licensing assumptions embraces the practices of adversariality, like cross-

examination and opposing argument. These, by fully exposing possible doubts and objections, also serve to expose what is undoubted and unobjectionable. If the capacity, memory and credibility of one side's witness go unchallenged by the other side, for example, then not only that she said something, but what she said, can be assumed to be the case.

What I want to focus briefly on here, however, is a third mechanism, one built into the speech practices of the evidentiary process itself. Characteristic of testimony at the jury trial is what one legal scholar has called "the language of perception" (Burns 1999:53). Consider this commonplace example, taken from the first witness to testify at the Simpson trial. The witness was an emergency dispatcher who had received a call from the Simpson household several years before the trial. In sending the police to the scene, she had told them what she had heard in this, comparatively ordinary, way:

(2) Female being beaten at location could be heard over the phone.
(Walraven 2001, 1/31/95)

What would have happened if the dispatcher had testified in just these terms? Of course, her evidence would have licensed participants in the trial to assume that she had so testified, but that is not much use. Further assumptions would not have been licensed, however, since obvious doubts remain. Was what the dispatcher heard really someone being beaten – or just someone being slapped, perhaps just once, or indeed something else entirely? Is it really the case that the female was being hit, not doing the hitting? Was it a female at all? The fact of the dispatcher's testimony could be taken for granted by all, but its content could not.

When actually presented at trial, by contrast, the same sequence of events comes out like this:

(3) Q: Okay. Okay. So the call came to you, right?
A: Right. It was an open line.
Q: Okay. Could you hear anything over the open line?
A: No. At the beginning, no.
Q: Okay. Did the line remain open?
A: Yes, it did.
Q: And while the line was opened, at any point in time could you hear anything?
A: Yes, I did.
Q: What did you hear?

A: At first I heard a female screaming and that is when I went back and changed my incident type from an unknown trouble to a screaming woman.
Q: Okay. And did you hear anything else?
A: Yes, I did.
Q: What did you hear?
A: I heard someone being hit.
Q: You heard a noise that you associated with someone being hit?
A: Yes...
Q: And the screams that you heard, you say that those screams were the screams of
A: It sounded like a female to me.
Q: It didn't sound like a man?
A: No. (Walraven, 1991, 1/31/95)

In testimony-speak, a woman is not "beaten" but rather "screams", with "someone being hit;" and not even "hit", but with "a noise associated with someone being hit;" and not even a woman, but something that "sounded like a female". This transformation is in line with a general principle – formerly known as the "opinion rule" – favoring testimony as to sense perceptions over testimony with interpretations of those perceptions that commentators sometimes speak of as "inferential" (Strong 1999: §11). Because of this principle and the speech practices associated with it (question/answer format, small-scale linkages from one item to the next – "and, anything else") a witness's testimony tends to be made in a form that retains at least some information relevant to the issues at trial while at the same time eliminating a range of expectable doubts. Thus in this case, if the witness is found capable, of sound memory and credible (doubts not eliminated by testimony-speak), trial participants will recognize that no other participant will wonder what "beaten" might mean, or how the witness knew that it was the woman being beaten. They will be licensed to assume that the witness heard sounds like a female screaming and like blows, and then make whatever argumentative use of these premises that they can.

In sum, we may see the evidentiary process of the common law trial as an engine for inventing assumptions. The items that are presented, in the customary form, to the participants in each other's presence, will allow trial participants to assume many things as adequate premises for their arguing. By following the speech practices typical of the jury trial, participants will thus invent (create or discover) premises adequate for their arguing.

3. Premise design in a deliberative setting

We can open consideration of strategies for premise adequacy in deliberative settings by noting the obvious: The participants do not employ the strategy of evidence. The only things presented on the floor of Congress during the Gulf War debate are the speeches of the arguers themselves. Documents are indeed brought forward for inclusion in the *Congressional Record*; but that serves to ostend them to future readers, not present participants – an intriguing, but key, difference. Sources are indeed used, but only in quotation – something that in the trial setting would draw an immediate hearsay objection. And often assertions are advanced with no attribution at all.

But if not evidence, what? Deliberation is a sprawling practice, and in the following I attempt only the smallest inroads into it. I examine just two of the sources that the arguers actually name; since the two are rather different, we can try to see what they share that secures their adequacy as premises for the debate. The first is one of the many bits of expert testimony deployed as commonplaces. I've selected this particular one following a suggestion by Gerry Philipsen (1992:133): because it became a focus for dispute, the participants had some incentive to be explicit in their talk about it.

When CIA Director William Webster had testified before a Congressional committee in early December, 1990, he had said things plausibly interpreted as indicating that the policy of economic sanctions against Iraq, initiated by the President soon after the invasion of Kuwait, was working. On January 10, 1991, a day before the main Congressional debate was to begin, Webster sent a letter putatively addressed to one Congressman but in fact distributed to all; in that letter, he said things plausibly interpreted as indicating that the policy of economic sanctions against Iraq would not work to force Iraq out of Kuwait, and that military force was required.

One, the other, or both of these utterances is quoted or otherwise referred to in at least 72 speeches during the debate. Examination of this talk reveals that the opposing participants in the debate share a vocabulary for evaluating the worth of these utterances as premises for arguments. Both sides refer to the source as "CIA Director, head, Judge" or "expert". Both sides also use the same range of terms to describe what Webster did: "say; letter; testify, testimony; state, statement; inform, information, detail, details; judgment, assess, assessment, estimate, analysis, conclude, conclusion".

This common vocabulary suggests that all participants in the debate agree in thinking that "expert testimony" (or "CIA Director statements", or "[agency] head's assessments", and so on) *can* provide adequate premises for arguing.

The participants begin to disagree, however, when considering which of Webster's utterances *should* so qualify. Proponents of sanctions are willing openly to challenge the adequacy of Webster's later, pro-force letter. For example:

> (4) Iraq's industry is crippled. I do not care what CIA Director Webster says now, politicizing his intelligence report as he does. The cardinal rule of intelligence is do not enunciate policy; just give facts. When he testified earlier he gave the facts. Yesterday, in his letter to Congressman Aspin, he gave the policy, politicizing our intelligence. And he ought to be ashamed of it. (U.S. Congress, 1991, S329; hereinafter cited by page number only)

Proponents of military force appear to concede the seriousness of this charge by the vigor of their defense against it. Along these lines are their attempts to defend Webster personally, describing him as a man "whose reputation for honesty and forthrightness is impeccable" (S326), and insisting that it is his "job to evaluate whether sanctions are likely to work" (S324). They further attempt to bolster the soundness of what he said. Thus while both sides shared talk of "judgment, assessment, estimate" and so on, only these arguers go on to stress that in his more recent letter Webster had given his "best judgment, best estimates" and "latest analysis" (S284, S230, S233), in a "very balanced" and "reliable" fashion (H122, H330). Adopting a different line of defense, other proponents of force try to downplay the seriousness of Webster's shift by describing what he had said earlier as merely his "opinion" (H146, H217, S294), "belief" (H306, H479) or "view" (S211) – things more legitimately subject to change.

We might expect this situation to be symmetrical: that is, even as proponents of sanctions challenged the later, pro-force letter, proponents of force would challenge the earlier, pro-sanctions testimony. That expectation is not met. Proponents of military force never directly attack Webster's earlier testimony – they do not, for example, accuse him of at first pandering to Congress, and only later, bravely, speaking the his real expert opinion.

Why this asymmetry? The answer emerges in other asymmetrical aspects of the Congressional talk. Only the proponents of sanctions adopt a language of *identification*, one that stressed his ties with their opponents in the debate. Several describe Webster as "the President's own" CIA director (H360, S226), highlighting the closeness of the bond between him and the leader of the pro-military-force camp. One notes sardonically that Webster's pro-sanctions testimony would probably get him fired (S106). And others suggest a similar point by including Webster's testimony in a laundry list of Presidential pro-sanctions remarks (e.g., S303). In addition, only the proponents of sanctions

adopt a language of *responsibility*, one which stresses the commitment Webster had made for the truth of his statements to those he had addressed. Some of arguers term his earlier testimony "counsel" and "advice" (H370), implying a higher degree of responsibility than the shared term "say" (see Kauffeld 2000). Others use "tell" (S246, S281, S303), again suggesting responsibility for a message to an audience (Dirven et al. 1982). And in language that combines both identification and responsibility, one Congressman describes Webster in his pro-sanctions testimony as "argu[ing] to convince" (H242). Given these characterizations, the pro-force arguers should be unable to challenge Webster's testimony without essentially criticizing themselves. And the fact that these arguers do not make the challenge suggests that they concede this point.

Let me step back and summarize the results of these interchanges between the participants on the subject of Webster's statements. Both sides agree that expert testimony can serve as adequate premises for their arguing. Through the debate, however, it becomes clear that the reliability of Webster's later, pro-force letter is in question. The pro-sanction camp's direct challenge to the letter raises the issue of its adequacy, an issue the pro-force camp attempts to defend. Even if this defense is in the long run successful, the challenge means that the letter cannot stand as an adequate premise for the participants in this debate; it needs to be established by its own argument, relying on further premises (the adequacy of which I will not explore here). By contrast, however, the pro-sanction side's characterization of Webster as having taken responsibility for his earlier testimony on behalf of the pro-force camp seems to be effectively conceded by that camp. The result is that Webster's pro-sanctions testimony is beyond criticism. The proponents of sanctions can't criticize it; they put it forward. The proponents of military force can't, either; they are identified with it and responsible for it. Standing beyond criticism, Webster's pro-sanctions testimony thus serves as an adequate premise for the participants in this debate.

Turning now to the second source to be considered here, we find the same pattern emerging for a rather different sort of premise. At least as common as references to expert opinion in this Congressional debate are references to the opinions of the arguers' own constituents. Here is a typical instance, where the expert and the ordinary actually abut each other:

(5) If sanctions fail to drive Iraq out of Kuwait, as I believe they will, then force will ultimately be needed to dislodge the aggressor from Kuwait... In fact, according to CIA Director William Webster, it has become clear that over the past 5 months, there has been "...no evidence that sanctions would mandate a change in Saddam Hussein's behavior"... Finally, what

> impact will prolonged sanctions have on our own troops? In that regard, I would like to read portions of a letter from a constituent of mine from Naperville, IL, a major in the Marine reserves who has recently been called to active duty in Saudi Arabia. "…I am very alarmed at giving sanctions additional time to work". (H213)

It is somewhat difficult to elicit the force of such constituent's statements, since they are not much discussed by participants themselves. Indeed, I have yet to locate a single instance where a constituent's statement becomes disputed, not through the roughly 900 pages of three-columned, small-printed transcript. That itself, however, may be taken as worthy of remark. One hypothesis might be that these statements are too trivial to attack. But then, why do the arguers deploy them so consistently? Assuming they have some force, we can guess why they are beyond criticism. The arguer can't criticize her constituent's statement, since it is from *her* constituent: she is identified with it. Her opponents can't critique it, either, given the strong Congressional norm of deference to each other's constituent service – the same norm that allows pork-barrel projects to go through unchallenged. Being beyond criticism, constituent statements thus can serve as adequate premises for the participants in the debate.

It appears then that "being beyond criticism" is one standard for normative-pragmatic premise adequacy in at least this deliberative setting. What makes a premise beyond criticism appears to vary, suggesting that there are many norms that can force participants to withhold negative comment. In addition to the norms against self-contradiction and against interfering with other's constituents we saw invoked above, we might for example expect to find premises secured by deference to older or senior colleagues, or by the prohibition on racist, sexist and religiously intolerant talk in public. By locating utterances that invoke such norms, arguers will thus invent (create or discover) premises that are adequate for their arguing.

Let me close with two final notes. First, to make this strategy work arguers are going to need a ready supply of things beyond criticism. This might require, for example, a method for forcing their opponents to make admissions that will then be used against them – a procedure that would do some of the same work as the evidentiary hearing at a jury trial. British parliamentary procedure indeed incorporates such a method in the "question period". Further study of premise construction in deliberative settings will require attention to such mechanisms.

Second, I'll admit that the strategy of putting forward things beyond criticism does seem odd. I imagine objections: "But you can't really expect a random, unqualified constituent's statement to actually persuade anyone, can you?" Indeed, perhaps not. But instead of taking this as an objection to one of the strategies of premise adequacy native to this Congressional debate, we might take it as prod to reconsider our views about the work we expect arguments to do. These arguments, in a debate widely thought to be excellent, are unpersuasive. Perhaps then the purpose (or as some would say, the function) of these arguments is something other than persuasion (at least in the narrow sense in which arguing that p counts as an attempt to persuade that p); an issue I have opened elsewhere (e.g., Goodwin 1999).

4. Conclusion

How do these two strategies for *inventing* adequate premises fit with the various proposals for *evaluating* adequate premises, mentioned at the beginning of this paper? Not well. Although the forensic strategy of evidence appears to produce premises that are true, accepted and acceptable, all at the same time, the deliberative strategy of inventing things beyond criticism can produce premises that are none of the above. We can imagine a constituent's statement, for example, that is false and not accepted by any participant (being perhaps too strong for some and too weak for others); stretching a bit, we may be able to imagine that it is unacceptable as well. In any case, the fact that such a statement is beyond criticism due to local social norms is not directly related to its truth, acceptance or acceptability.

One possible conclusion would be that the familiar informal-logical standards are therefore without merit and should be replaced by normative-pragmatic strategies such as those discussed above. This, I think, would be a disastrous move. Not only am I convinced that all current theoretical endeavors have something to contribute to the theory of argumentation, I also believe that in practice we need epistemic and indeed alethic criteria as counterweights to the social factors that were considered here. To say that something is "beyond criticism", for example, is not to say that criticism is impossible. It is possible to criticize what you yourself have said in the past; it's only that the breach of norms involved will impose significant costs on you for doing so. Still, you should be willing to endure those costs on occasion – in the name of truth, perhaps. There is also the fact that none of the constituent statements actually relied on in the Gulf War debate were egregiously unacceptable; the

arguers may have been self-censoring, complying with both some version of the informal-logical standards and with the local social norms.

Rejecting the option of letting one set of standards trump the other, we are left with the task of specifying how the informal-logical and normative-pragmatic sets fit together into one theory of argumentation – a task that Blair and Hansen (2001) have called the integration problem. I want to contribute my mite to the eventual resolution of this problem by making explicit what there is to be integrated, at least for a theory of premise adequacy.

I have taken as my starting point arguing as an activity, and I have insisted even perhaps more stringently than Ralph Johnson (2000) would like on the radically different handling premises require when considered as premises of implications or inferences, versus as premises of arguments. The question of premise adequacy in arguing is not a question about the relationship of a premise to the world, nor even about the relationship of a premise to the minds of the arguers. The question of premise adequacy *in arguing* is the question of how to make adequacy *conspicuous* to the arguers. For arguers first of all must achieve the common focus, "mutual knowledge" or "mutually manifest cognitive environment" (Sperber & Wilson 1986; we don't have any well-established terminology for this) necessary for arguing, as for any communicative activity, to proceed. In the case of premises, this means getting a premise out there in public for all to observe; since premises must serve as the unargued starting points of arguing, it also means getting it out there in a way that it won't be challenged, and expeditiously. That is precisely what both evidence in the forensic setting and matters beyond criticism in the deliberative setting accomplish. So premise adequacy in arguing is a matter of the relationship of a premise not, again, to world or minds, but to the current deontic "score" prevailing between the parties (Brandom 2000), or – to use a more apt metaphor – to the local ethical terrain (a phrase I think I'm borrowing from Fred Kauffeld, personal communication), the contours of the normative environment the arguers inhabit together.

This paper is not the only one moving towards such a conception of the activity of arguing. Our conference hosts, the Amsterdam school, have spoken of the inherent "externalization" and "socialization" of arguing, and have come up with a pragma-dialectical theory to show how this is done (Van Eemeren & Grootendorst 1983). Johnson (2000) has recognized that arguments must not only be good, but be manifestly so, and has come up with a pragmatic theory, although not one (I think) that he applies very thoroughly to the problem of premise adequacy. Tindale (1999) has adapted the idea of "shared cognitive environment" as a rhetorical approach to relevance, although again he doesn't

completely carry the idea over to dealing with premises. I think even Hamblin (1970/1986) was struggling with this, in speaking of acceptance as something arguers do, publicly.

In this paper, I have adopted a complex of assumptions, problematics and methods which I believe is common in the Communication discipline, a complex which I have elsewhere named the "design" approach (Goodwin 2002, forthcoming). I have started with the assumption that finding conspicuously adequate premises will likely be difficult in circumstances characterized by deep disagreement and limited time; I have taken seriously, perhaps more seriously than most, the troubles arguers face in forcing their premises into notice. Arguers must use craft and care to overcome these difficulties, in the main part by designing the discourse that accompanies their arguments and creates the environment in which those arguments may flourish. I have isolated two of the undoubtedly many practical strategies arguers have developed to accomplish this task, ones native to two of the many contexts in which arguing typically arises. For each, I've sketched what the arguers are doing and why it should work. By doing this I hope I have made more apparent that there is a problem about the normative pragmatics of premise adequacy, and possibly further that a design approach can handle it.

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Chapter 8

On the pragmatics of argumentative discourse

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The aim of the paper is to analyze a specific kind of argumentative discourse – conditionals – from the point of view of revealing pragmatic meanings. Conditionals (Brutian 1991; Brutian 1992) express reasoning, inference, implication, and therefore they, alongside with causal utterances, are one of the main and important types of argumentation. It should be also noted that by conditionals I mean not only traditionally accepted constructions of the "If P, then Q" type but also those that can be transformed into this type of construction. The semantic meanings of argumentative conditional utterances, including various subtle shades of meanings, have been thoroughly described, while the pragmatic aspect until quite recently has received little attention. However only the simultaneous consideration of both levels of meanings will lead to the adequate interpretation of such utterances. Thus, it is obvious why the pragmatic meanings of argumentative conditional discourse should be revealed and analyzed.

There can be no doubt that to interpret any text (utterance, discourse) adequately, not only explicit, but also implicit, deep, non-explicit meanings must be taken into consideration. Within the last few decades many scholars have come to understand this fact. Paducheva (1985), for example, states that every text contains not only explicit, but also implicit information – meanings generated by the speaker and understood by the listener. Teun van Dijk (Van Dijk 1978:331) speaks about the "deep orientation of the speaker". Hintikka (1979:119–150) speaks about the "hidden meaning" in a language. Many texts have been written from this perspective – highlighting the concept of "hidden grammar" by the use of terms such as "additional hidden meaning", "shady utterance" and "additional semantic lines" (Nikolaeva 1985:80), "substan-

tial – subtextual information" (Galperin 1981:40), "double-text" (Viezbicka 1978:404), "additional implied meaning" (Arnold 1982:34), etc.

In speaking about the importance of revealing implicit meanings, it is necessary to stress that a text can be adequately understood only when both implicit and explicit elements are taken into consideration. To give preference to either could lead to undesirable consequences. According to Viezbicka (Viezbicka 1981), giving preference to implicit (hidden) elements is the most paradoxical result in rather interesting searches of hidden linguistic categories.

It is important to differentiate between two different types of implicitness: on the one hand, categorical meanings, that is, meanings connected with expressing a proposition (some facts), and on the other hand, meanings connected with the subjective assessment of these facts on the part of the speaker, that is, pragmatic meanings.

The paper aims at revealing and analyzing the implicit meanings of the second type in conditionals. These meanings, in turn, can be divided into two groups: (a) those based on modal meanings and (b) other kinds of meanings. It should be noted that this division is to some extent conventional, as the pragmatic meanings belonging to the second group necessarily include the first ones. And, generally speaking, we cannot speak about "pure" pragmatic meanings (Brutian 1996).

Now let us discuss the above-mentioned types of pragmatic meanings of conditionals more in detail.

It is common knowledge that one of the most important peculiarities of conditionals is their modality. This phenomenon is thoroughly studied in different languages. From this viewpoint conditionals are divided into 2 large groups:

1. sentences of real condition (conditio realis) and
2. sentences of unreal condition.

The latter, in its turn, consists of:

1. sentences of potential condition (conditio potentialis) and
2. sentences of irreal condition (conditio irrealis).

This classification lies at the heart of classifications suggested by different authors, though it should be mentioned that in some cases they are presented in a slightly different, more differentiated form.

The modality of conditionals, which is studied in traditional grammar, can, in my opinion, be considered as the pragmatics of these utterances, as in this case one deals with the attitude of the speaker towards the expressed facts from

the point of view of their reality or irreality. Compare Akatsuka's (1985) statement that *realis* and *irrealis* represent the speaker's subjective assessment of a situation. Close to it is Gorja's (1985) statement that while classifying conditionals a very important factor is the pragmatic factor, that is, the reality or irreality of the condition from the point of view of the speaker. Ilyenko (1961) considers the modality in conditionals as a subjective-objective category, which implies not only the attitude of the speaker towards the reality, but also the attitude of the addressee to the reality from the point of view of the speaker.

In the case of *real conditionals* the speaker means that the situation is real: "If it snows, we'll stay at home".

In the case of *irreal conditionals* (counterfactuals) the speaker implicitly negates the explicitly expressed facts, he speaks of the falsity of the proposition in the real world. Saying "If P, then Q", the speaker at the same time means "Neither P, nor Q". In other words, the facts expressed explicitly by both the main and subordinate clauses of such sentences are implicitly (at a deep level) negated by the speaker. Conditionals of the mentioned type are thoroughly examined in linguistic, as well as in the logical, literature and it is natural that the researchers could not have ignored their hidden, implicit, and at the same time very important, meaning of negation-the meaning of unfeasible or unrealized condition. Thus, for example, Ljapon (1979) speaks of the Russian subjunctive particle, which is a very important constituent in counterfactuals, as an equivalent of a negative particle. Znamenskaya (1984), with reference to various English dictionaries that give definitions containing negation words, speaks of the implicit seme of negation in the semantic structure of conditional sentences with the conjunction *if*. Panfilov (1971: 191), characterizing verbs in subjunctive mood, uses the expression "unrealized opportunity". To denote sentences of irreal condition, some Spanish scholars, alongside the traditional term ("irreal condition"), use the terms "conditional sentences of implicit negation" and "ideal or implicit negation".

Analyzing the sentence "If Brutus hadn't persuaded Caesar to go to the senate, the conspiracy would have failed", Paducheva comes to the following conclusion: "The person who understands the meaning of the sentence... obtains the information that Brutus had persuaded Caesar to go to the senate" (Paducheva 1985: 71). In the following two dialogues, the implicit meaning of negation is in the center of attention: "I remember a fellow once said to me: "What would you do if you had Lord Moneybag's income? – He implied that you hadn't an income as big as Lord Moneybag's". "When I say: "If Hob worked hard, he would learn grammar", what do I imply?... – You imply that he doesn't work hard. It's an "implied negative" (Eckersley 1967: 82–84). Sometimes the

implicit meaning of negation in argumentative conditional discourse is explicated in a wider context, e.g.: "If I were there with him and he wasn't so terribly stubborn, I could have saved him. But, unfortunately, I wasn't there with him and he was so terribly stubborn... I couldn't save him".

In connection with what has been said above, the following important idea should be stressed. The concept expressed by the terms "implied negation" and the like only being linked with the concepts of the speaker (addresser) and the listener (addressee) can imply some pragmatic meaning. For example, the pragmatic meaning of "If I were the President of Armenia, I would support academics" can be revealed as a result of the following analysis: "I know that I am not the President of Armenia (it is excluded, it is impossible), and I am sure that everybody knows that it isn't so, therefore the idea that I can (will) support academics expressed by me is false, which the addressee is well aware of". In this respect, the analysis "I am not the President of Armenia and I don't support academics" cannot be considered complete.

Let us consider now the pragmatics of *potential conditionals,* i.e. where the speaker does not know whether the situation is real or not. The implicit alternative version is of equal value to the given one from the point of view of correspondence to reality. For example, "If she is at home, she will make the dinner" = "If she isn't at home, she won't make the dinner". The speaker states that both variants are possible, though he doesn't actually know which one. It should be added that the subordinate clauses of this type of utterances can express a potential, possible situation (realizable or not-realizable from the speaker's point of view) not only in the past, but also in the present and future.

Now let us analyze pragmatic meanings of the second group. Here the following meanings determined by context can be singled out: of advice, suggestion, wish, necessity, obligation, warning, order, disapproval, reproach, doubt, positive/negative evaluation, etc.

Let us first consider conditionals beginning with "If I were you...". Besides expressing non-correspondence to reality, they express some advice, reproach, like in "If I were you, I would help him".

In conditionals where both components express actions referring to the future, with the subject of the principal clause (sometimes, both clauses) expressed by the 1st person pronoun, the implicit pragmatic meaning of the speaker's intention can be revealed. Thus, in "If we have time tomorrow, we will visit Leiden", not only are the relations of condition and consequence expressed, but also the idea that the speaker has the intention, is planning, to go, together with some other people, to Leiden tomorrow. From the viewpoint of assessing the truth values, and hence, the nature of *if* and the whole utterance, a

special approach is suggested by Strawson (1952). In analyzing the utterance "If it rains, I'll stay at home", he states that there is a preliminary statement about intention, which, like any other non-conditional statement about intention, must be called neither true nor false and must be described in another way. Strawson gives the following explanation: if the person who has pronounced the given sentence goes out in spite of the rain, one can't say that what he has said is false, but it should be concluded that he has lied, that, in fact, he wasn't going to stay at home in case of rain, or that he has changed his decision.

Of great interest are utterances containing parentheses. Such utterances can be transformed into two-level conditionals which consist of metatextual and textual components. Generally speaking, from the point of view of constructing and adequately interpreting a text, parentheses, being functionally close to modal words, are important and interesting phenomena. Their presence in a text makes it many-layered, at least, semantically two-level, so that it expresses the main, factual information and additional, pragmatic (in the wide sense of this word) information. This has been mentioned by various scholars. Thus, for example, Nahapetova (1986) links the idea of parenthetical constructions with a special phenomenon – the parenthetical perspective of the text which is very close to the speaker's pragmatic intention. She differentiates two layers of information in utterances containing parenthetical constructions – the main and accompanying utterances, which leads to a more adequate interpretation of a text. The function of parenthetical constructions in organizing a text is, in the author's opinion, not only in linking the parts of the utterance, but also in expressing various relations between them, such as causal, alternative, etc. Speaking about "two projections of communicative functioning", Sljusareva (1981:178–180) states that dividing the sentence and introducing modal elements into it, parenthetical constructions represent not only rather economically the statement itself, but also its assessment on the part of the speaker.

In the light of what has been said above, the following meanings can be differentiated:

1. The meaning expressing the attitude of the speaker to the utterance that determines an objective assessment of the discussed subject. The meaning of such constructions is very close to the meaning of the subordinate clause of condition, e.g. "*If being exact*, it is not the best solution of the problem".
2. The meaning of doubt as to the reliability of the information: "He has asked his parents what advice, *if any*, they could give him".
3. The meaning of doubt as to the reasonableness of the choice of this or that expression: "He got furious, *if this was the right word to express what he felt*".

Let us now consider argumentative conditional discourse in which implicit meaning of purpose can be revealed. As examples can serve, in particular, sentences expressing theorems, hypotheses, and axioms. For example, in "If 3 sides of one triangle are accordingly equal to the sides of another one, then these triangles are equal" the following deep meaning can be explicated by means of transformation: "In order for 2 triangles to be equal it is necessary that 3 sides of one triangle accordingly be equal to 3 sides of another one". Compare an analogous example given by Suppes (1957:9): "If a triangle is equivalent, then it is isosceles". According to him, this example can be transformed into: "In order for a triangle to be isosceles it is sufficient that it be equilateral" or "It is necessary that an equilateral triangle be isosceles".

Let us analyze the following examples:

(1) "If you are *planning to participate* in the conference, you *must send* interesting abstracts to the planning committee". = "In order to participate in the conference you must send interesting abstracts to the planning committee".

(2) "If you *wanted to marry* her, you *had to find* a proper job". = "In order to marry her you had to find a proper job".

In the given examples, the subordinate clauses contain verbs expressing intention and desire, whereas the principal clauses contain the modal operator of obligation. In addition to the implicit meaning of purpose the indirect illocutionary function of advice, wish (1) and reproach (2) is expressed.

Of interest are also such 2-component explicit constructions with *if* which are semantically identical to implicit 3-component conditionals, such as, for example, "If you are cold, the coat is over there". Here the conditional relation is expressed not between the explicit components (the fact that the coat is over there does not follow from the fact that the addressee is cold), but between the first component and the implicit, verbally unexpressed link, which should be explicated, so that the utterance can assume the following form: "If you are cold (mind, I am telling you, etc.) that the coat is over there". The explicated link, as it can be seen from the given example, expresses the pragmatic attitude of the speaker, his communicative intention connected with the illocutionary function, which is in informing us that the coat is over there.

Now, let us consider the following cases. The combination of the utterances "Tell him to stop. Because I'll kill him now" should be interpreted the following way: "Tell him to stop. I am saying it (warning) because if he doesn't stop immediately, I'll kill him right now". "You smoke endlessly. It can cause can-

cer of the lungs" implicitly contains the following conditional warning: "You must not smoke (I am warning you against it), because if you do so (smoke endlessly), it'll cause cancer of the lungs".

Of great interest are propositions expressed by the formula "Not P and Q". The meaning of the negative particle in such constructions leads to the interexclusion of its components, that is, the existence of one of them excludes the other one, which can be denoted by the formulae "If P, then not Q", and "If not P, then Q". Let us analyze in this connection the following sentence taken from Hemingway's "The Old Man and the Sea": "You can't fish and not eat". Its transformation into a sentence of deep level according to the formula "If P, then not Q" leads to "If you fish, do not/not eat (you must eat it)". In this case, the conjunction *and* alongside with conditional meaning, also expresses the implicit illocutionary meaning of order (advice). Compare the similar example given by Rundle (1983): "Don't drink and drive". He speaks about the semantic synonymy of the given utterance to "If you drive, don't drink".

The conjunction *or* (*either... or*), the formal indicator of disjunction, expresses conditional meaning in contexts containing interexclusive words. In other words, in such contexts the deep meaning of utterances with *or* can be revealed when they are transformed into utterances with *if*. In addition, if the first part of the utterance is positive, the conjunction *if* is used with a negative particle and vice versa, in case of the negative first component, *if* is used without a negative particle (see also Lakoff 1971; Strawson 1952; Pierce 1983). In the first part of such utterances, the meaning of obligation and necessity is often expressed. The utterance "Either you find a job or I'll divorce you" is identical in meaning to "If you don't find a job (and you *must* do it), I'll divorce you", where the part "you must do it" is the pragmatic meaning of the utterance. Speaking about "the idea of choice" functioning as invariant basic seme, in the conjunction *either... or* which corresponds to strong disjunction, Ljapon (1987) singles out also the seme of "ignorance", which has pragmatic character. In her opinion, *either... or* not only informs that out of two versions only one takes place in reality, but also that *the speaker doesn't know* which one, in particular.

In sentences denoted by the formula "A, or else B", the meaning of special opposition with some shade of conditionality is expressed. In other words, the possible consequences of non-fulfilment of what is being spoken about in the first part are implied in such sentences. In the first part, which often is in the imperative form, the meaning of obligation or necessity is expressed by the speaker as a rule. The following utterance can serve as an example: "Study hard, *or else* you won't enter the University" → "Study hard (you must study hard, I

am ordering you to study hard, etc.) because if you don't study hard, you won't enter the University".

Such are the cases of pragmatics in conditional argumentative discourse. In the end it should be stressed that the explication of implicit, mainly pragmatic meanings is not an end in itself; it is a necessary and a very important step towards revealing the whole diversity of thought and adequately interpreting the given discourse which, in its turn, can add to the theory of argumentation.

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Chapter 9

From argument analysis to cultural keywords (and back again)

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1. Introduction

The present investigation aims at bridging recent research on cultural keywords (i.e. words that are particularly revealing of the values of a culture) carried out in various areas of linguistics with the logical and rhetorical analysis of arguments. It will be shown that between these two scientific endeavours there can be a fruitful two-way influence. On the one hand, considerations from argumentation theory can help significantly in the complex task of hypothesising and testing candidates to the status of keywords in a given culture. On the other hand, our understanding of the functioning in argumentative discourse of *endoxa* and *topoi* (as culturally shared values and beliefs and culturally shared rules of inference respectively) can greatly benefit from explicit semantic analyses of cultural keywords. In the article a strategy for this interaction is outlined, motivated and briefly exemplified.

2. Keywords and cultural keywords

What is a keyword? A *keyword* in the sense the term has acquired in the fields of Library Science and Internet search engines, is, as the key metaphor suggests, a means of access to digitally stored information. Apparently, *keywords* can be used so because they are in some sense *representative* of a whole body of knowledge to which they are associated. Likewise, the notion of *cultural keywords*, which introduces a further layer of metaphor, suggests the, admittedly vague, idea of words that are particularly revealing of a culture and can give

access to the inner workings of a culture as a whole, to its fundamental beliefs, values, institutions and customs. In short, of words that *explain* a culture.

The notion of *cultural keyword* is often associated to the name of Raymond Williams and his influential pocket dictionary *Keywords: A Vocabulary of Culture and Society* (Williams 1976). His study, which uses the *Oxford English Dictionary* as the source of its linguistic data, belongs methodologically to a broadly humanist tradition of scholarship, falling somewhere between the history of ideas and what is sometimes called the "external history of language". In the choice of entries it largely reflects the author's concerns for social organisation and sometimes his interest for Marxist social theorising: *alienation, bourgeois, capitalism, dialectic, hegemony, revolution*.

While his contribution to cultural analysis is broadly relevant for understanding the cultural and ideological backdrop of a number of contemporary argumentative practices, in what follows we will adopt a much narrower focus, restricting ourselves to the contribution of linguistics proper and, more specifically, to approaches that emphasise the use of linguistic semantic methods and theoretical tools, in order to examine how these tools can be brought to bear on the tasks of reconstruction and evaluation of natural language arguments.

Linguistic semantic research on cultural *keywords* can be seen as but one aspect of the use of linguistic methods to investigate culture. In the USA, a rich tradition of anthropological linguistics was developed by scholars such as Franz Boas, Edward Sapir and Benjamin Lee Whorf. In this tradition language – both grammar and lexis – is seen as a "symbolic guide to culture" (Sapir 1949: 162).[1] Much importance is given to the fact that languages may differ strikingly in the conceptual distinctions their grammars and lexicons encode. For instance the fact that a language may develop finely grained distinctions in some conceptual domain (say kinship terminology or honorifics) which have no match in other languages is taken as an important datum for the study of culture. Moving on from the tradition of classical anthropological linguistics, Anna Wierzbicka's work on *cultural keywords* concentrates on the semantic analysis of areas in the lexicon where highly language specific distinctions reflect specific ways of living as well as "ways of thinking". Further, these distinctions have, historically, shaped their communities as well as perpetuating the ways of living they reflect. According to Wierzbicka (1997: 22), linguistic semantics provides a rigorous methodology for decoding culture specific meanings and, consequently, for elucidating the tacit assumptions which are linked with them. The domains covered by Wierzbicka's analyses range from social and political values, to ethics, folk-psychology and ethnic identity, all of which she examines with respect to a number of European and extra-European languages.[2]

What motivates the choice of a lexical item as a keyword? In fact, one difficulty with keyword research is that, as Wierzbicka (1997) puts it, "there is no objective discovery procedure for identifying key words in a culture". A series of clues may direct the investigator towards a particular word: sheer frequency of occurrence, frequency of occurrence in a particular domain, frequency of occurrence in book titles, songs, proverbs, sayings, richness of the phraseological patterns in which the word occurs. However, in order to justify the claim that a lexical item is indeed a keyword in a given culture, a researcher has to show that a thorough semantic analysis of this item leads to interesting insights into that culture. One such result may be the discovery that the word is a focal point around which an entire cultural domain is organised, and that the concept it denotes is the basis of a whole array of more or less tacit cultural rules of interaction, or "cultural scripts" (cf. for instance the Japanese *omoyari* discussed in Wierzbicka 1997 and in Goddard & Wierzbicka 1997).

The present paper argues that by looking at the role played by words in argumentative texts researchers in cultural keywords can find, if not an "objective discovery procedure", certainly a significant "test bed".

3. Corpora, "discourse" and argumentation

M. Stubbs in a series of recent publications (cf. Stubbs 1996 and 2000) offers quite a different outlook on the issue of keywords, which on the one hand emphasises the usefulness of computer aided corpus analysis for a more systematic investigation of keywords, and on the other directly addresses the issue of the persuasive power of keywords. According to Stubbs, the analysis of cultural keywords should proceed mainly through the examination of the recurrent linguistic contexts in which these words occur (collocations). Typical collocations of keywords will provide evidence of their "cultural connotations".[3] The idea of using concordances to investigate culturally significant words, however, predates the advent of computers in linguistic research. Early work by Firth (1935), proposed a "systematic study" of the "contextual distribution of sociologically important words", which Firth called "focal" or "pivotal" words. It is important to mention that for Firth this type of analysis wasn't just a complement to the analysis of lexical units but was considered to be the core methodology of lexical semantics.

In carrying out the Firthian project with modern computer techniques, Stubbs places it within the study of discourse in the sense that Foucault and various post-modern social theorists give to this word: "In phrases such as

'academic discourse', and 'racist discourse', 'discourse' means recurrent formulations which circulate in a discourse community" (Stubbs 2001:166). These recurrent patterns embody "shared meanings", "particular social values and views of the world" (Stubbs 1996:158) As Stubbs puts it, "such recurrent ways of talking do not determine thought, but they provide familiar and conventional representations of people and events, by filtering and crystallizing ideas, and by providing pre-fabricated means by which ideas can be easily conveyed and grasped" (ibid.).

It is particularly interesting, from our point of view, to look at what is, according to Stubbs, the role played by cultural keywords and by recurrent patterns of discourse within argumentation. In examining a series of speeches of British conservative politicians, Stubbs repeatedly observes how arguments, which are characterised by an "absurd logic" and if regarded rationally "are a sequence of non sequiturs", derive their force from being part of "a discourse which calls up a set of linked key words, symbols and beliefs" and from the fact that they depend on a set of premises, which are "unstated and probably unconscious" (Stubbs 1996:162). Throughout his analysis Stubbs opposes a logical/rational mode of argumentation to a mode of argumentation that does not "operate at this level", but is instead based on 'keywords'.

If we consider what the contribution of this type of approach to keywords to argumentation theory, and more specifically to the critical evaluation of arguments, could be, we find that a few aspects of this notion need to be clarified.

It is true that a large portion of the structure of natural language arguments remains implicit, as they are crucially dependent on unstated premises, which correspond very often to beliefs and values shared within a community. This type of picture emerges from the Aristotelian notions of *enthymeme* and *endoxon*, according to classic interpretations such as Bitzer (1959). If we take keywords simply as words that function as pointers to culturally shared beliefs and values (*endoxa*) or to culturally shared patterns of inference, their use doesn't seem to entail a mode of argumentative functioning distinct and opposed to the logical one. The situation is completely different if we take argumentation by keywords as based on purely syntagmatic associations of words that derive their apparent naturalness in the mind of hearers only from repeated co-occurrence within a certain discourse. These two very different levels are not clearly distinguished in Stubbs' analyses.

In fact, the author's goal is not the description and critical evaluation of arguments – that is individual texts intentionally produced by authors in order to achieve certain (persuasive) goals – but rather the study of a process that

takes place far beyond the sphere of conscious intention, in the realm of what Foucault calls "pure discourse without the knowing subject". This process is the "reproduction of ideology". According to this view, computer aided corpus analysis of large corpora is the ideal tool to uncover the processes that take place at the level of discourse because it treats texts "without regard to authors and their intentions" (Stubbs 1996: 194).

Given that this process takes place beyond the consciousness and – in a sense – regardless of the intentions of individual authors, it becomes legitimate to argue, as Stubbs does, that the recurrence of collocations such as *Jewish intellectuals* and *Marxist intellectuals* is not innocent.

According to Stubbs, even if "there is nothing explicitly negative in such collocations and their negative force can easily be denied", the word form *intellectuals* acquires nevertheless negative connotations because of its general frequency of co-occurence with words like *contempt*, *hippie*, *ideology*, *activists* and even with words such as *students*, *young* and *dissident* which "would be interpreted negatively in many circles" (Stubbs 1996: 188).

The problem we have with this type of analysis is that focusing one's attention exclusively on quantitative patterns of lexical co-occurrence, regardless of the intention and structure of texts, results in a dangerously simplified image of culture and cultural reproduction. Inevitably, cultural reproduction has to pass through individual texts, which are characterised by specific intentions of the speaker. Four decades of research in pragmatics has shown that intentional behaviour plays an enormous role in the determination of the value of particular linguistic occurrences within a text, at least as big as the role played by the past discursive practices of the speech community.

To put it bluntly, in our view a natural language text, slippery and vague as it may be, is not a sort of vegetable soup where words float free, tied only to their multiple associations within a Foucaultian discourse. A text is a coherent sequence of utterances, where coherence is not ensured by repetition of patterns, but by the *congruity* of the meaning of each utterance with the intended effect of the whole (cf. Rigotti & Rocci 2001).[4]

The research strategy we propose here takes into account how word meanings interact with the semantic-pragmatic structure of persuasive texts.

4. Keywords and topoi in the enthymematic structure of natural language arguments

Let us consider the following rather trivial example:

He's a traitor. Therefore he deserves to be put to death.

One accessible interpretation of the above sequence is that the two asserted propositions are to be understood as manifesting a textual act of argumentation (cf. Van Eemeren & Grootendorst 1991), where q ('He deserves to be put to death') is the conclusion and p ('He's a traitor') is a premise. In the approach to discourse semantics developed by Rigotti (1993) and Rigotti and Rocci (2001) such an interpretative hypothesis on the connection that the speaker establishes between the two asserted propositions is treated as an abstract relational predicate (*Connective Predicate*), which defines the roles of the two propositions relating them to the global intended effect of the text. In this specific case the construction of the interpretative hypothesis is facilitated by the use of the explicit discourse connective *therefore*.[5]

According to the traditional, logical, view of the reconstruction of enthymematic arguments, in order to have q follow from p, as in our interpretation, we have to supplement an adequate unstated premise, which is presupposed to be shared by the speaker and the hearer: one such premise is, for instance, *Traitors deserve to be put to death*. The argumentation is thus reduced to the following syllogistic form:

Major premise: *Traitors* deserve to be put to death (unstated)
Minor premise: He is a *traitor*
Conclusion: He deserves to be put to death

We can notice that the word *traitor* plays an important role in both the logical and in the communicative structure of the argument. From a logical viewpoint, it appears in the subject of the major premise and in the predicate of the minor premise, playing the role of *terminus medius* in the structure of the syllogism. From a communicative viewpoint it plays an important role in the recovery of the unstated major premise.

It seems that the word *traitor* is associated with a number of culturally shared beliefs and values that confirm the plausibility of an unstated premise such as *Traitors deserve to be put to death*. Even if we do not share such values they remain easily accessible to us: the belief that some people may subscribe to such a set of values, or may have subscribed to them in the past, is part of

our cultural endowment. This type of culturally shared values and beliefs can be identified with the Aristotelian notion of *endoxon*.

The discussion of the above example, simplistic as it may be, already allows us to present a working hypothesis for the discovery and testing of cultural keywords. We propose to consider as serious candidates for the status of cultural keywords the words that play the role of terminus medius in an enthymematic argument, functioning at the same time as pointers to an endoxon or constellation of endoxa that are used directly or indirectly to supply an unstated major premise. More precisely, words that typically have this kind of function in public argumentation within a community are likely candidates to the status of keywords in the culture of that community.

Let us consider another, more concrete, example which also shows how such argumentative keywords can be used to label particular communities, or at least particular socially shared opinions. In the public debate on abortion the two opposing positions are often characterised as *Pro-Life* and *Pro-Choice*. These labels are interesting because they are not directly descriptive of the standpoints argued for by the two opposing parties, rather they point to the values that are called forth in order to argue for the respective standpoints. One might present the two opposing lines of argument in quasi-syllogistic form as follows, as does Weigand (1997):

> Major premise: The *sanctity of life* is an absolute value.
> Minor premise: Abortion violates the *sanctity of life*.
> Conclusion: Abortion violates an absolute value.
>
> Major premise: *Freedom of choice* is an absolute value.
> Minor premise: Laws prohibiting abortion violate *freedom of choice*.
> Conclusion: Laws prohibiting abortion violate an absolute value.

One can observe that the *termini medi* of the two arguments are *sanctity of life* and *freedom of choice* respectively. One can conceive of the two labels *Pro-Life* and *Pro-Choice* as two condensed arguments, whose only explicit part consists in mentioning the *keyword/terminus medius*.[6] In fact, when the standpoint being argued for or against is known (or presumed to be known) from the outset, as it is often the case in ongoing public debates, the mention of the *keyword* is sufficient to summon the major premise, which is then applied to the case at issue.

According to this view, a keyword is a predicate that plays a decisive role in the enthymematic structure of the argument, not simply as a predicate but because it is bound to an *endoxon*, which is a proposition.[7] One recurrent char-

acteristic of the *endoxa* connected to keywords is that they define a positive or negative orientation towards action: *Life is to be preserved at any cost*, *Freedom of choice is most desirable*, *Treason is the worst crime* and the like. The form of such endoxa may be as simple as the following:

For all x: if x has the property P then x is good/bad, desirable/undesirable.

The nature of these hypothesized endoxa, however, may cast some doubts on the enthymematic reconstruction of the functioning of keywords in argumentation. Observing the use of words such as *life*, *choice*, *freedom*, *democracy* in persuasive discourse, one often has the impression that these words possess a persuasive power on their own. In the sense that what they denote simply appears to be considered *good* or *bad*, without any need of further motivating this value judgement.

Sometimes this special persuasive potency is considered to be part of the *meaning* of these words. *Connotation* as opposed to *denotation* is a term often employed to refer to this very special type of meaning. For Stubbs the negative or positive *connotations* attached to cultural keywords are both 'reflected in' and 'generated by' their "semantic prosodies", that is by their repeated patterns of co-occurrence within a *discourse*, and are thought to be both conventionalised and at least independent from the denotative meanings.

The integration of the "intrinsic" argumentative power of words into linguistic semantics is one of the chief objectives of the theory of "argumentation within language" (*argumentation dans la langue*) proposed by Anscombre and Ducrot (1983, 1989). The theoretical devices they employ might look similar to the idea of *endoxa* associated to keywords we have sketched above. They describe the semantics of a lexical predicate in terms of its virtual argumentative possibilities (the range of "virtual" conclusions it does or does not license) rather than in terms of its truth-conditions. Let us consider, for example, the following argumentation:

It's warm. Let's go to the beach.

According to Anscombre and Ducrot (1989), the possibility of arguing from the warm weather to the decision for going to the beach is to be accounted *directly* by the linguistic semantics of the predicate *warm*. The semantics of a predicate is given *solely* in terms of a bundle of *topoi* (culturally shared argumentative rules) associated with it. The predicate *work*, for example, could be described in terms of the following:

The more work, the more success
The less work, the more relaxation
The more work, the more fatigue
The less work, the more happiness
… …

This purely argumentative approach to semantics raises a number of grave problems, both linguistic and epistemological, and has been the object of detailed criticism (cf. Iten 2000, for a fair, but nevertheless lethal critique). Here we will limit ourselves to a few remarks more directly connected to developing an adequate approach to the functioning of keywords within argumentation. Perhaps the single greatest problem with this approach is that it really confines meaning and argumentation within the closed system of the *langue*: the meaning of a unit (e.g. *work*) is defined solely in terms of the *topoi* in which it appears and the meaning of the other lexical units that appear in the *topoi* (e.g. *happiness, fatigue, relaxation, success*) is in its turn defined exclusively in terms of other sets/bundles of *topoi* (*topical fields*). This is, as Anscombre and Ducrot (1983) rightly claim, an approach in the purest structuralist vein: argumentation is reduced to nothing more than a linguistic connection between units in a system. It hasn't anything to do with inference, let alone truth.

The fact that the *topoi* are the primitives of the theory also means that, in the end, there is no way to figure out *why* a unit licences a certain set of conclusions. The *topical fields* of Anscombre and Ducrot, considered as hypotheses on word meaning, are scarcely interesting, because they have no predictive power: nothing will tell us if a certain argument will be acceptable or not on the basis of *topical fields*, because we cannot practically make explicit the full sets, and the theory does not provide a principled way to generalise from a set of concrete *topoi* to a more abstract class of possible conclusions. In fact, it seems easier to think that if we are able to conclude (in certain contexts) from *work* to *fatigue* or to *success* it not because of the *linguistic* knowledge of the topical field, but because we have a rich background of *world* knowledge which includes beliefs about how our body works, how society works, etc.

Leaving aside "argumentation within language", another less radical approach, which does not put into question denotative semantics, would be to include endoxa in the meaning of a keyword by treating them as a sort of analytical statement (compare *For all x: if x is a triangle then x has three sides*). This is what Wierzbicka (1997) does in practice, even if she does not explicitly address the issue, when she includes in her semantic definitions of cultural keywords clauses such as

everyone thinks: this is good (from *liberty*, p. 136)

people think: it is bad if someone does this (from *whing*, p. 216)

One general reason for keeping apart *endoxa* from the denotative meaning of words is that they are much less stable, more variable across particular communities and much easier to renegotiate. An interesting illustration is offered by *paradoxical* statements and arguments.

A look at the behaviour of paradoxical arguments will help us to sketch an account of the persuasive power of keywords more true to the way they are established within communities through textual interaction. Let us consider the following two blatantly paradoxical arguments by Charles Baudelaire:

Le commerce est naturel, donc il est infâme
(*Mon coeur mis à nu*, par. XLI, Baudelaire 1975–1976:703)
(Trade is natural, therefore it is vile)

La femme est naturelle, c'est-à-dire abominable
(*Mon coeur mis à nu*, par. III, Baudelaire 1975–1976:677)
(The woman is natural, that is to say abominable)

While these arguments strike us as paradoxical, they remain nevertheless perfectly comprehensible. The explicit discourse connective enable us to understand them as arguments, even out of context, that is to say to establish an argumentative *Connective Predicate*. In order to preserve the congruity of the connected propositions with the function assigned by the Connective Predicate we infer a suitable major premise, such as *All that is natural is vile/abominable*, which is not a shared belief in our contemporary Western culture, nor was it in Baudelaire's times. The inference of the major premise, can be seen, in fact, as the *accommodation* of a presupposition imposed by the argumentative Connective Predicate. In interpreting Baudelaire's arguments, however, we do not have to revise our notion of *nature*: we only have to hypothesise that Baudelaire subscribes to a very unusual set of values or entertains very peculiar beliefs about nature.

In fact, the above examples sound paradoxical only if compared to broadly shared present day assumptions about *nature*. If we consider how the theme of the *artificial* and the contempt of *nature* are developed in the *Fleurs du Mal* and the rest of Baudelaire's works (cf. Cigada 1992), the statement *All that is natural is vile/abominable* is no longer paradoxical, it becomes something which is shared within the community of the author and his understanding readers, once the poet has shaken from them the hypocritical veil of socially accepted mores and common sense. We have to recognise that texts can quite

easily modify and even completely restructure the functioning of established keywords, or create their set of text-specific keywords. This may lead to the establishing of new cultural keywords: as the *Fleurs du Mal* came to be considered a sort of "canonical", foundational text of the Symbolist movement in France and abroad, its keywords (such as *nature*, *artificial*, *ennui*, *spleen* and *sign/symbol*) became cultural keywords of the symbolist poetics and its values culturally shared values (at least as *poetic* values) within that symbolist culture.

If we examine closely the functioning of communication through texts we find that the establishing of new cultural keywords becomes much less a mysterious and impersonal process and that it is, at least in part, based on explicit argumentation.

For example, it is easy to agree that, after the tragic attacks of September 11 2001, *terror*, *terrorist(s)*, *terrorism*, etc. have become political keywords, in America as well in the rest of the Western World and in the Middle East, and have assumed an important argumentative role in motivating political and military decisions, as well as in justifying them in front of public opinion.

What is probably less obvious is how certain policy defining texts not only exploit *terror* as a keyword, but explicitly work to establish it and further motivate it through argumentation. This can be seen very clearly, for instance, in the speech on the Middle East crisis, U.S. President G. W. Bush delivered in the Rose Garden the 4th of April, 2002. The role of the keyword *terror* is rather explicitly defined and motivated in the first passages of the speech with the following argumentation:

> Terror must be stopped. No nation can negotiate with terrorists. For there is no way to make peace with those whose only goal is death.

In this passage, terrorists are implicitly defined as people whose only goal is the death of their enemy: it follows that no negotiation, no compromise, is possible with them, because negotiation implies the exchange of goods, and the only "good" they desire from us is something – our life – we could not be reasonably disposed to part with willingly. In other words, they have no price that we might be willing to pay, as no one can compromise on his own life. If we cannot negotiate we have (to use force) to stop them (*Terror must be stopped*).

In the rest of the speech the words *terror* and *terrorists* play the role of argumentative keywords, acting in many occasions as pointers to the endoxon *Terror must be stopped* established by the argumentation above. The structure of the argumentation can be partially implicit, as in the following example where the mention of *terrorist networks that are killing its citizens* acts a justification of Israel's military operations:

> *Given his* [Arafat's] *failure, the Israeli government feels it must strike at terrorist networks that are killing its citizens.*

5. Reshaping meaning: Reason as a keyword in Milton's Areopagitica

In the preceding section we have briefly pointed to the way in which the *endoxa* attached to cultural keywords can be redefined through texts while their denotative meaning remains constant. There are however cases in which it is the denotative meaning of a word which is being redefined, or better reshaped by the textual context in which the word appears.

This operation of coercing a word into a new meaning has an important and delicate argumentative facet when the word in question is an important and prestigious cultural keyword, loaded with *endoxa*. The word, in its new meaning, may retain, wholly or in part, the persuasive power associated to the old meaning within the relevant culture.[8] The example we want to examine here is a passage from Milton's *Areopagitica. A Speech for the Liberty of Unlicensed Printing to the Parliament of England* (1644), where the word *reason* plays a fundamental argumentative role, and, at the same time, is subject to a subtle semantic shift:

> I deny not, but that it is of greatest concernment in the Church and Commonwealth, to have a vigilant eye on how books demean themselves as well as men; and thereafter to confine, imprison, and do sharpest justice on them as malefactors. For books are not absolutely dead things, but do contain a potency of life in them to be as active as that soul was whose progeny they are; nay, they do preserve as in a vial the purest efficacy and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous dragon's teeth; and being sown up and down, may chance to spring up armed men.
>
> And yet, on the other hand, unless wariness be used, as good almost kill a man as kill a good book. Who kills a man kills a *reasonable* creature, God's image; but he who destroys a good book, kills *reason* itself, kills the image of God, as it were in the eye. Many a man lives a burden to the earth; but a good book is the precious life-blood of a master spirit, embalmed and treasured up on purpose to a life beyond life.

The first paragraph of the passage, introduced by the quasi-performative clause *I deny not* is presented as concessive, while it plays a clear tactical role introducing the theme of the comparison between men and books, and the theme of the vitality, of the *potency of life* that characterises books. Both the general idea of

the resemblance between men and books and the recognition of the *potency* in books are used as premises in the subsequent argumentation, and they both, in a sense, come for free as they appear to be conceded to the interlocutor.

The second paragraph presents the main standpoint *as good almost kill a man as kill a good book*, which will be later implicitly reinforced to the effect of claiming *that destroying a book is at least as bad as to kill a man* (*or even worse*). Here the words *reason* and *reasonable* and specific *endoxa* attached to them play a crucial argumentative role and are connected through a *topos* to the main standpoint.

The relatively explicit mention of the endoxon according to which reason is what makes man an image of God (*a reasonable creature, God's image*) enables Milton to connect *reason* to the ultimate culturally shared source of value: God. Subsequently, he argues that *reason* appears in books in its purest form, while men appear to be blessed with such a gift in widely varying degrees, so that *many a man lives a burden to the earth*. These arguments support the conclusion that destroying a book is worse than killing a man through the application of a seemingly trivial *topos*, which has the following general form:

> If x is a valuable substance the more of x the better, the less of x the worse.

Since books are likely to contain *more* reason than mortal men, the loss of a book is *graver* than the loss of a man.

The semantic congruity and logical consistency of the argument depend crucially on the attribution of a particular semantics of the word *reason*. We have to construe *reason* as a concrete noun denoting an uncountable substance, or, at least some sort of entity, and not as an abstract noun denoting a property of the human being, a faculty (*facultas*) of the subject. As construed by Milton's argument *reason* is something that can exist by itself respectively of its support, it is like a liquid that can be put in different vessels. Human beings have value (that is are the image of God) inasmuch as they offer a suitable support to reason. In a sense, books offer a more suitable support for reason than human beings since books store up reason as it is found in a *master spirit*, and preserve it *to a life beyond life*. Therefore, books are more valuable than human lives themselves.

One can object to this analysis that envisaging *reason* as a substance is a metaphor, and that we are guilty of taking Milton's poetic metaphors too literally. In fact, in this, and in nearby passages, Milton is attributing a number of predicates to reason, all of them metaphorically. We have to ask ourselves what is the point of these metaphorical predications? These predications have a number of entailments and Milton cannot be taken as communicating all of

them. However the point in using metaphors is communicating *some* of these entailments, which are relevant (Sperber & Wilson 1986:231–237). Suppose that a boy, Tim, is being told by his mother:

Your room is turning into a pigsty. You must clean it up immediately.

In order to interpret his mother's metaphorical statement, Tim derives the following relevant implication:

A *pigsty* is a messy and dirty place.
Your room is turning into a *pigsty*.
Your room is turning into a messy and dirty place.

This implication is relevant in the sense that it makes the first utterance an argument for the conclusion in the second utterance. While Tim's mother cannot be held accountable for communicating the irrelevant (and implausible) implication *Your room is going to be inhabited by pigs*, she probably cannot deny having communicated *Your room is turning into a messy and dirty place* on the grounds that she was just using a metaphor.

Likewise, we cannot hold Milton accountable for saying that *Reason is a liquid and can be put into vials*, but we can and must maintain that he sees *reason* not as a human faculty, but as something that has an existence independent from its accidental supports (be they men, books, chimps, robots or software agents). This is because that construal of *reason* is necessary to account for the congruity of Milton's argumentation, just as hypothesising that Charles Baudelaire holds *nature* in contempt is necessary in order to account for the congruity of his paradoxical arguments.

Our hypotheses on Milton's communicative intentions guide us in our search for the relevant entailments of the metaphors he uses. In a more technical linguistic parlance: we have to *shift the semantic type* of the noun *reason* in order to accommodate the presuppositions imposed by the specific argumentative Connective Predicate relying the sequences above into a unitary communicative intention.

The strategy of semantic analysis we have very informally outlined above does not provide an infallible method to evaluate the consistency of natural language arguments. All that we can do is to evaluate the congruency of two orders of hypotheses: hypotheses on the semantics of the word *reason* and hypotheses on the underlying logical-semantic structure of the text. But this limit, rather than being a shortcoming of the theory, is an inevitable condition, which is the consequence of two characteristics of natural language discourse. The first is that the semantics of lexical items can be, up to a certain extent, rene-

gotiated in the text, in order to accommodate the presuppositions imposed by Connective Predicates on discourse units. The second is that the semantic structure of a text is to a large extent implicit and has to be built inferentially as an ongoing hypothesis from various types of clues, which, of course, include the semantics of lexical items.

6. Conclusions

In this paper we have shown how semantic research on cultural keywords can be combined fruitfully with a classic enthymematic approach to argument analysis in order to provide a rationale for testing cultural keywords. Moreover, we have seen how this same approach can provide useful insights for a realistic treatment of the "persuasive power" of keywords.

It is worth noting that the interaction between lexical semantics and argumentation theory we sketched rests on a particular semantic-pragmatic theory of text as communicative action where the notion of semantic *congruity* plays an important theoretical role (cf. Rigotti & Rocci 2001). In this contribution we made but a very informal use of this notion. The future developments of this work will be devoted to spelling out its implications for argument analysis in a more explicit way.

Notes

1. "Distinctions which seem inevitable to us may be utterly ignored in languages that reflect an entirely different type of culture, while these in turn insist on distinctions which are all but unintelligible to us" (Sapir 1949:27).

2. During the past 30 years, Anna Wierzbicka and her associates developed an original theoretical approach to semantic analysis called Natural Semantic Metalanguage (NSM). In this approach lexical semantics is explicitly developed into a tool for (inter-) cultural understanding and for the study of intercultural communication. The NSM make a strong hypothesis for the universal nature of human concepts: positing a finite inventory of basic universal human concepts (conceptual primitives) the theory disposes of a metric for evaluating differences across cultures. See Wierzbicka (1996) for a presentation of the current version of the NSM theory.

3. It is perhaps not entirely trivial to remark that here the cultural notion keyword interacts closely with its computer science (database) homonym: in order to test candidate cultural keywords the researcher uses them as keywords for a search in a text base, the results will be displayed as a KWiC (that is Key Word in Context) list.

4. One could further add that Stubbs seems to subscribe to a radically relational view of semantics – one that could be described as quasi-distributionalist. In this view, the meaning of words is largely – not entirely however – identified with their collocations within individual texts and across texts within a discourse community. Such a view of lexical semantics does not seem particularly well equipped for the task of critically evaluating arguments, at least in the traditional sense. It becomes very difficult, for instance, to recognize a fallacy of *equivocation*.

5. We can characterise the function of a lexical items such as *therefore* (q) as imposing a series of constraints on the proposition (p) and its relationship to a number contextual propositions, one of which, at least, usually has to be available in a preceding utterance in the text, and finally on the intentions of the speaker in uttering q. A very informal explication of the meaning of therefore could be something along the following lines: [[*Therefore* (p)]] = [[The speaker presents p as inferable from evidence presented in the preceding text in conjunction with relevant knowledge shared by the speaker and the hearer]]. Given a favourable context, the relation signalled by therefore can be further enriched by the hearer to derive a fuller interpretation (or Connective Predicate) according to which the speaker presents q as inferable from p, in order to argue for q.

6. It is perhaps not trivial to mention that the communicative effectiveness of the two labels depends on the fact that the keywords *sanctity of life* (or at least *deep respect for* life) and *freedom of choice* are both values whose importance is widely agreed upon in contemporary Western societies, even by those who might not agree with the conclusions of one or the other argument.

7. Note that what is believable or desirable is necessarily a state of affairs: the denotation of a predicate (that is a concept) cannot be believed or desired as such.

8. This phenomenon can be seen as a particularly subtle, not completely conscious instance of the fallacy of equivocation. Diachronically such a shift may herald deep semantic and cultural changes. Synchronically, while it always appears as a pragmatic process of meaning coercion imposed by the semantic context to the word, this type of shift is not an ordinary phenomenon of contextual specification or metaphorical extension of meaning, for there is no clear awareness that a different concept is being expressed.

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Part II

Empirical studies of argumentative practice

Chapter 10

The accusation of *amalgame* as a meta-argumentative refutation

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This paper proposes a descriptive approach to the question of norms in argumentation; it is based on a case study: the accusation of *amalgame* in everyday arguments.

With Hymes (1984) we consider speakers to possess a communicative competence, which may be defined as a set of aptitudes owing to which one can communicate efficiently in various situations. This communicative competence comprises, besides the linguistic competence, an argumentative competence which enables speakers to take a stand and to elaborate their position through discursive devices in order to hold out against contention. Their argumentative competence thus enables speakers to elaborate argumentative discourses; it also enables them to interpret argumentative discourses they are exposed to. Such an interpretative process implies at least two cognitive processes: a categorizing process, and an evaluative process.

In order to interpret an argument, speakers first "label" it owing to spontaneous argumentative categories provided by the language they use (Plantin 1995). Such categories may rely on general lexical items such as "argument", "to argue", etc., or they may refer to specific argumentative moves (such as "to concede", "to refute", "to justify", "to object", etc.). They may even designate a precise type of argument: "example", "analogy", "appeal to authority", etc. Once the argument has been identified, it is characterized as acceptable or unacceptable by means of evaluation criteria which are often left implicit. The normative dimension of ordinary argumentative competence is attested through meta-comments which are frequent in polemical contexts. Such claims may be quite general (for instance: "that's not a valid argument"); they may also be related

to a specific argumentative device: "don't appeal to authority", "you should discuss facts rather than persons", "stop making hasty generalizations", etc.

The whole interpretative process has in turn some effects on the production of arguments. Actually, once a speaker has received an argumentative utterance and has deemed it fallacious, he may reject in on behalf of this fallaciousness judgement through a refutative move.

The identification of the criteria which guide ordinary speakers in evaluating an argument as "sound" or fallacious is of great interest for the argumentation analyst. Such an identification may be achieved through the thorough examination of two ranges of phenomena:

– Refutative moves: the way a speaker refutes a specific argument is significant of the conditions under which, in *his* view, this argument can be accepted. Consider for instance a speaker A who tries to support *p* by saying that X, a well known authority on the question under discussion, agrees that *p*. A's claim can be challenged by a speaker B who contests X's status as an authority. Thus for B, the acceptability of an appeal to authority depends on the evaluation of X as an expert: if no consensus exists among his peers as to whether or not he may constitute a reliable authority on *p* matters, then the appeal to authority should be rejected as fallacious (Doury 1999).
– Meta-argumentative comments: close attention should be paid to meta-argumentative comments in polemical contexts, in order to identify the spontaneous argumentative categories ordinary speakers use to classify and interpret the various argumentative moves they address. Such categories may be neutral (like the "analogy" category mentioned before), or they may be evaluative: this is the case for the French word "*amalgame*", which will be studied here. Contrary to an analogy, which can be "good" or "bad", an "*amalgame*" is always fallacious. The lexical characterization of the word "*amalgame*" excludes the possibility of an utterance such as "what a good *amalgame* you've made!"

The present paper is devoted to the description of the accusation of *amalgame* in French argumentative discussions. The data consist of sequences in which a speaker identifies the opponent's argument as an *amalgame* in various argumentative discourses: everyday conversations, newspapers, TV debates, etc. We will first show that the word "*amalgame*" is a French meta-argumentative expression the purpose of which is to disqualify an antagonistic argumentation as fallacious. We will then identify the targets of an accusation of "*amalgame*" (i.e., the kinds of argumentative moves that are characterized as "*amalgames*"

by the critics of these moves), in order to elaborate a definition of the meaning of this word. The detailed analysis of examples will put to the fore the fact that the word "*amalgame*" is used in everyday argument to criticize the use of various argumentative devices, such as causal correlations, analogy relationships, inductive reasonings, and so forth. It may even be confined to a refutative function, without any consistent meaning. We will conclude with underlining the interest of a descriptive approach of the normative component of ordinary speakers' argumentative competence.

1. The French word *amalgame*

The French word "*amalgame*" originally refers to a blend of various components such as a metal alloy or a culinary preparation. Thus, its initial meaning is concrete. In the figurative sense, "*amalgame*" refers to the association of two concepts and is close to 'synthesis'.

Its pejorative argumentative meaning seems to be very recent; it is not even mentioned in the *Trésor de la Langue Française* (a French reference dictionary). Nevertheless its frequency in ordinary conversations makes it a central instrument of the normative activity related to the argumentative competence.

The examination of data from newspapers shows that the word "*amalgame*" appears not only in the body of articles, but also in titles and subtitles. Examples (1) to (5) are titles taken from French newspapers in which the word "*amalgame*" appears.

(1) "Amalgame": titre de l'éditorial de Jacques Amalric, *Libération*, 17–18 novembre 2001.

"Amalgame": *title of an editorial by Jacques Amalric,* Libération, *November 17–18, 2001.*

(2) "L'érudition ne met pas JFK à l'abri de l'amalgame": titre d'un article, *Marianne*, 15–21 novembre 1999, p. 5.

"*Erudition does not protect JFK from* 'amalgame"': *title taken from* Libération, *March 13, 2001.* (*JFK = Jean-François Kahn, a French journalist*)

(3) "Non à l'amalgame. Le mot "pédophile" est un concept qui mélange tout et permet de justifier une législation disproportionnée à la gravité de certains actes", titre d'un article de *Libération,* 13 mars 2001.

"*Stop using* 'amalgames'. *The word 'pedophile' is a concept which mixes everything and is used as a justification for a legislation which is out of proportion with the seriousness of some crimes*", *title taken from* Libération, *March 13, 2001.*

(4) "Amalgames" = intertitre de l'article "Les Turcs de Barr sous le choc", *Libération*, 4 janvier 2002.

"Amalgames" = *subtitle from the article entitled "Turkish people from Barr in shock"*, Libération, *January 4, 2002.*

(5) "Loi sécuritaire, loi liberticide. La loi 'sécurité quotidienne' (LSQ) fait l'amalgame entre délinquance et terrorisme tout en servant les intérêts politiques du Premier ministre". *Libération*, 8 novembre 2001, rubrique "Rebonds".

"*Security act, a threat for freedom. 'Daily Security' Act (DSA) makes an* amalgame *between criminality and terrorism while serving the Prime Minister's political interests*". Libération, *November 8, 2001.*

Besides, the word "*amalgame*" is itself the subject of meta-linguistic comments, as illustrated in example (6).

(6) " 'Amalgame' est sans doute le mot le plus employé à Vitry depuis le début de l'année. Dans le discours des membres de l'ACCMV [Association culturelle et cultuelle des musulmans de Vitry], il revient à chaque phrase, tour à tour mise en garde ou prière". (*Marianne*, 7–13 janvier 2002, p. 23)

"*No doubt* 'amalgame' *has become the most often used word in Vitry since the beginning of the year. It appears in every sentence, whether warning or plea, in the speeches of the members of ACCMV (Cultural and Religious Association of Muslims from Vitry)*" (Marianne, *January 7–13, 2002, p. 23*)

Such strategic positions testify to its function as an argumentation organizer.

2. Qualifying an argumentation as *amalgame* is a way of rejecting it as unacceptable

Apart from very rare utterances, the word "*amalgame*" in argumentative contexts works as a disqualifying device. It must be pointed out that:

– the person accused of making an *amalgame* is always the opponent;

– in a confrontational, face-to-face context, where an arguer can react immediately to criticism, such an accusation is always challenged.

An *amalgame* is something you deny having made, as in example (7); an *amalgame* is a pitfall one must avoid, according to examples (8) and (9); an *amalgame* is something you cannot make (cf. example (10)); an *amalgame* is something which is feared (example (11)), from which you have to protect yourself (example (2)).

The negative evaluation associated with the word "*amalgame*" is also made obvious by the choice of adjectives which are applied to it. "*Amalgame*" is deemed "fallacious" and "unfair" in example (12), "dangerous" in example (13). "*Amalgame*" is associated with "mistake" in example (12).

(7) (Informations, Europe 1, 2002): "Le président de la République s'est défendu de tout *amalgame* entre insécurité et drame de Nanterre. Le droit et l'honneur du Président de la République, c'est d'essayer de comprendre".

(*News, Europe 1 radio, 2002*): "*The President of the Republic denied having made an amalgame between insecurity and the Nanterre drama. It is the President's right and honor to try and understand such an event*".

(8) "Il faut, par ailleurs, se garder des amalgames". (*Le Nouvel Observateur*, 7–13 mars 2002, p. 104, "L'autre cauchemar des victimes")

"*Besides, it is imperative to beware of* amalgames". (Le Nouvel Observateur, *March 7–13, 2002, p. 104, "Victims' other nightmare*")

(9) "Conscient des tensions latentes, qu'il estime néanmoins 'mesurées', le maire Gilbert Scholly a tenté de calmer le jeu: 'Il faut éviter les amalgames"'. = intertitre de l'article "Les Turcs de Barr sous le choc", *Libération*, 4 janvier 2002.

"*Aware of latent tensions* (*which he nevertheless deems 'moderate'*), *Mayor Gilbert Scholly, to calm people down, said: 'One must avoid making* amalgames"'. (*subtitle from the article "Turkish people from Barr in shock"*, Libération, *January 4, 2002*)

(10) "On peut pas faire l'amalgame et c'est pas parce qu'il y a eu quatre cinq mauvaises personnes qui ont envahi un stade que ça y est, quoi" (Franck Leboeuf, 1er mars 2002, France 2, réaction à l'invasion de la pelouse par

des supporters algériens lors du 1er match amical OM / sélection algérienne à Alger)

"*You can't make an* amalgame *and say 'that's it' just because four or five bad people invaded the stadium*" (*Franck Leboeuf, March 1, 2002, France 2, reacting to the invasion of the pitch by a few supporters of the Algeria team during a match between Olympique de Marseille (a French football team) and an Algerian selection in Algiers*)

(11) "L'amalgame, c'est la plus grande crainte de Sami, Azzedine et Abdrachid". (*Marianne*, 7–13 janvier 2002, p. 23)

"*Making an* amalgame *is Sami, Azzedine and Abdrachid's major fear*" (Marianne, *January 7–13, 2002, p. 23*)

(12) (Au courrier du "*Monde*", 02/12/2001, "Des surréalistes chez Ben Laden?"): Jean Clair m'a surpris par son parti pris anti-surréaliste (*Le Monde* du 22 novembre) et surtout par les nombreux amalgames et erreurs qu'il contient. S'il n'est pas douteux que les surréalistes aient voulu "démoraliser l'Occident", il me paraît fallacieux de les présenter comme des précurseurs des terroristes du 11 septembre. (...) L'amalgame qui est fait avec Filippo Tommaso Marinetti n'est pas juste non plus".

(Le Monde, *Letters to the Editor, 02/12/2001, "Surrealists at Bin Laden's?"*): *Jean Clair's anti-surrealist option surprised me* (Le Monde, *November 22*), *above all because of the many* amalgames *and mistakes it contains. Although there is no doubt surrealists intended to "demoralize Western countries", presenting them as precursors of the September 11 terrorists seems fallacious to me.* (...) *The* amalgame *which is being made with Filippo Tommaso Marinetti is unfair too*".

(13) "D'abord parce que ce texte relève justement de cette pratique de l'*amalgame*, toujours dangereuse, en particulier en période électorale". (Editorial de Jacques Amalric, *Libération*, 17–18 novembre 2001, article "Amalgame")

"*First because this text is a relevant illustration of this* amalgame *practice which is always dangerous, especially during election time*". (*Editorial by Jacques Amalric,* Libération, *November 17–18, 2001, article: "Amalgame"*)

3. Other expressions used for accusing someone of making an *amalgame*

Besides the use of the very word of "*amalgame*", other expressions designating the same kind of accusation are often met. In example (14), "*amalgame*" refers to the "confusion" of facts which should be kept distinct. In example (15), the word "confusion" is associated with "*amalgame*"; French also uses the verb "*assimiler*" as an alternative for "making an *amalgame*"; in this sense, "*assimiler*" means "to consider as equivalent", or "to treat in the same way". In example (16) an *amalgame* is "a rag-bag of a concept" which "mixes" and "confuses" different things. The accusation of *amalgame*, when taking the form of an injunction ("you shouldn't make *amalgames*"), is closely linked with expressions such as "you shouldn't lump different things together", as in example (17).

(14) [Sur le fait que des pratiques d'abus sexuel par du personnel humanitaire ont été révélées à l'encontre de réfugiés dans des camps d'Afrique de l'Ouest:] "Il faut, par ailleurs, se garder des amalgames. (…). Il semble, selon certaines données de ce rapport, qu'aient été confondus des actes relevant de la pure criminalité sexuelle et des faits de prostitution qui, bien qu'indéfendables, ne sont pas du tout la même chose". (*Le Nouvel Observateur*, 7–13 mars 2002, p. 104, "L'autre cauchemar des victimes")

[*About the disclosure of sexual abuse by humanitarian staff on refugees in West Africa camps*] "*Besides, one must avoid making* amalgames. (…) *It appears that, according to certain data in this report, there has been a confusion between crimes coming under pure sexual criminality and prostitution events which, although indefensible, are not at all the same thing*". (Le Nouvel Observateur, *March 7–13, 2002, p. 104, "Victims' other nightmare*")

(15) "L'érudition ne met pas JFK à l'abri de l'amalgame (…) L'article de JFK sur Jeanne d'Arc témoigne d'une grande culture historique, certainement supérieure à celle du modeste licencié en histoire que je suis. Mais il me semble cependant qu'il n'échappe pas à une certaine confusion due à l'utilisation abusive des termes 'gauche' et 'droite', 'réformistes' et 'conservateurs', pour désigner les protagonistes de cet épisode de notre histoire. JFK semble assimiler à la droite tous les partisans du renforcement de l'autorité royale, et à la gauche tous les adversaires de la monarchie absolue favorables à un contrôle parlementaire". (*Marianne*, 15–21 novembre 1999, p. 5)

"*Erudition does not protect JFK from* amalgame. (…) *JFK's paper on Jeanne d'Arc displays a profound historical knowledge, no doubt superior to my own*

as a modest Bachelor of History. Nevertheless it seems to me that he still falls victim to a certain confusion due to the misuse of such words as 'left' and 'right', 'reformists' and 'conservatives', to designate the protagonists of this episode of our history. JFK seems to lump together [assimiler] *all the defenders of the reinforcement of royal authority with the 'right', and all the opponents of absolute monarchy, who are in favour of parliamentary control, with the 'left'".* (Marianne, *November 15–21, 1999, p. 5*)

(16) "premièrement, on a créé un 'concept' fourre-tout, amalgame de notions hétéroclites où l'on mélange des bébés de deux ans et des adolescents largement pubères, des liaisons consenties avec des violentes, où l'on confond des caresses avec des assassinats, où les moindres gestes avoisinent des crimes sordides (qui souvent ne concernent pas des enfants) et sont eux-mêmes criminalisés. Vocable qui frappe d'infâmie, au même titre, actes, regards et pensées". ("Non à l'*amalgame*", rubrique "Rebonds", *Libération*, 13 mars 2001)

"*first a rag-bag of a 'concept' was created, an* amalgame *of heterogeneous notions in which two-year old babies are mixed with amply pubescent teenagers, willing partner affairs with violent ones, an* amalgame *in which caresses are mistaken for murders, in which the slightest gestures border on sordid crimes (which often do not even deal with children) and themselves are criminalized. This word covers acts, looks and thoughts with infamy in one and the same way*". ("*Stop* amalgame", Libération, *March 13, 2001*)

(17) "La communauté a beau se répéter qu'il s'agit d' "actes individuels délirants", expliquer qu' "il ne faut pas mettre tous les Turcs dans le même sac", elle sait bien qu'il va lui falloir faire front". (*Libération*, "Les Turcs de Barr sous le choc", 4 janvier 2002)

"*However often the Turkish community repeats that we are confronted here with insane individual acts or explains that "one should not lump all Turkish people together", they are fully aware of the fact that they will have to face things in the end*". (Libération, "Turkish people from Barr in shock", *January 4, 2002*)

Such expressions (as "confusing", "mixing", "*assimiler*") may appear in association with the word "*amalgame*", like in the former examples, but in many cases the analyst is bound to identify the accusation of *amalgame* even if the very word is not uttered. Example (18) illustrates such a case.

(18) "On connaît la pensée, ou plutôt la tactique, d'Ariel Sharon. Voilà près de trois mois, en effet, qu'il martèle l'équation "Arafat = Ben Laden" pour mieux repousser aux calendes grecques toute approche politique de l'affrontement israélo-palestinien. Que Yasser Arafat lui ait donné des arguments en adoptant une position plus qu'ambiguë par rapport au terrorisme et en s'arc-boutant sur le droit au retour – en tout état de cause inacceptable pour Israël – de la diaspora palestinienne est un fait. Mais cela n'autorise en aucun cas d'évacuer la question nationale palestinienne en l'assimilant au délire sanglant, messianique et suicidaire à la fois, des fous d'Allah de l'internationale islamiste. Les Palestiniens, que l'on sache, ne rêvent pas d'étendre la charia à toute la planète mais ils sont en manque d'un Etat". (Editorial de Jacques Amalric, "Jeu de clone", *Libération*, 5 décembre 2001)

"*Ariel Sharon's ideas – let's say his tactics – are well known. He's been hammering in the equation "Arafat = Bin Laden" for almost three months in order to postpone indefinitely any political approach to the Israeli-Palestinian conflict. Undoubtedly, Yasser Arafat provided him with arguments by taking a most ambiguous stand on terrorism and by clinging to the right of the Palestinian diaspora to come back – which in any case is unacceptable for Israel. But it does not justify, on any account, eluding the question of a Palestinian nation by associating it with the bloody delirium, at the same time messianic and suicidal, of the Allah disciples of the Islamist International Group. Palestinian people, as far as we know, are not dreaming of extending the Charia to the whole planet, but they are in quest of a state*". (*Editorial by Jacques Amalric*, Libération, *December 5, 2001*)

In brief, examples (14) to (18) show that the accusation of *amalgame* can take various forms, where the word "*amalgame*" is not always present. Nevertheless we will focus only on cases where the word "*amalgame*" is used. It may be assumed that the existence in French of a lexicalised preferential form actually increases the refuting potential of the accusation of *amalgame*.

4. What does the accusation of *amalgame* refer to?

The choice we have made not to propose any English translation for "*amalgame*" is due to the fact that the English equivalents which are available are much too restrictive. For instance, the *Robert and Collins French-to-English Electronic Dictionary* proposes an 'exploded' definition which develops into three directions:

amalgame [amalgam] nom masculin
(péj: mélange) (strange) mixture ou blend
(Métal, Dentisterie) amalgam
un amalgame d'idées → a hotchpotch *ou* (strange) mixture of ideas
faire l'amalgame entre deux idées → to confuse two ideas
il ne faut pas faire l'amalgame (fig Pol)→ you shouldn't make generalizations

Each of the proposals corresponds to a specification of the meaning of "*amalgame*", and therefore cannot serve as a unified definition.

The examination of our examples brings out two main categories of argumentative devices which may be the target of an accusation of '*amalgame*' in a polemical context:

4.1 An association of two objects x and y on the basis of properties which are presented as shared and conclusive

The accusation of *amalgame* may be triggered by:

– a parallel or a comparison between two objects x and y.

Example (19) is taken from a TV debate on astrology. The astrologer, ET, is confronted with DB, astronomer, who denies the very principle of astral influence and concludes that astrology has no value.

(19) ET: Vous savez qui vous me rappelez?
DB: Peu m'importe, peu m'importe.
ET: Lord Kelvin qui au début du XXème siècle disait "l'aviation n'existe pas, on ne pourra jamais voler parce que le métal est plus lourd que l'air; voilà ce que vous me rappelez.
DB: Nous sommes au XXème siècle, non non non non, rien à voir, c'est un amalgame. C'est un amalgame, vous faites des amalgames extrêmement savants et ces amalgames, je veux les dénoncer parce que ça c'est scandaleux.
ET: Mais si! et Galilée, alors? et Galilée? alors…

ET: You know who you remind me of?
DB: I don't care, I don't care.
ET: Lord Kelvin who, in the beginning of the 20th Century kept saying: "aviation does not exist, planes will never fly because metal is heavier than air"; that's what you remind me of.

DB: *We are in the 20th century, no no no no, nothing to do with that; that's an* amalgame, *you're making extremely learned* amalgames, *and these* amalgames *I want to denounce them because they are scandalous.*
ET: *Yes, yes! What about Galileo? What about Galileo?*

Here the astrologer argues from precedents. She draws a parallel between Lord Kelvin's position on aviation in the beginning of the century and DB's position on astrology today. This parallel rests on some caracteristics which are shared by both situations and which are left implicit. The astrologer attempts to transfer the judgment about the past situation to the present situation, namely: Lord Kelvin, a scientist no doubt well-respected by DB, was not clear-sighted, Lord Kelvin was wrong – and so is DB. This parallel is rejected by the astronomer as a "scandalous *amalgame*". DB supports the accusation of *amalgame* by making explicit a difference, presented as crucial, between the two situations: "we are in the 20th century". The astrologer persists in her strategy and proposes another comparable key figure: Galileo. The second parallel is, of course, that between the astronomer and the Holy Office on the one hand, and heliocentrism and astrology on the other hand.

The accusation of *amalgame* may also concern *a generalizing claim rejected as a hasty generalization*. This case is illustrated by example (20), taken from a TV debate on parapsychology. The skeptical guest PB claims that parapsychologists fool their clients in order to get money out of them.

(20) PB: écoutez, ils ramassent des millions quand même avec ça
GD: [*acteur, montrant un invité qui affirme avoir des dons de prémonition*]: non monsieur, pas ce jeune homme, pas même la personne dont je parle; voilà, ok.
PB: d'autres! d'autres, d'autres! d'autres ramassent des millions avec ça
GD: vous faites un amalgame; mais non, mais vous faites un amalgame
PB: mais non, il n'y a aucun amalgame qui est fait; il y a des gens qui souffrent tous les jours de ça, il y a des gens qui ramassent des millions, nous on leur demande des preuves.
("Ciel mon mardi", "les pouvoirs de l'esprit", 10/10/2000)

PB: *listen, they collect millions with that*
GD: [*a French actor, pointing to a guest who claims to possess premonition gifts*]: *no sir, not this young man, not even the person I am speaking about; okay, that's it.*
PB: *others! others, others! Others collect millions with that.*
GD: *You're making an* amalgame; *no no, you're making an* amalgame.

PB: *No, there's no* amalgame *being made. Every day people suffer from that, people collect millions and WE want them to give us proof.*
("Ciel mon mardi" programme, "spirit powers", 10/10/2000)

Here the generalizing claim "they collect millions with that" is challenged by two counter-examples ("no sir, not this young man, not even the person I am speaking about"). The skeptical guest does not refute the counter-examples; nevertheless he persists in accusing all parapsychologists but the two persons mentionned. This persistence triggers the accusation of *amalgame*, which he in turn rejects ("no, there's no *amalgame* being made"). At last, PB reiterates his initial position ("people collect millions") and associates it with an *ad misericordiam* ("every day people suffer from that").

The accusation of *amalgame* may also be due to a disagreement on

– *extension of a class definition*

The accusation of *amalgame* is addressed to a speaker who is blamed for having excessively broadened a class definition: either one claims the object under discussion does not possess the properties which are characteristic of the class, or he contests these very properties.

Thus, after a mass murderer shot at representatives during a town council meeting in Nanterre, killing several people, Jacques Chirac declared: "Insecurity ranges from ordinary incivility to the drama we experienced tonight". He was criticized for this declaration, which was perceived as an excessive exploitation of a tragical event. Denial was prompt:

(21) (Informations, Europe 1, mars 2002): "Le président de la République s'est défendu de tout amalgame entre insécurité et drame de Nanterre. Le droit et l'honneur du président de la République, c'est d'essayer de comprendre".

(*News, Europe 1 radio, 2002*): "*The President of the Republic denied having made an* amalgame *between insecurity and the Nanterre drama. It is the President's right and honor to try and understand such an event*".

Here, the point is how to define the class refered to as "insecurity events". Such a class is not stabilized and may be defined in various ways (it may even include offences to highway code, which contribute to making car driving "insecure"). The reactions to Jacques Chirac's declaration emphasize the fact that there is no agreement on the extension of this class. Furthermore, in this case, such a disagreement was not a "cold", purely intellectual one: the definition of insecurity proposed by Chirac was seen as part of a wider political strategy aimed at

using the public emotion generated by the "Nanterre drama" to gain support to Chirac's national security proposals. Once again, the accusation of *amalgame* is directed towards a connection which is condemned not only as intellectually disputable, but also as ethically or strategically disputable.

A similar case occurs when an opponent disqualifies a whole class C because of a few nasty elements X it contains. This opponent may be accused of making an *amalgame* between "good" Xs and "bad" Xs, the C class being confined to "good Xs". In other words, the "good" property is added to the defining properties of C, so that "bad" Xs are no longer considered as "true Xs". Example (22) illustrates this case. PB is a herbal medicine practitioner and he defends herbal medicine from criticisms that were voiced in regard of a few unacceptable practices by arguing that people guilty of such practices are not "true herbal medicine practitioners".

(22) PB: Mais ça, ce sont des abus des obésologues pour lesquels nous payons actuellement, monsieur (…); or je voudrais pas que vous fassiez l'amalgame, nous n'avons rien à voir avec ces gens-là, nous nous sommes des phytothérapeutes, nous sommes des cliniciens depuis vingt ans (…)

PB: Sir, it is the excesses of the obesity specialist for which we are presently paying the price (…); *so I wouldn't want you to make an* amalgame, *we have nothing to do with these people, we are herbal medicine practitioners, we have been health technicians for twenty years* (…)

The second main category of devices identified as '*amalgames*' is based on:

4.2 The connection between two objects x and y because of a relationship of dependence between them

Most of the time, the accusation of *amalgame* concerns a causal relationship which is held to be erroneous. In example (23), the word "*amalgame*" is applied to the claim that there is a causal relationship between music piracy on the Internet and the drop in CD sales. The interviewee supports such an *amalgame* accusation by proposing other causes ("To my mind, several factors account for it, such as piracy, possibly the poor quality of artistic directors or the concentration of major recording companies who do not facilitate the arrival of new artists").

(23) mercredi 5 décembre 2001, 16h45 (Dépêche AFP):
01net.: A combien évaluez-vous les pertes financières causées par le pi-

ratage de la musique?
Catherine Kerr-Vignale (Sacem): Nous ne pouvons chiffrer précisément les pertes de l'industrie du disque imputables au piratage. Cependant, l'Ifpi (l'industrie phonographique) donne des chiffres que l'on peut analyser comme une tendance. Surtout, il ne faut pas faire d'amalgame entre l'utilisation d'Internet et la baisse des ventes de CD dans le monde. Ce n'est pas parce qu'un internaute va télécharger illégalement de la musique qu'il n'achètera pas le CD du chanteur ensuite. En fait, on ne sait pas réellement à quoi cette baisse est due. A mon avis, c'est un ensemble de facteurs comme le piratage, peut-être la mauvaise qualité des directeurs artistiques ou la concentration des majors qui ne favorise pas l'arrivée de nouveaux acteurs.

December 5, 2001, 16.45 (AFP dispatch):
01net.: *How much money do you think was lost by music pirating?*
Catherine Kerr-Vignale (Sacem): *We cannot estimate with any precision the amount of money lost by the record industry that can be directly attributed to piracy. IFPI (phonographic industry), however, provides figures that can be analyzed as a trend. Nevertheless, one must not make an* amalgame *between Internet and the decreasing sales of CD around the world. You can't consider that simply because an Internet user illegally downloads music, he will not buy the singer's CD afterwards. In fact, one doesn't really know what explains this drop. To my mind, several factors account for it, such as piracy, possibly the poor quality of artistic directors or the concentration of major recording companies who do not facilitate the arrival of new artists.*

5. Difficulties in identifying what the accusation of *amalgame* is about

The examination of further examples reveals a difficulty often met by the analyst in identifying what the accusation of *amalgame* precisely concerns. In many cases, the accusation of *amalgame* is produced in reaction to circulating discourses, the general reasoning of which can be easily hypothesized, but the literal formulation of which is inaccessible.

In such cases one cannot define what precisely triggers the accusation of *amalgame*. As an example, let us consider the recurring accusations of *amalgame* concerning the connection between "communism and nazism", or between "the way Israel behaves with regard to the Palestinian people and the way the Nazis behaved with regard to Jews", or the connection between "Bin Laden and Yasser Arafat". Sometimes one can establish a link with a precise decla-

ration recently made by a politician; but most of the time, the accusation of *amalgame* refers to a fuzzy set of circulating speeches which may be attributed to a nation, a political group, a lobby, but the letter of which has been lost.

6. The accusation of *amalgame*'s "semantic emptying"

Besides, even when the analyst has access to the whole relevant discursive context, he may be unable to identify the speech event that has elicited the accusation of *amalgame* and that corresponds to one of the categories mentioned before. In such cases, the accusation of *amalgame* seems to mean nothing but "I do not accept your argument", whatever the argument is.

Example (24) comes under such a case. It is taken from the same TV debate as example (19). According to ET, during a luncheon, the astrophysicist Hubert Reeves had admitted he did not exclude the astrology hypothesis. The astronomer DB challenges her claim.

(24) DB: Il n'a jamais dit ça
ET: Mais vous étiez là? vous étiez dans ce déjeuner?
DB: Mais lui il me l'a dit, il me l'a confirmé; voilà le genre d'amalgame que je dénonce. C'est scandaleux de dire des choses comme ça.

DB He never said that.
ET But were you there? Were you at that luncheon?
DB But he himself told me, he confirmed it; that's the sort of amalgame I condemn. Saying such things is absolutely scandalous.

Here, there is no doubt as to what the accusation of *amalgame* is about: it concerns the negotiation regarding Hubert Reeves's position on astrology. On the other hand, the meaning of "*amalgame*" in such a case is pretty obscure – other than a moral evaluation along the lines of "what you are saying is scandalous".

7. Conclusion

In conclusion, the examination of various instances of the accusation of *amalgame* shows that it can be seen as a polyvalent (wide spectrum) meta-argumentative refutation device, of which the widest definition would be as follows:

– A claims that B unduly connected x and y.

- He did so on the basis of a similarity, or of a causal relation, or of a generalization, which the accusation of *amalgame* rejects as unacceptable, erroneous, or fallacious.
- The opponent's argument is rejected on behalf of a norm which is left implicit, but which we suppose is not restricted to A, but widely admitted – hence the possibility of using elliptical accusations of *amalgame*, without any justification, as if everybody knew what is at stake.

The accusation of *amalgame*'s refutative function may even override its denotative meaning (which is yet quite fuzzy); the accusation of *amalgame* is then used almost independently from the argument which has been advanced by the opponent: its only purpose is to disqualify the opponent's discourse as infringing on the widely admitted rules of an argumentative discussion.

This case study aimed at showing the interest of adopting a descriptive approach of the critical dimension of ordinary argumentative competence. Many questions arise, among which are:

- What is the status of meta-argumentative comments such as the accusation of *amalgame*? Are they mere strategic devices meant to achieve specific argumentative goals? Or do they reflect a consistent ethical perspective on argumentation? And to what extent do speakers stick to the argumentative norms they refer to?
- What is the connection between the argumentative and the linguistic component of communicative competence? The assumption that the existence in French of the word "*amalgame*" is significant suggests that such a connection does exist, but what is its nature?

Finally, the analyst must face the question of whether ordinary categories like "*amalgame*" can be exploited in the academic analysis of argumentation. Is it possible to use such a category without first understanding the way it really works in everyday arguments? And even so, is it possible to re-define it in a way that would be explicit and systematic enough to make it a reliable tool for argumentation analysis? The question of the relationship between the technical meaning of a word and its ordinary use is relevant to most of the argumentation categories; the proximity between the academic evaluation of an argument and the counter-discourse it may elicit (cf. Govier 1987:128; van Eemeren & Meuffels 2002; Garssen 2002) makes it even more crucial to try and deal with it accurately when critical categories such as *amalgame* are concerned.

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Chapter 11

Constructing the (imagined) antagonist in advertising argumentation

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1. Introduction: The problem of the imagined antagonist

O'Keefe's (1977) well known and well-used classification and definitions of argument1 and argument2 need little introduction: for clarity, we assume that argument1 "is something one person makes" while argument2 ('oppositional argument') "is something two or more persons have (or engage in)" (O'Keefe 1977:121). Despite this familiarity there are, nevertheless, certain contentious aspects to the division, not least on whether argument1 can represent a form of pseudo-dialogue between protagonist and an *imagined* antagonist.[1] Here we assume that arguments "require dissensus" (Willard 1989:53). Given that such differences of opinion logically entail more than one participant, in cases of argument1, pragma-dialectical theory assumes that arguments exist as dialogue. Indeed examples of rhetorical argument – or argument1 – can be shown to proceed in accordance with the four dialectic stages pragma-dialectical theory identifies (Van Eemeren & Grootendorst 1994), with speech acts operating in these various stages directed at resolving a *difference of opinion* (Van Eemeren, Grootendorst, & Snoeck Henkemans 2002; Richardson 2001). Van Eemeren et al. (1996) for example, states:

> Argument does not exist in a single individual privately drawing a conclusion: It is part of a discourse procedure whereby two or more individuals who have a difference of opinion try to arrive at agreement. Argument presupposes two distinguishable participant roles, that of a 'protagonist' and that of a – real or imagined – 'antagonist'. (p. 277)

In order that the argument1 be as persuasive as possible, its rhetorical moves must, at all dialectical stages of the discourse, "be adapted to *audience demand*

in such a way that they comply with the listener's or the readership's good sense and preferences" (Van Eemeren & Houtlosser 1999:485). With cases of argument1 in which the antagonist is non-present, non-interactive and therefore imagined, it becomes necessary – indeed essential – to develop as accurate a projection of this antagonist as possible in order that the rhetorical moves employed by the protagonist be as persuasive as possible. In short, arguments should be written or spoken "in such a way that optimal comprehensibility and acceptability", on the part of the antagonist, is ensured (Van Eemeren & Grootendorst 1994:223).

Yet how (for example) in the case of a mass broadcast televisual address reaching a wide and *heterogeneous* audience, should the protagonist of an argument1 go about such rhetorical tailoring? In such a case, the audience will necessarily be non-present, (largely) non-interactive and would undoubtedly subscribe to "varying levels of [argumentative] competence and differing interests, beliefs and values" (Govier 1999:189), creating real difficulties for the protagonist. Govier argues that the problem with such an audience, from the perspective of the protagonist (though she does not use this term!) is that "one knows so little about it and cannot interact with it at the stage when one needs to do so in order to improve the quality of one's argument" (1999:195). Further, Govier argues that any evaluation of the acceptability (in the eyes of the audience) of an argument1 presented to a mass audience, is rendered impossible since "there is no identifiable audience point of view to apply that notion" (1999:197). For Govier, pragma-dialectic theory is particularly ill-suited for evaluating argument presented to a mass audience because of its assumption that argument1 exists as dialogue. In short:

> There is no interaction between parties [...] and there is no decent basis for constructing or envisaging an interaction, because the viewpoint of the antagonist is unknown and is not even singular. The antagonist is not only absent and unable to perform any of the actions or concessions required in this model, 'he' is multiple and has no determinable point of view.
>
> (Govier 1999:197)

In this chapter, we attempt to address the problems posed by the non-interactive, heterogeneous audience. Using the example of advertising – a genre of communication whose argumentation is comprehensively adjusted to appeal to an identified audience – we argue that it is more fitting to speak of 'constructed antagonists', who are not simply argued *at* (in the conventional sense of argument1) but are, in fact, demarcated via strategies of inclusion and exclusion. We introduce and discuss a proposed 'taxonomy of inclusion'

through which advertising argumentation orientates itself in constructing such an antagonist. Throughout, we adopt a perspective we consider to be consonant with pragma-dialectical theory: that advertising, like all argument, is constituted by an interchange between dialectical procedure and rhetorical process and an argumentative theory that embraces the nuances of both is essential to any account of argument. Further, we believe that our proposed taxonomy strengthens the pragma-dialectical model – particularly against the problems of the non-interactive audience – providing a possible account of how the *opening stage* of argument1 not only identifies the protagonist but also *constructs* the antagonist.

2. Advertising discourse

Myers (1994) argues that advertising is a genre of communication borne of economic surplus. The corresponding need for manufacturers – and perhaps capitalism as a whole – to both create consumers out of citizens and to nurture these consumers' desire for branded commodities is the driving force behind advertising. Developed at the end of the nineteenth century in an attempt to bring consumption in line with over-production, "adverts construct positions for the audience", offering "a relationship between the advertiser and the audience based on the association of meaning with commodities" (Myers 1994: 10). Therefore, the key questions to ask when reconstructing advertising argument – and as such, the central questions upon which our paper is based – are: 'who is communicating with who?' and 'how is this communication managed?'

Previous work on the discourse of advertising has illustrated how selections in form, the mode of address, transitivity, modality, style and lexis, music and a range of other semiotic systems differ according to the consumer that an advertiser is targeting (Cook 2001; Delin 2000; Dyer 1982; Myers 1994; Thornborrow 1994; Williamson 1978). In this paper we add argumentation to this list – indeed we suggest that the linguistic elements of the aforementioned list can, to a greater extent, be *replaced* by the entry of argumentation, given that a pragma-dialectical analysis of argumentation necessarily entails examination at these levels and others.

When analysing mediated argumentation we first need to bear in mind that the sender of the message is not always the same as the person who actually speaks it. In a television advert, for example, the protagonist of an argument may be an actor, though responsibility for argumentation lies with an adver-

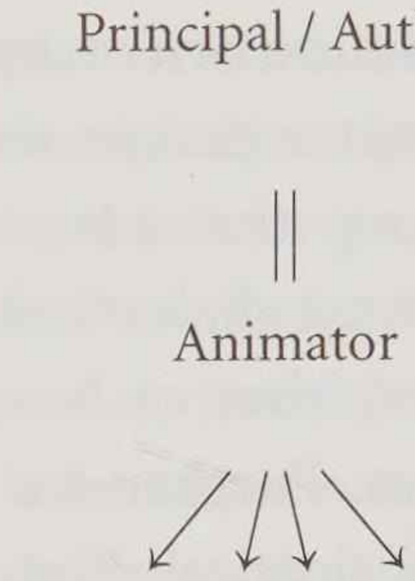


Figure 1. Production format of advertising

tising agency. Goffman (1974, 1981) provides a useful approach to theorising this speaker/writer responsibility in his account of the 'production format' of utterances (by which he includes text and talk), developed as part of his theory of 'footing', the finer detail of which is surplus to the requirements of this current chapter.[2] More important is the recognition that the individual(s) *receiving* (reading or watching) the advertisement are not always the *addressee* – or the person for whom it is intended. Rather, the addressees usually are "a specific target group, but the receiver is anyone who sees the ad" (Cook 2001:4). Such a distinction can be represented graphically (Figure 1).

This is not to suggest or assume any particular resulting *re*action – or, in the vocabulary of speech act theory, any perlocutionary effect – on the part of these addressees of course. Indeed, as Cook (2001) points out, for too long analyses of adverts proceeded in accordance with the "unproven assumption that addressees only have one impoverished way of responding to discourse [and] that people are tricked into believing that if they buy the product they will experience the attractive lifestyle of the characters" (p. 203). We do not offer any such deductive leap regarding the effectiveness of advertising in this regard, specifically the difficulties in demonstrating any alteration in reader/viewer beliefs, attitudes of behaviour (Gunter, Furnham, & Frost 1994; Gunter, Tohala & Furnham 2001). Rather, this paper focuses upon the potential problems in disaggregating and disambiguating the participants and non-participants in mass communicated argumentative discourse. Consequently, given the strong evidence which suggests that advertising is a *parasitic* discourse which draws upon the rhetorical strategies of other argumentative, political and semiotic media "including political propaganda, conversation, song, film, [etc.]" (Cook 2001:12), this paper (and the claims we will be making) maybe of *signifi-*

cance and of *use* to studies of argumentation in other genres and contexts of communication.

2.1 Advertising as an argumentative genre

As Willard (1979) has argued, for too long the study of argument was unfortunately "coloured by the assumption that the claims and the reasons [of argumentation] must be linguistically serialised" (1979:212). Adopting such a language-dependent position will only ever provide an inadequate account of argumentative discourse genres such as advertising. We consider advertising discourse to be *per se* argumentative given that advertising offers evidence – often implicit, indirect or semiotic support in addition to (largely non-requisite) premises – in defence of a contested or contestable position.

When first approaching advertising argumentation it is useful to discuss the genre in terms of three inter-related yet still theoretically distinct categories: the advert's *focus*; its *format* and its *form*. Only in the third of these categories (form) do manifestly argumentative features occur; the remaining two categories (focus and format) however, provide both latent argumentative features and the frame within which the manifest argumentation resides. Taking *focus* first: the *focus* of the advert relates to whether the advert is aimed at promoting a purchasable product or at promoting ideas and information. There is, of course, a strong argument to suggest that all adverts are structured upon the selling of ideas, with product adverts being designed to sell not just the named brand but also the ideology of consumption itself. The recent work of Smith (2002), for example, has shown that the products advertised in the immediate period of post-Soviet Russia were, more often than not, unavailable for purchase – it was the idea of mass, individualised *consumption* that these adverts were promoting rather than the named and unavailable products.

Second, the *format* of the advert is crucial to the reception and success of its argument and the following key features (from Cook 2001) should be accounted for in analysis:

Medium – broadcast (televisual and/or audible)
– print (newspaper, magazine, billboard, etc.)

Slow drip campaign (customary or 'everyday' products)
vs. the *sudden burst* (seasonal, topical or fashionable products)

Short vs. *long* copy advertising

Finally the features of an advert's *form* have an unequivocal and direct effect on the content of its arguments. For example:

> *hard sell* vs. *soft sell* advertising
> *distinction*: the level of directness of the sales pitch; explicit mention of desirability rather than allusion
>
> *reason* vs. '*tickle*' advertising
> *distinction*: reason ads give motives for consumption; 'tickle' adverts rely on emotion, humour and mood

3. Categorising the addressee

Already from the preceding discussion we can start to see how the implicit and explicit argumentative strategies of adverts are positioned in relation to target audience (or consumer). Here we will begin to examine a proposed structure within which these strategies are placed. We will begin with a relatively formal exegesis before applying this structure to an example.

3.1 Inclusion/exclusion

We might think of the strategic moves of an advert in terms of manoeuvres aimed at providing an argumentative role within which potential antagonists might/will position themselves. This is achieved by creating, rhetorically for the most part, a template of the antagonist which the audience or consumer is asked to fill. What is more, this template, or constructed antagonist, is designed so that some particular individual within the audience can quickly identify her 'fitness' for the template through relatively simple disjunctive devices between some identifying property and its negation. It is from this simple audience filtering that we get to the principle device in our taxonomy: inclusion and exclusion.

This binaried device is fairly straightforward and we are not using inclusion and exclusion in a highly technical way. The point is simply that, through a particular rhetorical device or devices (of the many with which we are familiar in advertising genres) an audience is presented with an 'argumentative role' or antagonist's position that divides the audience in terms of A or ~A. Of the disjuncts, A is that part of the audience included by the rhetorically defined argument position and ~A is that part of the audience which is excluded by virtue of its lack of fit with the rhetorically defined argument position. Further,

Table 1. Antagonist typology

	Inclusive	*Exclusive*
Explicit	Explicitly Included	Explicitly Excluded
Implicit	Implicitly Included	Implicitly Excluded

as suggested earlier when discussing 'hard vs. soft' advertising, adverts don't simply 'say' who their product, information etc. is aimed at and they don't state that certain groups or people are to be excluded by default. We therefore need to introduce a further taxonomic device that enables us to handle the interplay between who is and is not included and excluded (and also how). This motivates the move to defining inclusion and exclusion as being either implicit or explicit.

3.2 Implicit and explicit inclusion

When an antagonist role is constructed for an audience it is done largely in terms of defining one of the disjuncts A v ~A. Thus, we can again think of an implicit/explicit dichotomy in terms of a fairly straightforward notion of disjunction. As with the notions of inclusion and exclusion, explicit and implicit are not being used in any peculiarly technical way. We want to take them as meaning: a rhetorical outcome explicitly stated; and a rhetorical outcome implicated by, or inferred from, the explicit statement. Further, 'implicit' and 'explicit' are intended, within this taxonomy, to act as modifiers on the notions of inclusion and exclusion so that the taxonomy divides the construction of the antagonist role into four possible types with regard to targeted groups (Table 1).

So, whenever an addressor constructs an antagonist, she does so through the construction of an argument role that by including and excluding (implicitly or explicitly) certain groups or types, allows the addressee to test herself for 'fit' to the role.

3.3 The function of the types

As we have seen, there are four possible ways, or types, that the addressor can use to construct an antagonist role. It may serve to say a little more about how we suppose this to work and how the groups are inter-related. We shall do this firstly by saying a little more about each taxonomic type.

Explicitly Included

When an addressor identifies or constructs the antagonist position through explicit inclusion they make explicit moves aimed at appealing directly to some identified group. This is perhaps the most commonly used constructive strategy and we can identify it in, for example, hard-sell advertising techniques or the use of target addressees in (particularly visual) advertising media. We can gain a further sense of rhetorical intent in the chosen time slots of broadcast advertising, or the circulation demographic of some print media adverts, whereby a particular time slot and programming type or particular newspaper, magazine etc. is seen as attached to a particular sub-set of potential audience.

Explicitly Excluded

It is possible for the addressor to construct an antagonist by making an explicit characterisation of the audience she does not want to sell her product to. In other words, to make an explicit statement or definition of ~A in order to implicitly identify and include A. Though this strategy may initially sound counter-intuitive, it is in fact a frequently adopted strategy, particularly in advertising larger luxury items such as cars. Recent examples include: Audi identifying a particular character who would not buy their product; Volkswagen identifying those who do buy their cars, but are undeserving; Peugeot identifying an individual (Indian) man who is unable to buy a particular car, but desires it to the point that he attempts to re-create one by beating his existing car into its approximate shape.

Implicitly Excluded

The implicitly excluded constitute a part of the audience that is excluded from the antagonist position under construction, but this exclusion occurs as a consequence of their holding some antithetical position to the explicitly identified and targeted (included) group.

Implicitly Included

The implicitly included constitute a part of the audience that the addressor wants to place within the constructed antagonist position. However, this inclusion occurs as a consequence of their holding some antithetical position to the explicitly excluded group.

The interrelation of types

It should be relatively clear from the way we have identified and defined the categorical types how we think they are related: thus if an advert explicitly in-

cludes, it simultaneously implicitly excludes, and vice versa. As this suggests, there are a couple of features of the way the antagonist position can be defined (and the antithetical accompaniment that comes as corollary) that fall out of this taxonomic definition. Taking A to be the included (and ~A to be excluded):

1. Wherever an antagonist is constructed both A and ~A will form part of the construction (this is a constructive disjunction).
2. Wherever A is stated explicitly ~A is implied (or is implicit).
3. Wherever ~A is stated explicitly, A is implied (or is implicit).
4. Only one constructive disjunction is stated at each stage in the construction of the antagonist.
5. The 'object' identified by A or ~A cannot be stated both implicitly and explicitly within the same constructive disjunction. That is, A (the included) cannot be stated both explicitly and implicitly at the same stage of construction (similarly for ~A).
6. A disjunct within a constructive disjunction cannot be part of a constructive stage without an appropriate (from (2) (3) and (4)) accompanying disjunct (from (1)).

3.4 The 'unacknowledged audience'

Working from this proposed taxonomy, it seems that we still need to develop a better understanding of ~A. After all, although the above section suggests that we are defining ~A as 'whatever A is not', there are, in fact, two ways in which this could done: considering the receiver in relation to 'domains of discourse', we can think of ~A in terms of a restricted or an unrestricted domain.[3] Taking a quick example of what we mean by restricted and unrestricted domain, imagine A (the assumed antagonist, or target audience) are twenty-something females. If we take the domain of discourse to be unrestricted, ~A will be anything that is not a twenty-something female (for example: men, horses, running shoes and so on). Conversely, if we take the domain of discourse to be restricted to females, ~A will be any female that is not a twenty-something. But why do we think it is important to be clear about how we define our domain of discourse?

If we take the domain of discourse to be unrestricted, everyone is either included or excluded and thus there is no portion of a potential audience that is ignored – if you are excluded, this places you in a group that covers a whole range of potential sub-sets or sub-domains of the 'receiver'. On the

other hand if the domain is taken to be restricted then it looks as though there are three groups that arise from the inclusive/exclusive strategies: the included, the excluded, and the 'ignored' or 'unacknowledged'. If we take our domain of discourse to be restricted then it seems that we require a more detailed explanation than that given to the included and excluded. In other words, we need to provide an account of the ignored, its relation to the extension of the 'receiver' (does it form a tripartite exhaustion of this set with the included and the excluded?) and an explanation of the relation between it and the Principal and Author.[4] In short, depending on whether we think of the domain of discourse as being restricted or not will determine whether our taxonomy of inclusion and exclusion exhausts the extension of the 'receiver', or whether we produce a further taxonomic group: 'the ignored'.

We think that the domain of discourse *is* restricted in the construction of imagined antagonists and that the included and excluded do not exhaust the receiver. However, we also think that this does not mean that there is some proportion of the receiver that is ignored throughout the construction of an antagonist role by the addressor (despite our introduction of this terminology above). In explaining how the ignored is related to the addressed and the Principal/Author we think we can show that constructing the antagonist does not mean that any part of the receiver is truly ignored, and that ultimately it would not be in the interest of the addressor to do so. How will be made clear below.

3.5 Multi-layered applications of the binary

The way in which part of the receiver which appears to be unacknowledged or ignored at some constructive stage can be accounted for (as the adoption of a restricted domain requires) is by noting that the construction of an antagonist role is multi-layered. That is to say that the receiver will be divided at some initial level between A and ~A in very broad terms. A is then further divided by a second application of a constructive disjunction (i.e. submitted to a further constructive stage) between A and ~A.[5] This re-application of the constructive disjunction at a further stage of construction can continue across many stages until the antagonist role looks suitably well defined. Indeed, on the level of advertising, it is part and parcel of a successful campaign that it is able to take the constructive stages far enough to identify its target well, without over specifying the antagonist and so restricting its market. So, how does this proposed multi-staged construction of the antagonist provide an account of 'the ignored'?

The answer is fairly straightforward. The excluded (or ~A) of some preliminary stage of construction, becomes 'ignored' at some further stage. We imagine a multi-staged construction of the antagonist role where the whole of the receiver is addressed at the first stage (by either inclusion or exclusion), with the included of the first stage addressed further at a second stage, and the excluded of the first stage addressed no more at any stage in the rest of the construction (and so on with the included and the excluded of each constructive stage). Adopting this model of constructed inclusion we can see that once the final constructive stage is arrived at and the definitive account of A is achieved (the constructed antagonist), the ignored are constituted by the accumulation of the excluded of each stage.

There is something interesting about this model of constructed inclusion, in that it captures a very basic intuition about advertising and marketing: although the ideal targeted group of an advertising campaign may be small, the bodies behind the advertising (companies, governmental agencies etc.) are not likely to want to make any group isolated from the conventions and milieu of advertising; incomeless teenagers are tomorrow's car drivers and beer drinkers for example. The advertiser is in the ineviable position of wanting to talk to everyone personally at once. Another interesting feature of this multi-layered application is that it takes pressure off the constructive binary in its role of constructing the antagonist. Instead of one application of the constructive disjunct defining A and ~A we can take away the strain associated with providing tight definitions (particularly of the included, A) and constructing the antagonist in one fell swoop. Consequently, the construction of the antagonist is allowed to develop more gradually over a multitude of constructive stages using more and more rhetorical devices in the process of defining the included and the excluded at each stage.

One final point here before we go on to make an application of this structure (along with the involved notions of inclusion and exclusion): the notion of stages may additionally allow us to tell an interesting tale about the relations between the excluded of each constructive stage. There might be some way to describe the degree of exclusion of each stage as we find it in the final constructive stage, following a similar strategy to that employed by Fairclough (1995: 103) in his discussion of "how events, situations, relationships, people and so forth are represented in [media] texts". Fairclough's discussion focuses on noting what is absent from the text and, to some extent, "a scale of presence, running from 'absent' to 'foregrounded': absent – presupposed – backgrounded – foregrounded" (1995: 106). Here we add the extent of exclusion – or absence – to this scale. Our point is no more in depth than to suggest that

the progression of constructive stages might allow us to give a scaled account of exclusion from the antagonist slot in a way similar to that envisaged by Fairclough for presence in media texts generally. Although the need to provide an account of this scale here is secondary (and so will be passed over) it is good to note that it seems plausible, and perhaps even desirable,[6] that such an account could be given.

4. Extended example

Let us then, make a fairly cursory application of the general structure that we have been discussing to an example. The example we are using is a one-page information advertisement from *The Muslim News* on 21st December 2001 (see Figure 2). There are multiple uses of the constructive disjunction throughout this advertisement and we shall treat them in turn as they form part of the wider, multi-staged antagonist construction. We will look at both the ignored at each stage and the rhetorical devices that seem to be at play. We will finish with a final result which gives us the antagonist that is constructed for this advertisement through these multi-staged applications of the constructive disjunction. However, we will not provide an account of the ignored or excluded at this final stage since it is not clear how we should differentiate these at the point of final definition for A.

We should note that there is also room for some explanation of how the domain of discourse shifts from one constructive stage to the next; just as the excluded from one stage becomes the ignored of the next, the included of one stage becomes the domain of the next. We shall omit this detail here though since we have paid no formal or detailed attention to it.

The construction of the antagonist here then may go something like this:

Stage One:
Ignored – No one
Domain – People
Explicitly Included – Muslims
Implicitly Excluded – Non-Muslims

Rhetorical device: The location of the advertisement in the Muslim News, a medium that has a high percentage Muslim demographic. The paper is aimed at Muslims, this is explicit in the name etc., non-Muslims then are implicitly excluded.



Figure 2. Meningitis advert (Muslim News)[7]

Stage Two:
Ignored: Non-Muslims
Domain – Muslims
Explicitly Included – British Muslims
Implicitly Excluded – Non-British Muslims

Rhetorical Device: The use of English language and appeal to authority of the Muslim Council of Britain, Association of British Hujjaj.

Note: Arguably this strategy of including *British* Muslims is apparent at the first stage since the newspaper uses the English language and has a target demographic of British Muslims. That said, the advertisement is capable of standing on its own – indeed the advertisement was (intertextually) part of a widely distributed wall poster campaign in British Doctors' surgeries where it would have been seen by non-Muslim and Muslim alike. This is why there are rhetorical devices at play in the advert itself that help to divide the initial domain into included Muslims and excluded non-Muslims (the first stage's constructive disjunction): note the iconic and symbolic semiotic devices at play, for example, the 'Arabic' style font and crescent moon aimed explicitly at including Muslims and implicitly at excluding non-Muslims. That said, since the Principal/Author of this campaign was the *British* Government, it is unsurprising that the inclusive strategies of the first and second stage overlap to some extent here.

Stage Three:
Ignored: Non-British Muslims
Domain – British Muslims
Explicitly Included – "Responsible" British Muslims
Implicitly Excluded – "Dependent" British Muslims

Rhetorical Device: The imperative "protect yourself and your family". This command identifies (includes) those who are either responsible for themselves or responsible for themselves and their families. It implicitly excludes those British Muslims that are dependent upon a parent or a carer since no mention of them is made.

Stage Four:
Ignored: "Dependent" British Muslims
Domain – "Responsible" British Muslims
Explicitly Included – "Responsible" British Muslims with unvaccinated family members
Implicitly Excluded – "Responsible" British Muslims without unvaccinated family members

Rhetorical Device: The completion of the imperative with "from meningitis". Obviously those British Muslims who are responsible for obtaining vaccines for themselves and their families and have already done so need to be excluded. Here they are excluded implicitly because the imperative makes direct (and so explicit) appeal to those Muslims that are responsible for themselves and families with reference to the vaccine.

Stage Five:

Ignored: "Responsible" British Muslims without unvaccinated family members

Domain – "Responsible" British Muslims with unvaccinated family members

Explicitly Included – "Responsible" British Muslims with unvaccinated family members going to Hajj or Umrah

Implicitly Excluded – "Responsible" British Muslims with unvaccinated family members not going to Hajj or Umrah

Rhetorical Device: The conditional "If you are going to Hajj or Umrah this year, make sure you receive the correct vaccinations from your doctor". It is easy to use this statement to test ourselves for fit. If I am not going to Hajj or Umrah then I know that the rest of the advertisement is not relevant to me and so I am excluded. If am going to Hajj or Umrah then I know that I must continue to engage further to test for fit (or to adopt the antagonist position).

Note: There seems to be a possibility that this stage might precede the straight forward imperative at stage four, that is, that the antagonist is better defined first by including those who are going to Hajj or Umrah and then those who are not vaccinated. This is open to debate. However, it seems that in this case, through the way that the poster is read and constructed, the "responsible" are isolated first and the pilgrims second. In addition, this order of stages also supports the more general notion forwarded here, of the progressive inclusion of antagonists. Speculating wildly: although 'responsible British Muslims with unvaccinated family members *not* going on pilgrimage' are not the ultimate target for the advertisement, by virtue of their rhetorical positioning (as constructed-antagonist-once-removed) they may feel suitably compelled – or *included* – to vaccinate their family members anyway. Concluding the speculation, a Muslim may conclude thus: 'I know that I am *not* going to Hajj or Umrah this year, but I am a responsible British Muslim with unvaccinated family members and therefore I am going to vaccinate them regardless'.

The position, or antagonist construction, that we find ourselves with in the end is the included of the final stage. In this case then, what we get is this:

Final Result:
Constructed Antagonist – "Responsible" British Muslims with unvaccinated family members going to Hajj or Umrah

Note: This is not the end of argumentation in this example, since the advertisement, having established a potential antagonist through various rhetorical stages, then goes on to provide more argument aimed specifically at this construction. The information that follows in this advert concerns: the new (deadly) strain of meningitis; the specific kind of meningococcal vaccines that are required to combat this new strain; where to get vaccinated; the assertion that the Saudi government has made vaccination a visa entry requirement; and where to get more information should it be needed. All of these arguments are aimed at the constructed antagonist that we arrive at the end of the various inclusive and exclusive stages and thus represent strategies from the argumentation stage.

5. Conclusion

In this paper we have attempted to address the problems which the heterogeneous, non-interactive antagonist poses to argument1. We introduced an approach to the analysis of argument1 which suggests that, in order to construct a comprehensible, acceptable and hence successful mass broadcast argument1, protagonists should (and, in the case of advertising, *do*) construct the antagonist position through a taxonomy of progressive inclusion. Our example and motivation throughout has drawn on the genre of advertising which we take, and hope to have shown, is an example of an argument (argument1) involving a protagonist and a non-interactive and/or heterogeneous antagonist – a pseudo-dialogue which Govier sees as problematic. We have shown, through the extended application of our taxonomy, that a pragma-dialectic approach to argumentation can deal with the problems of non-interactive, heterogeneous audience Govier suggests. It should also be clear that we think our 'taxonomy of progressive inclusion', used in constructing an antagonist in advertising discourse, is applicable to wider scenarios of non-interactive and heterogeneous audience. Consequently, we feel that we have shown a development and strengthening of the pragma-dialectical model by providing an account of antagonist construction in argument1.

Notes

1. O'Keefe (1977) himself pointed out that the distinction between argument1 and argument2 was only ever "a starting-point for analysis" out of which "[v]ery thorny issues immediately arise concerning how one is to delimit" them (p. 127).

2. Goffman argues that in any communicative event, the speaker/writer role can be dissected into three "functional nodes in a communicative system" (1988:144) – the animator, the author and the principal. Taking each of these in turn, Goffman suggests: the animator is the "body engaged in acoustic activity", or the "individual[s] active in the role of *utterance production*"; the author is realised by "someone who has *selected the sentiments* that are being expressed and the words in which they are encoded"; whilst the 'node' of the principal falls to "someone whose position is established by the words that are spoken, someone whose beliefs have been told, someone who is *committed* to *what the words say*" (emphases added, Ibid.).

3. Here, we're using 'domain of discourse' in the same way it is commonly used in formal logic; an alternative expression is the 'universe of discourse'.

4. Questions that may arise at this juncture could include: do the Principal and Author in advertising really want to ignore some portion of an audience? Is the 'ignored' really ignored or are they addressed but held in mind for deferred interaction?

5. This is part and parcel of why we think that we should adopt a restricted domain of discourse; if the domain were unrestricted, then ~A at different constructive stages of the same construction would be co-extensional, and this seems not to capture what goes on in the narrowing of an audience or targeted group; this should become clearer in the extended example given below.

6. Desirable to the extent that there is a basic intuition that, for example, in an advertisement aimed at black male youth, the white elderly female population seem to be more excluded than, say, white male (or perhaps even female) youth, even though all are arguably excluded.

7. Figure 2 is Copyright of the Crown. Crown copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland. Many thanks to the staff of HMSO for assistance in securing this licence.

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Chapter 12

Competing demands, multiple ideals, and the structure of argumentation practices

A pragma-dialectical analysis of televised town hall meetings following the murder trial of O. J. Simpson

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Over the last few decades commercial television news programs have become the main medium for conducting public argumentation in the United States. Televisions programs such as Nightline, Cross Fire, and Meet the Press, as well as entire networks such as the Fox News Channel have grown in popularity as the loci for deliberations about public controversies. A common structural feature of these broadcasts is the presence of a moderator who directs conversation, chooses which participants get the floor, and decides which issues to highlight. The discussion moderators actively shape the nature of public discourse in these forums by the decisions they make. The purpose of this essay is to examine the interventions by moderators and situational exigencies that shape public argument in these broadcasts. In our essay, we examine argumentation in televised town hall discussions following the verdict in the O. J. Simpson trial. We compare the argumentation practices made by television news program moderators with the expectations of the pragma-dialectical model of argumentation. We identify two ways that moderators practices encourage argumentation that differs from the pragma-dialectical model of critical discussion: reliance on experts as the voice of the people and undeveloped standpoints. We take these practices to be reasonable adaptations to the demands of the situation even though these practices violate pragma-dialectical standards. These practices suggest that argumentation in these settings is responsive to the exigenicies of the setting and to different idealizations about

the handling of differences of opinion: democratic participation, rational planning, and entertainment.

1. Televised town hall meetings

The "televised town-hall meeting" was originally instituted by the American Broadcasting Company on the television program *Nightline*. The basic idea behind the televised town meeting is that a well known newsworthy person (or group of people sometimes joined by a group of experts on the topic) sits among a group of ordinary citizens to discuss the issues of the day. Given that anyone is allowed to voice an opinion, and that all participants are, at least in principle, to be treated equally, the program is fashioned to reflect the value of open and free democratic deliberation. The town meeting gives ordinary citizens access to government officials and to a mass communication outlet. Even the name of the program, "town meeting" brings to mind an old fashioned forum where the citizens of a town can gather together and test values and policies important to the future of the community.

Televised town meetings present a significant research problem for argumentation critics for at least two reasons. First, televised town meetings provide an opportunity for argumentation researchers to extend and refine dialectical models of argumentation theory. Televised town meetings can be reconstructed as critical discussions and evaluated in terms of normative standards for ideal argumentation practices. The pragma-dialectical program of argumentation research and criticism attempts to understand argumentation practices as the result of the way in which argumentation forums are engineered. Evaluating argumentation from this perspective requires that critics move beyond analyzing the logical rigor of individual arguers and arguments to the ways in which the communication environment invites or discourages ideal argumentation practices.

The second reason televised town meetings provide an important subject for argumentation scholarship involves the role of mass media and public sphere deliberation. Several scholars have discussed the loss of public argumentation in which ordinary citizens are able to engage each other in deliberative discussions concerning matters of public policy (e.g., Goodnight 1982). By taking telephone calls from viewers or by allowing audience members to participate in discussions with a panel of experts, televised town meetings transform passive reception of media controlled messages into a potential platform for the common person to contribute to public dialogue. As Willard (1990) contends,

argumentation scholars have a responsibility to examine and evaluate communication platforms and their potential for increasing the quality of public discourse.

In this essay, we specifically examine transcripts from the television programs *Nightline*, and *Rivera Live* will be examined. All of the episodes of these programs revolve around the controversy surrounding the verdict in trial of the N.F.L hall of fame runningback, actor, and public personality O. J. Simpson for the murder of his ex-wife and her friend. The *Nightline* episodes aired on A.B.C. October 4, and October 5, 1995. The *Rivera Live* transcript is from an episode that aired on C.N.N. on October 3, 1995.

In this essay, we are interested in illustrating how patterns of argumentation practices can be reconstructed as strategies for dealing with situational constraints and opportunities. Specifically, we argue that deviations from ideal argumentation in televised town meetings can be understood as responses to the implicit ideals of public participation in policy dialectic in conjunction with the (sometimes) competing demands inherent in the pragmatic necessities of commercial television programming. Since the purpose of this analysis is *not* to make claims about the frequency of particular acts or patterns, or to generalize our results to a specifically identified population, we decided that it was reasonable, in fact advantageous, to focus the study on a single set of town meeting programs involving a single controversy. Examining a single controversial issue and a limited set of cases allows us to illustrate more clearly the ways in which particular argumentation practices can be understood as responses to a particular communication format.

2. The Simpson verdict controversy as public argument

The trial of O. J. Simpson for the murder of his ex-wife Nicole Brown, and her friend Ronald Goldman, was the most publicly monitored trial in United States history (Walsh 1995). In addition to the live cable television broadcast of the entire trial, local and national television news programs typically carried at least one story related to the trial every night (Cose 1995). Several issues surfaced during the trial that made it a centerpiece of discussion on radio and television news shows (Walsh 1995). These issues went beyond the trial itself to general questions about the ability of the judicial and law enforcement system to manage the rights of the accused, spousal abuse, misconduct by police, the use of scientific evidence such as DNA, and racism in the justice system. The

verdict of "not guilty," after only a few hours of deliberation was a subject of intense debate over the next few weeks.

The issue of race, more than any of the others, was at the heart of the controversy over the verdict. This issue was particularly poignant in the city of Los Angeles, the site of the trial, which had recently experienced intense rioting following a not-guilty verdict in the trial of four police officers charged with beating an African American motorist. There was some fear that a guilty verdict in the Simpson trial would set off another round of rioting. The beating of the motorist, and the following public response, created more distrust among the African American community of the Los Angeles Police Department and the justice system. Polls showed that public opinion about Simpson's guilt was split largely along racial lines. Whites believed that the defense's racist conspiracy argument was a red herring while blacks largely believed Simpson to be the victim of police misconduct. Given public concerns about more racially motivated riots, the concerns about treatment of minorities by the legal system, and the public persona of the defendant, the issues in this case became one for the public sphere. The examples of argumentation presented below are framed by this context and should be understood as responses to these issues especially.

3. Analytical strategy

We ground our analysis in normative pragmatics (Jackson 1993) and use the pragma-dialectical model (Van Eemeren, Grootendorst, Jackson, & Jacobs 1993) of critical discussion as our analytic tool. Pragma-dialectical theory involves the comparison of empirical data to a normative model of argumentation in order to identify departures from the ideal. These departures become the object of explanation and critique. The normative model of argumentation in pragma-dialectics models argumentation as the resolution of differences of opinion on the merits of arguments (Van Eemeren & Grootendorst 1992). Arguments are then reconstructed and compared to procedures that in principle maximize the likelihood of deciding a difference of opinion based on the merits. Such an approach draws attention to the procedures of argumentation and how those procedures enable or inhibit critical discussion.

Our analysis focuses on the role of the discussion moderator in the town hall and how the moderator's actions contribute to shaping a critical discussion (for further discussion of the role of third parties in critical discussion see Aakhus in press; Jacobs & Aakhus 2002a, 2002b). The ideal third-party facilitator for deliberation would engage in behaviors that maximize the argu-

mentative quality of the discussion. In the case of moderators, we would expect, if they were trying to produce a critical discussion that they would take actions such as drawing attention to fallacious reasoning, prevent the discussion from lapsing into quarreling, and to draw out common values and acceptable evidence on which to resolve differences.

4. Analysis of the town meeting structure and argumentation

Based on a pragma-dialectical analysis of argumentation in televised town meetings, we have identified at least two general ways that actual practices of moderators create departures from the normative ideal of critical discussion. We do not suggest that these two practices exhaustively describe the activity of moderators in televised discussion. Our purpose is to describe how alternative ideals for participating in deliberation compete in the design of a forum and the conduct of deliberation.

4.1 Reliance on experts as the voice of the people

The *Nightline* and the *Rivera Live* transcripts were dominated by those with connections to the legal or law enforcement fields. Both *Nightline* and *Rivera Live* had panels of lawyers that were continually the focus of interaction. On the four hour *Rivera Live* episode the night the jury came out with a verdict, Geraldo Rivera, the show's host and moderator, constantly posed questions to defense and prosecuting attorneys. In fact, except for friends or family of either Simpson or Nicole Brown, and two dismissed jurors, the panel was made up solely of attorneys. These attorneys were not involved in the actual trial but were the network's in-house experts on criminal trials generally. Rivera declares, "Not guilty – kind of a four-hour town meeting. We're inviting the entire country to join us," however, in the course of the four hour show, Rivera took only ten calls from people not associated with the case or the legal profession in general. For the viewers, the invitation to "join" does not necessarily extend to an invitation to participate in the discussion.

A typical example of one of the few non-expert contributions in the River Live transcript is depicted in example one. Notice that while there may have been people on the panel who disagreed with Vanessa's (the caller) statement, they were not invited to respond. Instead, Rivera cuts off argument and moves on to the next caller. Several instances of this kind occur where the caller's

argument goes without comment. Rivera treats callers as participants in an opinion poll rather than as participants in a critical discussion.

(1) *Rivera Live*, 3 October 1995

Rivera: Vanessa, Georgia. You're on the air Vanessa.
Vanessa: Hi.
Rivera: Hi.
Vanessa: Yes, I just called because I think it's sad and kind of ironic that Nicole Brown Simpson actually had the last word in this. It was she who had left the evidence in the safety deposit box and she pointed to him. And she had told friends and relatives that he was going to kill her and get away with it. And she actually ended up having – you know, she – it's rather sad, actually.
Rivera: So you think justice was not done?
Vanessa: No.
Rivera: No. Joan form Connecticut, what do you think?

Arguments in the town meeting transcripts reveal that contributions from non-experts are treated as expressions of attitudes rather than assertions of standpoints, or are used as discussion prompts for the experts. However, once non-experts have made a contribution, they tend to be cut off from serious discussion. In the few instances in which a caller's arguments were entered into discussion, the experts generally took over after the caller's initial speaking turn. Example (2) depicts a typical example. Victoria is a non-expert caller, Monahan is a criminal defense attorney:

(2) *Rivera Live*, 3 October 1995

Victoria: I just want to say that I feel sick to my stomach with – with what happened today. I have no doubt at all that O. J. Simpson is totally and completely guilty, and the jury just completely ignored the evidence. When Jeanette Harris (the jury foreperson) came out and starting speaking, it was clear that she was not listening to the evidence. And I know that race has been a big part of this case, but I think another factor – and that is that people in this country worship wealth and celebrity. And O. J. Simpson wasn't just a black man; he was an idol, you know, to not only to the black community, but to other people, sports fans. And I think that this verdict just confirms that anybody who is popular enough and well connected enough and rich enough can buy a license to do anything.

Monahan: Can I respond to that? I–I–I–Victoria, I don't think that's always true. I mean look at Mike Tyson. Mike Tyson, heavyweight champion of the world, a lot of money, popular in many circles convicted; now he's fighting his way back. I mean, I think that the American public – they love to tear down public figures.
Rivera: Tyson had a much, much different image than Simpson.
Monahan: Yeah? OK. but Still...

In this example the caller expresses the standpoint that wealth, power, and popularity can be used by defendants to sway juries unjustly. Monahan responds to the caller's argument by using the professional boxer Mike Tyson's rape conviction as a counter example. Once the caller had made her point, she was cut off from discussion. Rivera did not ask the caller to respond as he does with the attorneys. Instead, he responds for her and the argument continues for a few turns without the caller ever entering back into the discussion. Rivera and the panel of experts exclude the original protagonist from the give and take of the discussion and become the voice of the people.

Although, expert domination of a discussion is not in-principle a violation of pragma-dialectical rules for critical discussion, the way they tend to be privileged by moderators in the town meetings is. If, in the give and take of a critical discussion, experts dominate the conversation simply because they have more to contribute, are more willing to speak, or are given the floor by other participants, then no rules for critical discussion are violated. However, the program moderators' tendency to favor contributions of experts or authorities over non-experts departs from normative standards for ideal argumentation in at least two ways. First, the rules for critical discussion articulated by Van Eemeren and Grootendorst (1992) require that participants not be discouraged from entering or advancing standpoints. Rivera's and Koppel's treatment of non-expert contributions as trivial discourages, and in some cases prevents, non-experts from becoming active participants in the dialogue.

Second, privileging the contributions of experts violates second order conditions for critical discussions (Van Eemeren et al. 1993). There are several preconditions for the conduct of critical discussion (second order conditions) that go beyond the procedural rules for conducting a critical discussion (first order conditions). Since critical discussion is founded on symmetry in the status of participants, the moderators' treatment of non-experts' contributions as mere expressions of attitudes or shifting the argumentative burdens from non-experts to experts creates a departure from an ideal argumentation fo-

rum. Critical discussion is not possible when all participants are not given the same rights and responsibilities in advancing standpoints.

Rivera's decision to favor experts can be reconstructed as a strategy for reconciling the competing demands of the situation. Rivera uses the callers as resources for structuring the dialogue around the competing demands of public participation, rational dialogue, and audience entertainment. By taking calls from viewers, Rivera attempts to maintain the ideal of free participation in public controversy. By relying on legal experts for elaborating and extending debate regarding viewer initiated topics, Rivera maintains the ideal of rational discussion. Moving from caller to caller also maintains the entertainment value of the show because viewers are less likely to become bored by extended dialogue. However, by focusing on experts' contributions to the discussion, Rivera neglects the public's perspective of the controversy. By cutting to the next caller or by jumping in and defending the caller's standpoint, the moderator is cutting off discussion, discouraging callers from making arguments, and preventing callers from defending their own standpoints. For example, its not clear at all that Victoria in example (2) would have defended her standpoint in the same way Rivera did.

A similar pattern emerged on the *Nightline* episodes. The set up of the stage was the first clue that the town meeting favored some citizens more than others. The general audience was separated from a panel of "authorities" by a small railing running between the audience and the panel. Most of the speakers for both of the episodes were considered to have some sort of technical knowledge. The first town meeting was to discuss the verdict itself. For this meeting, the panel included attorneys, city officials, family members of the victims and defendant, and several representatives from law enforcement. The second town meeting televised the following night concerned the media's influence on the trial and the panel consisted of family members, press representatives, and once again, attorneys.

One set of exchanges points out how the program's host and discussion moderator, Ted Koppel, denies that there is a privileging of authorities when challenged by a non-authority participant. Example (3) begins as Koppel is looking among those present for a participant associated with the Police Protective League and is interrupted by one of the "towns people".

(3) *Nightline,* 4 October 1995

Koppel: We have a number of policemen here tonight. I – wait a second – who's from the Police Protective League? Go ahead, sir.

Johnson: How can you call it a town meeting when you're only talking to cops and Daryl Gates (former Los Angeles police chief)? What about the people?
Koppel: Well wait a second.
Johnson: But you know, this is a joke.
Koppel: Are you a people?
Johnson: Yeah, I'm a people.
Koppel: Fine. Hang in there for one minute and I'll get to you, but this man is first.

After Cliff Ruff from the Police Protective League speaks, Koppel returns to Johnson.

Koppel: All right.
Johnson: May I – May I –
Koppel: Go ahead sir. It's your turn.
Johnson: This is –
Koppel: Who are you, other than being a person?
Johnson: My name is Joey Johnson, I'm a revolutionary activist against police brutality in South Central Los Angeles.

It is interesting to note Koppel's defensiveness at Johnson's suggestion that city officials are privileged over ordinary citizens. Even though there were people other than police speaking up until that point, almost all speakers were of some official capacity. A few lines later in the transcript Koppel returns to Johnson's complaint indirectly through the use of sarcasm and ridicule:

(4) *Nightline*, 4 October 1995

Koppel: …We have roughly 20 minutes of airtime left, and I know there's a lot of frustration building up among people who haven't had a chance to talk. Tom Hayden (then a member of the House of Representatives), I don't know if you qualify as a people, but go ahead and talk.

Koppel's tactic can be reconstructed as an example of the fallacy of equivocation by changing the meaning of the term "people" from "unofficial, ordinary citizen," as Johnson means it, to "human being" so that everyone, including the government authorities, qualify as "people" too. Though almost every participant after Johnson is connected to the government, law enforcement, or the legal profession, Koppel's insistence that these are all "people" reflects the importance Koppel places on maintaining the appearance of equal participation by all. Koppel's equivocation strategically blurs the line between public and

expert participation in public controversy in a way that makes the competing demands of open participation and rational dialogue mute. By reframing Johnson's criticism, Koppel points out that government authorities are equally entitled to participate in open deliberations since they are equal members of the citizenry. The result is much the same as in the *Rivera Live* transcripts. Ordinary members of the non-expert, non-official public are ostensibly participating in public deliberation but are in practice relegated to the sidelines.

The moderators' departure from ideal discussion practices, in the form of violating participant's ability to argue for themselves, can be understood as a response to the competing demands of equal participation, informed public policy debate, and the practical necessity that the program be entertaining. Koppel as well as Rivera use callers and "town's people" as discussion prompts and as thermometers of public opinion reflecting the implicit ideal of discussion open to public dialogue. The need to balance open dialogue with well reasoned and well informed debate is reflected in the domination of experts in the role of actual "argument makers". In doing so, both moderators draw on the knowledge and experience of their expert guests as a resource for presenting arguments that are founded on a sophisticated understanding of the complex issues surrounding the case. While the result is a departure from ideal critical discussion standards, it is not clear that other choices available to the moderators would have been more inviting. For example, Koppel and Rivera could have seized on non-experts personal interest in the case as a resource for accomplishing more open dialogue, and perhaps for maximizing viewer interest by involving them in a more direct way. However, the quality of the arguments presented in support of viewer's standpoints may not have been as logically or factually sound as the arguments presented by the experts. Given the constraints of the situation, the moderators made choices and those choices influenced the structure of the discussions, for good or bad.

4.2 Undeveloped standpoints

The resolution of a difference of opinion based on the merits requires that standpoints be developed so that participants are able to refute and affirm standpoints in light of the argumentation offered by an opponent. One procedural requirement of ideal critical discussion articulated in the pragma-dialectical model is that standpoints must be defended until abandoned by a protagonist or agreed to by an antagonist. The choices a moderator makes about how to develop a conversation may encourage or discourage the full development of standpoints. There are several instances in the *Nightline* and

Rivera Live transcripts in which moderators' actions result in standpoints that are under developed or that are concluded prematurely. Example five is one such case.

(5) *Nightline*, 5 October 1995

Koppel: Sitting right next to you is Michael Jackson, another talk show – longstanding talk show host in this community.

Jackson: We don't agree.

Koppel: I was reading that –

Praeger: Ever.

Koppel: I was reading that from your body language, Michael. Maybe you'd like to –

Jackson: I was very angered by something I just heard, and something I remembered.

Koppel: Well, put into English for us.

Jackson: Okay. Dennis, throughout the trial, you said, categorically, "he's a murderer". I don't think you have the right to do that. You said it over and over again.

Praeger: Well, the ACLU took out an ad that day after the video came out about the Rodney King beating and said that the police were guilty. I don't recall Michael attacking the ACLU for making that judgment immediately.

Jackson: They were not going to be executed or put behind bars, depending.

Praeger: Well, I didn't make that judgment until the evidence seemed to me, from Marcia Clark's opening statements and the lack, I felt, of a good defense, to be overwhelming, and I still feel it's overwhelming, and most of the country does.

Koppel: Jeffery Toobin, you wrote a seminal piece for *The New Yorker* early on, in which you revealed, I think, for the first time, that the defense was going to go after a Los Angeles detective by the name of Mark Fuhrman, and you suggested for the first time that race was definitely going to become an issue, at least racism was going to become an issue. Incidentally, I gather he dropped his libel suit against you today. Is that right?

Toobin: I noticed that, yes.

Koppel: Talk for a moment about – we've been talking about radio, we've been talking about television. – talk about the print medium: newspapers, magazines.

In example five, Jackson makes the argument that Praeger should not be making claims about the guilt of a man on trial. Praeger's first response is not directly related to the standpoint Jackson has advanced. Instead, Praeger argues that Jackson didn't complain when the ACLU did something similar during the trial of the police officers who beat Rodney King. This tactic amounts to a variation of a *tu quo que* but is aimed at an organization Jackson identifies with instead of Jackson himself. Praeger later responds by providing arguments in support of his standpoint. Even then, Praeger's response only partially answers Jackson's objection. Praeger justifies why he could have come to the conclusion of Simpson's guilt but still does not answer the question of his right to express the opinion on the air. Praeger's response creates a disagreement space in which Jackson could offer counter argumentation. Rather than giving Jackson a chance to respond, however, Koppel moves to another participant and away from the current disagreement.

Koppel's move away from the development of the standpoint in example five is not a weakness in Koppel's ability to effectively moderate a discussion. There are several examples in the *Nightline* transcripts in which Koppel redirects the discussion when it begins to go off track or when Koppel directly asks for a participant to respond to a particular argument (see Aakhus in press, for a discussion of the use of redirection by third-parties to manage impasse in disputes). Rivera also skillfully moderates the discussion in several instances in the *Rivera Live* transcript but on many occasions cuts off the development of an argument by changing topics, speakers, or moving to a commercial break.

The fact that standpoints often fail to develop completely can best be understood as the result of strategic choices made by the discussion moderators for balancing the competing demands underlying televised town meetings. Koppel and Rivera do not always allow protagonists and antagonists the opportunity to fully develop and defend their standpoints. In doing this, they draw differentially upon the resources available to them in the different ideals for participation: open discussion, rational planning, and entertainment. They could use any of these ideals to explain the efficacy and appropriateness of their actions. For instance, the entertainment ideal could be used to point out the practical realities of commercial television programming and the real "needs" and "interests" of the audience. By explaining the need for gathering the largest possible audience in securing the success and profitability of their programs, Koppel and Rivera might justify interrupting argumentation because they must go to a commercial advertisement to pay for the air time that makes the event possible. They might also appeal to the limitations of the audience to justify their actions. For example, television audiences tend to have

short attention spans and drawn out discussions of single issues are not entertaining enough to attract and hold an audience's attention. The many ways in which the critical discussion is circumscribed can be justified by one of the competing ideals embedded in the structure of the format itself. Movement to new issues, speakers, and new controversies can prevent well developed debate. However, allowing arguments to develop to conclusion may discourage public participation through boredom, may limit the number of issues that are exposed to critical public inquiry, or may contribute to public confusion or misunderstanding by bogging down non-expert viewers in esoteric detail. For example, Koppel's termination of the argument begun by Jackson and Praeger could be reconstructed as a skillful redirection of format resources (e.g., time, participant expertise, etc.) to issues more germane to Koppel's vision of issue significance.

5. Conclusions: Competing idealizations of participation in public deliberation

The two moderator practices identified here deviate from the pragma-dialectical standards for critical discussion. To understand these moves and the structure of television town meetings, we suggest that there may be other cultural ideals about argumentation operative in the actions of moderators. We suggest that at least three culturally instituted structures about participation are reflected in the patterns of communication evident in televised town meetings: the democratic ideal of public discussion open to all (e.g., Habermas 1970, 1989), the western ideal of public policy formed through rational discussion (e.g., Fischer & Forester 1993), and the contemporary ideal of entertainment as a form of mass participation (e.g., Jamieson 1988; McLuhan 1988; Postman 1985). These three ideals provide resources through which deliberation in televised town meetings are structured (see Aakhus 2000 for related discussion of formats in the context of information and communication technology).

The purpose of our essay was to illuminate the ways in which competing situational resources are emphasized by discussion moderators in the structuring of deliberative discussion in the public sphere. Specifically, we examined televised town meetings as examples of moderated discussions characterized by competing demands and resources for discussion. In examining town meetings we see how moderators' moves encourage different kinds of participation among participants and how those moves highlight different conceptualizations of appropriate participation in response to the competing demands and

the resources available to the moderators. We also see that the resources moderators draw upon and emphasize have consequences for the content and the direction of the talk produced in the mediated even. Further, the examples discussed here reveal that rational planning and entertainment tend to be privileged over open participation. The underlying competition among the ideals for public deliberation become explicit when moderators struggle in keeping their choices among these ideals from becoming apparent or even an issue in the discussion itself. Our analysis of televised town meetings enlighten our understanding of the pragma-dialectical approach to argumentation and our understanding of argumentation in the public sphere.

This essay contributes to our understanding of the pragma-dialectical approach to argumentation reconstruction and analysis. Our analysis shows the utility of the pragma-dialectical approach in uncovering the role third parties play in the structure of argumentative dialogue which is a tacit, invisible aspect of argumentation (see Aakhus in press). Pragma-dialectical reconstruction can be used to illuminate this aspect of argumentation. By highlighting the moves of town meeting moderators we see how one ideal for argumentation is combined with two other idealizations for argumentation. One implication of our analysis is that the shape of discourse in the public sphere is the result of choices among competing possibilities for the design of mediated communication forums. In the televised town meetings we can see how procedural aspects of deliberation influence the conduct of deliberation. So, while it might be easy to say that the quality of deliberation is due to economic, psychological, or sociological factors, we have shown here that deliberation is given a particular shape by the competing requirements of conducting argumentation in a mass media discussion space. Different choices will have different consequences for how differences of opinion are used in public deliberation that may or may not move dialogue closer to ideal argumentation practices (see Croy 1995; Willard 1990).

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Chapter 13

Arguments of victims

A case study of the Timothy McVeigh trial

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When the sun arose over Oklahoma City on April 19, 1995, occupants and nearby residents of the Alfred P. Murrah Federal Building experienced the horror of a bomb blast that killed 168 and injured 500 members of their community. Following a lengthy trial, the jury convicted Timothy McVeigh of the bombing. After hearing thirty-eight victims testify about the impact of the bombing on their lives and that of their loved ones, the jury sentenced McVeigh to death. The victims' arguments, called victim impact statements (VIS), convinced jurors that McVeigh should receive the death penalty rather than life imprisonment. Federal legal authorities executed McVeigh on June 11, 2001. This essay examines VIS as one type of legal argumentation used in the trial courts in the United States. This relatively new genre of legal argument evolved through the legal practices of capital criminal cases, those trials that allow the courts to sentence defendants to the death penalty. In 1994 the U.S. Supreme Court ruled that victims of capital crimes could give testimony following a guilty verdict in order to convince jurors that a convicted criminal should receive the death penalty. Since the victim impact statements contain explicit emotional content, this essay examines this type of legal argumentation as rhetorical rather than logical discourse. Specifically, the essay (1) explains the origin and history of victims' arguments in the courts in the United States, (2) describes this type of argumentation as a distinct genre of legal discourse by using Mikhail Bakhtin's explanations of themes, stylistics, and speech plans, and (3) discusses the implications of the study for research about legal argument.

1. Origin and history of victims' arguments

Victim impact statements are a unique genre of legal argumentation that gives victims a voice in what happens to convicted criminals who have committed serious crimes against them or their families. The victim impact arguments take place in a mini-trial that occurs after a defendant has been found guilty of a capital crime. Both the guilt of the defendant and the sentence are decided by jurors who inform the judge what punishment should be given criminals convicted of capital crimes. The use of victims' arguments in the McVeigh trial evolved as part of a two-decade struggle for victims' rights in the United States (McDonald 1976; Carrington & Nicholson 1984; Roland 1989). This struggle began in the late 1970s and achieved legislative success with the 1982 *Victim and Witness Protection Act*. Temporary setbacks in victims' rights took place when the U.S. Supreme Court ruled in *Booth v. Maryland* (1987) and *South Carolina v. Gathers* (1989) that victims' impact testimony was unduly prejudicial to jurors because it could not be refuted by the defense and because defendants generally did not know who their victims were when they committed their crimes. In 1991 the victims' rights movement gained new momentum when both of these decisions were overturned in *Payne v. Tennessee*. Even more voice was given to victims in 1994 through *The Violent Crime Control and Law Enforcement Act* which permitted both the use of the death penalty and VIS in federal trials. *U.S. v. Timothy James McVeigh* (1997) was the one of first federal capital cases to be tried under this statute. Even though the practice is still being modified, the use of victim impact arguments has become a norm for all capital criminal cases in both federal and state courts in the United States.

Victims, often with the assistance of a series of open-ended questions asked by their attorneys, provide evidence for jurors to vote for or against the death penalty. Victims and family members argue that a convicted criminal should receive the death penalty by telling jurors about the suffering they have experienced as a result of a crime. Some victims give their statements to the trial judge in the form of written arguments; other victims' arguments are read by a court official. Still other victims write and orally present their arguments to a judge as well as to jurors. In general the content of the victims' arguments includes the following information: victims state their names, describe economic losses or physical injuries, identify changes in their physical or psychological well being, and/or explain the general effects that an offense by a defendant has had on them (Schneider 1992). The arguments from victims provide evidence about a variety of different kinds of harm they have suffered, "including financial, social, psychological and physical harm, done to or loss suffered" because of the

actions of a convicted defendant (*Victim and Witness Protection Act,* 1982:32). In the United States, this kind of evidence provides a justification for jurors that a convicted criminal deserves death rather than life imprisonment.

This kind of trial argumentation allows the victims and their families to witness in two ways: they give eyewitness testimony to the effects a crime has had on them, and they also bear personal witness to grief and emotional hardships that cannot otherwise be seen (Oliver 2001:16). In other words, the arguments have both an outer voice that addresses jurors and an inner voice that gives agency to their subjective experiences and allows them to work through their grief. In this way, VIS are personal accounts of the harm suffered by victims and their families that "particularize" experience and "invite empathic concern" in ways that other legal arguments do not. The witnessing of the victims offers those who had previously been a silenced minority in the argumentation of the trial the opportunity to relate their grief in the form of a rhetorical argument. In ways similar to literary genres, victim impact arguments are generative bundles of borrowed and reconstituted prosaic (everyday) utterances that speakers socially construct to express their intentions in specific contexts (Bakhtin 1986). These legal genres, in ways similar to other genres, achieve relative stability, but they are never completely replicable or "never perfectly designed", because the arguers who create them "make do with the resources they have at hand". Because victim arguments contain unpredictable content that develops from "unforeseen byproducts" in "unexpected ways" (Morson & Emerson 1990:45), they resemble other kinds of speech genres. The lack of replicability and predictability of genres outlined by Bakhtin (1986) applies to legal discourse. Since each trial evolves from similar indictments litigated by different participants in courts operated under diverse rules and procedures, no two arguments of victims are identical. What these kinds of arguments do share in common is that the emotional evidence provides context and interpretive frames for jurors to make decisions about the logic and facts of the case. Even though the courts try to restrict the emotional content of victims' statements, the arguments achieve their rhetorical potency when victims relate personal evidence about the effects of the crime and bear witness to their own suffering. In this way, the emotional evidence presented by victims causes jurors to reconsider and perhaps reinterpret the meaning of the facts and logical reasoning presented in the trial.

Even though some in the legal community in the United States promote this kind of evidence, many others continue to question its use. For example, Talbert (1988:210) claims the emotional content of VIS has the potential to inflame the jury and to upset the legal norm of treating similar crimes with

similar sentences. Clark and Block (1992:49–50) also object to the use of VIS because this kind of argumentation can lead to personalized and arbitrary sentences, the victims "are unintended or unknown" by the offender, and the sentencing process creates a "mini-trial" in which irrefutable evidence is presented by the government. In the McVeigh trial, judges and attorneys agreed that the VIS should contain limited emotional content, describe the victims' pain and suffering, be presented in an objective manner, and prove the aggravating factors alleged by the government. The U.S. appellate courts continue to permit victims' arguments because they provide evidence about aggravating circumstances, a legal rule that stipulates that certain convicted criminals are eligible for the death penalty if their crimes were planned, premeditated, especially brutal, and/or resulted in the death of law enforcement officers. Specifically, prosecutors argued that McVeigh caused 269 deaths and hundreds of injuries after planning and premeditating the bombing and that he killed federal law enforcement officers through his criminal actions.

From the perspective of the legal rules in capital criminal cases, the goal of victims' arguments is to promote moral reasoning among jurors so that they can weigh the evidence about aggravating factors about premeditation, intent, viciousness, and lack of remorse, against mitigating factors, such as a difficult upbringing or some other reason that may have led the defendant to commit the crime. Mitigating factors usually are psychological or sociological circumstances that the family and friends of the defendant claim led to a defendant's criminal behavior. Those sympathetic to the criminal present their arguments about mitigating factors in the mini-trial immediately after the victims have presented their arguments. Evidence of mitigating factors provides refutation of the victims' arguments and attempts to gain jurors' sympathy for the convicted criminal by offering alternative reasons why the criminal may have committed the crime. Both the convicted criminal as well as his or her family and friends can try to persuade the jury that mitigating factors led to a crime. McVeigh did not present any testimony in response to the victims. A few people did testify on his behalf to argue that he had done very positive things in his life, but they failed to show that he lacked responsibility for the bombing of the federal building and the deaths that resulted. Both the arguments by victims and the counter arguments by those sympathizing with the criminal contain emotional arguments that attempt to change the way jurors interpret the facts of the crime. In many trials, those supporting the criminal persuade the jury that he or she was not totally responsible for the suffering caused by the crime. In these cases, the jury recommends to the judge that the criminal receive life imprisonment rather than death as the appropriate penalty

for the crime. Since jurors in the McVeigh trial decided that the aggravating factors presented by the victims and their families outweighed the mitigating factors presented by McVeigh's supporters, they recommended that the trial judge sentence McVeigh to death.

2. The genre of victim impact arguments

Victims create their arguments by piecing together conversations and recollections from their everyday experiences. Bakhtin (1986) refers to these fragments of everyday conversation as "the prosaic". More specifically, Morson and Emerson (1990:23) conclude, "The everyday is a sphere of constant activity. The source of all social change and individual creativity, the prosaic is truly interesting and the ordinary is what is interesting". This prosaic discourse consists of fragments that the speakers have heard from others. When speakers piece together these fragments in ways that achieve their goals in a particular speech situation, they create new genres. Specifically Bakhtin (1986) concludes that new genres result when speakers combine the prosaic informal speech of greetings, conversations, vocalized memories, and expressions of feeling with the formal utterances of reports, speeches, and letters. Similarly, the victims' arguments presented at the McVeigh trial combined the informal utterances from victims' conversations and experiences with formal utterances they had learned from the media and other public speakers. In this way, the victims in the McVeigh trial reconstituted ordinary discourse to achieve their extraordinary goal of promoting the death penalty. In the McVeigh trial, the victims appropriated and then reconstituted various kinds of prosaic utterances. One cluster of VIS came from the parents of children who died in the daycare center at the Murrah Federal Building. One mother, Sharon Coyne, for example, spoke about the death of her baby on the day of the bombing. Prosecutor Hartzler asked questions to structure this victim's narrative. The questions allowed Coyne to establish the circumstances of her suffering and her personal background and then to move to her recollections of her deceased child. As she presented her statements of grief, Coyne borrowed descriptions and images from previous contexts:

Hartzler: It's true that you had a daughter... And her name was Jaci Rae? ... And can you tell the jury a little bit about Jaci?

Coyne: Jaci – Jaci was [sic] blue eyes, big blue eyes, blond hair. Well, she had very, very little hair. Beautiful smile. She just – she didn't have

but two teeth. She waited kind of late to cut teeth. She was a serious ham. She loved to be in front of the camera... And she never knew a stranger. I think that the most distinguishing characteristic about Jaci was her unconditional love for me... She loved to cuddle.
[*U.S. v. Timothy James McVeigh*, 1997, June 5; all subsequent victim impact statements come from the trial transcripts and are cited by date]

The prosecutor followed Coyne's descriptive recollection by projecting photographs of Jaci Rae with her family on huge screens for jurors to see. Coyne's testimony appropriated words and phrases from everyday information that a mother tells her friends and family about her child:

Hartzler: How old was Jaci in April of 1995?
Coyne: Jaci was 14 months.
H: Could she talk?
C: She could. She said "Momma" and "Dada". We were working very, very, very hard on "Grandpa and Grandma"...
H: Could she walk?
C: She could; she'd been walking for about four months. I think if she had her way, she would have been running; but I was very overprotective. And she basically walked the straight and narrow, always on flat surfaces. And usually, if we got to anything difficult, I always picked her up...

Coyne concluded with explanations of the death of her child and emphasized the suffering it caused her by reporting dates, times, and graphic explanations of the physical and psychological effects she experienced after the bombing. Her testimony continued in this way:

H: And I know that you were at work that morning, and you heard and felt the explosion... I want you, if you will now Miss Coyne, to tell the jury what impact Jaci's death had on you and your family.
C: There's a lot of different things, different aspects. There's one physical aspect, which, as you know, my hair is falling out, my teeth [are] chipped off. I have a horrible memory loss when things get pretty stressful, but that's really nothing compared to constantly missing her.... And I think in the end, by the time they finally told us that they found her body, it had been seven days, and I was just so incredibly thankful that they found her at all; and I felt lucky that I got to hold her wrapped in a beautiful receiving blanket made by my friend, Joyce. And that's the last thing that I held. (1997, June 5)

Coyne's testimony imported descriptive imagery, conversational phrases from her child, and factual reports from her past family experiences into the content of her argument. With the help of the attorney's questions, she restructured and reconstituted this content to achieve the purpose of her VIS. Not only did she recreate the content, Coyne added a distinctive style using the words of her child so that her argument had multiple authors. She presented oral testimony that reflected her inner suffering. She also gave the dead baby a "voice within" her own voice, a process Bakhtin (1986) calls "echoing" (p. 88). The echoing of the baby's words had a dual rhetorical effect. First, it allowed jurors to imagine the personality and the innocence of the baby as a victim. Second, it permitted the mother to use a double voice, showing the physical suffering of her baby and the subjectivity of her own psychological pain.

In addition to the borrowing of prosaic utterances, themes, stylistics, and speech plans illuminates the distinctive properties of this argumentative legal genre. Bakhtin (1986) explains:

> Thematic content, style, and compositional structures [speech plans] are inseparably linked to the whole of the utterance and are equally determined by the specific nature of the particular sphere of communication. Each separate utterance is individual, of course, but each sphere in which language is used develops its own relatively stable type of these utterances. These we may call speech genres. (p. 60)

Any new genre, according to Bakhtin (1986), combines simple utterances into more complex ones. When complex utterances subsume simple ones, a new genre evolves. In this case, speakers recreate a new discourse from borrowed sources by adopting different themes, adding new stylistics, and implementing speech plans. This process of constructing arguments permits the victims to "work through" their grief by explaining their emotions in subjective terms to others.

Themes

Speakers create themes that respond to the needs of a particular context. In the McVeigh trial, the victims used common themes and made similar claims about their experiences. The predominant themes of the victims' arguments in the McVeigh trial were the physical devastation caused by the bombing and the pain and suffering of the survivors. Prosecutors chose different types of victims to emphasize the three themes. Seven rescue workers emphasized the devastation theme. Two medical observers identified victims and gave technical data

about their injuries. Three survivors described their injuries and recovery, and two videotapes graphically portrayed injuries to children. All other arguments came from relatives of those who died.

Themes differed according to speakers' experiences. Themes took the form of claims by victims about the extent of the personal consequences of their loved one's death. The themes provided common content within the testimony of the relatives of the deceased. For example, Sonia Diane Leonard, wife of a deceased secret service agent, claimed, "I feel my heart looks like that building. It has a huge hole that can never be mended" (1997, June 4). Pam Whicher, wife of deceased Secret Service Agent Alan Whicher, lamented, "It is a little bit like learning to live without your arm. You still do what you do, but everything is changed" (1997, June 5). Each person used prosaic metaphors to bear witness to their personal suffering.

Rescue workers highlighted the devastation in their arguments. This testimony pointed to the extent and the brutality of the crime, an aggravating factor that justifies the death penalty. For example, Allan Prokop, a police officer, described the street scene immediately after the bombing:

> There were people running from the building toward us injured, very bloody, crying, and screaming... There were people standing in the windows screaming for help... There were wires sparking inside, a real thick and heavy dust, a cloud. It was strangely quiet, except for the moans and cries from inside of the building. (1997, June 5)

The other most poignant themes of physical harm and suffering came from victims who survived the bombing and continued to live with negative physical and psychological effects. For example, Clifford Gayle, an employee of Housing and Urban Development, described his injuries in this way:

> The left side of my face was crushed. It had a hole in ... the skull – in the membrane between the skull and the brain. I had glass and concrete in my neck here, just barely missed an artery and a vein. My eye was hanging out, cut in five pieces. (1997, June 5)

Other victims talked about fractures, collapsed lungs, long hospitalization, and reconstructive surgery. The VIS allowed them to speak the unspeakable.

Victims particularized their pain and, in doing so, recreated the bomb scene, put a face on physical and psychological suffering, and allowed jurors to hear, feel, and see the human impact of the bombing. Even a year after the trial ended, juror Vera Chubb recalled, "I needed to hear those people. I needed to touch them. I needed to hug them". Fighting back tears, she told reporters, "I knew it was going to be a hard day, but I didn't think this hard" (Romono

1998, June 13, A1). Unlike most trial testimony, the victims' arguments provided facts, symbolized the effects, and thereby created strong emotional bonds between victims and jurors. According to Bakhtin (1996), the completion of a message occurs when the audience acts on the themes. The McVeigh victims finalized their theme twice, once at the sentencing hearing when the jurors stated that McVeigh should receive the death penalty and again a year after the trial when jurors met and greeted the victims. The victims' arguments created logical and affective connections with jurors that allowed their themes to justify the death penalty.

Stylistics

In addition to the themes, a second component of victims' arguments is what Bakhtin (1981:259) calls "stylistics", the language and tone of a discourse. Speakers choose words from earlier contexts and from other people in their immediate or past history. The style of any speaker is an accumulation of the "thinking and the language of other people (living and dead) whose ideas and words are part of the store of ideas in the language-user's head". In the McVeigh trial, the victims chose words from everyday conversations, words of grief likely expressed or heard by them during the mourning process, phrases they heard from medical personnel, and language that they borrowed from stories in the media. The exact origins of the language cannot always be determined, but the process of appropriating words from others characterizes how genres are generally formed (Bakhtin 1981:242–259). Since the trial occurred two years after the bombing, victims had read and heard many different utterances about the tragedy and therefore could, and probably did, borrow from that content. The victims used a tone that conveyed both their personal experience and public emotions about the bombing. The tone creates "an imprint of individuality" (Morson & Emerson 1990:134, 139) because it expresses the emotional and evaluative attitudes of speakers, accentuates the speaker's personal experience, and achieves a 'stylistic aura'. Many of the victims accentuated their content by echoing the emotions they experienced privately and by restating the feelings conveyed by those who observed the experience from the outside. This echoing of personal and public sentiments and the direct expressions of the victims' own experience constitute "the verbal vestments" of the discourse (Bakhtin 1986:88). In this trial, victims borrowed some of their style, both language and tone, from interpersonal conversations, feature stories in the media, and their knowledge of the appropriate speech content of eulogies and tributes.

Many of the victims imported the language and conveyed a tone characteristic of interpersonal conversations that name personal characteristics of others, refer to social routines, and make disclosures that give information about personal relationships (Ratcliffe & Hudson 1988:1–2). Sonia Leonard adopted this style when she referred to a work routine, identified personal characteristics, and disclosed information about her relationship with her husband:

> I remember the Saturday before the bombing, he and I were working in the backyard and took a break for lunch, and I was stupidly complaining about what I thought had been a hard week – the week before. And what he said to me was, "Everything is attitude, attitude, attitude. And if you approach anything with the right attitude, it will be easier". And I've clung to those words the last two years, and they've helped a lot. (1997, June 4)

Leonard not only borrowed the interpersonal language from her previous experience, but she also adopted the "verbal vestments" of her husband's objective and rational tone.

Other victims reported observations as if they were feature stories borrowed from the news media. A feature is a human interest story in which journalists establish a setting, character, action, and a moral as they report their observations about an event (Garrison 1990:349–355). In contrast to a news story, a feature conveys the subjective interpretations of the reporter and engages the sentiment of the reader. This type of style characterized part of Officer Don Browning's story about an incident at the bombsight:

> A man and his little girl approached us and, of course, they were talking to us and they came up; and the father was thanking us for being there. The little girl was wearing a guardian angel pin on her blouse. She was probably five or six years old; and at that moment, I couldn't really understand what she was saying... And eventually her father helped me understand that she was saying the angel was a pin that she was wearing for her friends and that she was due to arrive at the daycare center at the Murrah Building at approximately 11:00 [on the day of the bombing]. And we all gave her a little hug and told her how glad we were that she was okay. And she asked me if she could pet my dog. And she grabbed "Gunny" around his neck and hugged him close ... and told him, "Mr. Police Dog, will you find my friends?"

Browning instantiated the qualities of a feature story; that is, he subjectively interpreted this experience to establish human interest for the courtroom audience, echoed the words of the little girl, and highlighted the child's uplifting character and hopeful dialogue as it had taken place in the tragic setting of the bombing rescue.

Other victims borrowed a eulogistic form that names the deceased persons' achievements, stresses their positive traits, uses stories to illustrate how they lived life, and conveys an attitude of respect toward the deceased (Ehninger, Gronbeck, McKerrow, & Monroe 1982:363). An illustration of the eulogistic content appeared in the argument of Glenn Cetyl when he incorporated a letter written by his ten-year-old son Clint about his deceased mother:

> I miss my mom. We used to go for walks. She would read to me. We would go to Wal-Mart. Sometimes at school maybe a kid will bring something up – and he was talking about show and tell – something new that he got and someone would ask him or her where they got it. And they usually say, 'My mom got it', and that makes me sad. After the bomb, everyone went to my aunt's house, and my grandma took me to the zoo – my cousin and I to the zoo. While we were at the zoo, I bought my mom a ring. I bought it for whenever they found her. Sometimes at school around the holidays, I will still make my mom Mothers' Day and Valentine's cards like the other kids [do]. (1997, June 6)

The statement names the positive experiences Clint had with his mother, echoes what his classmates said about their mothers, indicates how the victim lived her life, and expresses personal sorrow and lamentation. The effect of this touching tribute evidenced the facts of the child's grief as well as the voice of his psychological suffering.

The tone of victims' arguments at the McVeigh trial varied with speakers' choices of phrases and content. For example, when victims spoke about the productive lives of those killed, their tone was cheerful and positive. When they recollected events that typified their family members' traits, they used tones of humor, happiness, as well as sadness and longing. When victims stated the impact that the bombing had on them, they expressed a somber and sometimes angry tone. Some survivors and relatives of victims expressed hopefulness and the intent to get on with their own lives, and others related their experiences with personal depression and emphasized that their lives were forever changed by the effects of the bombing.

The stylistics of the McVeigh's victims provided an emotional imprint on jurors about the loss, pain, and suffering of the victims. The style often switched from objective reports of the victims' background and experiences to subjective accounts of their relationships with victims. The style also changed from factual and causal sequences that detailed events and actions to reflective and subjective accounts of those facts that pointed to personal suffering. Even though the attorneys encouraged victims to provide only factual reports, the language and tone of the speakers created sympathy and often evoked tears

from jurors. Because the content necessarily focused on the victims, the style never was dispassionate. The stylistic component of the VIS achieved the goal outlined by the majority opinion in *Payne v. Tennessee* (1991); that is, the testimony of victims should encourage empathy and allow the victims to have a voice in the legal system. In this case the victims seemed not so much to gain empathy as to "perform" their testimony in a way that they brought a voice to unspeakable experiences. Oliver (2001) calls this process "witnessing", a process of "testifying to both something you have seen with your own eyes and something that you cannot see" (p. 86). The witnessing created a style for the victims' arguments that clearly energized and emotionalized the content with verbal vestments that contained the signature of personal victimage.

Speech plans

Speakers promote their themes and convey their style through what Bakhtin (1986) calls "speech plans" or compositional features. He explains that speakers create genres according to (1) the topic about which they are speaking, (2) the "addressees" to whom they are speaking, and (3) the expectations of how they will be understood (p. xvii). Attorneys affected the composition of the victims' arguments in the McVeigh trial through three different kinds of questions that allowed victims to identify themselves, describe how deaths or injuries occurred, and state how the bombing incident adversely affected their lives.

The trial audience for the VIS was complex. Even though the jury seemed to be the primary audience, the goal of the victims' arguments was to take into account human moral standards. Bakhtin describes audiences as "addressees". He notes that addressees are a composite of several different interpretive perspectives. One type of addressee was the speaker that uses his or her discourse to express an inner voice and to reflect personally on the content and themes presented in the speech. The victims' themes and evidence recalled the facts of the crime and reflected on the impact the crime has had on their lives. The second type of addressee is the audience that decides or acts upon the discourse. In this case, the post-trial remarks of jurors to the press indicated they believed and acted as the victims wanted. A third type, the "superaddressee", consists of an ideal audience possessing the knowledge and the insight to understand the meanings the speaker sought to convey (Morson & Emerson 1990: 135). In this case, victims viewed the superaddressee as a moral authority that shared their beliefs in the guilt of McVeigh, desired his punishment, and accepted death as a moral solution for the crime.

VIS are a unique genre of trial argumentation that involves testimony about what victims "have seen with their own eyes", the horror created by the crime, and "bearing witness to something that cannot be seen", the subjective experience of their suffering (Oliver 2001:18). Effective victims' arguments, in ways similar to other speech genres, create self reflection, induce action from designated decision makers, and seek morally grounded actions. The victims in this trial created speech plans in several stages. First, they formulated their statements by reflecting on how they will be asked and how they should answer questions about what should be said, how it should be phrased, and what moral conclusions should be drawn. Next, victims made additional adjustments creating themes and choosing a style to accommodate the expectations of attorneys and the judge and to dialogue with the jurors about the meaning of their suffering. The legal rules permitted victims to create arguments within specific parameters of weighing aggravating and mitigating circumstances and of engaging in moral reasoning. Finally, the victims designed their statements for a superaddressee, an omniscient judge, who understood their sorrow and suffering perfectly and agreed about how justice should be done. In this way, the victims' conception of the addressees likely affected their ability to perform this legal genre of victim impact arguments.

Survivor Susan Urbach's arguments conveyed different themes and styles and showed that she was speaking to all of the audiences described above. At the time of the bombing, Urbach worked as the regional director of the Oklahoma Small Business Development Center, located in the Journal Record Building across the street from the Murrah Federal Building. Prosecutor Beth Wilkinson conducted the examination, asking Urbach to recollect the day of the bombing.

Wilkinson: Tell us what happened to you at 9:02 on April 19.

Urbach: Well, at 9:02 I was standing in the doorway of my office. The appointment was running late, and we were kind of making bets on whether or not he'd actually show… And the woman who was … going to be doing the seminar was standing next to me… And another of my staff members was in the office…

W: Did you feel the explosion?…

U: And the building just shook so badly that you couldn't even stand. And at that point in time, I started feeling things fall on me. I had a very, very large blow to the head that hurt, and rubble – things were falling on me. The concrete wall fell on me, and

the window exploded into my back and then the ceiling came crashing down all over me...

W: Were you able to dig yourself out of the rubble eventually?

U: Yes. I got some very unusual strength to be able to dig myself up out of the rubble, and we didn't stop to look at anything. I mean we just immediately headed for the door...

W: And on what side of your face were you wounded?

U: Everything was on the left side. There is like a half swastika kind of wound that started underneath the eye and goes down to my laugh line, several large lacerations that went from like my ear to my chin. My ear was totally cut in half all the way through the cartilage... (1997, June 5)

The testimony began with prosaic descriptions of office work presented in a conversational tone, but proceeded next to a feature-story-like description of the physical effort of digging herself out of rubble and then to the graphic imagery of personal suffering – lacerations and swastika-like cuts. Her remarks mixed the formal terminology she had heard from medical practitioners with personal and informal language characteristic of interpersonal conversations. She addressed her attorney by identifying her profession and the location of her job to the bombsight. Her testimony about what she saw and what she could not see adopted the point of view, language, and tone of a victim. For example, the last segment of Urbach's testimony conveyed the moral meaning she had attached to her experience. She reflected through a kind of inner speech about the personal meaning of her experience and established ideals for her external addressees about how other victims should perceive their scars and healing:

W: And how do you feel about your scar today on your face?

U: Well, it's my badge of honor.

W: What do you mean "badge of honor"?

U: Well, to me you see, a scar – and any scar, tells a story. And the story it tells is ... a story of a wounding and healing that goes along with that wounding. And the more deeply you're wounded, the more healing that must come your way, that you must experience for that wound to close up and for you to get your scar. I mean, you don't get your scar unless you've been wounded and you have been healed. And I've got my scar.

W: So you're proud of your scar.

U: Yes. (1997, June 5)

Urbach's speech plan showed how she used self reflection and an inner voice to understand her pain, persuaded jurors about the horror of the bombing,

and addressed an ideal audience who righteously could judge her suffering. Unlike some of the other victims, Urbach provided an explicit moral interpretation and an idealized understanding of her experience. The style of victims' statements, in ways similar to other argumentative discourse, depends on the knowledge and verbal sophistication of the speaker. Victims with high levels of knowledge and education, credentials Urbach had, likely expressed their victimage with more complex and reflective content than victims without such training. Nonetheless, all of the victims' arguments borrowed some utterances, themes, and stylistics from others in order to formulate their own discourses.

3. Implications

Victim impact statements are a new and commonly used genre of trial argumentation that needs to be addressed in order to provide procedures for victims and standards for judges and jurors to follow in criminal capital cases. In current legal trials in the United States, the standards vary depending on the court jurisdiction and the laws of the states regarding the death penalty. One reason for this new kind of genre is that the courts in the U.S. want to make the death penalty sentence seem legitimate to citizens who protest against it and to demonstrate the fairness of the decision to those who find the death penalty morally abhorrent in other countries around the world. Genres evolve in trial settings in the U.S. as part of legal practice, but the rules that restrict what can be argued and how this content should be argued are decided by the appellate court judges who both create new rules and procedures that place limits on the practices of the law. In death penalty cases, the use of victim impact statements continues to be refined by the opinions of appellate judges.

The victims' arguments in the McVeigh case evolved first from the social movement for victims' rights, became part of specific legal statutes and opinions, and finally entered into the immediate legal and personal situations of the trial participants. The type of legal argument provides a double sense of testifying about what the victims observed and what others could not observe. To constitute this genre of legal argument, victims appropriated utterances from other contexts to achieve a specific goal. They developed their arguments by formulating their themes and style after the victims reflect about what they should argue and then develop their evidence and claims according to the rules and expectations of their legal audience of the judge, attorneys, and jurors. Victims reflectively and subjectively interpret their experiences in the terms of the morality and justice accepted by the ideal audience of the superaddressee. At

the same time, these complicated speech plans made vivid and factual contrasts between how the victims lived before the bombing and their present lives. This kind of argument contains facts and causal explanations dressed in the verbal vestments of suffering and hope in order to facilitate the moral reasoning of the jurors about the death penalty and to provide a voice for the victims. Even though legal rules may try to exclude passion and feeling from the statements of victims, their arguments necessarily are subjective and evoke affective responses. Victims borrow themes and stylistics and create speech plans that allow them to witness through both an outer voice of objective fact reporting and an inner voice of subjective reflection. This study highlights the difficulty of moral reasoning in death penalty cases. Victims' rights advocates view the use of impact statements in the McVeigh trial as proof of the success of the movement to give victims a right to speak about the consequences of a crime. Some legal scholars (Bandes 1996), however, continue to see victims' statements as a controversial type of formal legal argument because the emotional features have the potential to trump the factual and logical argumentation. This essay takes the position that victims' statements are rhetorical arguments that permit those affected by a crime to give witness to the seen and the unseen, thereby emphasizing emotional proof as relevant to the logic of the trial. Victims express their multiple personal and social voices through the borrowing and reconstituting of themes, stylistics and innovative speech plans that appeal to jurors' assumptions about justice and morality.

Both state and federal courts in the United States give jurors the power to decide whether a convicted criminal in a capital trial receives the death penalty or life imprisonment based on whether they determine that victims present sufficient evidence and reasoning to support aggravating circumstances or the criminal and/or his or her supporters provide sufficient evidence and reasoning to prove mitigating circumstances. When jurors decide that aggravating circumstances outweigh mitigating, they recommend death; but when jurors decide that mitigating circumstances outweigh aggravating, they recommend a life sentence. The largest percentage of jurors in capital criminal cases eligible for the death penalty receive a life sentence, but jurors believed that the evidence of victims was so compelling and the crimes so heinous that they approved the death penalty for McVeigh. McVeigh's trial provides a case study of how victim impact statements evolve in legal proceedings and create new genres of trial argumentation. In the courts of the United State, the rhetorical impact of this genre of legal argumentation is literally a matter of life and death.

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Chapter 14

Coductive and abductive foundations for sentimental arguments in politics

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In 1936 A. J. Ayer wielded the ax that chopped away sentimentality and other emotions, ethics, and aesthetics from their roots in rational argument theory. He divided the world into the arenas of sense and non-sense. The verifiability principle was used for the sorting process: that which was verifiable, accessible to the senses, was adjudged sensible and hence capable of supporting truth-claims and reasoning about them, while everything else was relegated to the world of non-sense. (And, of course, it was easy to remove that hyphen.) Mathematics, ethics, self-expressive statements, and aesthetic judgments were dispossessed and dispatched to the sphere of non-sense. In Ayer's (1936/1952: 108) words, sentimental arguments are "used to express feelings about certain objects, not to make any assertion about them". Thus, they could be considered "normative", yet "unanalysable ... pseudo-concepts" (p. 107).

And so, to Ayer and much of the western world of ethics and aesthetics since then, value and aesthetic theories – other than those grounded on utilitarian or admittedly subjectivist speculation – have faced the so-called "problem of truth". Ethical and aesthetic statements or reports of feelings have been confronted with serious problems in reasoning because of modernist assumptions that premises in arguments should be propositions capable of being assessed as true or false (1936/1952: Ch. V, passim). If feelings, moral pronouncements, and aesthetic judgments can be expressed but not asserted, then there is no place for evidence in support of such propositions that, when taken together, would be recognized as an argument.

At a recent Alta conference (Gronbeck 2002), I started an inquiry into these problems particularly as they operate in a portion, at least, of the American political arena. I examined some of the events of the 2000 Republican

and Democratic national political conventions. Each party hosted a four-day convention filled with broadcast videos, parades of citizens and politicians who synecdochally re-presented or epitomized the policies advocated in their platforms and by their leaders, and both of the presidential candidates – Governor George W. Bush and Vice President Al Gore – permitted viewers to see personalized, romanticized depictions of their lives.

Regarding those personalized videos, Bush's campaign offered us a nine-minute documentary of his life as a "great American dream" built around value-laden invocations of safe environments, the Church, entrepreneurial promise, and limitless horizon. It was a dream where, as leader, he would handle national difficulties with strength, humor, caring, and love; and where he would govern from within the visions of Theodore Roosevelt, Ronald Reagan, John Kennedy, Martin Luther King, Jr., and even Richard Nixon. Driving through a ranch in a Jeep Wrangler, Bush ended the video talking about his pride, his Americanness, and his overflowing love – a veritable romance between himself and the people. Gore's team assembled a twelve-minute slide show that was scripted for and then read by his wife Tipper, as she said, to "show you a little more about Al and life in our family" and to present citizens with "the man I love". As the pictures clicked by, Tipper depicted Al as a good listener, wise, strong, and independent; as a father-hero who loved his family and served in the Army, spending time after Vietnam at the Vanderbilt School of Religion before becoming a journalist; and as an idealistic politician with a warm leadership style, the ability to rise to his "destiny" when he challenged toxic waste, yet always with time for his family. The slide show was built around the notion that Gore's private or personal virtues would become public virtues when he was installed in the presidency.

The Democratic and Republican national conventions of 2000 generally, and those multimediated constructions of the candidates more particularly, are emblematic of where American political communication has been going over the last half-century. Rhetorical analysts such as Roderick Hart (1999) have become alarmed, convinced that not only is politics becoming highly sentimentalized but that emotionality is, in ways that Ayer understood, destroying the rational bases for political choice and policy: "Television … has ushered in a Second Renaissance, substituting mass emotion for mass subservience to the church in Rome. Television has also ushered in a Second Enlightenment, requesting that the brain, too, serve the dictates of the heart" (p. 153). Here, indeed, to Hart is the destruction of a rationally sound, modernist political practice where policy proposals can be tested for their evidentiary and inferential soundness – that is, for their truth and validity.

In the Alta paper (2002), I suggested that we turn, not to traditional inductive and deductive logics, but to alternative reasoning mechanisms when discussing political argumentation of the type so often exhibited in televised political events. Specifically, I examined Martha Nussbaum's discussion of so-called "rational emotions" (1995: Ch. 3), which in turn was based on a reading of Adam Smith's *The Theory of Moral Sentiments* (1759/1976). She drew upon Smith's conception of sympathy as a psychological state whereby some depiction of suffering or trouble causes an observer to feel sympathy for that which is depicted. Smith was not arguing that the spectator and the object of such viewing became identical or identified as such. Rather, the viewer remained what Smith called the "judicious spectator", which in Nussbaum's as well as Smith's words (1995: 73–74, quoting Smith, 12) means that "both empathetic participation and external assessment are crucial in determining the degree of compassion it is rational to have for a person: 'The compassion of the spectator must arise altogether from the consideration of what he himself would feel if he was reduced to the same unhappy situation, and what is perhaps impossible, was at the same time able to regard it with his present reason and judgment'". Nussbaum's conception of rational emotions, therefore, depended upon the phenomenological co-existence of emotion and rational judgment in a single psychological act.

In this essay I will not review again Nussbaum's arguments about judicious spectators, imagination and ethical judgment, or relationships between the fictive and the social worlds that allow literature to become what Kenneth Burke (1964) called equipment for living. Rather, I want here to explore more systematically the reasoning mechanisms featured in her analysis of poetic justice. More specifically, I want to examine what are called abductive and coductive inferential processes – two kinds of arguments she featured in her literature-based arguments about social-political matters. I want to free abduction and coduction from Nussbaum's literary applications and, yes, explore their utility in helping us deal with televised political sentimentality. Are such arguments deployed politically and yet also testable in useful ways?

First, I will define abductive and coductive argumentation, and then retrofit sample discourses from the 2000 Republican and Democratic national party conventions to their formal characters, so that in the third place I can explore the issue of the rational assessment of such arguments. Can abductive and coductive arguments be validated? If so, we may well have isolated analytical instruments for probing contemporary, mass-mediated political discourses not only from the United States but, by now, from most of the rest of the world.

1. Abductive and coductive inference

One of the mechanisms that Nussbaum asserted underlies the work of the judicious spectator is what students of argument will recognize as C. S. Peirce's conception of abduction (Bouissau 1998). To Peirce, abduction is firstness, that is, the tool for exploring existence or actuality, preceding the secondness of deduction and thirdness of induction. It is less a form of logic per se than a mechanism for critical thinking, built around the positing of hypotheses that account for features of the observed world (Behrens & Yu 1995). More technically, in abductive reasoning an observation is made, alternative hypotheses accounting for the observation are offered, and then one is selected that seemingly best accounts for it. Then, additional observations can be made, to check on the power of the selected hypothesis to account for what has been seen. If additional observations do not conform to the hypothesis, then others can be explored until a better one can be found. Students of grounded theory (Glaser & Strauss 1967) will recognize such toggling back and forth between observation and hypothesis-building; abductive reasoning has been a part of qualitative social sciences for more than a third of a century. One way to move toward conclusions based on hypotheses and their empirical testing, therefore, even when the subject matter involves human moral and aesthetic values, is via abductive reasoning.

Nussbaum's and Smith's judicious spectator also can offer debatable propositions that operate via what she (1995:76) called, following Wayne Booth (1988), coduction. In his book, *The Company We Keep: An Ethics of Fiction*, Booth was exploring methods whereby a reasonable and constructive kind of ethical criticism – working outside the normative ethical criticism flowing from Marxists and others in the post-everything camps – could be rationalized in literary practice, of course, but also in "all narratives, not only novels, short stories, epics, plays, films, and TV dramas but all histories, all satires, all documentaries, all gossip and personal anecdotes, all biography and autobiography, all 'storied' ballets and operas, all mimes and puppet shows, all chronicles – indeed, every presentation of a time-ordered or time-related experience that in any way supplements, re-orders, enhances, or interprets unnarrated life" (p. 14). More explicitly, Booth was seeking an inferential form of argument that could overcome the fact-value split, recognize that successful argument not only gains assent but conquers critical doubt, and avoid the problem of different values simply canceling each other in disputes (ibid.: Ch. 2).

The key, to Booth, was the fact that the ethics of narrative must be reciprocal (p. 42). While the ethics of, say, medicine can be unidirectional, with

the doctor charged in his or her professional role with morally telling patients what to think and do and with patients in no way guided necessarily by an ethical code, the ethics of literature is interactive. Both tellers and those told-to interact with the stories, and, by extension, those listening to or reading narrative criticism can have a knowledge of those stories sufficient enough to aid them in judging the critics' interpretive and evaluative arguments about those narratives. To make this argument more concrete, the analyses that are offered here of 2000 Republican and Democratic national parties convention videos will be presented in ways that anyone who had seen the videos could engage me in conversation. Humanists work, certainly, at times in vocabularies arcane enough to drive citizens out of the arenas of critical analysis, yet their subject matters usually are the kinds upon which even their everyday friends and their mothers could and probably do have opinions. It is that reciprocity of positions in relationships between critics and their readers that suggests the importance of coductive reasoning to Booth.

Coductive reasoning is the kind you engage in whenever you compare some experience now before you with others you have had, judging or weighing it against those others so as to evaluate it as better or worse, more beautiful or ugly, more just or unjust, than those others. Like abductive reasoning, coductive reasoning is experientially based and rises to a level of generality in its hypothesis-building. But, unlike abductive reasoning, it is also public in its search for confirmation. It is offered as a testable proposition – that is, a proposition supported by relevant reasons – that is presented to others for inspection and assessment. That is what we earlier termed the reciprocal move, leading, as Booth said, to the question "How does my coduction compare with yours?" (73). "In short", he said, "we do not first come to know our judgment and then offer our proofs; we change our knowledge as we encounter, in the responses of other readers to our claims, further evidence... When it is performed with a genuine respect both for one's own intuitions and for what other people have to say, it is surely a more reasonable process than any deduction of quality from general ethical principles could be" (p. 76).

Abductive and coductive inference-making come out of attempts, therefore, to explore relationships between the literary and the social worlds. Perhaps it is their source in those most informal of logics, the logics of critical-cultural studies, that makes them so suitable to the study of televised politics.

2. The 2000 Republican and Democratic Party national conventions

To examine the sorts of hypothesis-making and inference-drawing that work with abductive and coductive reasoning about sentimental discourse, let us return to two different kinds of emotion-laden segments from the 2000 national party conventions in the United States. We will examine a patriotic musical performance by Melissa Etheridge opening the first evening of the Democratic party convention, and a video about children for the GOP's "Education Night", backgrounded by Michael Smith's popular Christian rock song, "My Place in this World" (Appendix A).

2.1 The Etheridge patriotic montage

The public, televised portion of national party conventions generally opens with some patriotic event involving the national anthem. On the opening night (14 August 2000) of the Democratic convention, pop singer Melissa Etheridge, who has been involved in high-profile civic and cultural agitations especially related to lesbian lifestyle issues and fur, performed a montage of three songs in the patriotic slot: the American national anthem, "The Star-Spangled Banner", the turn-of-the-century hymn to the country, "America the Beautiful", and the Woody Guthrie song that was immortalized in 1960s counter-culture, "This Land is Your Land". Here was a piece of layered patriotic gore touching the most basic of civic sentimentalities for many Americans.

Appendix A contains a transcription of the montage, and the actual event is available on my website (Gronbeck 2001). What Etheridge succeeded in doing was integrating the official discourse of the state (three lines from the national anthem) with the 1913 romantic ode to the land (ten lines from "America the Beautiful") and with Guthrie's declaration that the country's government and its territory belong to the people (ten lines from his 1940 song). The montage thus attempted a fusion of distinctively state or governmental, territorial or spatial, and civic or political discourses about the United States into a series of concentric circles. The outer circle or layer was constructed out of the opening two lines and the closing line from the national anthem. The next circle, two passages from "America the Beautiful", was provided by four lines about the physical beauty of the country near the beginning of the medley and six lines about God's grace and the people's brotherhood near the end. The middle was made out of ten lines from the first verse and the chorus of Guthrie's song, describing the singer's experience with the ribbon of highway, the endless skyway, and the golden valley that stretched from California to New York, from

the redwood forest of the north to the Gulf Stream waters in the south. And that song's emphatic final line was sung three times: "This land was made for you and me".

All three songs are highly evocative. They are played often and stereotypically associated with the honor of and sacrifice for the nation-state, with fertile agrarian and majestic countryside, and with the citizens' right to take charge of the whole society, border to border. The sheer repetitiveness with which all three songs are heard publicly in various venues – sporting events, political occasions, '60s revival concerts, and even neighborhood singalongs – means that they were etched on the brainpans of most Americans watching the Democratic convention. But, the question remains, what political inferences – relative to party ideology and party activism – could be drawn from Etheridge's montage of patriotic melodies? To put that another way: she attempted to amalgamate ideas about the state, the land, and the people. Was there any political payoff for her effort?

My answer is no. To think about Etheridge's medley as an argument is, first, to charge it with incoherence. "The Star-Spangled Banner", "America the Beautiful", and "This Land is Your Land" were simply butted together in her performance. There were no musical bridges, no segues from one portion to another, no sets of accompanying images – nothing in what was sung or what was shown to the TV audience that forced the integration of the state, the land, and the people. Even though the American national anthem has been performed publicly in stylized versions at least since 1968 (Feliciano 1999) – including Aretha Franklin's soul versions at the 1992 and 1996 Democratic conventions – Etheridge played each song in a traditional fashion, except for holding the word "free" in the last line for several seconds. And, they were not forged into a coherent statement about relationships between the state, the land, and the people. The convention announcer had introduced her by saying "The music and words Melissa Etheridge has written and performed have lifted our spirits and spoken to our hearts for nearly two decades. Ladies and gentlemen, let's welcome a powerhouse singer and a terrific performer and a fervent activist for the people, Melissa Etheridge" (C-Span 2000). She showed herself the singer and performer, but not the activist. The jumbotron screen overhead did start by showing nature scenes to accompany the "America the Beautiful" lines, but mostly just projected her image from the stage to the screen. Visibly, then, there really was no imagaic discourse constructed in conversation with her vocal communication – an opportunity lost by the Democrats.

And so, abductively, there were no grounds for advancing a political hypothesis. What were delegates and viewers to make of the medley? Should we

understand it as a declaration that "the people" rule, that the *vox populi* should be the voice of the state, that citizens' interests in the land – environmentally and in other ways – should be privileged over corporate interests? Etheridge's own political past might have suggested such hypotheses, but yet there was nothing in what was performed, in how that performance was assembled, and in the other events of that evening at the convention that encourage such hypotheses. A political proposition was not advanced, nor were there other concrete events designed to resonate with what Etheridge had performed.

Consider what else appeared on stage that evening. Organizers did not develop the idea of fusing the state, the land, and its people into a more complex social vision. Actor Dylan McDermott and some children recited portions of the Declaration of Independence, with some brass-dominated patriotic music playing in the background. Nancy Santana's video on her family and the importance of governmental programs serving the people was offered, but without a patriotic gloss and with no sense of her possession of land. Senator Max McCleland (GA) and Senator Bob Kerrey (NE) presented and personally framed a video on the "courage, heroism, and sacrifice of American veterans" that drew the hall to its feet in applause, yet here was an example of the people serving the state, not the other way around. And so, while liberal parties such as the Democratic organization often worry that they are not perceived as deeply patriotic enough, the 2000 convention managed to reduce what might have been Etheridge's theme of a popular-based democracy into a eulogy to the state, per se.

Coductively, as well, nothing can be said. Citizens who might have been viewing the convention certainly could debate the political force of Etheridge's montage. They could try to convince each other that her non-conforming public behaviors, even her regular flaunting of social convention in her lifestyle and public advocacy, gave her performance political bite. Part of coductive inference-drawing is a matter of bringing past experience to bear on the present, and the other part is a kind of comparative process wherein people examine each other's past experiences as well as the present case to see whose reasoning is the more sound. Yet, I think, those acts would get one nowhere in this example because there seemed to be nothing in Etheridge's performance itself, beyond the announcer's statement of her activism, that was in any way linked to that past. And further, the rest of the events from the platform that evening bespoke of patriotic feelings, not the control of the state and the land by the people.

Now then: if I have worked fairly with the Etheridge montage of patriotic songs that presumably was installed to sentimentalize the delegates' and

the television viewers' relationship with the Democratic party and with the evening's continued paean to love of country, then we must conclude that those sentimentalized performances provided inconsistent and unfocused bases for political identity and action. We will come back to that assertion later.

2.2 The Republican video on education

We face a different situation with the Republican convention's video built around the Christian pop song, "My Place in This World" (see Appendix A for the lyrics). Michael W. Smith wrote the music, co-wrote the lyrics with Wayne Kirkpatrick, and then performed it. He's a vortex in the Christian popular music movement. His website, for example, advertises not only his own CDs (his latest is called "Worship") also but *iLumina* (an interactive Bible on CDs), family Christian stores, Rocketown Records (a Christian recording label he established in 1995), the Rocketown Youth Club, and the Presidential Prayer Team, which encourages individual prayers in support of the President of the United States as he deals with pressing issues. And the song, "My Place in This World", was a 1991 hit that helped cement his reputation. Its Christian message was muted enough – with only one reference to God in the phrase "I need Your light to help me find/My place in this world" – to be playable in a national political context.

First, we should examine the music video. With the song sung by Smith playing in the background, the video itself is a simple assemblage of seven different sorts of shots: (1) head-and-shoulder shots of multi-raced children, (2) classroom pictures, (3) shots of groups of children laughing, (4) teachers in both traditional and computerized classrooms, (5) one set of images of a coach working with a sprinter, (6) graduation shots, and (7) older teens talking with pre-teen kids. While some of the children pictured in the head-and-shoulder shots are pensive, most smile and even laugh. These are predominantly happy kids who move by the camera in a brisk fashion. The visual signs are arrayed in such a way as to create the impression of primarily early- and late-teenaged children, seeking answers yet contented with what is happening to them.

The song itself complements the visuals, in that it is a soft-rock, thoughtful arrangement built around the singer's declaration that his is "A life of pages/Waiting to be filled", with "A heart that's hopeful [and]/A head that's full of dreams" (all lyrics in Appendix A). The second verse cries for divine answers to the questions, "Can you still hear me/Hear me asking/Where do I belong[?]/Is there a vision/That I can call my own[?]". The overall effect is one

of expectantly waiting for direction and mobility; that effect is captured in the first metaphor of the song, "The wind is moving/But I am standing still".

The mixture, then, of individual, two-person, and group pictures, ranging emotionally from the contemplative to the exuberant, is coupled with lyrics calling up rites of passage myths together with the realization that such passage can occur only with outside (even divine) help. There is an unmistakable consonance between and among the visual, the acoustic, and the verbal images, producing what W. J. T. Mitchell (1994) called an *imagetext*, that is, fused codes whereby the visual, the acoustic, and the verbal signs are so interpenetrated that what we normally would call "a representation" in fact is comprised of all three sign systems. The argument of the Education Night video is grounded in an empathy for and commitment to help children work through the struggle to find their place in this world. That empathy – like Adam Smith's (1759/1976) notion of sympathy – becomes the basis for demanding of the judicious spectator some moral-yet-pragmatic political actions.

Abductively, this music video is but a framing discourse for a full evening of additional concrete events and repeated generalized themes. The evening's program was built around twin themes that regularly appeared on the jumbotron screen: "Opportunity: Leave No Child Behind" and "Opportunity with a Purpose". Blending the ideas of "opportunity" and "education" was bedrock in the Bush platform, where opportunity was to become available largely through private and local, not national, initiatives. Following the music video was a stream of individual speakers and videos featuring privately financed educational programs – from a "healthy start" ghetto program, to "pillars of character" programs, to literacy programs, to the buoyant KIPP Academy and other such mind-and-body, developmentally oriented educational systems. Each of the speakers and the videotaped programs became another datum that confirmed the implicit ideological hypothesis, "Educational opportunity is best provided by local, privatized efforts to improve educational quality for all". The abductive argument had range and, presumably, typicality.

Coductively, the array of moral and ideological judgments articulated by the various speakers likewise was coordinated so as to reinforce each other and the dominant hypothesis. They were also available as concrete tests-for-rationality to any audience member wishing to explore the claims about the privatization of educational opportunity in the United States. Those wishing to counter with examples of equally successful public educational opportunities had to supply them themselves.

3. Abduction, coduction, sentimentality, and political argumentation

One robin does not a spring make, nor two examples a case for repudiating Hart's claims about sentimentality and televised politics. My purpose, however, is less one of definitively outlining theories of abduction and coduction than of exploring some ways by which such arguments can be tested for something approaching validity.

Recall Behrens and Yu's (1995) observation that abduction has less to do with logic than with critical thinking. That observation is based in part on Rescher's (1978) claim that abductive arguments are not falsifiable. Staat (1993) goes even farther, arguing that abduction can but generate ideas or hypotheses; only deduction and induction can evaluate and justify them. Abductions, therefore, produce hypotheses to be tested rather than assertions to be accepted as actual declarations or judgments (Hilpinen 1992). Similarly, recall that Booth (1988) saw coduction as a process of conversational flow. He further suggested that while deductions occasionally enter that conversation, "they will always be modifiable by what *we* – not I – discover as we re-read and converse" (76, emphasis in original). That conversation for Booth must remain open, which means that literary-ethical reasoning for him is unalterably dialectical.[1] While individual propositions – that is, contestable statements – are to be verified, even validated in a loose sense, through experience and contestation by interlocutors, yet they can never gain the status of having-been-proved.

Yet, I hope that the two examples I offered herein suggest some means by which they can be assessed. I sought to examine Melissa Etheridge's medley in two ways: internally, through a test of coherence, and externally, through a test of resonance or reinforcement. I found it wanting in both respects: the parts did not cohere nor was the overall theme of multifaceted, citizen-based nationalism replayed in other events of that evening. The video celebrating educational opportunity, on the other hand, showed internal coherence to the extent that the song and the video images blended so well that I could call them an imagetext, and the video itself was bracketed by the thematic announcements on the jumbotron and the thematic developments in the stories that individual speakers and video reports offered to the delegates and television viewers.

Following Booth's leads into the matter of coduction, we can go even farther. Etheridge's songs presented us with little to disagree about. What sorts of claims about sentimentalization and political action could be engaged through her performance? One could travel the experiential route, as I suggested, comparing what is publicly known about her life and commitments with what was publicly depicted in the presentation of her song. Doing that, however, might

lead one to conclude that she sold out her own causes, for they were evoked in no way whatsoever. Discussing relationships between the visual and verbal-acoustic codes likewise would be a dead-end, because only a few images of anything other than the celebrity singer herself were shown. Indeed, probably the only political issue that her performance created was through the party's obvious invitation to her to sing. It signaled its left-leaning politics by calling upon her talents, but she was exhibited in a flattened patriotic medley rather than, say, through any direct statements about popular sovereignty. That meant that any leftist politics worth discussing was not presented discursively – that is, in what the audience heard and saw. Certainly audiences viewing Etheridge that evening could go no farther than Diane Ravitch did when she said "the United States has a common culture that is multicultured" (qted. in Schlesinger 1991/1993:135). Etheridge may well embody multiculturalism, but her song echoed the common culture that the likes of Arthur Schlesinger Jr. are calling for – pluralist, not multiculturalist. In other words, the experiential test for what might have been a sentimental call for popular-based political identity and action could not provide convincing support for that identity and activity.

I am left, then, thinking that abduction and coduction – while still very much in need of theorization as logics of action – have interesting possibilities as rationalistic structures for describing and assessing some of the kinds of arguments that were deemed as non-sensical by A. J. Ayer and his positivist successors. I will leave it to another paper and, perhaps, even another scholar to pursue that theorization. For now, I am content that I understood in a much clearer way why I was disappointed in the political performance of a singer I am drawn to and why, conversely, I can appreciate the continued rhetorical-argumentative talent of a political party whose ideology I find selfish and exclusionary. In one case, sentiment did not reinforce ideology or sculpt political identity, while in the other, it not only resonated with a political ideology but even gave it velocity and force in political arenas. Abduction and coduction may well provide superior foundations for ways of coming to grips with the political viability and rhetorical probity of sentimentalized appeals to collective identity and action.

Note

1. That dialectic he captures (1988:488) in this quotation from John Milton's *Areopagitica*: "He that apprehend and consider vice with all her baits and seeming pleasures, and yet abstain, and yet distinguish, and yet prefer that which is truly better, he is the true wayfaring

Christian. I cannot praise a fugitive and cloister'd vertue, unexercis'd & unbreath'd, that never sallies out and sees her adversary, but slinks out of the race, where the immortall garland is to be run for, not without dust and heat. . . . [T]hat which purifies us is triall, and triall is by what is contrary. . . [T]rue temperance [is that which can] see and know, and yet abstain" (1644/1959 (2):514–516).

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Appendix A

Lyrics for the Music from the 2000 National Political Conventions
(C-Span, 2000; videos available on Gronbeck, 2001)

Melissa Etheridge Patriotic Montage
[SSB = Star-Spangled Banner, 1814; AB = America the Beautiful, 1913; and TL = This Land is Your Land, 1940]
[SSB] Oh say, can you see, by the dawn's early light,
What so proudly we hail'd at the twilight's last gleaming?
[AB] O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!
[TL] As I was walking a ribbon of highway
I saw above me an endless skyway,
I saw below me that golden valley,
This land was made for you and me.
(Chorus) This land is your land, this land is my land
From California, to the New York Island,
From the redwood forest, to the gulf stream waters,
This land was made for you and me.
(Repeat) From the redwood forest, to the gulf stream waters,
This land was made for you and me.
[AB] America! America!
God shed his grace on thee
And crown thy good with brotherhood
From sea to shining sea!
(Repeat) And crown thy good with brotherhood
From sea to shining sea!
[SSB] O'er the land of the free and the home of the brave!

My Place in This World, Music Performed by Michael W. Smith [1991]

[First verse] The wind is moving,
But I am standing still
A life of pages
Waiting to be filled
A heart that's hopeful
A head that's full of dreams
But this becoming
Is harder than it seems
Feels like I'm

[Chorus] Looking for a reason
Roaming through the night to find
My place in this world
My place in this world
I need Your light to help me find
My place in this world
My place in this world

[Second verse] If there are millions
Down on their knees
Among the many
Can you still hear me
Hear me asking
Where do I belong
Is there a vision
That I can call my own
Show me I'm

[Chorus, extended] Looking for a reason
Roaming through the night to find
My place in this world
My place in this world
Looking for a reason
Roaming through the night to find
My place in this world
My place in this world
Not a lot to lean on
I need Your light to help me find
My place in this world

My place in this world
Looking for a reason
Roaming through the night to find
My place in this world
My place in this world

Chapter 15

Reparations or separation?

The rhetoric of racism in black and white

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No issue has received less attention in the rhetorical study of race in American public address than that of reparations for slavery. This essay integrates traditional rhetorical analyses with cultural critique to examine the discursive tactics and strategies of contemporary arguments against reparations. We will consider how anti-reparations rhetoric echoes the appeals of pro-slavery and segregationist rhetoric, and reveals the rhetorical privileging of normative whiteness in the symbolic construction of racism. Our analysis offers a reading of difference and identity that draws upon theories of rhetorical coherence to interrogate the underlying epistemological assumptions at work in the recovery of race in America and their implications for the our ability to find solutions to the problem of the twentieth century, the color line, as we enter the twenty-first.

> If he gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him. Fondly do we hope, fervently do we pray that this mighty scourge of war might speedily pass away. Yet if God wills that continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn from the lash shall be paid by another drawn by the sword, as was three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether'.
>
> Abraham Lincoln
> (Andrews & Zarefsky 1989: 295)

> And seeing that this is our status in the United States today, it devolves upon us to project a remedy for our condition, if such a remedy is obtainable, or demand of this nation, which owes us billions of dollars for work done and services rendered, five hundred million dollars to commence leaving it; or endorse the petition of the colored lawyers convention, which was held in Chattanooga, Tennessee, asking Congress for a billion dollars for the same purpose. For I can prove, by mathematical calculation, that this nation owes us forty billion dollars for work performed. Bishop Henry McNeal Turner (Foner & Branham 1998:480–481)

Seven score years ago, John S. Rock "advanced what was probably the first demand for distributions of land to slaves emancipated during the Civil war" (Foner & Branham 1998:368). Since that time, the call for reparations for slavery has gravitated between insinuation and agitation, but has never been silenced. While Rock's antebellum rhetoric is merely suggestive, John Smyth's claim during Reconstruction that "a debt of reparation is due from the white man to the black man can no longer be denied" (Foner & Branham 1998:823), expresses explicitly the discursive demand for justice that has continued to reveal itself in African American discourse. Perhaps it is Bishop Henry McNeal Turner's address of July 21, 1868, however, that most clearly illustrates the *telos* at the heart of this debate from its inception until today: the choice is between what Burke describes as identification and division, between reparations and separation. Indeed, even as the interest on America's debt to its citizens of African descent continues to grow, the disinterested hostility toward the issue on the part of America's citizens of European descent suggests that we are far from crossing over, as we enter into the twenty-first century, the problem of the twentieth: the omnipresent color line that continues to separate us from our better selves.

This essay represents our attempt to help suture that separation by bringing together the traditional analysis of rhetorical argument with cultural critique in order to examine parallel strategies and tactics in the anti-reparations rhetoric of David Horowitz. Specifically, we undertake a historical-critical overview of African-American calls for reparations, comparing the more polemical responses to this call with two other rhetorical antecedents: pro-slavery arguments in the early Nineteenth century, *and* pro segregationist arguments in the twentieth century. We then draw upon notions of rhetorical coherence which have emerged in each of our previous writings independently, yet that similarly depend upon the idea that the relationship between discourse and practice is the ultimate arbitrar of what is true, what is just, and what has unfortunately never been realized in the American way. We offer these readings of the repa-

rations debate in black and white to illustrate areas of contention, places of coherence, and points of departure for an enlarged understanding of the problems and possibilities that rhetorical discourse and inquiry pose for rationally addressing what Montague so accurately called "man's greatest myth: the fallacy of race". We conclude that the question of reparations occupies a volatile, albeit less-than-examined position in the complex argumentative relationship between racial difference and democracy, one which reveals in all its sorry glory the terrible complicities and incoherencies of American racial (in) justice.

1. "Be true to what you put on paper": McPhail's coherence and the rhetoric of racism

Upon contributing to this project I came to the realization that the (unspoken) question at the heart of the reparations debate is whether or not slavery was a crime. That is the fundamental issue. If it was a crime, then the call for reparations is just. It is right. And it is right in the most fundamental, most self-evident way that it possibly could be right in the light of the moral and rational principles of truth professed to be foundational in the West. It is rationally just because of its consistency with the rule of justice, the application of similar standards to similar cases; it is spiritually just because of its adherence to the "golden rule", of doing unto others as you would have them do unto you. These are the discourses that mark the moral authority of Western culture in terms of its ultimate values, and beliefs and truths. Western philosophy and religion have understood justice, as both essential and as practiced, as reflecting a sense of moral coherence. So if slavery was a crime, then the call for reparations is just and right and fair and should be addressed by a culture which professes both moral conscience and moral authority. It is this simple.

But what if slavery was not a crime. What if the basic belief that it was just an error of judgment, or reason, is true? What if it *was* pre-ordained by God? Or history? What if it was just the way things were *supposed* to be? What if we *should* just be happy and move on? Under these conditions there are no need for reparations. If it was an error of judgment then it was the result of ignorance, and should be forgiven. If it was an error of reason it should also be forgiven, for fallibility is sometimes the price we must pay for enlightenment. If God pre-ordained it then it is, by definition, beyond the need for debate and the question is moot. If it was just the way things were supposed to be then I guess we *should* be happy for what we have. It could have been worse. Yes,

if slavery was not a crime then all of the arguments made against reparations, especially those of David Horowitz, make perfect sense.

They certainly appear to make sense to the great majority of white people. They are, for many, self-evident truths. They are the *topoi*, in a sense, of whiteness, the places of argument sustained in the social and symbolic systems of privilege employed and enjoyed by people of European descent and heritage. It is clear that most white people are not in favor of reparations for slavery. If this were not clear, then the question of whether reparations are justified would be moot. There would be no need to speak of it. But we have been speaking of it for quite some time, and are speaking of it again today, and will continue to speak about it until it is resolved. My contribution to this conversation begins with the belief that for most white people the issue of reparations has already been resolved, while for most black people it has not.

This is what classical rhetoricians call *stasis*, the *point* of the argument. The very thing that *makes* an argument an argument. Its essence. Its reality. I think the reparations debate boils down to the question of whether or not slavery was a crime because this is the core issue in the arguments of both opponents and proponents, the essentially contested truth. The point at which they diverge. You cannot have the debate without it. This may be what the sophist Thrasymachus called "the theory of the opposite party", the thing that both sides agree upon by definition. It is the basic belief that presupposes argument itself. Either/or. Yes or no. Bivalence. One or the other. Complicity.

It is unquestioned belief. In foundational epistemologies it is the key criterion of truth: self-evidence. It is the starting point for Western philosophical and religious thought, the basis of the West's moral and spiritual authority. "We hold these truths to be self evident". Self-evidence has sustained itself through almost every system of intellectual thought since Plato: through rationalism, rational empiricism, mechanistic empiricism, and positivism. It resisted Hume, co-opted Kant, and remains untroubled by the assaults of postmodern and post Marxist theories. It is *the* resilient intellectual concept and psychological predisposition that justifies the West's claim to moral authority and intellectual superiority. Self-evident self-justification. It is axiomatic. Extra-argumentative.

In theory it is elegant and even eloquent. In practice – at least at it applies to the West's encounter with Africa – it is ugly. A great White Lie. Self-evidently untrue. The thorn in the side of reason, rationality, justice. This rupture between theory and practice in the West's basic beliefs about its self and its African other has a long history. Hume, whose skepticism about knowledge apparently did not apply to his own, believed Africans to be inherently inferior. Hegel de-

fined Africa as the antithesis of Europe. The Greeks were brought on board, and Aristotle and Plato were commissioned to justify the existence of slavery. The recruitment of God and Jesus sealed the deal. A great pantheon of intellectual and moral authorities denied as true the belief that slavery was a crime, one deserving of reparations above and beyond those already given.

The denial of slavery's criminality by people of European decent is enthymemic in the rhetoric of racism, that rhetoric of special pleading and double standards, fallacious in form and substance, but resilient and diffident. My own study of the rhetoric of racism informs my belief that the issue of the criminality of slavery is at the heart of this debate. I began this study with the belief that racism is created and sustained complicitously, a symbolic misunderstanding that could be remedied by dialogic and non-oppositional discourse, through a rhetoric of coherence. I no longer know if this belief can be justified as true.

I have, in fact, begun to believe that racism may be beyond the reach of rhetoric. That is it not, as my friends Robert Golden and Richard Rieke put it over thirty years ago, a problem of persuasion but of pathology. They wrote in *The Rhetoric of Black Americans*: "The study of the rhetoric of black Americans suggests the possibility that the rhetorical goal – communicating with white men about their beliefs and attitudes regarding black men – may be more a psychiatric than a persuasive problem" (1971:6). Few scholars, black or white, have bothered to follow this line of inquiry, but I believe it offers an important starting point for the analysis of reparations and anti-reparations rhetoric.

The study of the rhetoric of African American reveals that demands for reparations have been sporadic, yet persistent. They appear in the rhetorics of John Rock, Issacc Meyers, Bishop Henry McNeal Turner, W. E. B. Du Bois, Marcus Garvey, Malcolm X, Martin Luther King, Jr., James Foreman, and most recently Randall Robinson. Robinson's *The Debt*, illustrates the degree to which the criminality of slavery is central to the debate, and echoes Golden and Rieke's suggestions about the psychiatric character of its denial. In pointing to the international precedents that provide the legal justifications for African American reparations, Robinson writes:

> Only in the case of black people have the claims, the claimants, the crime, the law, the precedents, the awful contemporary social consequences all been roundly ignored. The thinking must be that the case that cannot be substantially answered is best not acknowledged at all. Hence, the United States government and white society generally have opted to deal with this debt by forgetting that it is owed. The crime – 246 years of an enterprise murderous of

> both a people and their culture – is so unprecedentedly massive that it would require some form of collective insanity not to see it and its living victims.
> (p. 221)

Robinson believes that the nation's racial problems can be addressed "only if our society can be brought to face up to the massive crime of slavery and all that it has wrought" (p. 7). For the West to erase the color line, there must be some acknowledgement of a crime, and he sees slavery and its aftermath as a "long running multidimensional human rights crime", a crime against black humanity (p. 229).

Robinson's book is clearly meant to provoke guilt, though it accomplishes more. As such, if my theorizing of the rhetoric of racism is correct, the responses that reparations rhetoric will most likely elicit are denial and rhetorical reversal. Martin Reisigl and Ruth Wodak, in their recent exploration of discourse and discrimination, illustrate the strategic rhetorical uses of denial in response to guilt through a discussion of anti-Semitism. "Doubt, guilt feelings, and the need to justify or rationalise one's behavior encouraged the development of strategies for "dealing with the past": playing down the actions and events themselves, denying knowledge of them, transforming the victims into the causes of present woes" (2001:95). Numerous other scholars in rhetorical and cultural studies agree that denial is an enduring topic of white racism. As such, we should consider its significance in this debate.

And this brings us to David Horowitz's anti-reparations manifesto, "Ten reasons why reparations for slavery are a bad idea for black people – and racist too". Horowitz marks his polemic explicitly as a response to Robinson's Debt, which he describes as an "anti-white, anti-American manifesto". Horowitz goes on to argue that "the claim for reparations is factually tendentious, morally incoherent and racially incendiary". Logically, it has about as much substance as the suggestion that O. J. Simpson should have been acquitted because of past racism by the criminal courts. Its impact on race relations and on the self-isolation of the African American community is likely to be even worse" (p. 1). The discursive moves made here by Horowitz reveal rhetorical reversals that epitomize the rhetoric of white racism.

Consider first the assumptions at work in his appeal to *logos* behind the O. J. analogy. If the two cases are to be treated the same, then it must be premised that black people as a whole, have like O. J. been accused of a crime, and should be excused of that crime because of past bad acts against them. But what is the crime that black people are accused of other than, of course, being black. It is at best, a faulty analogy. Consider also the appeal to *pathos*

in the claim that the call for reparations is racially incendiary, and will result in further isolation of black people from the American mainstream. Reparations here have become the cause of racism instead of a response to it. Faulty causality? Post hoc ergo? These are only two of the many fallacies at work here.

Neither of these examples adequately warrants Horowitz's claims. But what of his appeal to ethos, his claim that the call for reparations is morally incoherent? There is no example, fallacious or otherwise, to support this claim. Only an enthymemic silence that rests upon the implied conclusions of the other: that blacks are comparable to criminals, that guilt provocation is ineffective at best, a form of racism at worst, and that white people are innocent. No crime was committed. But if a crime was committed, the real criminal is the very party that claims to be victimized, and whites are themselves "victims" of reverse discrimination.

David Horowitz has taken the rhetoric of white racial recovery to a new extreme. He has outdone Hernstein, Murray, D'Souza, and host of others committed to the defense of white superiority. He has publicly claimed that black people are in essence responsible not only for the contemporary conditions in which we find ourselves, but *for slavery itself*. "It was not whites but black Africans who first enslaved their brothers and sisters. They were abetted by dark skinned Arabs (since Robinson and his allies force us into this unpleasant mode of racial discourse) who organized the slave trade" (p. 1). Will reparations be assessed against them too, Horowitz wonders. Didn't *they* benefit from slavery too, he asks.

And answers that they did. "America's black citizens are the richest and most privileged black people alive – a bounty that is a direct result of the heritage that is under attack". Black people should be good Americans and support "the American idea", and not ask for reparations. Because black people don't deserve reparations, not like the Jews or Japanese did. These are Horowitz's words. "The Jews and Japanese who received reparations were individuals who actually suffered the hurt". Black people evidently are not individuals. We do not suffer hurt. Horowitz is, of course, in good company in making these claims. They were also made, Robinson reminds us, by Thomas Jefferson. We are "in reason much inferior". Our "*griefs are transient*". Logos. Pathos. No ethos.

Because the ethos is enthymemic. It is embodied in the "heritage that men like Jefferson helped to shape", the heritage that has justified the subordination and exploitation of African Americans as something other than criminal for centuries. It is the character of whiteness: its true character. Demands for reparations call that character into question, and thus in Horowitz's estimation

> will further alienate African-Americans from their American roots and further isolate them from all of America's other communities (including whites), who are themselves blameless in the grievance of slavery, who cannot be held culpable for racial segregation and who, in fact, have made significant contributions to ending discrimination and redressing any lingering injustice.
>
> (p. 2)

Black people should not blame other Americans for a situation of our own making. Others are "blameless". They "cannot be held culpable". Nor should we blame America itself, since the America that exists now is not the same America that sanctioned slavery and segregation all those years ago. What we need to do is accept what we have and be happy. "What African-Americans need is to embrace America as their home and to defend its good: the principles and institutions that have set them – and all of us – free". These are David Horowitz's words. They reflect his most basic beliefs. And they are racist.

They are in fact, the common topics of what Aaron David Gresson III (1995) describes as "white racial recovery", the "good reasons" beneath the claims, the uncontested warrants, the unspoken. David Horowitz simply gave them a voice. And he was really only saying what most white people basically believe. Most white people are not in favor of reparations for slavery. They apparently do not believe that slavery was a crime against African Americans or against humanity. They learn to believe this at an early age. Charles Gallagher found this attitude in many of his white students. "Many young whites refuse to feel in any way responsible for the roles whites have played in US race relations. The common response 'I don't feel responsible for may father's sins' reflects this sentiment' " he explains. "Or, as another student put it, 'The slavery thing happened so long ago, they can't keep prosecuting us – I don't even know if my ancestors were here then, so I'm kind of sick of keeping that held against me"' (p. 347). One has to wonder here if Horowitz is not simply praising Athenians in Athens, only telling white people what they want to hear about themselves. *That they are innocent of any crime*. The call for reparations is an accusation of criminality that most whites are unwilling to hear or accept. David Horowitz exploits this unwillingness, and appeals to an ethos of whiteness based upon it own racialized "good" reasons.

This is the ethos persistently called into question by the rhetorical efforts of African Americans, and never more so than in the demand for reparations. Those demands, and the responses they have elicited, invite us to revisit Golden and Rieke's questions about the usefulness of rhetoric in race matters. "When forced to search deep into his own central belief system", Golden and Rieke write, "the white man discovers he perceives himself as a white man and holds

beliefs of a primitive nature, that whites are not only different but better than blacks" (p. 7). Perhaps this continues to be the reason why black people, in the minds of most white people, do not deserve reparations. Because we are different and inferior.

In the debate over reparations, then, it seems improbable that black rhetors will ever convince a majority of white people that reparations are warranted. Regardless of the eloquence of our arguments, the quality of our justifications, the coherence of our rhetoric. White people, collectively, will never be induced to believe that the historical enslavement and exploitation of black people was a crime. Regardless of the fallacies exposed, the rationalizations revealed, the narratives deconstructed, black demands for reparations for slavery will never be persuasive to most whites. "How long", asks Randall Robinson, "must a few lonely blacks whistle wisdom through the lightless centuries?" (p. 243).

2. Of judgments true and righteous altogether: Farrell's coherence and the ethics of rhetoric

Upon contributing to this project, I came to the realization that the central norms I have elsewhere posited for rhetorical culture (competence, performance, coherence, and distance) were all norms of proportion. A rhetorical sense of proportion must take account of the many ways rhetorical practice departs from the preoccupation with singular conduct we find in the ethical treatises. Rhetoric is, first of all, a collaborative practice. It is a situated, eventful practice. It is audience-dependent and reciprocal. How do we formulate a sense of proportion that might be sensitive to these special traits. Much of what we have in mind for these aspects of the concept is captured by the adjective, "practical". Ethos in rhetoric, as we are exploring it here, is an emergent that results from the interaction among the rhetorical event/appearance, the place(s) occupied by the audience/agent, and the mediation performed by rhetorical exchange.

The ethos of rhetoric, a sense of practical proportion, is not one thing. It is many things. For every time we encounter someone who hits the mark precisely (Roosevelt's "First Inaugural", "I Have a Dream"), there are many other times when we miss it completely. Political campaigns are littered with the body parts of candidates who said or did something so spectacularly wrong that instead of making history they became history. And if this will not do, think of the Catholic Church in America. Or think of Enron. The list goes on. A second, and not terribly surprising conclusion is that the ethos of rhetoric is only

as strong as is the actual performance of rhetoric in practice. Were we to be wedded to a practice, the performance of which only led to untrustworthy or suspicious results, the practice itself would surely be called into question. So it is with rhetoric.

This is entirely consistent with Aristotle's famous definition that ethos is character as manifested through speech. To this formulation, we would like to add the idea that ethos may also refer to the characteristic atmosphere or *aura* of an encounter setting, be it workplace, religious institution, concert hall, Department. Finally, we wish to suggest that ethos in rhetorical practice emerges from the way such practice fits into a larger picture. This is the sense of ethos we shall explore here. There have been numerous attempts to explore this sense of "fit". Some have called it "prudence", others "propriety". There have been few, if any, attempts to explore the larger picture that emerges when a successful fit has occurred. We call this "coherence". To make what some have characterized as a "practical turn", we need, in a sense, to take inventory of the ways rhetoric might "fit in" to a larger picture, and then to ask whether there are any commonalities among these ways.

Some rhetoric achieves coherence by helping to complete a larger picture. Some rhetoric places its horizon within yet an even greater horizon. Some rhetoric, in a pragmatic vein, sets out to trace the implications of its place, and some rhetoric finds it necessary to subvert conventional practice in light of allegedly higher principles. What we have concluded is that – regardless of chosen option – all rhetoric achieves coherence by cultivating a sense of what we will call "practical proportion". It is in his most famous lectures on character, the *Nicomachean Ethics* and the *Eudaimonian* ethics, that Aristotle gives us an introduction to the idea of proportion. To condense a discussion both complex and known to all, virtues are cultivated as habits of proper or proportionate action. Thus, the ethos of rhetoric is only as strong as is the actual performance of rhetoric in practice. Finally, and this is critical to our analysis, it is sometimes the case that the real event or referent of rhetorical clash and argumentative mediation is not the one advocates actually think they are discussing. While controversy is typically explicit in focus, its referent often is not. Instead, it may be some aspect of history looming in the recesses of the lifeworld, still defying the capacity of rational speech to declare its meanings explicitly. This is one of many things we believe to have been occurring in the ongoing reparations controversy.

Toward the close of the Twentieth century, a series of episodes emerged, where attempts were made to reconcile, or make amends with aggrieved groups. Apologies and partial reparations were made to the offspring of in-

terned Japanese-Americans during World War II, to Jews whose property, wealth, and art had been confiscated by Nazis and hoarded in Swiss banks and many others. Even the Catholic church got into the act, apologizing (eloquently) for its blindness and long-standing anti-Semitism. There were also apologies for the Inquisition, and to Galileo, for being prematurely correct on the relationship between earth and sun. Along with the apologies, specifically targeted groups received financial reparations, as symbolic acknowledgment of their inestimable loss. And then the rhetorical envelope was pushed. A group of renowned and somewhat controversial black leaders, led by a coalition including Louis Farrakhan, Jesse Jackson, and Cornel West began an insurgent movement demanding reparations, because of slavery, for living African-Americans.

The movement for civil war reparations to the descendants of slaves had gathered considerable momentum in the United States; for instance, the Chicago City Council's aldermen voted 49 to 1 in favor of reparations. And until February, 2001, there were few of the sort of specifics that could divide constituencies of support. But on the last day of Black History month, David Horowitz decided to print on one of the most prominent sites of the Internet what he called, ala, Letterman, "The Ten Reasons why Reparations are a bad Idea, and Racist too". Most of the manifesto proclamations in evidence with these more public sentiments are not at all new. They are preceded by clear antecedents in pre-and post-civil war racist arguments.

This is evident from Horowitz's first argument, introduced by the ambiguous caption, "*There is no Single Group that Benefited Exclusively from Slavery*". And it reads, "If slave labor has created wealth for Americans, then obviously it has created wealth for black Americans as well, including the descendents of slaves. The GNP of black America makes the African-American community the tenth most prosperous 'nation' in the world. American blacks on average enjoy per capita incomes in the range of twenty to fifty times that of blacks living in any of the African nations from which they were kidnapped". The ambiguity serves to mask the argument's incoherence. It could refer either to any single group benefiting from slavery, to the exclusion of other groups; *or*, it could refer to groups which benefited exclusively from slavery, while benefiting from nothing else. Of course, neither of these refuted positions have ever been advocated by proponents of reparations.

We believe this to be the strategy of straw man argument. But this is not the real source of the difficulty. The deeper difficulty is that David Horowitz is here doing something he will do throughout his diatribe; he is recycling blatantly racist arguments from the antebellum South, as well as the late Fifties segregationist South. The argument essentially shows African Americans con-

tent with their inferior social position, slowly but surely getting their piece of the American dream. Here is historian, Paul Johnson: "Southerners argued that to take a black from Africa and set him up in comfort on a plantation was the equivalent, allowing for racial differences, of allowing a penniless European peasant free entry and allowing him, in a few years, to buy his own farm". James Kilpatrick, in his openly racist diatribe, *The Southern Case for School Segregation,* hangs the argument out for all to see: "The Negroes of America are better off materially, culturally, and politically than any Negroid people in the world, and their lot improves at an incredible speed". How did this happen, one might ask. Surely not through the "Negroid race"'s *native* abilities: "The question that never seems to be convincingly answered is why the Negro race, in Toynbee's phrase, is the only race that has failed to make a creative combination to civilization".

Of course, a race that has contributing essentially nothing to civilization while improving its lot exponentially, can only have benefited disproportionately from its centuries of tutelage. From the perspective of Kilpatrick, however, we have come far enough to already witness "the potentially degrading influence of Negro characteristics". Now, Kilpatrick is honest enough to admit that his "is a 'racist' thesis". David Horowitz does not. Instead, he is content to build sophistry upon sophistry. In one entry, we are told that "racism" essentially ended with the end of the Civil War. And where oh where is the gratitude of the Negro race for America having "given" the race its freedom? And as part of the rhetorical smokescreen surrounding his reasons, David Horowitz presents himself as the victim of university and journalistic political correctness.

For Horowitz, the failure to be invited to speak on a college campus amounts to censorship, just as the editorial decisions of newspapers as to whether to accept these "arguments" as suitable for appearance in news journals. For anyone forced to confront these logistical decisions directly, there is an alternative explanation for Horowitz's "persecution". One co-author of this essay has on his campus a fairly well known professor who has claimed, repeatedly and publicly, that the Holocaust never occurred. On still other campuses, there are proponents of creationism, abject homophobia, and still further extremities in cause. While inquiring minds may disagree, a generic recalcitrance regarding open debate with such advocates has emerged. Why? Because open debate leaves a residue of legitimacy on positions long discredited. This may seem like conspiracy to the already paranoid victim. But it is surely not censorship.

If Horowitz had been shooting for the purity of analytic distribution, he surely failed. But if his goal had been, say, to muddy the deliberative waters,

considerably greater credit must be ceded. But for all the sound and fury David Horowitz's polemic managed to stir, his was not to be the last word. In mid-March of this past year, a decision was made which would dramatically shift both the venue and the genres of the reparations controversy. Instead of continuing to engender deliberative, across-the-board reparations proposals, reparations advocates have initiated a series of class-action law suits against firms, universities, news agencies who prolonged and benefited from conspicuous features of slavery.

One would have difficulty overestimating the significance of this shift. It takes the question of accountability from the legislature to the Courts (where, we are tempted to say, it belongs). It also changes the operative argumentative genre from deliberative to forensic discourse. Perhaps most important, reparations litigation allows the hidden referent of this controversy to emerge, without the sort of vitriol and evasion sponsored by the David Horowitz's of our political culture. Here is Charles J. Ogletree, Jr.: "A full and deep conversation on slavery and its legacy has never taken place in America; reparations litigation will show what slavery meant, how it was profitable and how it has continued to affect the opportunities of millions of black Americans". With all due respect to the complexities of America's bicameral legislature, this would not be the first time an aggrieved people has had to rely upon the courts to conduct business others would sooner ignore. For thirteen consecutive years, the Congress has refused to even appoint a study group to explore the issues of reparations. In this as in previous revelatory episodes of civil rights history, neglect may prove to be the mother of invention.

There is, of course, a special irony in the fact that the litigation project seems a direct outgrowth of the weakest of Horowitz's premises (on groups who benefited disproportionately from slavery). Perhaps David Horowitz and the Committee on Reparations may find some way of sharing credit for this. A final irony rests with the likely defendants themselves. We have already heard from several them. Recently, the *Chicago Tribune* intoned: "Long before all of the sad facts have been accumulated, it will have become clear that the benefits of slavery were not restricted to a few parties in either North or South. What Lincoln himself saw as a national stain implicated a complex web of economic, political and cultural forces. No one was immune, then or now. And to the extent that the ill effects of slavery still plague our nation, we are all liable". Noble words. But perhaps in the *Tribune's* haste to shed the yoke of litigation, it lost sight of the similarity between its current stance and the original reparations position. We are, indeed, all liable.

3. Rhetoric, reparations, or resignation: The hope(lessness) that race creates

No phrase more clearly epitomizes the consciousness underlying the demand for reparations for slavery advanced by African Americans than "forty acres and a mule". It reveals an understanding of the fact that people of African descent could never truly gain equality without access to this nation's most valued and protected privilege: the ownership of land. Yet the phrase itself reveals the rhetorical incoherence that has always circumscribed race relations in America. Some historians contend that the promise of land and the means of sustaining it were never even offered to African Americans, while others suggest that it amounted to little more than insincere inducements by those who wished to garner the support of ex slaves for their own ends. Claude Oubre (1978) suggests that the belief held by African Americans that they would receive reparations in the form of land and livestock can be traced to the rhetorical efforts of both abolitionists and legislators. "It appears that the concept of land distribution may have originated within the abolitionist camp. Less than one month after the war began, abolitionist William Goodell demanded that Congress confiscate land belonging to rebels and redistribute it among freed slaves" (p. 181). Oubre argues that a number of pronouncements by Union army officials and legislators, along with the confiscation acts enacted during the war, gave many African Americans both free and slave the impression that they would be compensated by the government for over two hundred years of unpaid labor.

Those pronouncements were, however, motivated less by benevolence than by opportunism. Indeed, few whites were sincerely committed to creating the conditions that would lead to racial equality for blacks, much less providing them land. Oubre concurs in his discussion of the failed legislative attempts to provide land for newly freed blacks in Louisiana. "Although the majority of congressmen never really intended to give the freedmen land, the action of high ranking military and political officials convinced freedmen that there was substance to all the land rumors they had heard", he explains. "This belief, unfortunately, by creating a false hope, deprived many freedmen of the incentive to acquire land through their own efforts" (p. 184). For Oubre, the failed legislative attempts to provide African Americans with land represents the "tragedy of Reconstruction … since without the economic security provided by land ownership the freedmen were soon deprived of the political and civil rights which they had won" (p. 197). He nonetheless concludes that the few individual African Americans who were able to acquire land achieved "a personal

triumph against overwhelming odds" (p. 198). Their limited success, however, stood in stark contrast to the hopelessness that masses of African Americans experienced in the aftermath of Reconstruction, a hopelessness created and sustained by the rhetoric of white racism.

That rhetoric ranged from the opportunism of those who appealed to the belief held by many blacks that the nation would make reparations for the crippling legacy of slavery, to a reliance upon the traditional mechanisms of fear and violence that has been used to maintain social control. As Cal M. Logue (1977) observes: "The new rhetorical status of blacks challenged the power of whites. Spokesmen for the white community perceived Reconstruction as 'that new revolution which aims at the overthrow of the Constitution of the country, and the subversion of these heretofore free and independent Commonwealths'" (p. 241). Logue argues that whites "communicated two persuasive appeals as a means of convincing blacks to accept the submissive role circumscribed by the rhetorical contract: a verbal bribe and a rhetorical threat" (p. 244). These strategies replaced the sanctions which restricted blacks during slavery, and exploited a rhetorical situation which whites perceived as threatening to their political rights. Whites were urged by political leaders and public figures to "prepare for the struggle". "Journalists, speakers, letter writers, and 'poets' contributed to the verbal campaign to control the political behavior of blacks" (p. 242). At the end of the nineteenth century, white Americans were persuaded to believe that demands for political and social equality and opportunity for black Americans would ultimately lead to their victimization at the hands of "black Republicans", and their northern abolitionist allies.

At the end of the twentieth century, a similar phenomenon occurred in response to government efforts to address the long legacy of racial discrimination through affirmative action. This new rhetoric of racial recovery drew upon many of the same figures and tropes of whiteness that emerged during Reconstruction, but also reflected more subtle and insidious forms of racial reasoning. Gresson offers important insights into the parallels between the rhetoric of Reconstruction and contemporary anti-reparations rhetoric. He argues "that white political and economic recovery efforts in America have resulted largely in judicial, occupational, and symbolic losses for Blacks and others previously targeted for so-called mainstreaming" (p. 12). He also suggests that contemporary white racial recovery rhetoric plays upon the fears and insecurities of European Americans, casting them as "victims" and revealing an historical amnesia that reverses the realities of racial oppression and discrimination. "Many whites", he explains, believe the story that Blacks and others are *privileged*. Because they see and hear images of Black success … they 'feel'

that all Blacks have the power and opportunity to be model successes. Because they see many of their own family and friends suffering, they believe white men have had to pay for Black success. This is the new white racial story. In this new white racial narrative, moreover, the white male is the victim" (pp. 211–212). While the story may seem new, its rhetorical motives and racial reasoning are as old as the exigencies that have historically shaped the ways in which white Americans see themselves in relation to people of African descent.

What is new, however, is the "spirit of opportunism" which Gresson suggests shapes racial recovery rhetoric on both sides of the color line. That opportunism is revealed in the rhetoric of black conservatives, whose denial of white culpability in the contemporary problems that beset black Americans has been instrumental to the success of white recovery efforts. Gresson persuasively documents the ideological and material complicity of black conservatives in the resurgence of racism in America, and his suggestion that these African Americans "collude with the white man's agenda" (p. 182) is confirmed by their anti-reparations rhetoric. William Macklin (2000), in discussing the call for reparations advanced in Randall Robinson's book *The Debt*, notes that "while many blacks have joined the call for reparations, some have balked" (p. A12). He cites, for support, George Mason University economist Walter Williams, who refutes the claims of reparations advocates regarding the destructive effects of slavery with the preferred rhetorical strategies of black and white neoconservatives: the argument from anecdote. Maclin notes that Williams claims

> that slavery actually benefited blacks by forcibly moving an estimated 20 million Africans to the New World. "I would say that my wealth is much higher being born in America than if I had been born in Africa", said Williams. "And I would say the same thing about any African American". Williams certainly isn't alone in his view. For many Americans, the idea of reparations is an affront, evidence of the stiff-necked refusal of blacks to move beyond the past. Others see it as a sham that would shower the undeserving with tax-funded cash. (p. A12)

The fallacy at work in William's synecdochal substitution of the part for the whole is also revealed, albeit more subtly, in Macklin's racial reasoning as well. The "many Americans" and the "others" of which he speaks are clearly white, but their race has been erased to give the impression that the resistance to reparations is as widespread among African Americans as it is among European Americans.

Neil Steinberg's discussion of the issue of reparations suggests otherwise. Steinberg, a white writer for the *Chicago Sun Times*, offers a compelling ac-

count of the reparations debate in black and white, its central issues, and its reliance on the rhetorics of racial recovery and reasoning. "My column last week on the issue of reparations for slavery seemed to have touched a nerve with a lot of people, white and black", he writes. "Most gratifying of the many responses I got, and thought were worth sharing, were letters and emails from African Americans who were astounded to find a white person expressing an opinion that made sense to them" (p. 16). Steinberg, who argues in favor of reparations, also comments on the responses of his white readers, who largely rejected the call for reparations. "White readers, on the other hand, tended to take what I call the 'that's not my table' approach. Their relatives were in Ireland or Sicily, or somewhere else, and the whole thing is not their problem" (p. 16). Most whites, Steinberg notes, invoke a rhetoric of denial, and many echoed the arguments made by Horowitz in his rejection of the call for reparations. Steinberg also indicates that many of the responses of white readers revealed an underlying racism, sometimes subtle, sometimes, not. "Many who wrote in opposition of reparations had an amusing tendency to unconsciously illustrate the pervasive racism that blacks are still up against. Perhaps sensing the loathsomeness of their opinions, they tended to write anonymously" (p. 16). Steinberg ends his column on what he implies is a more positive note, with these words from a reader whose race is not identified: "Your column put this issue in very clear words. The United States should set this matter right... I don't have the answers, but we should at least start" (p. 16).

Whether or not this country is willing or able "to set this matter right" remains to be seen. Our reading of this controversy in black and white leads us in two directions, toward both the possibility of reparations and the probability of resignation. The point at which we do agree, however, is that the opponents of reparations are ultimately opportunists, those who play to our least ethical, rational, and compassionate impulses to advance their own agendas. This is certainly our view of David Horowitz and those like him who would distort historical and rhetorical realities in the service of self-interest. Gresson's observations concerning the invidiousness of this opportunism is instructive: "It is similar, for example, to that spirit of opportunism that inspired the imaginative white male in Boston in 1990 to kill his pregnant wife in a Black neighborhood, accuse a Black male, and induce the mayor, police force, and city to fall in frenzy upon the Black community" (p. 170). Like Charles Stuart, David Horowitz is more than willing to exploit the primitive, basic belief held by most whites, that they are inherently different and thus inherently better than blacks. We wonder if any rhetorical effort can overcome this condition, which Golden and Rieke correctly observed, may be more a problem of pathology than persuasion.

As rhetoricians invested in the possibilities of ethical rhetoric we continue to hope that a more coherent understanding of discourse and difference might help us to erase the problem of the color line as we enter a new millennium. Perhaps the shift from the deliberative to the forensic realm offers some hope, but this too remains to be seen. With the ideological shift toward the right on the Supreme Court, a shift facilitated in large part by the appointment of a black conservative, one wonders whether the legal system will be any more responsive to the needs of African Americans. Gresson suggests that the rhetoric of white racial recovery had already found its way into the judicial process well before the appointment of Clarence Thomas. "At the conclusion of a recent reversal of an earlier landmark case, Justice Thurgood Marshall accused several of his peers of 'selective amnesia' and of insulating 'an especially invidious form of racial discrimination from scrutiny of the Sixth amendment'. Marshall, a Black justice and member of the body voting on the earlier landmark case, declared the spirit of the previous decision violated" (p. 176). What Marshall saw as "selective amnesia", another distinguished black jurist, Paul L. Brady, labels "a certain blindness".

A federal judge and "grandson of a slave", Brady (1990) contends that "the white majority has willfully blinded itself to the humanity and worth of Americans of African descent in order to preserve the best potion for itself" (p. ix). He comments on the incoherence of America's treatment of African Americans, and the continuing role of race in shaping American cultural and rhetorical norms:

> There has been no official act of the American government to memorialize slavery, nor has proper recognition been given to those who helped end it. Rather, our society honors those who supported the system of man's inhumanity to man. Included are the many leaders who renounced their citizenship and betrayed their oaths of office. They are compassionately remembered by memorials and statues, because race determines recognition in our nation, and not deed. (p. 320)

Brady's critique of white America's moral blindness concludes with a clear statement of the ethical, rational, and emotional grounds of the call for reparations. His is an argument not only from anecdote, but from history as well, and it reveals what we both believe is best understood as a call for rhetorical coherence: "As black Americans we share our humanity and aspirations with all this nation's peoples, but history and experience contradict that truth, and we continue to suffer from that contradiction. The principles found in the Declaration of Independence and in the Constitution have been neither com-

pletely accepted nor appropriately resolved", he concludes. "Instead, further contradictions and inconsistencies have been introduced throughout our history, rendering our government practically incapable of perceiving the tragic result" (p. 327). While it seems unlikely that the courts will be able to achieve what the government could not, there always exists the possibility that justice might become something more than the interests of the stronger or the protection of privilege. As the century of the problem of color ends, and the century of the challenge of conscience begins, perhaps European and African Americans will move beyond separation and toward reparations. We do not have the answers, but believe that it would indeed be a good start.

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Chapter 16

Discursive collisions

A reading of "Ellen's energy adventure"

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Located near the center of Walt Disney World, near Orlando, Florida, is the 550-acre Epcot Center. Epcot, thematically evocative of a world's fair (Nelson 1986), is comprised of two major elements. The first of these is World Showcase, which includes eleven pavilions representing what the 2002 Birnbaum's, the "official guide" to the Disney World themeparks, characterizes as "Disney conceptions about participating countries in remarkably realistic, consistently entertaining styles. You won't find the real Germany here; rather the country's essence, much as a traveler returning from a visit might remember what he or she saw" (Safro 2001:135). The second, and more important part of Epcot for our purposes, is Future World, a set of nine pavilions that thematize corporate problem-solving and technology's contributions to major issues confronting humanity.[1] As Birnbaum's also notes,

> A mere listing of the basic themes covered by the pavilions at Future World – agriculture, communications, car safety, the ocean, energy, health, and imagination – tends to sound a tad academic, and perhaps even a little forbidding. But when these serious topics are presented with that special Disney flair, they become part of an experience that ranks among Walt Disney World's most exciting and entertaining. Some of these subjects are explored in the course of lively and unusual Disney "adventures," involving a whole arsenal of motion pictures, special effects, and Audio-Animatronic figures so lifelike that it is hard to remain unmoved. (Safro 2001:123)

The pavilion upon which this essay focuses is the Universe of Energy, sponsored by ExxonMobil corporation. It offers the Epcot visitor an extended "educational" message in its hybridized film/theme park ride, "Ellen's Energy Adven-

ture," ("EEA") featuring Ellen DeGeneres and Bill Nye, the Science Guy, as well as other recognizable entertainment personalities.

Our interest in "EEA" is grounded in Goodnight's observation that,

> Many forms of social persuasion are festooned with the trappings of deliberation, even while they are designed to succeed by means inimical to knowledgeable choice and active participation. The increasing variety of forums, formats, styles, and institutional practices – each claiming to embody the public will or to represent the public voice – demands careful attention. If such practices continue to evolve uncritiqued, deliberative argument may become a lost art. (Goodnight 1982:215)

We believe that "EEA" constitutes the near-perfect example of such efforts and deserves critique for two reasons. First, it illustrates how corporations seek to participate in and influence discursive practices in the public sphere. Walt Disney World and ExxonMobil rely upon sophisticated techniques of multimedia production, fragmentary deployments of Western mythologies, and allusions to popular culture to "educate" audiences through entertainment. It is our claim in this essay that such practices seek not to enhance deliberative argument, but rather to diminish participation. As Fjellman observes, "What is important is that our thoughts are constrained. They are channeled in the interests of Disney itself but also in the interest of large corporations with which Disney has allied itself, the system of power they maintain, and the world of commodities that is their life's blood" (Fjellman 1992:13).

"EEA" interestingly relies upon the appearance of technical discourse to accommodate itself to the public sphere but does so in ways that denigrate the value of both domains of argument, expanding corporate influence at their expense. Such efforts at influencing public discourse certainly are not new and all entities, corporations included, are entitled to participate in public deliberations. Cheney and Christensen note that many organizations, "but especially those in the embattled industries of oil, chemicals, and tobacco," engage important sociopolitical issues, particularly those affecting their own survival (Cheney & Christensen 2001:237). However, they add that, "When the social space is saturated with corporate communication asserting social righteousness, only the indirect or more unusual messages are able to stand out and attract attention" (Cheney & Christensen 2001:256). "Ellen" constitutes an exemplar of such messages and we believe it essential to understand how such persuasive efforts work if we are to sustain vibrant and responsible public argument.

Second, ExxonMobil's message at Walt Disney World is important in its own right – significant both for the size of its audience as well as for the context within which it occurs. According to the International Association of Amusement Parks and Attractions, more than nine million visitors attended Epcot in 2001, making it the sixth most frequented theme park in the world.[2] Epcot's target audience – adult, well-educated, middle-class consumers – are placed "in the middle of scenes that unfold in a carefully choreographed manner as they move through them on foot or strapped into Disney's various ride vehicles" (Fjellman 1992:399). This "envelopment-by-theme," described by Fjellman, focuses the visitor "on countless coordinated details passing by at high velocity, to the point that one's powers of discrimination can be overwhelmed. [Walt Disney World] is organized according to the principle of cognitive overload; it is with the overriding of visitors' capacities for making discriminations that Disney metathemes may take effect" (Fjellman 1992:23). Fjellman's description generalizes the Disney strategy; "EEA" exemplifies it.

"EEA" appears to be just a simple, entertaining narrative of competitive conflict and resolution, but it is anything but simple in format. The levels of virtuality are breathtaking: a television show and historical recreation embedded within a dream, which is reproduced in a film, which is introduced by a secondary film framed in direct address, all within a pavilion at a themepark. But the complexity of "EEA" does not end with the multiplicity of media it incorporates. Even as it presents itself as an entertainment narrative, it embeds a serious, public policy argument about the feasibility of alternative fuels.

Emerging from the layered narrative of "EEA" is a set of arguments that work together to serve the corporate interest of ExxonMobil, advocating continued reliance on fossil fuels without appearing to advocate much of anything. The complexity and entertainment value of the attraction mask the near-irrelevance of over half of the narrative (in terms of time on each segment) to learning about energy in general and to ExxonMobil's arguments specifically. While these segments are argumentatively and educationally tangential, they do serve important rhetorical ends, so it seems important to attend to them as well as to the argument as the narrative unfolds.

Ellen's "adventure" – and ours as well – begins with our entrance into the Universe of Energy pavilion and into a large, oval-shaped, carpeted anteroom with a giant screen on one side. At either end of the room are signs that inform us that ExxonMobil sponsors the Universe of Energy. A film begins with Ellen DeGeneres speaking directly to the audience, introducing herself, asking us questions, seeming to wait for our responses, even admiring the hair style of an audience member in the back. She also introduces the remainder of the

show, in which we will learn about how she became the "spokesperson" for this venue, an "expert" on energy. She transports us into her living room where she (a second Ellen) is sitting down to watch her favorite television program, *Jeopardy!* Ellen's next-door neighbor, Bill Nye, the Science Guy enters to borrow a candle, aluminum foil, and clothespin for one of his experiments, and he too expresses his excitement about *Jeopardy!*

As the game show begins, Ellen is astonished that one of the contestants is her former college roommate, Judy Peterson, now a "Professor of Energy" (Jamie Lee Curtis). Ellen expresses a clear aversion to the Professor, saying that her nickname for her former roommate was "Stupid Judy". Bill objects: "That makes no sense. She has a Ph.D". Ellen informs Bill that she doesn't care about energy, to which he responds, "Energy is the most important thing in the universe. Without energy, nothing would go. Nothing would happen. I mean, there'd be nothing". Bill Nye leaves with his experiment paraphernalia, while Ellen mutters about "stupid energy; Stupid Judy". She drifts off to sleep only to begin dreaming that she, too, is a contestant on *Jeopardy!* along with Judy Peterson and Albert Einstein, and that all the categories are about energy.

Ellen performs terribly. We watch her attempt only one question, in which she is unable to identify the substance "formed from microscopic plants and animals trapped … in sediment millions of years ago". Judy, however, immediately provides the correct response, answering in a petty tone, "What is petroleum, Alex?" We watch as Judy smugly provides correct responses to multiple items in turn. She ends the first round with what host Alex Trebek labels "a commanding lead". Ellen is tied with Einstein – who never speaks and looks continually puzzled by the events around him – with no money on the board. At this point, Ellen notes that it's her nightmare, and she freezes the action and asks Bill Nye for help. Nye had shown up on the set to see Einstein and he agrees to help by taking Ellen "way back" in time.

This introductory segment of "EEA" is important to the narrative, for it sets Ellen up as a slightly daft but congenial protagonist. And it establishes Bill Nye, the Science Guy as her knowledgeable sidekick and straight man. But it "teaches" us only two things about energy. First, we learn from Bill Nye that it is "the most important thing in the universe". Second, in case we were not already aware of it, we learn that petroleum is formed from fossilized plants and animals. The remainder of the *Jeopardy!* sequence is simply a series of decontextualized, correct questions from Judy Peterson: "What is bituminous?" "What is solar-thermal conversion?" "What is hydroelectric?" "What is helium?" Because we do not see or hear the answers to which Judy's questions respond, there is nothing to learn. Indeed, the short sequence seems only to reinforce

the need for Ellen to find a way to defeat her rival. Judy seems to fit precisely Ellen's earlier characterization of her as a "smarty-pants, know-it-all". Jamie Lee Curtis's elaborate acting of Judy Peterson as unlikable offers her up as the antagonist Ellen must overcome. But Judy's "commanding lead" by the first commercial break in the dreamed *Jeopardy!* game represents a daunting obstacle, providing the motivation, indeed the urgency, for Ellen (and us) to learn about energy and learn it quickly.

At the end of this first film, two doors open beneath the screen and audience members file into a large room where trams are aligned with seating for more than 500 people. After the audience is seated, the room grows dark, and another film opens with Bill and Ellen appearing on a nearly blank, dark screen. They (and we) are at the beginning of the universe, and a small spot of light (the material from which the Big Bang emerges) appears in the center. Bill places ear protection devices on Ellen, handing her two flashlights like those used to guide airplanes as they taxi to jetways. Ellen, acting like a ground crew member, informs the Universe that it is "cleared for takeoff". Bill Nye pulls Ellen through a doorway, just as the spot of light, which has been increasing in size, explodes into galaxies, planets, and stars rushing toward the audience at high speed. All of this is accompanied by enormous sound delivered through a state-of-the-art audio system. As we move through the universe, we settle onto one planet using a low-aerial shot that shows computer-generated animation of mountains thrusting up from the earth's crust, along with the newly formed oceans and beaches, until we land in a primeval forest. It is here that the lessons on energy begin. Bill informs Ellen that the plants and animals that surround them are "soaking up energy from the sun. When they die and get buried, time, pressure, and heat will *cook* them into the fossil fuels we rely on today, like coal, natural gas, and oil". Ellen wonders aloud if the gas in her car is "dinosaur soup," and Bill answers: "Not exactly, but dinosaurs *did live* when fossil fuels were developing in the earth. Dinosaurs are just cool! Let's check them out!" Ellen expresses trepidation at that notion and tells us to go ahead with Bill.

At this moment, our tram cars rotate and move into the world of dinosaurs, and we are transformed from spectators into participants, moving through the adventure, rather than simply watching it. We enter this world at night and see the shadows of dinosaurs looming directly ahead of us. As the "sky" lightens, we see other reptiles on either side. The tram cars move past giant Apatosauruses, which hiss and spit water at us as we pass. We then move through a diorama that includes a "lofty allosaurus battl[ing] with an armored stegosaurus, and an elasmosaurus burst[ing] out of a tide pool with frighten-

ing suddenness – all under the vulturelike gaze of winged creatures known as pteranodons" (Safro 2001:134).

After our encounters with these creatures, our tram cars enter a dark room with no visual images save a radio tower and sparkling lights on the floor, walls, and ceiling. It is here that we listen to light-hearted "Radio KNRG" announcements, punctuated by dates ranging from 55 million BC to 750,000 BC, and reporting on a meteor that hits the earth sending dust into the atmosphere, a traffic tie-up where an elephant has popped his trunk, the appearance and flourishing of mammals, dinosaurs being wiped out in the Mastodome, large ice sheets covering the earth to near the equator, and animal evolution described in a fashion report ("wooly is definitely in," and "saber teeth are popular among cats this year").

At this juncture, about two-thirds of the way through "EEA," we still have learned little that is directly related to energy. We learn from Bill Nye that the matter expanded during the Big Bang contained "all the energy in the universe". We learn – again – in the primeval forest that the plants and animals we are seeing will ultimately be forged into oil. We also are taught there how pleasing fossil fuels are, not by word, but by visual display. The lush, leafy plants represent the only form in which we will ever see "oil". The dark liquid substance never makes an appearance in "EEA". Here in the Universe of Energy, oil is beautiful.

The ensuing ride-through phase, introducing us to the dinosaurs, is entertaining but beside the point. Bill Nye even alerts us to its irrelevance when he tells Ellen that dinosaurs lived *at the same time as* fossil fuels were forming, but simultaneity is the extent of the connection. The dinosaur diorama and the radio tower segment together form the lengthiest portion of "EEA," but they are nothing more than transitional moves to the next segment, where Bill and Ellen are reunited on film.

Bill introduces Ellen to the "dawn of the human age" and the discovery of fire. The discovery, Bill says, will "spark the progress of civilization". There follows a harried montage of animated images, accompanied by frenetic music, portraying the rise of civilization. The rapid sequence of images begins with a pre-Roman façade that turns into Rome, where a Caesar-like character pulls down on a billows handle, forcing the air into a ship's sails and moving it across the screen (and presumably the ocean). In the course of its journey, the ship is transformed from a Roman galley into a ship from the Age of Discovery, where it sails into a building that becomes a mill-like structure showing water power driving pulleys, gears, and levers. As a human (non animated) figure drops into the mill, it is transformed into a steam engine pulling a train. Telegraph

and telephone poles spring up, and a house is shown. Oil derricks sprout from the ground, and a sign, "Growing for our Future", appears. A tractor tills the soil, enters a barn, and emerges as an automobile. As the automobile begins its movement across the screen, there is a quick glimpse of an Exxon filling station in the background. The car travels into a cityscape of the early twentieth century and then into a modern city with skyscrapers and traffic lights. After this short, but intensely concentrated series of animated images, a helicopter-like vehicle appears with Bill Nye and Ellen, now in the present. She thanks Bill and suggests he return her to the *Jeopardy!* set, for she's ready to "kick Judy's big ol' …" Bill interrupts her: "Wait! To play the game, you have to know where energy comes from, you have to know where it's gonna come from, and how to use it more wisely".

The series of images constituting "the progress of civilization" flash by in just over a minute, but they serve an important argumentative end. All the images, but for a single exception (the oil derrick), represent consumption, not production, of fuel. Indeed, the series equates "the progress of civilization" with energy consumption. It ends with Ellen and Bill appearing back onscreen in the helicopter-like vehicle. Bill explicitly marks their reentry into the present, and it is at this juncture that he also lays out the issues of the ExxonMobil case: "To play the game, you have to know where energy comes from, you have to know where it's gonna come from, and how to use it more wisely". The "game" to which he refers explicitly, of course, is the *Jeopardy!* game. But another way to read his statement in light of the just-completed segment is that the "game" is about maintaining the "progress of civilization". If we are to continue to progress, i.e., consume energy, then it follows that we must produce ever more energy to satisfy this urgent need. The alternative, we recall, from Bill's admonition before Ellen's dream, seems dire: "Without energy … there'd be nothing". So, the first argument composing ExxonMobil's argumentative brief, and presumably a lesson we are supposed to "learn", is about the necessity of consumption to civilization. Since consumption is dependent upon supply, energy production becomes the key to continued progress.

It is from this point in the story that ExxonMobil's primary set of arguments finally emerges. It denigrates the viability of "alternative", especially renewable, energy sources and minimizes the environmental effects of continued reliance on fossil fuels. Additionally, the presentation works to inoculate audience members to future critique of fossil fuels. Bill and Ellen stop at several sites of energy production. At each stop, Bill offers an explanation of each source of energy, and Ellen provides the comic "relief".

Bill tells Ellen that most energy issues from the sun. This provides the transition to visit various energy production possibilities, or "great ideas for tomorrow", beginning with solar power. As expansive, futuristic orchestral music plays, a wide-angle shot reveals a field of solar collectors, and we focus in to Bill and Ellen on the ground, Ellen peering into and making faces at the mirror-like surface of one collector, which seems to have a "reflective" mind of its own. Bill explains briefly that these "solar mirrors are one way to convert the sun's energy into electricity". But he adds that it is "not sunny enough everywhere" for solar power, and energy from the sun "still isn't that cheap. But we're getting there".

Bill and Ellen travel from the solar farm to a wind farm, where we learn from Bill that, "Today we're using the clean energy of moving air – wind – to generate electricity". It is worth noting here the value of image and sound to the overall message. The wind farm shots are accompanied by soft background music that blends with the sound of the wind turbines, but the music changes as the inevitable objections to wind power come up. "To power a whole city", Bill tells us, "we'd need a whole lot of windmills". Ellen adds, "When the wind stops blowing, we'd be left in the dark, wouldn't we?". As she raises the objection, the background skyline of San Francisco begins to go black. The lights come back on only when dozens of windmills sprout from San Francisco Bay to create a forest of structures that violates our aesthetic expectations of the city's beauty. As the mills spring up in the Bay, the sound becomes piercing, cyclical, and unpleasant.

Bill and Ellen continue on to Hoover Dam. Hydroelectric power, Bill informs Ellen, is "clean and efficient". It "converts the energy of falling water into electricity". However, while hydroelectric power is a renewable energy source, "we've already used many of the best sites, and sometimes building a dam can be pretty hard on an ecosystem". As they finish their tour of the dam, Bill explains that renewable energy sources like these provide about 10% of the world's energy. Ellen insists, "We still need a heck of a lot more energy. Where's it coming from?"

Bill answers by flying Ellen over a train loaded with coal, suggesting that there is a plentiful supply of the "solid fossil fuel". When Ellen inquires about global warming, he replies: "It's a hot topic with lots of questions. It's one of the big reasons scientists are working on a way to burn fuels like coal more efficiently than ever". Their next stop is a natural gas plant, where Bill changes the topic from abdominal discomfort to explain to Ellen that there are sixty years of known reserves of natural gas. She expresses alarm that there is so little. Bill reassures her that more is being located all the time, but that "we do need to use it wisely". The next site is an oil field, where Bill's instruction continues, but

only after the *Beverly Hillbillies* theme plays, and Ellen responds: "Black gold, Texas tea, swimming pools, movie stars. What is the Beverly Hillbillies? I mean, what is oil?". Oil, Bill tells her patiently, "is our main source of energy, and we've found enough to last fifty years". He and Ellen travel into outer space where they encounter a satellite, one of the "far-out" ways of locating more oil on earth. They return to earth where he shows her one of the more unlikely locations – under the ocean. Their helicopter becomes a submersible vehicle, and they dive down for a look at an offshore drilling platform that is juxtaposed with an image of the Empire State Building, for Bill's size comparison of the two.

Bubbles in the water, created as their vehicle rises rapidly from the ocean depths, transform into free-floating particles, representing nuclear power. Bill explains: "Today, we take atoms like these and split them apart to release energy. It's called fission". Bill and Ellen spend little time among the suddenly active atoms, as Bill explains that nuclear energy is "expensive and highly controversial". He turns then to the one source of power we will never run short of – "brain power" – and suggests we might even be able to figure out how to harness the energy of the stars by fusion.

This quick excursion through energy alternatives clearly privileges three – coal, natural gas, and oil – conveniently the three energy sources in which ExxonMobil is invested (ExxonMobil 2002). The "EEA" message is little more than an echo of the ExxonMobil corporate line. The company's board recently opposed a shareholder resolution that would have required "strategic plans to help bring bioenergy and other renewable energy sources into ExxonMobil's energy mix" (Exxon Mobil Corporation 2002:36).[3] The Board responded to the resolution prior to the shareholders' meeting in May, 2002 by arguing that:

> renewables have not demonstrated an ability to compete effectively on a large scale with fossil fuels, nor are they expected to reach such a position for the foreseeable future. Performance to date indicates that to have any significant impact on conventional energies, renewables must overcome significant cost and reliability disadvantages. For example, in electric power generation, solar and wind are only as dependable as sunshine and the wind, which naturally limits their reliability for base load or peaking power needs with current technology. (Exxon Mobil Corporation 2002:36)

The Board's response continued:

> [T]he use of renewables is not free from impact on the environment, particularly if deployed on a scale necessary to make an appreciable contribution to global energy demand. Wind power faces challenges because of the impact of turbines on wildlife as well as its inherent sight and sound implications.

> Large-scale solar power and bio-energy pose significant land use issues ... In our view, these are significant factors with regard to the potential growth of renewables. (Exxon Mobil Corporation 2002:37)

And, finally, "after evaluating relevant considerations, management does not believe that renewables represent commercial opportunities at this time. Instead, we will continue to concentrate on our core energy and petrochemical businesses" (Exxon Mobil Corporation 2002:37). ExxonMobil does recognize that climate change is a "risk" and that it's consequences may "prove to be significant"; nevertheless the corporation will "work with others to develop effective long-term solutions that minimize the risk of climate change from energy use without unacceptable social and economic damage" (Exxon Mobil Corporation 2002:37). Such statements are consistent with the message advocated in "EEA". The only feasible energy options are natural gas, coal, and oil.

ExxonMobil's policy of cooperating with others to address global climate change became more visible in November, 2002 with the announcement of the Global Climate and Energy Project (G-CEP). The Project is the result of a $225 million initiative involving Stanford University, ExxonMobil, General Electric, E.ON (Europe's largest privately held utility company), Schlumberger, and Toyota. According to Stanford's press release, "the participants will engage in research to develop technologies that foster the development of a global energy system where greenhouse emissions are much lower than today" (Stanford 2002). However, questions remain about ExxonMobil's commitment to alternatives to fossil fuels, including renewable resources. Frank Sprow, ExxonMobil vice president of safety, health, and environment, called G-CEP "a program that is completely detached from climate science" (Blumenstyk 2003:A24). He also stated that "the cleanest energy sources – wind, solar, and fuel cells – would never be economical enough or reliable enough to meet future global energy demand. As a result, Exxon Mobil has requested that Stanford scientists focus on finding cleaner ways to use fossil fuels, as well as creating other 'breakthrough, inexpensive technologies'" (Blumenstyk 2003:A24).

It cannot come as a surprise that ExxonMobil would push its own corporate agenda in many venues, including Walt Disney World. The point is, rather, how the agenda works rhetorically in the Epcot venue. The foregoing segment in Ellen's dream resembles a standard "residues" policy argument: List and eliminate options to fix on the final, preferred solution. Indeed, that basic argumentative structure does emerge here, but with important twists. The preferred solutions – oil, gas, and coal, are not saved for last, as in most residue structures. Nor are they presented as "preferred". They simply emerge

unscathed in an apparent random review of possibilities. And in the end, if all else fails, we can rely on the omnipresent, American optimism that defers serious planning for the future by promising that "brain power" will offer the way out of the quandary of energy production.

Missing from the energy alternatives for the future is conservation – scaling back on consumption. Since the progress of civilization is predicated upon consumption, conservation is eliminated as an alternative before the idea of alternatives can even be raised. Also missing is any acknowledgment that energy consumption and production are global issues. There is no politics of energy consumption or production here, only that we consume, and therefore must produce. And of course, the final missing element is mention or image of environmental degradation, except as they might accompany non-fossil fuel energy sources, e.g., wind or hydroelectric power. Here, the arguments in "EEA" are hauntingly like those drafted by the ExxonMobil Board.

After Bill and Ellen's excursion, the adventure returns to *Jeopardy!* where Alex Trebek is marveling during the commercial break about how well Judy had done in the first round. During the ensuing Double Jeopardy round, though, it is Ellen, newly knowledgeable about energy, who responds correctly time and again. Judy, haughty to this point, now becomes agitated, as Ellen exchanges her bumbling for an overacted confidence and even smugness that further increases Judy's ire. At the end of the round, when Ellen and Judy are tied in winnings, Judy says to Alex Trebek: "How could she have learned so much during the commercial break? She's obviously cheating". Alex replies uncharacteristically: "Zip it, Judy". Einstein has earned no money and so is eliminated from the game. In Final Jeopardy, both Ellen and Judy wager all their earnings on a category about future energy sources. Judy loses all her winnings by insisting that there is no correct question to accompany the Final Jeopardy answer: "This is the one source of power that will never run out". Ellen, of course, provides the correct response: "What is brain power?" and is declared the new *Jeopardy!* champion, thereby offering a satisfying resolution to the narrative conflict. At the end, Ellen returns in her role as "spokesperson", saying, "So, that's how I became an energy expert. Again, 'expert' may not be the exact right word. More expert-ish". As the lights come up and we exit our tram cars, we see a sign, reminding us that "EEA" is sponsored by ExxonMobil.

The knowledge that allows Ellen to become "expert-ish" enough to defeat a Professor of Energy and the genius of Einstein is that fossil fuels represent the only viable source of energy for our immediate future. The message, too, encourages increased energy consumption except for the one line that we must

"use it wisely". But how education, knowledge, and expertise are treated is more than simply a sum of the substantive "lessons" Ellen learns.

"EEA" is unambiguous about the centrality of the scientific or technological "expert" in addressing contemporary problems, like the depletion of energy resources. So, in examining how this venue "works" rhetorically, we must inquire beyond the substance of the argument. The additional question that arises is how the attraction represents expertise and the acquisition of knowledge sufficient to become expert or at least "expert-ish", as Ellen names her status at the end of the ride. The narrative conflict – Ellen's struggle to beat Judy – sets up the entirety of the remainder of the "Adventure", making the acquisition of knowledge about energy obligatory and urgent.

At the beginning, Ellen concedes her lack of expertise – indeed, her lack of interest – in energy. For Ellen, learning is not something to be sought. She describes it at various points as "scary". She refers to her dream as a "nightmare", she is embarrassed at her inability to answer Alex Trebek's *Jeopardy!* questions, the dinosaurs are "scary", and diving underwater in the search of offshore petroleum reserves is unsettling. However, Ellen discovers that learning is a journey, an "Adventure" in this instance, that promises a quest both to overcome obstacles and to attain technical expertise.

As the journey progresses, however, learning about energy is like everything else in Walt Disney World. It is fun, playful, easy and entertaining. Ellen clears the Big Bang for "take off", imitating the ground crew moving an airliner onto the taxiway; she learns about climate change and biological evolution through lighthearted news, fashion, and sports reports; she plays in front of solar collector mirrors and hears the "Beverly Hillbillies" theme song as she learns about oil; and she delights in her victory over "Stupid Judy" in *Jeopardy!* What she learns is passively acquired in a dream, and she learns it in the time frame of a commercial break on television.

Several elements are important to Ellen's journey. First, she, and by implication the rest of us, are not allowed the standard, distanced ways of learning we typically associate with education. Instead, the acquisition of knowledge in "EEA" requires immediate personal experience, as evidenced by Ellen's journey through the jungle and dinosaur sequences and by investigating potential sources of energy. It is this reification of personal experience, and the knowledge gained from those experiences, that allows Ellen to "win" at *Jeopardy!* and to "defeat" those whose expertise is acquired in more standard academic pursuits and confirmed by academic credentials, whether the Professor of Energy or Albert Einstein himself, the cultural icon of scientific knowledge.

The audience's participation in Ellen's Adventure confirms the acquisition of knowledge through personal experience. Like Ellen, we have "seen" the need for continued energy consumption (if civilization is to continue its progress) and witnessed the potential and obstacles to various forms of energy production. By affirming personal experience and the necessity for energy consumption, the audience member's own individual histories are also affirmed. The underlying principle of consumption enacted by our own visit to Walt Disney World and Epcot and middle-class lifestyle is both acknowledged and confirmed. The "good life", founded on energy consumption is placed in a positive counter-stance to the irrelevance of technical expertise. Thus, when audience members encounter statements from those claiming expertise on energy matters that argue for conservation and alternative sources to fossil fuels, they can be confident that their understanding of energy "questions" is equal or superior to that of alleged "experts".

Interestingly, technical knowledge and its place within public discourse is both exalted and diminished. Clearly, having the Professor of Energy and Albert Einstein as *Jeopardy!* contestants grants them a kind of status. Judy's success in the first half of the game show also gives credence to the value of academic knowledge. She has a Ph.D., she is a Professor, and she is winning at the first commercial break by a daunting margin. Einstein's figure as a cultural icon is even affirmed when Bill Nye tells Ellen that the reason he came to the set was to "see Einstein". Finally, it is only through the acquisition of technical knowledge that Ellen is able to "win" the competition between competing energy experts. It is not just Ellen who "wins", of course, but also the ExxonMobil arguments.

Yet, Ellen's quest relies also upon the debunking of scientific and technical expertise. Both representatives of technical knowledge turn out to be unattractive and ineffectual figures. "Stupid Judy" ends up confirming the nickname when she loses in *Jeopardy!* Her personal behavior is condescending, whining, and boastful. Einstein is reduced to a bumbling, befuddled figure who cannot function in the competition of ideas. He says nothing throughout the show, cannot seem to make his signaling device work, and appears incapable of interaction. At the end, after signing in as Einstein at the show's beginning, his name is reduced to a mathematical formula, and his character to a cipher.

Ellen's victory is assured not by acquiring the kind of technical scientific knowledge represented by Judy Peterson or Einstein, but by the popular knowledge represented by Bill Nye. Bill Nye is a television personality who makes science easy to learn. He does not have a Ph.D. He does not need expensive equipment or laboratories to conduct his experiments, but requires only alu-

minum foil, a candle, and a clothes pin. Bill is an ordinary person. He is, after all, Bill Nye, the Science *Guy* who has the common, practical knowledge that is really all that is needed to prevail.

Certainly, no one questions the value, indeed the necessity, of technical knowledge in debate over important questions of public policy. Whether addressing issues over stem cell research, bioterrorism, or energy policy, technical expertise constitutes a critical component in informed discourse and deliberation. What concerns us, however, are the consequences that may emerge when the wealth and power of corporate voices combine with sophisticated multimedia presentations that divert audience attention from serious issues of public policy. "Ellen's Energy Adventure" is just one such example. While appearing to address one of the most vital issues of contemporary society, "Ellen" diffuses that issue's importance through that "special Disney flair" that Birnbaum so extolled.

The contradictions inherent in presenting a message that allegedly provides knowledge about energy but which seems more to subvert that message into one advancing particular corporate interests seems inherent in the Disney philosophy of Epcot. As was stated at the opening of Epcot Center in 1982,

> [W]e are developing EPCOT Center: a permanent World's Fair of imagination, discovery, education and exploration that combines the Disney entertainment and communications skills with the knowledge and predictions for the future of authorities from industry, the academic world, and the professions. Our goal is to inspire the visitors who come here, so that they will be turned on to the positive potential of the future and will want to participate in making the choices that shape it. We believe that in a world where cynicism and negativism abound, there is another story, and we have chosen with forethought and conviction, to tell it, and to be that voice of optimism.
>
> (Kurtti 1996: 82)

By presenting a message, made particularly forceful by the "Disney entertainment and communication skills", that is dominated by the interests of Exxon-Mobil, however, the cynicism and negativism so abhorrent to Epcot officials is reinforced rather than diminished.

In doing so, we believe that public discourse is ill-served, that scientific and technical knowledge is diminished and made less important to such critical issues, and that the ability of citizens to participate in the broader public discussion is marginalized. In providing this critique of the "Universe of Energy" at Epcot, we seek to forestall that day when, as Goodnight feared, "deliberative argument may become a lost art".

As we leave Epcot to return to the Orlando airport in our rental car, we notice that the gas gauge hovers on empty and decide that we need to refuel as soon as possible. We are not certain if we can make it to Orlando, and look for the first convenient gasoline station. We find it, of course, still within the confines of Disney World (where all needs are met in one form or another); and it is, as are all of the service stations within the "Wonderful World of Disney", presented by ExxonMobil.

Notes

1. A tenth pavilion, under construction but completed after at the time of our most recent visit, in February 2002, focuses on space travel.

2. It should be noted that four of the top four themeparks in attendance were Disney parks, with only Tokyo Disneyland, the Magic Kingdom at Walt Disney World, Disneyland in Anaheim, CA, Disneyland, Paris, and Everland in Kyonggi-Do, South Korea, besting Epcot. Seven of the top ten were Disney parks. See: "International Association of Amusement Parks and Attractions".

3. Although defeated at the Annual Meeting on May 29, 2002, the resolution received support from 20.3 percent of those voting. A similar resolution was submitted for consideration at the 2003 ExxonMobil annual meeting. See "Shareholder Action Network".

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Chapter 17

Aesthetic arguments and civil society

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In *The Public and its Problems*, John Dewey (1927/1954) wrestles with the difficulty of a public forming an adequate opinion about its members' shared interests. American journalist Walter Lippmann (1922/1949) had argued that the complexity of the modern age, coupled with the average citizens' disinterest in reading and learning the results of accurate investigation, condemned them to a vulnerable state of disarray. Dewey allows that Lippmann's point is well taken, save its oversight of the potency of art. "Presentation is fundamentally important", he writes, "and presentation is a question of art … Artists have always been the real purveyors of news, for it is not the outward happening in itself which is new, but the kindling by it of emotion, perception and appreciation" (p. 183).

Dewey positions art in relation to the publicity principle, which lies at the heart of informed citizen participation in the political process of the modern state. The conditions of modernity – the invention of mass and instant means of communication, the rise of mass transportation and increased mobility, universal dependence on mass manufacturing, and concentration of population in urban centers – he argues, have led to the eclipse of the public (pp. 110–142). By 1925, the era of politics conducted under the Aristotelian assumption of prerequisite leisure had already passed. Democracy's new realities were connected to the conditions of civil society: the network of associations existing outside the state and regulative of it through the force of publicly formed and communicated opinion on duly elected and appointed representatives. The need to participate in civil society, along with the conditions that fragment and isolate citizens, led Dewey to raise a different point than the connection of art to life. He regarded artists as the purveyors of news because art maximizes the publicity principle. It brings issues to those whose interests are at stake, raises their

awareness, and shapes their political thoughts. His point is not about culture but about communication and specifically deliberation that lies at the center of civil society's political function.

At the conclusion of Dewey's analysis of why "the public" is in eclipse, as he considers the consequences on human association of rapidly changing conditions of economy, work, travel, and information transfer on human association, he notes that desires and purposes created by the machine age are disconnected from the ideals of tradition. He concludes, "Our Babel is not one of tongues but of the signs and symbols without which shared experience is impossible" (p. 142). Dewey contends that the remedy for this breakdown is art. More important than the information content of an artwork is the artist's power to bond strangers in shared experience through portraits constructed with signs and symbols that evoke deeper reflection.

> The freeing of the artist in literary presentation, in other words, is as much a precondition of the desirable creation of adequate opinion on public matters as is the freeing of social inquiry. Men's conscious life of opinion and judgment often proceeds on a superficial and trivial plane. But their lives reach a deeper level. The function of art has always been to break through the crust of conventionalized and routine consciousness [to touch] ... the deeper levels of life ... so that they spring up as desire and thought. (pp. 183–184)

Art's evocative power leads Dewey to claim that artists are the purveyors of news, not in providing information "but the kindling by it of emotion, perception and appreciation". Art engenders the shared state of desire necessary for civil society to sort through its members' differences and find the necessary bonds of association to sustain relations of mutual dependency.

The call for civil society is important for the study of rhetoric because it marks a peculiarly modern understanding of political relations. Dewey's observations are suggestive for integrating a rhetorical approach to public art with this post-Enlightenment understanding by pointing to the role of aesthetic forms in shaping society. Viewed from Dewey's perspective, the *public arts* are always part of civil society. They are creations of imagination intended to be *performed*. Their performance brings members of society together as an *audience*. Their performance presents the artist's claims about human feelings, relations, and actions. Their audiences are not just spectators whose function is to witness, they also are engaged by events "of which", as Oliver Goldsmith (1772/1958) put it, "we all are judges, because all have sat for the picture" (p. 99). Their point is not so much evocation for evocation's sake as for inducing *contemplation*. But more than that, since public arts are experienced

communally, one who witnesses also might share the process of contemplating publicly; that is, they invite *deliberation*. Sometimes, when artistic portrayal is co-extensive with actual events, these deliberations may organize *public memory* in other than official terms, thereby shaping society's understanding of its own historicity and the model of its own self-organization. Public art is inherently woven into the network of associations constituting civil society. Its contents cannot avoid engaging in the public dialogue contributing to society's self-regulating process of forming *public opinion*, that it might challenge the state's primacy in setting social purpose.

Specifically how public art might contribute to this dialogue is suggested by the responses it elicits. I wish to explore this relationship between public art and civil society's deliberative process by examining a specific case, the acclaimed film "In the Name of the Father" (Sheridan 1993), in which an artistic production not only was contested for the portrait viewers were asked to judge, but was itself a participant in the larger frame of political deliberation it portrayed. Although my analysis will be restricted to this specific case, recent controversy surrounding the 1996 film *Some Mother's Son*, dealing with Bobby Sands' 1981 hunger strike in Maze Prison, and the 1999 "Sensations" exhibit at the Brooklyn Art Museum suggest this film is not an isolated case of art functioning as an argument form.

1. The Guildford Four: Art intersects history

In 1974, the Troubles in Northern Ireland made their way to England where the IRA began a campaign of terrorist bombing.[1] The attacks continued into the fall, and unsuccessful police efforts to apprehend the perpetrators contributed to mounting public fear, as the IRA seemed able to strike at will. On October 5, 1974, they bombed two public houses in Guildford, Surry, killing 5 and wounding 70. Shortly thereafter, the police arrested four suspects who were charged with the bombing – Gerard Conlon, Paul Hill, Paddy Armstrong, and Carole Richardson – who became known as the Guildford Four. The police also arrested another seven accused of supplying the bombs. The alleged ringleader of this group was Conlon's aunt, Anne Maguire, after whom the group was named the Maguire Seven. In addition to members of her immediate family, the Maguire Seven included Guiseppe Conlon, father of Gerard. Although they professed their innocence and despite subsequent confessions by two members of the IRA, who claimed sole responsibility for the Guildford bombing, both groups were convicted. The presiding judge at the Guilford Four trial openly

expressed regret they had not been tried for treason since it carried the death penalty. All served prison terms without remission. Guiseppe Conlon died in prison professing his innocence.

During their incarcerations the Guildford Four and Maguire Seven made continued pleas for judicial review, which the court refused to grant. Public opinion, on the other hand, increasingly held that their imprisonment was a miscarriage of justice. This opinion strengthened when private pressure by influential institutional voices went public, as Lords Scarman and Devlin and then Cardinal Hume and Archbishop Runcie argued that the Guildford Four had been denied justice. In 1989 the Department of Public Prosecution (DPP) agreed to look into the matter. By October the DPP had uncovered evidence that called the convictions into question. This newly disclosed evidence, which had been known to the police but not shared with the defense, gave Conlon and Hill secure alibis for the night of the bombing, Carole Richardson had been administered pethedrine while under interrogation, which could have induced a false confession, and the police apparently had manufactured records of what transpired during their interrogation of the Guildford Four and then lied on the witness stand. Roy Amlot, QC for the Crown, informed the court that the DPP no longer regarded the convictions as safe and on October 19, 1989 Chief Justice Lord Lane quashed the verdicts on the Guildford Four. A year later the convictions of the Maguire Seven also were set aside.

The Court's action initiated a national discussion of these convictions as a gross miscarriage of justice and possibly the most significant failing of the British legal system in modern history. The police, the courts, and the review panels had acted in ways that ignored or suppressed the evidence, concealed from the defense material facts that would have proven the innocence of the accused, and responded to public emotion from the wave of terrorism by making scapegoats of four youths whose only apparent crimes were to be Irish and without means.

No one disputed that a gross miscarriage of justice had occurred; the debated questions were how to interpret the quashing of the verdicts and how that would color public memory of the Guildford Four. In the immediate aftermath of the trial, public officials, participants, and common citizens joined the contest for shaping public memory.

In England, the Court's quashing of the verdict was taken as a sign that the system worked; that errors, when found, were corrected; and that justice ultimately prevailed. British Deputy Prime Minister Sir Geoffrey Howe told the House of Commons, "A serious miscarriage of justice, which has led people to be wrongly imprisoned for many years, has been set right" (Forbes 1989, Oct.

19). The *Boston Globe* reported that the British government was "portraying the decision as proof that British justice, even if extraordinarily delayed, works and that British officials [were] big enough to admit their mistakes" (Cullen 1989, Oct. 20:2).

In Ireland, the Court's action was greeted with greater misgiving. Irish Prime Minister Charles Haughey, while acknowledging that the verdict showed "the system has the capacity to correct its own mistakes", added that other mistakes had been made in cases involving Irish citizens now serving time in British jails for bombings they claimed not to have committed (Forbes 1989, Oct. 19). Less politic expressions of distrust came from Irish voices not connected with the government. The *New York Times* quoted Paddy McManus, Sinn Féin's legal spokesman, who thought the decision, "far from being a vindication of the integrity of British justice, is a damning indictment of it" (Rule 1989, Oct. 18:A7). Conlon himself was quoted in the *Christian Science Monitor* as expressing a view shared by many of his countrymen: "If you're Irish and you're arrested for a terrorist offense, you don't stand a chance" (McLeod 1989, Oct. 23:6). In Belfast and Dublin the release of the Four reinforced the foregone conclusion that the British judiciary was unjust. The *Boston Globe* reported that in Belfast the Court's decision was a cause for cynicism more than celebration. "It won't be justice", said one of Gerry Conlon's childhood friends, "until the policemen who put them in those cells take their place" (Cullen 1989, Oct. 20:2). The real issue was whether that would ever occur.

Following their release, the Guildford Four's moments of publicity soon became sporadic. They reassumed center stage four years later, however, with release of "In the Name of the Father", a film based on Gerard Conlon's autobiography, *Proved Innocent*. The debate that surrounded this film is revealing of the argumentative power that a rhetoricized aesthetic may exercise, as artwork merged with the historical events it portrayed to become a participant in their continuing development.

Before the film's release, there was a roar of protest over its contents. The Maguire family was incensed at how Anne Maguire was depicted and it used the press to continue a family feud. Those familiar with the case were incredulous that Alasdair Logan, chief solicitor for the Four and the person who most doggedly pursued the legal basis for the reversal, was not portrayed in the film but was reduced to fleeting mention in its credits. Logan expressed acceptance of the enlarged role given to Gareth Peirce in gaining the Four's release and casting Emma Thompson in her role since he understood the dramatic need for a strong female character to balance Daniel Day-Lewis's portrayal of Gerry. However, he challenged the film's depiction of British court proceedings as "a

charade" and the false impression it created of the role of British police and the DPP, who actually discovered the falsified and suppressed evidence and who advocated that the verdicts be quashed. Others were concerned about the numerous factual errors in a film that was dealing with telling the truth. Finally, MPs expressed concern that the film painted a sympathetic picture of the IRA.

The MPs were particularly concerned that American audiences, whom they regarded as uninformed about the IRA, the Troubles in Northern Ireland, and the Guildford Four would be misled. Tory John Wittengdale, MP for Colchester South and Maldon warned the film would spread prejudices about Ulster. "It's a very good piece of cinematic fiction. As a drama it is well acted and directed. What it is not is a true story. It purports to tell a true story of the Guildford Four. It doesn't. This compounds my fears about the film. It means more people will see it and it will have more influence. It will lead to greater misunderstanding of the situation in Northern Ireland and the situation regarding the Guildford Four. It will reinforce prejudice". Lord Fitt, former leader of the Social Democratic and Labour Party (SDLP) and ex-MP for Belfast West stated: "As a film it was something to be seen. But for someone such as me who knew the whole facts behind the Guildford Four and the Annie Maguire cases, the film was a gross distortion… The film will undoubtedly go down very well in America, which is 3,000 miles away from all the realities of the Guildford Four". Tory Peter Bottomley, MP for Eltham who also was joint chairman of Ulster's cross party peace group New Consensus, thought Gerry Adam's visit to the U.S. may have a connection to the film and said: "The film should be judged on its artistic merits. The IRA themselves should be judged on their abuse of human rights – they still have to turn away from turning women into widows, children into orphans and causing the event that has seen some people being wrongfully convicted". Labour's Harry Barnes, MP for Derbyshire North East, agreed with the spirit of these sentiments, though he recognized they rested on a problematic dividing line: "If drama and art could be divorced from life then the film is brilliant. But the problem is it rather cavalierly alters the way things occurred. Its high standing as art and drama and its emotional impact may be used on gullible people to argue a political case against the British state, which is then too sympathetic to Sinn Féin's position". He concluded the film was unfaithful to the experiences of the Guildford Four and the Maguires "who themselves turned out to be victims, not just of the abuses by the forces of law and order in this country, but of the IRA" (Devlin & Clare 1994, Feb. 9).

The MPs' concerns converged on their fears that the film would be taken as a truthful portrayal of what occurred, and that its powerful narrative so fused art with life as to shape public memory for the less informed of the Guildford

Four case as emblematic of Great Britain's anti-Irish sentiments and oppressive practices. If the film were to constitute public memory, its news, in Dewey's sense, could only legitimate Irish Republican aspirations in their ongoing war with Great Britain.

Jim Sheridan, who directed the film, responded that these were narrow-minded or misinformed reactions. This was not a documentary, but "faction". Changes in certain factual materials were necessary to condense 15 years into two hours, but such changes did not distort reality since the film was true to the essential facts. Sheridan maintained that his work had to be judged as an aesthetic endeavor entitled to exercise artistic license, and he attributed the onslaught of criticism to a British establishment that, in his view, never believed the Guildford Four were innocent and wanted to retry them in the press (Freeland 1994, Jan. 19:C1). On the contrary, he espoused that his film was about filial bonds and injustice, and he described it as "a great victory against injustice" (Devlin & Clare 1994, Feb. 9). He insisted that the film was not political, and not anti-British. When asked about his views on the Irish Republican dream of a united Ireland, his words were "to hell with all that" (Freeland 1994, Jan. 19:C1). As for *In the Name of the Father* being sympathetic to the IRA, he dismissed the charge by claiming the film was not about the politics of the Troubles but about the developing relationship between a father and son and a miscarriage of justice. Sheridan's responses sought to confine discussion of the film to an aesthetic accomplishment that interpreted an historical event. Emma Thompson was more succinct in dismissing criticism that the movie was less art than politics and was bound to renew American sympathy for the IRA. "I don't give a fuck, quite frankly", she told *Vanity Fair* (Boynton 1994, Jan.:112).

Certainly one might consider the film solely on aesthetic terms. Its emotional core of the father-son relationship between Gerry and Guiseppe invites us to contemplate the role of filial bonds in a young man's struggle to become independent. Yet "In the Name of the Father" is more than a film about the British legal system and the coming to independence of a son. Its distortion of details in a portrayal of actual events assumed identity as a partisan political argument about the Troubles and as specifically aligned with the IRA and Sinn Féin in its anti-British sentiment, if not by endorsement of their political goals. I wish to consider how that argument develops.

2. The argument for conditions of war

Although Gerry is the emotional center of the film, its first two-thirds leads us through his experience against the backdrop of the Troubles and the IRA's role in resisting British domination. The film begins with the Horse and Groom bombing, then immediately cuts to Gareth Peirce driving through the London night listening to a tape of the still imprisoned Gerry's version of his ordeal. The taped account returns throughout the film to frame events with Gerry's interpretation, thereby strengthening the impression that the film's flashback technique is dramatically recreating actual events. His narrative begins with his petty thievery recklessly and irresponsibly jeopardizing an IRA hideout in Belfast and its cache of weapons. The British army, mistaking him for a sniper, pursue with tanks and armed troops, while women, children and youths stage a street riot to forestall the army's advance. They hurl stones, bottles and Molotov cocktails to provide IRA rebels with cover while they move weapons hidden along the path of Gerry's flight. The opening scene of the bombing, juxtaposed with the street riot, interprets the IRA as a military combatant outdistanced in personnel and technology by the British army it battles in the streets of its own neighborhoods, and as having significant support from Belfast's Catholics.

Gerry goes to London to avoid the consequences of being kneecapped by the IRA for his recklessness and in pursuit of the early 70s hedonistic ideals of sex and drugs. Meanwhile, the IRA presence is felt through its campaign of bombings on British soil. IRA operatives are portrayed as selecting targets for their military nature. Against the British account of Guildford as a terrorist bombing that murdered 5 and seriously injured 70, the film counters by depicting the IRA as acting on its own intelligence that the pub was a soldiers' hangout. The terrorism of the bombing is made ambiguous by portraying it as a continuation of the ongoing conflict depicted in the opening riot scene.

The police are pointed in Hill's direction. They arrest him and Gerry in Belfast and fly them to London for interrogation, where Armstrong and Richardson are already in custody. The police are depicted as determined to extract confessions, irrespective of the suspects' actual guilt, in order to quell public pressure on the government to do something to stop the bombings and because the Four are "Irish scum". Gerry is subjected to nonstop interrogation and psychological torture and finally confesses in the face of threats to his father. The Four are convicted and sentenced to life in prison, while the Seven receive 12-year sentences.

The film takes artistic license to depict Gerry and Guiseppe imprisoned as cellmates. Initially Gerry, unlike Guiseppe, seems to accept confinement and

his ethnic harassment by the English inmates. His disturbing resignation and absence of anger over being an ethnic target leads him into the company of the equally outcast black inmates, and he joins them in consuming drugs. Things change, however, when Joe McAndrew, the IRA commando guilty of the pub bombing, enters the prison. He tells the Conlons he has confessed to the police, suggesting that the IRA has honor, as the British judicial system that ignores his confession does not: "I told them. They know. They know the truth. They can't afford to face it. It's a war. You're one of those innocent victims. I'm sorry for your trouble". When Guiseppe indicates his sympathy should be for the innocent victims of his attack, Joe defends his actions: "It was a military target, a soldiers' pub".

Joe becomes a pivotal character in the culture Gerry must endure, where English prisoners pose a continuing threat of physical and verbal abuse to Irish inmates. He stands up to physical intimidation by English prisoners, precipitating a mess hall brawl. When Irish and black inmates join him in a fistfight with their white English counterparts, Joe signifies the appearance of leadership for the Irish and blacks to confront bullies who, by extension, are the duped pawns of British oppression.

Joe is the dialectical counterpart of Gerry. In contrast to Gerry's passivity, he embodies action, is focused whereas Gerry is not, and turns Gerry to a politicized understanding of his situation. Joe becomes Gerry's mentor. We hear his narration on the Peirce tape of how Joe led Gerry to see himself as a victim of British economic exploitation who would always be a victim until he fought back, to see the British as never voluntarily relinquishing their presence in an occupied country, to recognize the only way to remove British oppressors from one's homeland was to beat them out, and to understand the prison as an extension of Britain's colonial system that pits those with shared class interests against one another in order to maintain control. Although Gerry never explicitly embraces the IRA's alternative of military resistance, his narrative of political awakening inserts Sinn Féin's interpretation of British injustice that lies at the film's core as an indictment of the British judicial system's incorrigibility.

Meanwhile, the film depicts Joe as embodying resistance. He uses his status as an IRA soldier who can back his words to restore peace among the inmates. He is dignified before the prison officials, speaks to the English prisoners with a commando's self-confidence that suggests he can back his words with action, which they quickly honor, and commands respect that leads to improved conditions for the Irish and black inmates. The bullying stops, prisoners start acting collaboratively, and relations within the prison appear as a model of what Sinn Féin is advocating and the IRA fighting for on the outside.

True to the Irish Republican interpretation of British authority, the chief prison officer, Bulgar, responds to the prisoners' newfound discipline as a threat to his status. When Bulgar tires to reassert his authority, Joe leads a riot that receives national TV coverage. Bulgar orders in the riot squad and Joe and Gerry are placed in solitary confinement as ringleaders. As Joe is being taken away, he snarls at Bulgar, "You just signed your own death warrant".

The last IRA scene depicts McAndrew gaining his revenge. As the prisoners watch a film, McAndrew catches Bulgar off guard and sets him ablaze with a homemade torch. Gerry splits with Joe at this point, professing, "In all my god forsaken life I've never known what it was like to want to kill somebody... You're a brave man, Joe, a brave man". Gerry asks to be returned to his cell. Joe tells the others to stand their ground, but the prisoners follow Gerry.

While Gerry's parting may be seen as a rejection of the IRA and we may shudder at the IRA's limited and ruthless means, the film invites ambivalence in its viewers' response by making Joe's embodiment of resistance the film's inner-prison *dunamis*. This IRA commando is the only character capable of heroic action. Through him, Gerry and we see the British screws as an extension of imperialist power and prison as a site for continuing the war being fought on the outside. In this war zone, Joe occupies the romanticized emotional space of a warrior who protects his own from a hostile environment. He is brave, skilled at what he does, and honorable within the code of war he is waging. Meanwhile, the facts remain that the British continue to subjugate the Irish, the Troubles continue and still touch Gerry, and there has been no cease-fire in the war.

Gerry now joins Guiseppe's campaign to clear their names, but his newfound appreciation for his father's dignity is etched by the poignancy of Guiseppe's declining health and the political reality of being convicted as an Irish terrorist. Even in the judicial system, winning the Anglo-Irish conflict preempts pursuit of justice. Mrs. Peirce visits Inspector Dixon, the film's lead investigator in the Guildford Four case and who represents the government's callous disregard of justice to advance its own political ends, to ask for Guiseppe's release. She pleads that he didn't do it, that the real bombers have confessed. Dixon is unmoved. Finally she says, "But he's dying; Guiseppe's dying", to which Dixon responds unsympathetically, "Lot's of people are dying; it's a dirty war".

The dirty war has more than one front, we learn, as the combat shifts from the street to the court. Peirce discovers how deeply this war has insinuated itself into the legal system, with knowing suppression of evidence, false testimony, and a conscious choice not to disclose material facts to the defense.

With liberal use of artistic license, the dramatic final courtroom scene is a riveting witness stand exchange between Peirce and Dixon. Dixon commits perjury by denying knowledge of the corroborating witness to Gerry's alibi, only to be confronted by Peirce with the damning evidence from the state's evidence file of the witness' photo and attached note, "Not to be shown to the defense". Dixon's perjury proves he had knowingly sent innocent youths to prison and unmasks a recalcitrant British judicial system as the enemy, more concerned with convicting Irish scapegoats to calm public panic than with justice. As its concluding proof of this point, the film reminds us that this is a story about real people whose history is still occurring. Before the credits roll we return to the world of fact to read about what has happened to the main characters since their release. We also learn that three policemen were tried but acquitted of charges to pervert the course of justice. "No policeman has been convicted of any crime in this case".

3. Debating history through art

The animus of public art is to create public meaning, and its arguments are, accordingly, about meanings not facts. Moreover, the meanings it argues for are not necessarily caught by the facts. It adapts the basic facts to its narrative structure to make a forceful presentation. Unlike history, therefore, the narratives of public arts attract us through their characters and the conflicts they must face and resolve. To require that they resolve their issues by accurately reporting the historical details would strip public art of making arguments that lead us to contemplate more basic commitments at stake in the ebb and flow of historical events. This emphasis on meaning over factual fidelity became the center of controversy triggered in England by "In the Name of the Father" and made the film a contender for ownership of the issues in the revived public discussion of the Guildford Four.

Despite Sheridan's disavowal of any interest in making a political argument, his intent to contest for ownership of the issue of British justice in its treatment of the Irish permeated the film's Irish premier. This event, which included the predictable glitter and glamour of the limo-chauffeured arrival of its starring cast – Day-Lewis, Thompson, John Lynch, and others – along with such divas of Irish pop culture as the members of U2 and supermodel Naomi Campbell, was haunted by the presence of the former prisoners and their families. If this gathering gave opening night the schizophrenic feel of being at once a Hollywood extravaganza and a human rights vigil, it also made an unmis-

takable argument by its staging. The rhetorical force from this mingling art with life evoked deeply disturbing cultural memories that inflect Irish political identity and civil society.

Knowing that those who suffered this miscarriage of justice were physically present to the screening of their ordeal was extended to the life experiences of its Dublin viewers by the instantly recognizable site of its prison scenes shot in Dublin's own Kilmainham Jail. Kilmainham was a place where generations of Irish rebels were held and where the leaders of the 1916 Rising were killed. At least for this audience, these disturbing memories of British oppression evoked by the actual place used for its prison set, along with the presence of those who actually suffered the injustices portrayed, were a reminder that what should be history was still happening.

This point was reinforced by the staging for the Dublin debut when, at the film's conclusion, its principles – Conlon, Helm, Armstrong, Richardson and Pierce, along with Gerry's mother and sister – were called on stage and joined by Day-Lewis, Thompson, Lynch, Sheridan and other principals associated with the film. Missing of course was Guiseppe. This ensemble of artists and the individuals they portrayed reinforced the prevailing Irish perception that the film's interpretation of the British judicial system made an accurate intersection with historical facts. The political argument reached its "dancing on their graves" denouement with a post-showing gala at Dublin castle, ironically the historic site of British administration in Ireland, and equally ironically a scene that, in that night's pleasure and frivolity, marked the chasm between Belfast and Dublin.

Across the Irish Sea, where another history is told, matters appeared remarkably different. From the perspective of the historical record discussed earlier, the DPP was actively engaged in the process by which the verdicts were finally quashed. The British government, assuming the inevitability of judicial mistakes, posed the question as whether the system of self-correction works. In this case, where grounds to question the verdicts led to further investigation, determination that the verdicts were not safe, and their being quashed, the salient question was answered in the affirmative. By contesting for issue ownership, the film posed an alternative set of issues and evidence to answer them.

Michael Mansfield QC (1994: 7), writing in *Sound and Sense*, notes that the film asks these three questions:

1. Who took part in preventing the defense from discovering the existence of a statement by an alibi witness for Gerry Conlon?

2. Who decided that the Balcombe Street siege defendants who confessed to the explosions in the Guildford case would not be prosecuted?
3. Who authorized the amendment of forensic science schedules so that connections between these incidents would be excluded?

The film's answers are fairly direct: The DPP prevented the defense from discovering that Conlon had an alibi witness; the DPP decided the real perpetrators of the Guildford bombings would not be prosecuted, and the DPP authorized keeping these two cases from intersecting. However, public art has less commitment to answering such questions with fidelity to historical details than to developing answers that provide insight into human motivations and consequences without undoing what took place. It seeks answers that provoke contemplation, not finality. The injustice to the Guildford Four is a fact. More important is the story – fabulous in many respects though it is – that searches for meaning as the fact of injustice intersects with the lives of Gerry, Guiseppe, and the families it disrupted beyond repair. We are asked to search for meaning in the acts of officials who responded to public pressure, to ethnic bias, and without regard for justice. We are asked to contemplate the meaning of a gross miscarriage of justice in terms of the Anglo-Irish conflict that produced fear, commando responses, and public hysteria.

This point seemed entirely lost on those who took issue with the film's pro-Irish political stance and posed the issue as one of facts v. artistic license. British casting of the issue consistently revealed an inability to distinguish between arguments made from the historic record and those made from an artistic rendition of that record. More fundamentally, it ignored that artistic renditions are unabashedly biased because their commitments are to a compelling presentation of a particular story with its own meanings.

Fusing the historical record and artistic renditions *as if* they shared the same commitments and argumentative obligations produced arguments about the Guildford Four made *through* the film's lens. This resulted, for example, in the concern of a British journalist (Elliott 1994, Feb. 13:4) for the film's marginalized treatment of the Four's solicitor Alasdair Logan, taking the form of he and Logan speaking *through* the film's portrayal to defend British courts and lawyers. The argument they jointly developed was not to vindicate the British judiciary that, in fact, reversed the verdicts. Instead, they mounted a refutation of the film's indictment of the judiciary *as if* it were an historical statement. They complained of its factual inaccuracies and offered testimony of Logan's dogged persistence to gain judicial review, completely missing its irrelevance to answering the film's basic questions with a compelling presentation.

Similarly, British MPs responded to the film *as if* it were an indictment of the British judiciary uttered by an Irish Republican parliamentarian on the floor of Commons. They also discussed the Guilford Four *through* the film when they expressed fear that uninformed American audiences would conclude the meaning of the Four was their exposure of the British judicial system's invidious corruption and bias rather than the system's self-correcting process. The issue of the Four's *symbolic* significance, however, was conspicuously absent from the MPs' discourse. In the nearly 50 news articles I examined, none reported what that meaning was. If its absence signifies a prevailing assumption that the case proved the judicial system worked, one can only wonder at the efficacy of such an assumption when the same institutional voices remained silent on the same judiciary's failure to convict a single police officer of the crimes millions of international viewers had now seen re-enacted.

That those who took issue with the film failed to address it as an artistic endeavor to evoke meaning does not mean the filmmaker's rendition of its argument should stand. Given the synchrony between the film's historical context and an unfolding history, the deeply disturbing miscarriage of a British judicial system against innocent Irish youths fitted into the ongoing struggle for emancipation being waged by the IRA in Northern Ireland. Without gainsaying the sincerity of Sheridan's responses to his critics, his attempts to distance his film from the political public sphere it had joined were either feeble or irrelevant. Seeing the film as an aesthetic exploration may explain why the film moved men to tears, but it does not account for the film English and Irish eyes witnessed. Although the creators of "In the Name of the Father" may have wished it were judged solely on its artistic merits, its rhetoricized aesthetic walked a line that mixed life and art and beckoned its audience to an empathic relationship with characters whose struggles could not be separated from actual events still being contested.

The film uses artistic license to present Gerry's emotional and conceptual development. His experiences interpolate the political tension of the film through devised action and altered facts that intermingle with and interpret historical events. His emotional space becomes ours; it places us in relationship to his father, the British judicial system, the IRA, and the concrete manifestation of British/Irish relations. For much of the film he is not a sympathetic character. He seems largely oblivious to the consequences of his misdeeds for others, he is disrespectful of his father, he is given to hedonistic pursuits, and he lacks moral conscience. His most reflective moments exhibit his disdain for his father's honesty and sense of personal responsibility as weaknesses that condemn Guiseppe to a life of subservience and even subjugation. But Guiseppe's

principles also stand in the background of Gerry's life as a reminder of his own answerability. The youthful Gerry's false conviction is sad but not tragic. It carries little political weight until his transformation first into political consciousness and then into moral responsibility. Once politically and morally awakened, on the other hand, Gerry's victimage evokes a Rouseauean *pitíe* for the miscarriage of justice he has suffered.

Since the argument of the film fuses his imprisonment with his national identity and class, our empathy for his victimization cannot be separated from his identity as a poor Belfast Catholic nor from the series of events that link his own transformation to the political experience of being Irish under British domination. Gerry's weaknesses as a young man are symptomatic of deep alienation not only from his father but also from the community of Ireland. He was powerless against poverty and military force. His sense of political identity derived largely from rejecting personal responsibility for his circumstances and conduct. Consequently, he could not escape the isolation of his private indulgences to participate in civil society. His relationships with Joe as his mentor, and then with his father, mark his journey from isolation to contact. They rest on his own developing empathy, which diminishes his hostility and encourages his willingness to listen. His developing emotional capacity to connect with the pain of others, in turn, has political value because it binds him first, through Joe, to the community of an Ireland in opposition to its British masters, and then, through Guiseppe, to the community of those engaged in the campaign to clear his name.

Gerry escapes his victimage through the politics of his anti-British sentiments. Moreover, his petitioning support for judicial review of his case defines him as a responsible agent. It asserts his challenge for power over his own life by enjoining the associative network of civil society – a phenomenon beyond his earlier imagination – to act on his behalf. Finally, his challenge is framed in a way that also encourages the viewer's empathy with Gerry and the community of opposition to British injustice.

By developing this story around the emotional core of Gerry's struggle to become an independent spirit through an ordeal that bonded him to Guiseppe and Guiseppe's values, the film memorializes him as triumphant over the perversion of democracy by an imperial force. It develops its narrative in a way that frames the personal stories as *mors de combat* in an ongoing war, elicits our sympathies for a participant whose journey gives him the status of folk hero by the film's conclusion, and ends with an epitaph that confirms our worst fear. In the end, the cinematic reversal forced from a judicial system seemingly unable to act justly toward a class of people if left to its own devices is made to

appear true to life, since that same judiciary failed to convict any police officer of the crimes we have just witnessed. The aesthetic framing of the Guildford Four surely encourages empathy for people who lost their youths through a misguided police investigation. Beyond that, our empathy for Gerry and his co-defendants binds us in a political relationship sympathetic to the political agenda of Sinn Féin while leaving questions of the necessity for terrorist action unresolved.

It seems hard to evade the claim that Sheridan produced a film that goes beyond the artistic representation of an historical event. A narrative of personal awakening and tragedy that has clear forces of good and evil[2] aestheticizes the story of a miscarriage of justice eventually righted. It invokes a partisan political stance through an anti-British statement that is its own contribution to the Troubles. For good reason, therefore, Members of Britain's Parliament felt compelled to dispute in the press, the traditional forum for civil society's public discussions that shape public opinion, the context and implications of this filmic portrayal of the Guilford Four. However, the power of the film, as I have argued above, is that it drew these British responses away from the historical record of the Guildford Four and into a public discussion that revisited and interpreted their victimage through the film's lens.

4. Conclusion

I began this discussion with Dewey's observation that artists contribute to public dialogue by breaking through the crust of conventionalized and routine consciousness on which superficial opinion rests to awaken deeper commitments from which desire and thought might spring. Our judgments about the circumstances of our lives are colored by our commitments, and a compelling presentation contributes to their arousal. This film's compelling and necessarily partisan portrayal of the Guildford Four and of British justice is its vehicle for arguing that the accused have a right to a fair trial, that they have a right to access all the evidence, that police investigations based on preformed conclusions are problematic, that policies suspending civil liberties are as pernicious in the hands of civilized western governments as in those of dictators in the backwaters of the Southern Hemisphere, that authorities who knowingly distort the record should be held accountable, and that there is greater virtue in defending one's name against false accusation than accepting such an injustice with resignation. Its authors' protests notwithstanding, "In the Name of the Father's" partisanship also leads it to make a less than compelling argument

against violence. Although Joe is repulsive, he is not a sociopath; his desperate measures are portrayed as growing from a desperate situation and as possibly justified by British recalcitrance.

Whether the film is a distortion, of course, is a matter of interpretation. Its argumentative and evocative power draws on the dominant narratives in British and Irish or other national civil societies by either reinforcing or refuting them. Regardless, by engaging these narratives in ways that have the potential to shape cultural memory of what occurred and what it means, blurring the line between art and life becomes more than a stimulus for public discussion. If an adequate opinion on the Troubles requires a rhetoric that asks us to read history through the deeper human aspiration to lead a life worth living, then this and similar works of public art are a necessary part of civil society's deliberative process by which we form the idea of peace.

Notes

1. Unless otherwise note, my account of the historical event is based on the books by Conlon (1990), Hill (1990), and Maguire (1994), and on newspaper accounts in the London and Dublin dailies of October 18–20, 1989 and May 3 through July 28, 1990 reporting the quashing of the Guildford Four and Maguire Seven verdicts respectively.
2. For a discussion of evil and its rhetorical possibilities, see McDaniel (2003).

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Chapter 18

The use of arguments from perceived opposition in U.S. terrorism policy

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Since the Bush administration declared war on terrorism, pundits and commentators both in and outside of the United States have questioned the motivations behind America's responses. The choice to engage military forces rather than continue the use of weapons inspectors, the decision to target Iraq, North Korea and Iran rather than other nations involved in the production and distribution of weapons of mass destruction, and the move to label alleged terrorists enemy combatants rather than prisoners-of-war are just a few of critical calls the Bush team has made since the tragic events of September 11th.

To be sure, neither the American public nor the international community will ever have a full understanding of the factors contributing to the decision-making of George Bush and his advisors. Most of the internal documents about the U.S. war on terrorism will remain classified for decades. Other influential conversations conducted behind the scenes lack documentation altogether. Retrospective interviews with the key players suffer from incomplete recollections and revisionist interpretations.

Despite the inability to reach definitive conclusions, pursuing the motivations of the U.S. leadership remains an important endeavor. Much is at stake: the lives of soldiers and civilians, individual liberties, international alliances, U.S. credibility, and worldwide economic stability, to name but a few. Argumentation scholars are uniquely positioned to contribute to society's understanding of how administration officials reach decisions about responding to terrorism. The role of debate is central to that process. This essay hopes to illuminate how internal debates about terrorism policy have unfolded by analyzing a recurrent line of argument in administration discourse: namely, arguments from perceived opposition.

1. Arguments from perceived opposition

After seizing American embassy personnel in Tehran in 1979, the Muslim Students following the Imam's Line issued various communiqués to the world audience. In one of those messages, the students announced, "the American people have the power to force Carter to return the Shah and the wealth he has 'plundered', in the same way you forced your previous President to end the Vietnam War" (Iran-Cravath et al. 1979). By recalling Vietnam, a one-term sum of perceived opposition for the American culture, the students hoped to pressure the Carter administration to act in compliance with their demands.

The students appeared to understand that in a democratic society, the role of public opinion is vital to the continued viability and effectiveness of the nation's leadership. Presidents who develop low approval ratings face heightened difficulty in the pursuit of their own agendas, whether in their interactions with the U.S. Congress, the court system or even their own bureaucracies. During periods of sustained military engagement, public support is vital for continued backing of the commander in chief's operations. Leaders unfortunate to have low public support at election time face almost certain defeat at the polls.

Many discussions of public opinion presume that the concept can be concretely defined (i.e. as opinions of the majority on an issue) and objectively measured through public opinion polls. Robert Entman and Susan Herbst (2001), however, present an alternative view. They consider public opinion to be "a useful fiction" used by academics, journalists, citizens, politicians and others to influence the democratic political process (p. 203). The social construction of public opinion, they argue, involves a taxonomy of four referents: mass opinion (an aggregated sum of individual preferences through polls, elections, etc.); activated public opinion (the opinions of engaged, informed, and organized citizens); latent public opinion (the fundamental public preferences that remain resilient over time); and perceived majorities, ("the perceptions held by most observers, including journalists, politicians, and members of the public themselves, of where the majority of the public stands on an issue" (p. 209)). From the view of Entman and Herbst, perceived majorities often "motivate elite behavior on the one hand or legitimate it on the other" (p. 221).

Most of the previous scholarship on perceived majorities focuses on media framing of public opinion (e.g. Jamieson 1992; Kennan 1986; Demers 1987). A shared assumption of this work is that media framing of majority opinion produces a bandwagon effect, which in turn, motivates elites to shape their policies in line with such portrayals. While the media is certainly an important factor in shaping perceptions about what the majority of the public wants, mem-

bers of the political elite also function as critical contributors. Robert Newman (1982) explains why: "Some decisions, including all crisis decisions, are made by the sovereign, which in the United States means the president plus whatever advisers he chooses to consult" (p. 314). In the terrorism arena, Newman's observation is particularly on point. The highly classified nature of both the problem of terrorism and the nation's response heightens the importance of a few key advisors.

To date, two studies have focused on how constructions of perceived majorities function within the discourse of the political elite. Hogan (1985) examines the function of framings of public opinion in the Panama Canal Treaty debates before the U.S. Congress; Winkler (2002) analyzes the claims of perceived majorities within the Reagan administration's internal debates about U.S. terrorism policy. While both of these studies contribute to an understanding of how perceived majorities operate within the discussions of the political elite, neither examines the strategic use of such arguments across administrations, nor do they differentiate conceptions of perceived opposition from perceived majorities.

In some cases arguments from perceived majorities and perceived opposition may be synonymous, but they need not be so. American presidents routinely weigh the consequences of alienating various constituencies. To gain the attention of the executive branch, such groups do not have to constitute a majority of the public. Opposition by groups reflecting less than a majority may reside in key electoral districts or in crucial demographic or ideological voting blocs for upcoming elections. Appeals based on perceived opposition, even when representing a minority public viewpoint, may result in the reframing of the administration's public posture or in a policy change.

Take the example of Bush administration's commitment to drill for oil in the Alaskan National Wildlife Refuge. Throughout the first two years of the Bush tenure, various media outlets reported that the majority of the American public wanted the refuge to remain a pristine, natural habitat for wildlife. Nonetheless, perceived opposition by a minority of the public (Bush administration's conservative base and key donors to his various political campaigns) supported the plan for oil exploration. Consistent with the views of the minority, Bush ignored the bulk of public opinion on the issue and continued to keep the issue before the U.S. Congress.

To begin to understand how perceived opposition functions within the discourse of the political elite in the foreign policy arena, this study examines the case of U.S. terrorism policy formulation from the late 1970s to the early 1990s. It relies on the internal memoranda from the Carter, Reagan, and first

Bush administrations as primary source material. The papers of these three administrations represent the most recent instances where a sizeable number of internal documents are publicly available; those of the Clinton and the current Bush administration, with few exceptions, remain outside of the public arena. The study reveals that arguments from perceived opposition have been a common strategy designed to influence terrorism policy options in the administrations' internal debates.

2. The Carter administration

In response to the Iranian hostage crisis, members of the Carter administration employed arguments of perceived opposition related to both domestic and international audiences. Initially, officials focused on dissent in the Middle East spawned by Carter's decision to allow the Shah into the U.S. for medical treatment. Over time, aides turned to growing opposition at home, a byproduct of the lingering hostage crisis. Obviating anti-administration sentiment served to warrant various public diplomacy strategies, to justify legal and military response options during the crisis, and to make the case for punishing Iran in the aftermath of the hostages' return.

Arguments from perceived opposition frequently attempted to impact the framing of the administration's public communication strategy. Early attempts focused on the scope of the enemy (i.e. whether all Muslims or a small group within the faith qualified as the threat). Director of the International Communication Agency John E. Reinhardt lobbied National Security Advisor Zbigniew Brzezinski to have Carter avoid expansive interpretations of who constituted the enemy. He wrote:

> Our posts have reported a nascent perception among influential members of the Islamic world that the U.S. is hostile to the whole of Islam, fails to distinguish adequately between various manifestations of Islam in different countries and appears to confuse the Ayatollah Khomeini and Shi'ism with Islam as a whole. The problem is compounded by the tendency of US news media and private Americans to project this undifferentiated view of Islam. U.S. interests will be served by projecting our appreciation of the fact that Islam takes many forms, of which the Ayatollah is not a leading representative. USIA media output will be scrupulous in this regard; it will be reinforced by the degree to which official public statements can make the point. (Reinhardt, undated)

Facing anti-American demonstrations by Muslims in Iran, Pakistan, Lebanon, and Libya, Carter's Special Coordinating Committee for the crisis agreed with

Rinehardt. It advised Carter to "reaffirm that the U.S. has no quarrel with the people of Islam, has long-standing ties with Islam, and great respect for the principles of the faith" (Donovan 1979). Background press briefings stressed the need for the media to avoid generalizing blame for the crisis to the whole Muslim world (Saunders 1979). In the early days of the Iranian hostage crisis, arguments from perceived opposition thereby focused on restricting the rhetorical scope of the threat.

After the failed U.S. rescue attempt in April of 1980, arguments from perceived opposition warranted a renewed public framing of America's response options. The reconstituted approach, justified in detail in an internal document dubbed "Diplomatic Strategy for Iran-The Period Ahead", called for a sharp cutback in official statements discussing plans to obtain the hostages' release. The document reasoned, "Because the crisis is likely to continue for some time it will be important to reduce the level of public expectations and to attempt to calm public frustration. Thus, we should avoid the public expectation that there will be new or dramatic initiatives every week or so" (Diplomatic Strategy 1980). It went on to argue that, if successful, limiting public discussion of response options would open more avenues for resolving the crisis, yield an increased willingness by the Iranian militants to accept concessions, and heighten expectations for assistance by the nation's allies. Thus, in the aftermath of the rescue attempt, arguments from perceived opposition became warrants for denying the public information on the administration's activities.

Besides altering the public framing of Carter's handling of the crisis, arguments from perceived opposition also targeted the formulation of U.S. policy. On some occasions senior officials used the approach to weaken Carter's commitment to particular response alternatives. Chief of Staff Hamilton Jordan warned Carter that he feared the administration would be "savaged politically for signing a document permitting a trial of the Shah by an international tribunal" (Jordan, not dated). At other times members of the administration used the argument to lobby governmental agents besides the chief executive to assume responsibility for certain actions. Congressional liaison Anne Wexler maintained, "Having the decision [to deny demonstration permits to Iranian students] made by the courts also might help with the political problem of public views of Iranians marching down Pennsylvania Avenue protected by the U.S. government while U.S. citizens are blindfolded, held hostage and unprotected in Iran" (Wexler 1979). Aides further attempted to influence the timing of particular response options by appeals to perceived opposition. Early on, Jordan urged Carter to bring the crisis in Iran to a head by arguing, "the American people, who have been supportive to date, will soon begin to sour on the situ-

ation and we will see increased support for extreme measures from giving the Shah back to wiping Iran off the face of the Earth" (Jordan, not dated). Who, when, and how the nation should respond became enmeshed in arguments about perceived notions of existing and probable future dissent.

Appeals to perceived opposition did not go unchallenged when invoked to influence the nation's response. Carter's aides debated the nature of public opposition when conclusions about public opinion differed from their own views regarding appropriate courses of action. When a Harris poll reported that 47% of the public did not consider Carter "tough enough", Acting Deputy William Blair wrote to Secretary of State Warren Christopher to argue, "We find more significance in the half the public saying the President is 'tough enough' than in half saying he isn't. Past analysis of responses to a query about Presidential 'toughness' suggests that the desire to be tough is *not*, for most, a desire to take aggressive action. In the context of available data, we believe this question allowed respondents to vent frustration over the fact the President had not found a way to lean harder on Iran" (Blair 1979). Others countered that public opposition meant Carter had to retaliate militarily. Jordan maintained, "a measured punitive act is absolutely essential to your own re-election and to America's image in the world" (Jordan, not dated). Within the Carter administration, arguments from perceived opposition were matters of interpretation that elites flexibly applied to competing policy actions.

Arguments from perceived opposition were not limited to the time frame of the hostage crisis itself. They also arose regarding appropriate actions for the post-crisis period. Carter aide Stu Eizenstat insisted, "Once the fate of the hostages has been determined, I feel strongly that – whatever their fate – we must take some action against Iran. That is the clear message that I have received, as I am sure everyone in the White House has, from calls of people around the country and from my talks with a number of members of Congress" (Eizenstat 1979). Having warranted his claim with appeals to perceived opposition, Eizenstat recommended that the Carter consider not buying oil from Iran after the hostages' release, that he move to close the Iranian Embassy requiring all diplomatic personnel to leave the country, and that he freeze the financial assets of Iranian students living in the U.S. to encourage them to leave the country.

In sum, arguments from perceived opposition during the Carter administration targeted both the words and policy actions of the President. Avoiding a war with the entire Islamic culture, coupled with the need protect Carter's political future and strip the Iranian militants of an ever-expanding power

base, became the articulated motives of aides using arguments from perceived opposition to end the lingering hostage crisis.

3. The Reagan administration

A review of official memoranda during the Reagan administration reveals many similarities with the uses of arguments of perceived opposition during the Carter administration. As before, members of the Reagan team used the approach to lobby for changing the President's public communication strategy and to influence his latitude for viable policy options. What changed was the more exclusive focus on perceived opposition within the domestic sphere.

As with the Carter officials, key advisors in the Reagan era used arguments from perceived opposition to influence the public definition of the nation's enemy. This time, Newt Gingrich, the Minority Whip of the House of Representatives and a close political ally of the President, expressed his concern about public opposition to Chief of Staff Ken Duberstein. Gingrich argued that the public was in shock over all the violence involving the U.S. around the world. Citing the examples of Beirut, Grenada, Nicaragua, El Salvador and nuclear missile demonstrations and tension in Europe, the Minority Whip warned, "if Reagan gets bogged down in the technical detail of each fight in each theater he begins to look like a man who has walked into a room and started to randomly pick fights with people" (Gingrich 1983). The consequences of failure to enact a new public strategy were ominous. Gingrich concluded, "Since there is no time in American memory that we have been involved in this much violence in this many places, it will begin to sink in to many Americans that if they are separate incidents, then maybe we ought to get a less violent-prone President. After all, if he has found four different areas of tension simultaneously, maybe he really is a trouble maker" (Gingrich 1983).

Undeterred, Gingrich offered a solution. He suggested that Reagan simplify the problem by blaming the Soviet Union for all acts of terrorism. He insisted that such an approach would yield political advantages for the sitting President: "If in fact we are faced with Soviet trained, financed and guided terrorists, guerilla and military coups then it is Andropov rather than Reagan who is the real cause of all the problems. Then the American people can focus their anger on Andropov, the KGB, and the Soviet Union" (Gingrich 1983). By using the Soviet Union as a scapegoat, Gingrich hoped to refocus the public's opposition to widespread world violence.

The advice created a problem for the Reagan administration. In short, the claim that the Soviet Union was responsible for all international terrorism was erroneous according to intelligence at the time. The National Foreign Assessment Center of the CIA issued a report in December of 1981 that concluded, "The actions of some terrorist groups may influence future behavior of other groups, but we see no evidence of a central coordinating authority . . . The U.S. is facing terrorists threats from several quarters which, although unconnected, will challenge the U.S. ability to react to widely dispersed and potentially serious international terrorist attacks" (Growing Terrorist Danger 1981). The CIA's evidence notwithstanding, Reagan began a public campaign of blaming the Soviet Union for all acts of terrorism by late 1983.

In a recent interview, Vincent Cannistraro, Reagan's Director of National Security Council Intelligence, remembered how the administration resolved the discrepancy. He recalled, "[CIA Director] Bill Casey, had already been trying to cook the analytical books on terrorism, particularly by the pressure he had placed on the analysts to come up with an analysis that said the Soviet Union was behind these acts of terrorism" (Cannistraro 2001). Consistent with Gingrich's advice, the administration adopted a public strategy of obfuscation and dishonesty that maximized its chances for remaining in power and effectuating its preferred policy options.

Besides reframing public articulations of the enemy, Reagan officials used arguments from perceived opposition to warrant changes in the public depictions of the nation's response to terrorism. When internal polling reported that more than half of public considered U.S. support of the Nicaraguan Contras to be state-sponsored terrorism ("Libya, July 1985"), National Security Agency aide Doug Menarchik urged senior officials to adopt a major shift in the nation's public approach: "The Vice President should take the High Moral Ground and declare a 'war on terrorism'. The High Moral Ground is also the best politics in this case... The US should prosecute a war on terrorism from *any* source" (Menarchik 1985). While the Reagan administration demurred, the approach was prophetic of the public stance of the current Bush administration. The advice sought to draw a public distinction between good and evil in the fight against terrorism.

Arguments from perceived opposition also functioned to prompt targeted outreach programs to garner support for the administration's covert terrorism policies. On April 3, 1984, Reagan signed National Security Decision Directive 138. It authorized the use of active defense measures, such as sabotage, killing of suspected guerillas and lower-level state officials, preemptory and retaliatory raids, deception, and expanded intelligence against suspected radicals and

people regarded as their sympathizers (Simpson 1985). Summing up opinion of the both the public and the media, the Public Affairs Strategic Plan and Action Plan of the Domestic Public Affairs Working Group concluded, "while general support exists for increased security and intelligence measures to deter terrorism, significant doubts remain about preemption and retaliation, principally on the grounds of effectiveness, danger to innocent lives, and the risk of undercutting Western moral values and legal concepts" (Public Affairs Strategy 1985). Undeterred by the lack of public support for the administration's covert plans, the report recommended an outreach strategy to "be directed to influential specialist groups which already have a professional or philosophical interest in the subject of terrorism, would benefit from its control, and are generally supportive of U.S. policy toward their specialist area of concern" (Public Affairs Strategy 1985). Examples of the targeted groups included the Institute on Religion and Democracy, the National Jewish Coalition, the US Strategic Institute, the Coalition for America, the American Conservative Union, the American Federation of Police, the American Banking Association, the National Association of Corporate Directors, the Airport Security Council, and the Travel Industry Association of America.

After the administration became embroiled in the Iran-contra scandal, arguments from perceived opposition became more prevalent. Some of the debates focused on the appropriate speechwriting approach. A central point of contention concerned whether senior administration spokespersons should continue to claim the U.S. had not made concessions to terrorists. One speechwriter warned that continuing to state the no-concession pledge "could leave the Vice President open to ridicule" (Staff Secretary 1987), but another urged commitment to the phrase's repetition because "we cannot afford to be weak, or to appear weak, in the face of a continuing threat" (McIntyre 1987). Administration spokespersons eventually compromised, maintaining that while they had not considered the actions to be concessions at the time of the arms sales, they could now understand why others might reasonably interpret the administration's actions as a violation of stated U.S. policy.

Arguments from perceived opposition in the aftermath of the Iran-Contra scandal went further to influence the administration's approach towards the press. In the face of media reports that the public was increasingly opposing the administration's policy toward Iran, Assistant to the President Patrick Buchanan (1986) recommended a two-pronged approach. First, official spokespersons were to remind the press of the statements made by Democratic leaders during the Carter administration about the strategic importance of Iran, as well as the former administration's willingness to consider selling arms

to Iran to protect a future bilateral relationship. Second, Reagan officials were to remind the press of the words of the hostage's families, as they had strongly supported the administration's efforts in the region. Buchanan's strategy was to recast opposition to the administration's actions as actual support, or at the very least, to reduce the credibility of those attempting to foment dissent.

Not all of the arguments for perceived opposition focused on the public affairs strategy of the White House. Again mirroring the approach of the Carter administration, such arguments appeared in discussions about the nation's preferred policy options in response to terrorism. Prominent amongst these was the decision to use military force. Executive Secretary Rodney McDaniel of the National Security Council's Executive Secretariat argued, "Groups likely to oppose any use of force are well educated and professional, hence, they will be able to organize and vocalize opposition to administration policy quicker and better than the supporters of that policy will be able to organize support activities" (McDaniel 1985, November). McDaniel's observation was not tied to any particular terrorist event, as his task had been to comb all internal public opinion assessments about terrorism and provide the administration with conclusions about constraints and opportunities for response options.

Arguments for perceived opposition also appeared in internal documents when specific military options were under consideration. James Wootten (1985), a specialist in National Defense for the Congressional Research Service, evaluated the pros and cons of various retaliatory military options against the TWA 847 hijackers and their sponsors. Within his analysis, arguments from perceived opposition appeared as cons to a hypothetical surgical air strike against Shiite installations in Lebanon, a commando attack against Shiite installations in Lebanon, an attack by a surrogate force recruited from militias inside Lebanon, selective air strikes against Shiite targets in Iran or Syria, and a large-scale air and naval strikes against Iran or Syria.

When attention shifted to the diplomatic arena, aides questioned long-standing arguments from perceived opposition. Since the Nixon administration, the U.S. had a publicly articulated policy of no-concessions with terrorists. The assumption had been that capitulating to terrorist demands would make the U.S. government appear weak. After reviewing the internal polling data of the nation's experience with terrorists, however, McDaniel advocated that senior officials in the Reagan administration reconsider conventional interpretations of perceived opposition. He reasoned, "Americans are tougher on terrorism in the abstract than in the concrete circumstances of an actual incident. Hence, they oppose dealing with terrorists in general, but are more than willing to negotiate with and accede to terrorists during a specific incident to

protect the hostages" (McDaniel 1985, June). In hindsight, McDaniel's advice was clearly naïve; after a Middle Eastern newspaper broke the story of U.S. arms sale to Iran, Reagan experienced the largest drop in domestic presidential approval ratings ever recorded over a several week period (D'Souza 1997).

Reagan aides used arguments from perceived opposition to do more than specify what policy options should prevail; they also attempted to impact the timing of the implementation of those policies. Most assumed that public opposition would grow over time, as terrorist situations lingered without resolution. McDaniel speculated, "Americans will give the President a limited, but not insignificant, time frame to resolve a terrorist incident . . . As time passes without a resolution, however, the President will receive greater criticism no matter what he does" (McDaniel 1985, November). Regardless of Reagan's preferred policy choice, his aides encouraged him to implement it before the public lost patience.

One area where the Reagan administration diverged from the Carter camp was in the use of arguments from perceived opposition to maintain discipline within the internal ranks of the administration. The highest levels of the Reagan camp used the argumentative approach to advocate that all members of the administration should comply with the policies and procedures of the internal task force on terrorism policy recommendations related to terrorism. Vice President George Bush, who headed the task force, explained the value of a strict adherence to administration policy in a letter to Reagan that was subsequently distributed to the press:

> We can minimize the political effects of a successful act of terrorism against the United States so that it will not upset or cast doubt on our process of government or leadership. To do this we must emphasize at all levels of government that adherence to our policy, our program, and our procedures is most important. Only in this way, by demonstrating resolve and consistency in dealing with the threat, can the political impact be blunted. (Bush 1987)

In Bush's view a unified administration voice made the case that Reagan was not (over)reacting to the actions of terrorists.

In sum, arguments from perceived opposition were more prevalent in the Reagan administration than they had been under the Carter administration. The Reagan camp's commitment to measures such as preemptive raids, retaliatory strikes, and arms sales to state sponsors of terrorism risked public controversy. Perhaps as a result, key advisors focused on a deeper understanding of public opposition to Reagan's policies and the approaches needed to counter the dissent.

4. The Bush administration

The internal documents of the Bush administration are quite distinctive from those available from both the Carter and Reagan administrations. The publicly available memoranda related to the Persian Gulf War are rarely explicit about perceived opposition, at least as the concept relates to *domestic* public opinion. While even a cursory review of the documents reveals that the public diplomacy strategy of the Bush administration was more developed than either those of his two predecessors, usage of arguments from perceived opposition were, for the most part, described in vague terms or were absent altogether (i.e. positive solutions would be openly discussed, but the reasons for employing particular strategies would remain unstated).

In the few exceptions where aides discussed perceived opposition explicitly, the Bush aides appear to have followed the lead of their predecessors. Their arguments from perceived opposition attempted to influence the public communication strategy related to the definition of the enemy. Chriss Winston, a speechwriter who produced Bush's formative speech at the Pentagon in the early days after the Iraqi incursion, described the purpose of the address as follows: "...the remarks are also designed to disabuse any who may be swayed by Iraq's false claims that their naked aggression represents some kind of 'holy war' between America and the Arabs, or between the 'haves' and the 'have-nots'" (Winston 1990). As with the Carter administration, Bush aides strived to avoid a confrontation between the United States and the entire Muslim world.

The Bush team also used arguments from perceived opposition to develop the public definition of the character of the antagonist. Here, the concern of the Bush officials stemmed from the public's reluctance to rally behind a call to respond militarily to the Iraqi leadership. An historical overview presented to the Persian Gulf Working Group outlined the problem of motivating the American public to support the war:

> The present situation in the Persian Gulf does not feature the same compelling cold war motivations as earlier conflicts. The need to destroy Iraq's nuclear and chemical capabilities, the need to protect U.S. hostages, and the removal of Saddam Hussein from power are all factors that may be able to fill the gap left by the absence of cold war labels, but not one of these justifications is as deeply rooted in American culture as the cold war psychology was in earlier conflicts. (Historical Overview, no date)

Publicly available internal documents do not expose the Bush administration's strategy discussions for publicly responding to the perceived opposition of the public.

What is clear is the Persian Gulf Working Group reviewed a copy of a tracking poll conducted by *NBC News – The Wall Street Journal* in August, September, and December of 1990 that revealed that a majority of the public considered terrorism a hair trigger justifying United States military action (Press Clips 1991). Public statements of the administration began focusing on terrorism by November, including accounts of Iraqi soldiers removing premature babies from Kuwait incubators. As was the case during the Reagan administration, the public diplomacy strategy designed to unite the public around the character of the enemy once again proved false. After conducting further research into the alleged atrocity, Amnesty International recanted its initial verification of the incubator incident due to a lack of credible witnesses (MacArthur 1992).

Bush officials expressed concerns about perceived opposition within the international arena to warrant particular public framings of the coalition's war aims. Concerned that the coalition could fall apart once a war with Iraq began, the American Embassy in Riyadh warned, "The greatest point of vulnerability lies, however, in war aims which may be pursued by U.S. forces but which have never been endorsed by the UN Security Council, nor thoroughly discussed and agreed among the coalition's members" (American Embassy Riyadh 1991). The war aims referred to in the memo included the elimination of Iraqi nuclear, biological and capabilities, downsizing of its military capability, restored balance of power in the region, and increased cooperation with the Gulf Cooperation Council. To remedy the problem, the embassy recommended that Bush pursue these goals under the encompassing phrase of "restoring security and stability to the region" (American Embassy Riyadh 1991). Reminiscent of arguments used during the Carter administration, the embassy advocated deflecting public attention from the behind-the-scenes actions of the government.

As before, the Bush administration did not limit the use of arguments from perceived opposition to framing public strategy; such arguments were also employed to influence the policy choices of senior officials. One example concerned justifying the need to collect monetary support for the war effort from America's coalition partners. Several internal memoranda related to the Gulf war stressed the American public's unwillingness to pay for the costs of defending Kuwait. One analysis based on an analysis of serial national surveys of public opinion concluded:

> The main reservation Americans have about the war is financial, that is, when the subjects are money being sent abroad that could be used at home and the allies not paying their fair share of the costs. The public is far less likely to question the war in terms of its death toll, its triggering a wave of terrorist reprisals, or its leading to either a more aggressive or over-confident U.S. foreign policy. While the public is supportive of a U.S. military deterrent in the Middle East and joint military actions as part of the new world order, there is an insularity in American attitudes when the issue of costs is raised that keeps the public's future assessments of U.S. foreign policy in doubt.
>
> (Americans Talk Issues 1991)

Apparently mindful of the public opposition to the high costs of the war effort, Bush dispatched Secretary of State James Baker to collect funds in support of the war from abroad.

Administration aides also used arguments from perceived opposition to lobby for how the Persian Gulf War should be fought. Specifically, the possibility of a non-supportive public became for the rationale for planning a short war with few casualties. The administration reviewed John Mueller's historical assessment of the Vietnam and Korean conflicts to gauge the likely impact of casualties on public opinion. The summary provided to the Persian Gulf Working Group argued, "public support in both conflicts fell in direct relation to casualties suffered (killed, hospitalized, wounded, missing) – 'every time American casualties increased by a factor of 10, support for the war dropped by about 15 percentage points' … Both conflicts lost their clear majority support at about the 60,000 casualties level" (Historical Overview, undated). The Opinion Analysis Staff of the Bureau of Public Affairs in the State Department tested the speculative conclusions drawn from Mueller figures with contemporaneous polling. They reported, "majority support for the war hinges largely on confidence that it will be won in less than a year and takes the lives of fewer than 5,000 U.S. troops"(PA/Opinion Analysis 1991). The threat of perceived opposition in the future became the warrant for war planning.

Such estimates must have been particularly troubling for high-level administration officials given internal estimates of the likely casualties of the conflict. Worst-case scenarios presented in a private briefing of Secretary of Defense Dick Cheney and General Colin Powell in December estimated that up to 20,000 American casualties could be expected in a military confrontation in the Gulf (Woodward 1991). Given that the predicted casualties far exceeded those considered acceptable to the public in the administration's own analyses, Bush's decision to stop the use of military troops after one hundred hours should not be surprising. At that point in the conflict, allied forces had lost six

hundred and eighty-nine soldiers, a figure safely below the threshold for public backlash to the war effort.

A long war with high casualty rates was also a factor in arguments from perceived opposition related to Arab members of the coalition. A report of the Working Group on Iraq Public Diplomacy's meeting summarized a briefing by Ambassador Rugh of the United States Information Agency. The minutes indicated, "early optimism [in Arab opinion] was fading. At the outset of hostilities, [Rugh] said, many of our Arab allies expected a quick and painless war. This early optimism and subsequent disillusionment creates increasing problems for our public diplomacy efforts as the war drags on, he reasoned, and the Middle East will become more polarized between pro and anti-Saddam elements" (Minutes, Working Group 1991). The potential loss of Arab support was problematic, given diplomatic assessments that Saudi Arabia, Egypt and the United Kingdom constituted the "core of the coalition" (American Embassy Riyadh 1991). Frequent monitoring of Arab media and other indicators of Arab public opinion were commonplace throughout the Persian Gulf conflict. Aides offered perceived opposition at home and abroad as a warrant for a quick timetable for military action.

In the immediate aftermath of the Iraqi surrender, Bush aides used arguments from perceived opposition to expand response strategies for the Kurdish refugees. Members of the Bush administration expressed concerns that the international community would condemn the U.S. for abandoning Iraqi citizens who had responded to Bush's call to rise up against Saddam Hussein. Rugh again made the point: "The wide-scale perception in every country where these is public access to news of the unfolding tragedy [of the Kurdish refugees] is that the United States is doing little or nothing to deal with the problem that many associate directly with the fruits of our military defeat of Saddam Hussein. We are seen as walking away from a human tragedy we helped to create" (Rugh 1991). In response, Rugh advocated expanding relief efforts, maintaining rhetorical pressure on Saddam Hussein, encouraging active support of coalition partners, calling for assistance and cooperation from Muslim allies in helping with the relief effort, sponsoring a UN resolution of condemnation, implementing U.N. Security Council resolution 687 as it related to Iraqi human rights behavior, asking for private assistance to the Kurds, and expanding Voice of American programming on the topic (Rugh 1991).

Bush officials finally used arguments from perceived opposition as a rationale for why the United States should participate in joint military actions as part of an international coalition in the future. Internal analyses concluded that as a direct result of the Persian Gulf conflict, the public was less inclined

to support unilateral U.S. action abroad. Noting a change in public sentiment, the summary of a series of national surveys argued,

> The new world order, for most Americans, includes the legitimate use of force by the United States, if it acts in concert with other nations, where the financial costs are broadly shared. In the aftermath of the war, people have emerged very supportive of global and multi-lateral action that takes on global threats – including chemical, biological and nuclear weapons, as well as global environmental problems. Indeed, the public now wants the United Nations, rather than the United States, to take the lead role in addressing world problems. There is a modest majority for the U.S. playing a lead and more pragmatic military role as long as the costs are broadly shared. (Americans Talk Issues 1991)

In sum, arguments from perceived opposition appeared to be critical factors in motivating the behavior of U.S. political elites during the Persian Gulf conflict. It warranted particular public justifications for going to war, appropriate behaviors of America's coalition partners, proper conduct of wartime operations, and a fitting role for the U.S. in the aftermath of the armed conflict.

5. Implications

Arguments from perceived opposition are mainstays of the discourse of the American political elite in response to terrorism. The fact that acts of terrorism can happen at any moment and remain unresolved for significant periods of time make them troublesome political matters for the U.S. leadership. Members of the public, angered and fearful of the seemingly random nature of the attacks, often conclude that their presidents have not been tough enough on those who carry out such acts. At the same time, many Americans harbor a general reluctance to support military engagements, particularly if those actions have the recognized potential to become extended campaigns. In the international arena, the pressures on the U.S. leadership to solve terrorism without overreaching can be equally challenging. Caught between the competing perspectives, presidents try to strike a balance. Arguments from perceived opposition expose, if not create, a complicated mix of factors the leadership must process if they are to handle the terrorism problem effectively.

Arguments from perceived opposition warrant suggested courses of action in two areas. The first involves public diplomacy strategy recommendations for both domestic and international audiences. The leadership has substantial flexibility for how it will present its preferred course of action in various arenas.

How the administration chooses to do so may ultimately determine the political futures of those in power. Given the high stakes involved, such flexibility carries the inherent temptation to manipulate events or otherwise deceive the public to achieve desired objectives.

The second target for arguments from perceived opposition involves the policy actions of the administration. Often, administrations conduct their responses to terrorism outside of the public arena. Particular diplomatic moves, covert military responses and restrictions on individual liberties can become difficult politically if they come under media scrutiny. Arguments from perceived opposition therefore function to raise the "what if" questions. What if the pubic knew? What if the war continued past its expected endpoint? What if the military engagement had more casualties than expected?

Arguments from perceived opposition function as warrants for positions administration officials want to advocate, but they also serve as claims in and of themselves in policy discussions. Interpreting the meaning of perceived opposition is a recurrent point of controversy in internal discussions of terrorism policy. Challenging the implicit assumptions about the strength and nature of the public's resistance becomes one means by which advisors blunt the impact of arguments from perceived opposition.

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Chapter 19

How could *official speakers* communicate reasonably with their king?

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1. Introduction

During the Joseon[1] dynasty (1392–1910), there were special agencies which were responsible for the formulation and expression of public opinion. They were known as *three agencies* [*Samsa*, 三司][2] because they consisted of the three organizations, the *Saheonbu*, *Saganwon*, and *Hongmun-gwan*, which collaborated with each other. The officials of the *three agencies*, ordinarily called *official speakers* [*eon-gwan*, 言官], were responsible for institutional speech at court. They presented their opinions directly to the king and disputed with him when they thought he rejected their opinions unreasonably. As is universally known, however, the Joseon state was an absolute monarchy; the kings, regarded as sovereigns who were bestowed with *Heaven's decree* [*cheonmyeong*, 天命], had absolute authority. Therefore, the relation between the *official speakers* and the king was vertical. The conditions under which public discussion took place in Joseon society were not equivalent to those of modern society. With such a hierarchy in place, one might ask how it could have been possible for the *official speakers* to communicate reasonably with their king.

The key to this problem is in understanding the characteristics of the leading class of the Joseon dynasty and its political activities: *sadaebu*,[3] the leading class of the Joseon dynasty, formed *public opinion* [*gongnon*, 公論] in various ways, which was communicated in the court officially and openly. Social scientists and historians have revealed that a public sphere had been formed in the early Joseon dynasty, in which the public opinion of the *sadaebu* influenced the real politics of the court.[4]

However, this was no more than a necessary condition to realize reasonable communication between them; the fact that the *sadaebu* had sufficient power and ability to form public opinion cannot explain the way in which the representatives of public opinion[5] could communicate reasonably with their king. In this paper, I approach this problem from the perspective of rhetorical argumentation: the difference in status of the participants in the dialogue might have been managed by *official speakers*' strategic maneuvering based on the consensus system of the community. I will try to identify the rhetorical strategy that guaranteed reasonable communication between the *official speakers* and their king.

2. Historical background

2.1 Argumentative discourse in the public sphere of the early Joseon dynasty

Although the inherent concept of *public opinion* [*gongnon*, 公論] was formed during the 14th century in Korea, the term *gongnon* first appeared during the Goryeo dynasty (918–1392). However, its meaning was quite abstract and idealistic. It had meant 'sound remarks' that were unchangeable. At the beginning of the Joseon dynasty, however, *public opinion* was considered to be a concrete opinion formed and communicated in a special field, the *public arena* [*gongnonsojae*, 公論所在].[6]

The *public arena* moved in accordance with the change of initiative in forming *public opinion*. It originally meant the *State Council* [*Uijeongbu*, 議政府], which consisted of ministers above the 2nd rank.[7] However it was gradually moved to *Daegan*[8] after the reign of King Taejong, the 3rd king of the Joseon dynasty. By the time of King Seongjong's reign (1469–1494), the notion that *Daegan* was the *public arena* was widely accepted in court. It changed once again around the 19th year of King Seongjong (1488), after which the *official speakers* accepted the notion that *Hongmun-gwan* was the *public arena*. This change in notion had great importance, because *Hongmun-gwan*, by that time, had become the self-advancing path of *students* [*yusaeng*, 儒生][9] into the court. So, *Hongmun-gwan* functioned as the channel of *outer discussion* [*we-ui*, 外議], namely, the *public opinion* from outside the court. In its last phase, the *public arena* was moved to the *mountain and forest* [*sallim*, 山林], which referred to the literati residing in the countryside (Um 2002a).

The public sphere of the Joseon dynasty had been opening to the general reading class. By the time of King Seonjo,[10] the most important policies in the court were decided by the *public opinion* of the *sadaebu*.

In the public sphere, the *official speakers* and the king were given special authorities: the *official speakers* were regarded as the representatives of *public opinion* while the king was seen as the representative of *righteousness* [*gong-ui*, 公義]. *Gong-ui* was a unique concept denoting impartial justice, the opposite of private regard. It was taken to be the standard by which the judgment of the king should pass. At that time, since the king was regarded as a sovereign who was bestowed with *Heaven's decree* [*cheonmyeong*, 天命], it was natural to think that he spoke with *gong-ui*. For this reason, *public opinion* was communicated mainly between the *official speakers* and their king.

In addition to the *official speakers* and the king, there was another group of participants in the argumentative discourse: ministers above the 3rd rank. They discussed pending problems in response to the king's request. The result of their deliberation was reflected in the king's final decision.

Um (2002a) suggests that argumentative discourse in the public sphere (ADIPuS) in the Joseon dynasty should be approached as a macro genre of argumentative discourse with a long historical tradition. The ancient countries under the Han civilization[11] had a long tradition of public discussion in the courts. There were three traditional macro genres of argumentative discourse in Han civilization: *ju-i* [奏議], *joryeong* [詔令], and *nonbyeon* [論辨]. *Ju-i* and *joryeong* were distinguished by the communication direction. The former included upward argumentative discourse genres from subject to king and the latter downward argumentative genres from king to subject. *Nonbyeon*, on the other hand, were classified by the argumentation methods. Each macro genre included various specific genres.[12]

Many of these argumentative genres thus classified had overlapping characteristics. Accordingly, ADIPuS was a combination of various argumentative genres occurring within the context of the public sphere.

As the examples of political debate that frequently tend to mix genres (Walton 1998:218), ADIPuS was also a mixed discourse in which two types were usually combined: persuasion dialogue and deliberation dialogue. However, ADIPuS is primarily characterized by persuasion dialogue because the main stream of the argumentative dialogue was in fact a persuasion dialogue between the *official speaker*s and their king, whereas the deliberation dialogue between the ministers and the king was subordinate to the main discourse.

The general goal of the ADIPuS was to resolve disagreement between arguers. Interaction in the ADIPuS began with the *official speakers* raising issues

with the king. Usually, the *official speakers* took the role of protagonist while the king was assumed to have the role of antagonist. Therefore, the burden of proof was on the *official speakers*, but they also had some advantages. In principle, the arguing activity to support their standpoint was not restricted. In many cases, the arguing of the *official speakers* was so persistent that it was continued repeatedly until the king accepted their point.

It is interesting to note that the king took two roles in the dialogue; antagonist and judge. The king sometimes argued against the *official speakers* and sometimes made decisions on the issues raised. It could not be said to be unfair because the decisions were generally drawn from reasonable criteria. The key criterion of the judge in the ADIPuS was this: "Has the proposition that the protagonist advanced been proved?"[13]

According to Walton's (1998) classification, the ADIPuS of the Joseon dynasty is not a permissive persuasion dialogue (PPD), but a rigorous persuasion dialogue (RPD). As RPD is similar to critical discussion in the pragma-dialectical theory, it can be said that the ADIPuS of the Joseon dynasty was a unique, historically realized form of critical discussion. The most notable characteristic of this unique argumentative dialogue was that the whole procedure of the discussion was oriented to the judge, that is the king.[14] In conclusion, it can be said that the ADIPuS during the Joseon dynasty was a 'judge-oriented critical discussion'.

2.2 The consensus system of *sadaebu*

The consensus system is the commitment store that people in a society generally agree on. It does not need to be homogeneous because it varies between classes, genders and so forth. However, it is clear that people in a certain communicative field are quite stable in maintaining common conceptions, such as their beliefs, value systems, and points of view. These conceptions function as the basis of reasonable decision making. For this reason, in order to know why certain claims are accepted naturally and others are not in a certain communicative field, it is important to understand the consensus system of that communicative field.

As mentioned earlier, the public sphere of the early Joseon dynasty was dominated by the *sadaebu* class. Therefore it is necessary to identify the core consensus system of the *sadaebu*. Several key terms that help to understand the consensus system of *sadaebu* are given below.

The first key term is *Heaven's decree* [*cheonmyeong*, 天命]. It expresses the concept that Heaven bestows sovereignty on a virtuous man. Therefore, if a

ruler loses his virtue, Heaven transfers the decree to another virtuous man. This concept was expressed by the term *changing decree* [*hyeongmyeong*, 革命]. This concept justified the overthrow of the Goryeo dynasty and the establishment of the Joseon dynasty.

It is interesting that the *sadaebu* thought that they themselves undertook an initiative role in the process of the *changing decree*.[15] On this basis, they developed the notion that subjects who speak right words undertake a crucial role in the succession of *Heaven's decree* or in governing the country. This was an ideology that justified the politics of the *sadaebu* in creating *public opinion*.

Next are the terms *the virtuous* [*gunja*, 君子] and *the low* [*soin*, 小人]. *The virtuous* and *the low* were opposing concepts that referred to opposite types of human beings. These concepts show that the *sadaebu* considered Man to be dual in nature and that these dual concepts functioned as the criterion for evaluating an individual's character. It is important to recognize that all human nature was viewed as essentially equal, but that each person's character could be changed through cultivation. These dual concepts of human character were also related to the belief that only a man of culture and good character could participate in administrating state affairs. They thought that when *the virtuous* administered the affairs of state, the country became peaceful and that when *the low* gained control over the affairs of state, the country became troubled. Thus the dual concept of human character significantly contributed to national stability in that much effort was given to rigorously evaluating and controlling the quality of members of government.

The third key term is *sage-king* [*seong-in-gunju*, 聖人君主], used to refer to the king as a supreme human being. To be a sage was the condition of a king, and to be a king was the way of self-realization for a sage. The notion of the *sage-king* brought to mind all of the ideal qualities of a perfect sovereign. The subjects required their king to possess high morals and standards.

3. Case analysis

3.1 Situational frame of the case

The selected datum in this case analysis is an article of the Annals of King Seongjong.[16] This article describes a communicative interaction (CI) between the *official speakers* and the king. This CI consists of the *sangso*[17] of Yi Chik and the others and King Seongjong's response. It provides us with some important clues about the argumentation culture at that time.

Yi Chik and the others' *sangso* indicates that the *official speakers* opposed King Seongjong's appointment of Im Sahong. Seongjong had commanded the appointment of 'the eldest sons of the merit subjects to posts' in celebration of the Grand Queen Mother Insudaebi's recovery from illness. Im Wonjun, who was Im Sahong's father, had served Insudaebi faithfully. The *official speakers* had impeached Im Sahong because of his abusing government, but Seongjong had released him on his authority. Therefore, the *official speakers* were strongly opposed to the appointment of Im Sahong.

The opposing speeches were numerous and persistent. There were 51 CIs from Nov. 15th to Dec. 27th in the 19th year of King Seongjong. The genres of the opposing speeches were various such as *sangso*, *sangchaja*, *gye*, and *sangjang*. In particular, the sub-genres of *sangso* used in these CIs changed from *single sangso* [單獨上疏] to *joint sangso* [合辭上疏], and then to *association sangso* [合司上疏]. The *official speakers* finally presented *resignation sangso* [辭職上疏] to the king.[18] The issues of these opposing speeches developed from a mere problem of personnel management to an impeachment and then to an expostulation, the act of discussing the rights and wrongs with the king. This CI, the 6th of these communicative interactions, was an important turning point in the argumentative tone of the *official speakers*.

3.2 Phase movement of participants

The original article, written in the classical written language Han, is analyzed into such conversational units as move, move succession,[19] turn, and the official historian's explanation. The unit of move is enclosed by brackets and the unit of move succession is marked in parentheses with successive number at the beginning of each move succession. The turn of the participants is indicated by Arabic numerals. The official historian's explanation is enclosed by two #s. The datum is appended at the end of this paper. The main question in this case study is:

> Are there any clues in the CI to explain the reasonableness of communication between the *official speakers* and the king?

And the sub-questions derived from this main question are:

(1) In the *sangso*, what were the images of addressers and the image of addressee respectively?

(2) Were the statuses of addressers and addressee affected? If so, how?

(3) What is the effect of changing status?

These questions will be pursued together with the move successions of the case.

There are some cultural expressions that reflect the status of arguers and listener. Let us review the expressions used in move succession 1 (MS 1):

> Your Majesty's servants have disgraced Heaven's Listening several times with the affairs related to Im Sahong recently, but could not receive Your Majesty's permission. The Royal Letter replied saying, "I have admonished thee of it precisely, why dost thou trouble me with such troublesome words?" Your servants could not understand what was meant by "I have admonished thee of it precisely".

It is noticeable that such phrases as "disgraced Heaven's Listening", "receive Your Majesty's permission", and "admonished thee of it precisely" in MS 1 are very distinctive expressions that reflect the culture of persuasion/argumentation of the period. We can infer the ideal and absolute status of the listener from such expressions as "Heaven's Listening", "disgraced several times", and "admonished precisely" etc. On the other hand, the protagonists' status is expressed very humbly despite such precise admonishment: "Your servants could not understand what it meant…". This implies a vertical relationship between addressers and addressee. The protagonists Yi Chik and the others address an ideal listener, a *sage-king*, at the beginning. In MS 2, however, Yi Chik and the others refute the king without any hesitation, and they conclude that the king's word is not valid:

> Your servants are indeed suspicious of why Your Majesty said, "I have admonished thee of it precisely".

Then, how can the change of the protagonists' attitude between MS 1 and MS 2 be explained? The answer lies in the duality of the addressee. In MS 1, the protagonists address an ideal listener, a *sage-king*, and in MS 2, a regular listener, a real king. The duality of the king was used of strategically by the *official speakers*. In MS 3, the king is criticized for not being learned:

> There is no learned person who does not think it deplorable. But Your Majesty does not yet realize it and would not shift His mind like a mountain. How in the world does Your Majesty sympathize with *the low* so extremely?

Such a tone is maintained in MS 4. The protagonists argue that if *the low* were appointed, Heaven's and the Ancestors' commitment would not be achieved. They appeal to the Ancestors' authority:

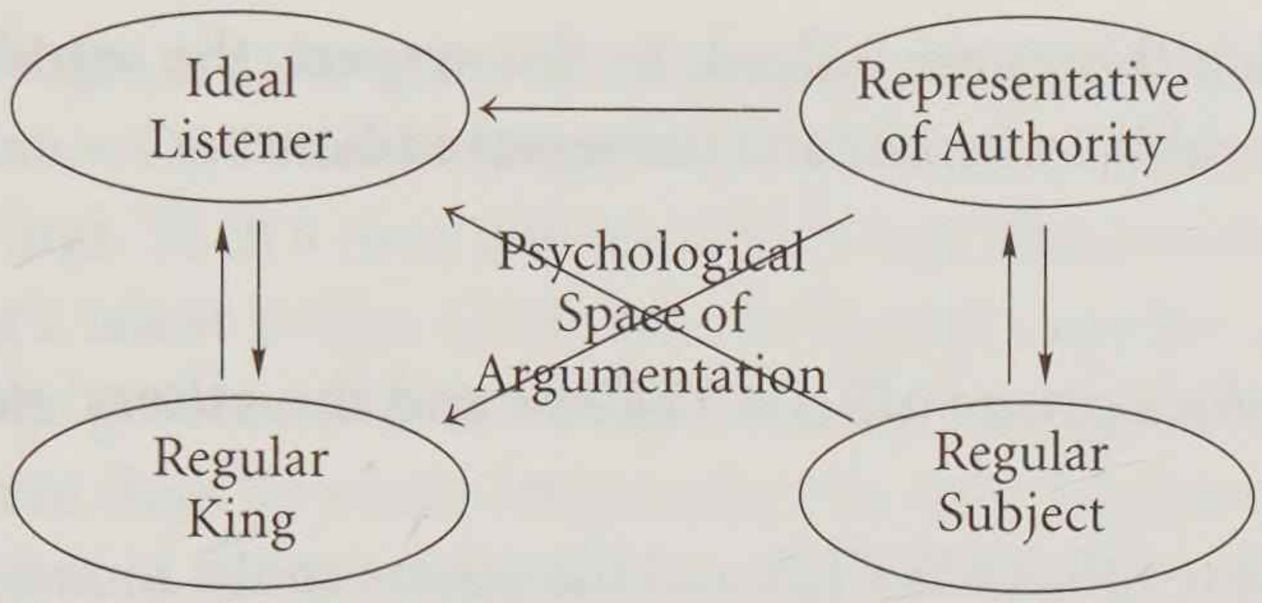
> Then would the Ancestors in Heaven think well of it? Would they say "how nicely my descendant holds Heaven's will!" or "my descendant does not abandon the great ground!"?

At the end of discourse MS 5, however, the *official speakers* change the status of the king to an ideal listener, a *sage-king* again. The king is requested to act as a *sage-king*:

> Your servants have disgraced the Holy Brightness several times, but could not receive Your Majesty's permission. Therefore it must be true that the foolish words of Your servants were discordant to the Holy Brightness. Yi Yun told Taegap that "if words are discordant to thy mind, make it a rule to seek the truth from the *way*". Prostrating ourselves before Your Majesty, Your servants beg that Your Majesty will consider it precisely with an open mind and retrieve the command rapidly. By doing so, please eliminate the symptoms that *the low* ruin the country.

The listener's phase has shifted from an ideal listener (*sage-king*) to a regular listener (real king) and again to an ideal listener (*sage-king*), thus contributing to the creation of psychological space in which reasonable argument could be realized. In this way it preserves the constraints of the vertical relationship between king and subject. It was possible for the *official speakers* to refute the negative aspects of the regular listener, because the ideal model of listener, as the *sage-king*, was working as a normative model in the ADIPuS. The ideal norm of *sage-king* was shared between the protagonists and the antagonist in the public sphere. Therefore, it was possible for the protagonists to use a strategy appealing to the ideal norm.

The phase-shifting of the king interacts with the phase-shifting of the *official speaker*s themselves. That is, the phase of the *official speakers* shifts from regular subject to representative of authority when they speak for the absolute authority at that time. For example, at the 2nd move of MS 5, Yi Chik and the others are superior to the listener for a time when speaking for the sage Yi Yun. The phase-shifting of the protagonists and the antagonist, manoeuvred by the *official speakers*, serves to realize a reasonable space where the *public opinion* is communicated. In fact, from MS 2 to MS 5, various argumentation schemes are used.[20] The *official speakers* create psychological space for argumentation by shifting between alternate phases of the king and themselves. This phase-shifting strategy can be shown diagrammatically in Figure 1.



← direction of addressing, ↑ ↓ shifting of phase

Figure 1. The creation of psychological space in argumentation by strategic phase-shifting

4. Discussion

In this paper, I have tried to identify the way in which the *official speakers* of 15th century Korea communicated reasonably with their king in the perspective of rhetorical argumentation. As a result, two unique aspects of historic argumentation were discovered: a rhetorical strategy to manage the difference of status in the dialogue and the appeal to the authority argumentation scheme based on their consensus system.

In the ADIPuS, the *official speakers* used the phase-shifting strategy to create psychological space for reasonable argumentation. This strategy was based on the *public arena* and the consensus system of *sadaebu*. In particular, the consensus system of *sadaebu,* based on Neo-Confucianism, offered the psycho-cultural basis of the ADIPuS. The *official speakers,* using the notion of *sage-king* strategically, created psychological space for argumentation. Sometimes they spoke for the ancient sage or *sage-king*, and sometimes they appealed to the ideal phase of the listener as a *sage-king*.

The *official speakers*' phase-shifting strategy was also closely related to another unique convention of argumentation: appealing to the authority of the *sage-king* and the authority of the *public opinion*. This type of appeal to the authority argumentation scheme has not been seriously discussed yet. The most interesting point of this type is that external authority was transferred to someone: the authority of *Heaven's decree* was transferred to the *sage-king* and the authority of *public opinion* was transferred to the *official speakers.*[21]

The notion of the *sage-king* also attracts our interest. This notion is essential to understand the reasonableness during this period because it provided a

standard by which things are judged. In this respect, the *sage-king* as an ideal listener is comparable to Perelman's universal audience.

Datum: *Saheonbu*'s prime official Yi Chik and the others' *sangso*

Saheonbu's prime official Yi Chik and the others spoke in *sangso* as follows:

1 Yi Chik and the others:

(MS 1) {[Your Majesty's servants have disgraced Heaven's Listening several times recently with the affairs related to Im Sahong, but could not receive Your Majesty's permission.]

[The Royal Letter replied saying, "I have admonished thee of it precisely, why dost thou trouble me with such troublesome words?" Your servants could not understand what was meant by "I have admonished thee of it precisely".]

(MS 2) [If it is said that Im Wonjun's services were so distinguished that the reward reached his son, Your servants have already argued that the rewarding of Im Wonjun's services was too much.]

[If it is said that the impeachment of Im Sahong was too much, the wickedness of Im Sahong's mind and conduct was not only addressed by Your servants but also well known to Your Majesty already.]

[If it is said that Im Sahong must have corrected his misdeed, for human affairs inevitably change over 10 years, Your servants already said precisely that Im Sahong did not correct his misdeed and was not discreet in words and deeds as before.]

[Your servants are indeed suspicious of why Your Majesty said, "I have admonished thee of it precisely".]

[The Book of History[22] says that "nobility should not be bestowed on the vicious but only on the wise", so nobility is what should be bestowed in honour of the wise and not be extended to the vicious. The Book also says that, "(the holy King Tang) has encouraged those who endeavored to perform a meritorious deed by rewarding them", so the reward is what should be bestowed on the meritorious to praise their services and not on the one of no merit. Im Sahong is greatly vicious with no merits at all, and therefore it is not fair to grant nobility and reward to him without reason.]

(MS 3) [Is it going like this because Your Majesty could not abandon Im Sahong's small talent of literature after all?]

[In general there are two types of talents; one is that of *the low* and another that of *the virtuous*. One who belongs to *the low* and is of talent is similar to a tiger that has wings. Such a man will inevitably ruin the country.]

[Im Sahong's talent is that of *the low*. In former days he created a faction and disturbed the government. It would not have been possible if he were not talented. In recent days he wrote letters twice to Your Majesty and abused the government. It would not be possible if he was not talented, too.]

[If he steals the grace of Your Majesty and then deceives Your Majesty upwardly and behaves impudently to people below him with such a wicked and crafty talent, who can describe what disaster may occur in the future?]

[There is no learned person who does not think it deplorable. But Your Majesty does not yet realize it and would not shift His mind like a mountain. How in the world does Your Majesty sympathize with *the low* so extremely?]

[There have been many cases in which kings have ruined their countries by giving their confidence to *the low* without realizing that they were *the low*. There has been no case in which a king has stepped into ruin by giving his grace and confidence to a low person while realizing that he was a low person. Your Majesty would not abandon Im Sahong while knowing his wickedness, so Your servants worry deeply that the affairs of state would be spoiled from it.]

(MS 4) [What Heaven and the Ancestors have committed to Your Majesty is to protect the people and to strengthen *Jongmyo*[23] and *Sajik*[24] so as to maintain this great ground and to inherit the great achievement on and on *ad infinitum*.]

[If *the low* were appointed, the wise would retire into the country. And in that case, the people would get sick and the State would become unstable.]

[Then would the Ancestors in Heaven think well of it? Would they say, "how nicely my descendant holds Heaven's will!" or "my descendant does not abandon the great ground!"?]

(MS 5) [Your servants have disgraced the Holy Brightness several times, but could not receive Your Majesty's permission. Therefore it must be true that the foolish words of Your servants were discordant to the Holy Brightness.]

[Yi Yun told Taegap[25] that "if words are discordant to thy mind, make it a rule to seek the truth from the *way*".[26]]

[Prostrating ourselves before Your Majesty, Your servants beg that Your Majesty will consider this matter precisely with an open mind and retrieve the command rapidly. By doing so, please eliminate the symptoms that *the low* ruin the country.]

Your Majesty did not grant the request.
(2 the king:
[I would not accept it.])}[27]

Notes

1. In this paper, I have followed a new romanization system for Korean which was notified by Ministry of Culture & Tourism of Korea on July 7, 2000. In the new system, for example, the last dynasty of Korea is transcribed as 'Joseon', which has been transcribed as 'Chosôn' for a long time. Refer to Ministry of Culture & Tourism notification No. 2000-8.

2. I have juxtaposed the emic terms with the original classical Han (classical Chinese letters) if it is needed. In this example, *three agencies* is a translated term from the emic term *Samsa*. *Samsa* is the pronunciation of the Sino-Korean term 三司. The pronunciation and the original Han letters of the term are enclosed by brackets as in [*Samsa*, 三司].

3. *Sadaebu* consisted of *sa* and *daebu*. The *sa*, usually translated as literati, were people mainly occupied with reading and moral culture. The *sa* originally referred to officials under the 4th rank in the court, but its meaning was broadened later to students who had no official careers. The *daebu* indicated high level bureaucrats above the 3rd rank.

4. See Jeong (1994), Choi (1986), Choi (1992) and Choi (1986). For more precise bibliography, refer to Um (2002a).

5. The *official speakers* had been looked upon as the representatives of *public opinion*.

6. *Gongnonsojae* was a kind of emic term indicating the political public sphere of the Joseon dynasty (Um 2002a).

7. There were 9 ranks in the Joseon bureaucracy.

8. *Daegan* refers to both *Saheonbu* and *Saganwon*.

9. *Yusaeng* refers to the people who studied Confucianism in the national and private schools.

10. The 14th king of the Joseon dynasty, reigning from 1567 to 1608.

11. Han civilization refers to the cultures of East Asia (China, Korea, Japan and Vietnam) that shared a common written language [漢文]. Although Han [漢文], the name of the common written language of medieval East Asia, has been translated as 'classical Chinese' in English, the term 'Chinese' is inadequate and leads to misunderstandings. The classical texts of Han[漢文], when read with Vietnamese, Korean, and Japanese pronunciation, are not intelligible to the Chinese. The common written language of East Asia indicates a unity of civilizations; its various different readings indicate diversity. 'Han' is suggested as the name of the common classical written language. 'Han' is an abridged reading of the common written term [漢文], which is used by all three countries: *hanvan*, in Vietnamese; *hanmun*, in Korean; *kanbun*, in Japanese. The Chinese also used the term *hanwen*, but it means something different: Han dynasty prose. See Cho (2000: 159–160).

12. *Ju-i* consists of *sangso* [上疏], *sangchaja* [上箚子], *sangjang* [上狀], *gye* [啓], etc.; *jo-ryeong* consists of *jeongyo* [傳敎], *gomun* [顧問], *myeongso* [命召], *bidap* [批答], *haeoseo* [下御書], etc.; *nonbyeon* consists of *ui* [議], *seol* [說], *byeon* [辨], etc.

13. Um (2002c: Chap. 4) shows in a case study that the judge's decision was made according to whether the top proposition was proved by the protagonist or not.

14. In such a dialogue, the ethos of the participants is extremely important. In fact, it is supposed to guarantee the reasonableness of the discourse. I have elaborated on the ethos of the participants in the ADIPuS and that of the judge in Um (2002c: Chap. 4).

15. See the Annals of Taejo, September 17, the 1st year of Taejo (1392).

16. Seongjong was the 9th king of the Joseon dynasty. During his reign, the institutional system of the Joseon dynasty was established. The Annals of King Seongjong, contained within the Annals of the Joseon Dynasty, record historical facts during his reign day by day. The Annals of the Joseon Dynasty, their historical value widely recognized, were registered as a World Documentary Heritage by UNESCO in 1997. For more information about them, refer to the web site: http://www.unesco.org/webworld/mdm/1997/eng/ korea_choson/koreanom.html

17. *Sangso* was a kind of communicative act presented to a king in the form of a formal letter. It also was one of the letter genres presented to a king, a kind of memorial.

18. These terms were used conventionally at that time to classify the sub-types of *sangso*.

19. Move succession is a unit in which more than two moves cohere with the same sub-topic. It is a useful unit for analyzing written discourse. In this research, communication with written discourse is defined as monological dialogue. From this view point, it is defined in terms of the paragraph, the conventional text unit, from the perspective of dialogue.

20. For example, we can identify the scheme of *argumentation from authority* at the 5th move of MS 2. We can also find the scheme of *a thing and its attributes* at the 3rd move of MS 3, the scheme of *cause and effect* in MS 4, and the schemes of *argumentation from authority* and *argumentation by analogy* in MS 5. Here, I followed Perelman and Olbrechts-Tyteca's (1969) classification of argumentation schemes.

21. In his comment on this paper, Christopher W. Tindale suggested that this type of appeal to authority could be referred to as a 'representative' authority.

22. The canon of ancient history that documents the historical facts of holy kings.

23. The name of the Ancestral Temple. It symbolizes the legitimacy of the dynasty. *Jongmyo* of the Joseon dynasty is the oldest and most authentic of the Confucian royal shrines that have been preserved. It is consecrated to the forefathers of the Joseon dynasty (1392–1910).

24. The guardian deities of the State. *Sajik* symbolizes the State.

25. Yi Yun was a famous Minister of State who helped the holy King Tang [湯]. Taegap was the grandson of Tang, who succeeded Tang.

26. This passage is quoted from the Book of History. When Taegap succeeded to the throne, he did not govern well. So Yi Yun expelled him from the throne for a while and confined him to a distant palace. Taegap regretted his past errors deeply and became a great king. The section from which this passage is quoted is 'Taegap' in the volume of *Sang* [商書].

27. The original text in Han is as follows:

○司憲府大司憲李則等上疏曰臣等近將士洪之事累瀆　天聽未蒙俞允　御書乃曰諭之詳矣何以煩言臣等未審諭之詳者何謂也若以任元濬爲功重推賞其子則元濬之功酬報之過臣等既言之矣若以言士洪事爲過情則士洪心行之惡非徒臣等言之　殿下亦已知之矣以人事十年必變而士洪亦必改過則士洪之不改舊惡放恣無忌臣等亦言之詳矣　殿下所謂諭之詳者臣實惑焉書曰爵罔及惡德惟其賢爵命所以待賢人也不宜及於惡德又曰功懋懋賞賞典所以褒有功也不宜加於無功士洪有大惡而無細功爵賞之命不宜濫加　殿下無奈以士洪稍有文墨小技終不棄而然乎夫才有君子之才有小人之才小人而有才則是虎而翼者也必至於誤國士洪之才乃小人之才也前日交結朋黨濁亂朝政非才則不能也近日至再上書折辱朝廷非才則不能也以如此兇狡之才盜竊　殿下之恩寵上以欺於君下以肆於人後日之禍可勝言哉有識之士莫不寒心　殿下曾不改悟不移如山是何寵小人乃至此極自古帝王不知人之爲小人而信任之以至亂亡者多矣未有知其爲小人而反寵任之以開亂亡之階者也　殿下既洞照士洪之奸而必欲不去臣等恐國事從此日非矣惟天惟　祖宗所以付　殿下盖欲子保元元鞏固宗社以無墜丕丕之基綿鴻業於億萬年之無窮也小人用則賢者退小人用而賢者退則元元病而宗社不安矣然則　祖宗在天之靈其肯曰能用答天意乎其肯曰子有後不棄基乎臣等累瀆　聖聰未蒙允可是必戇愚之言於　聖聰也伊尹告太甲曰有言逆于汝心必求諸道伏願　殿下勿以臣等之言爲逆虛懷繹之收成命杜小人誤國之漸　不聽

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Chapter 20

Argument density and argument diversity in the license applications of French provincial printers, 1669–1781

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On an October afternoon in 1780 the Lieutenant-général of police went to the printers' guild hall in Dijon, where he met up with two municipal officers and barristers in the parlement to preside over a competition (*concours*) for the position of printer in the town of Dijon.[1] The competition had been ordered by the Keeper of the Seals, Armand Thomas Hue de Miromesnil who had instructed the Intendant, Feydeau de Brou, to publicize it by putting up posters, not only in Dijon, but in all the towns within the jurisdiction.[2] In addition to the three persons already mentioned, the Inspector of Printing and Bookselling in Dijon, Jean Cortot, along with the guild warden and another printer were all in attendance. The event occasioning this gathering of notables was the decision of Anne Foucherot, widow of Antoine Defay, to resign her position as printer in Dijon. She had sent her resignation to Miromesnil who had, at the same time, received an application for the position from her son, Antoine-Marie Defay. Miromesnil referred the matter to the Director of the Book Trade, Camus de Neville, who wrote to Feydeau de Brou, who ordered the competition.

Several royal administrators were thus involved, along with the guild officials, in the appointment of a provincial printer in the reign of Louis XVI and many of these were of very high rank – the Keeper of the Seals, the Director of the Book Trade, the Intendant. They were all respecting the procedures for printer appointment laid out in detail by royal decree on August 30, 1777.[3] These procedures represent the mature development of the French Crown's century-long determination to license – and consequently determine – who would hold the 310 printer positions in the realm.[4] Printer licensing began in

1667 when Colbert banned all new printers from setting up printing houses without special approval.[5] In the years following 1667 some printers in some towns saw great advantages – notably increased market share – to be gained from the royal licensing policies and moved to see that the law was implemented.[6] In other towns the licensing requirement went unnoticed until 1704 when Crown officials set quotas on the numbers of printers allowed in each town and charged the Lieutenants of police with seeing that they were respected.[7] In the subsequent decades (and not without resistance) the number of printers was forcibly reduced. By 1739 – when the rules were tightened and the number of printers was again reduced – there was wide acceptance of printer licensing. In 1759 the numbers were further reduced and in 1777 the procedures for printer appointment were clarified.

At the end of the *ancien régime* there seems to have been considerable agreement between the candidates, the guild officials, and the royal officials, on what constituted a good printer. On the one hand, they were all thinking to some extent in terms of guild entrance requirements that could be found in different statutes in the seventeenth century, and these were stated in an important 1723 decree that governed Parisian printers and was then extended in 1744 to the rest of the realm.[8] At the core of this understanding were the following requirements: four years of apprenticeship were needed and three consecutive years as a journeyman. Candidates had to be twenty years of age, know Latin and be able to read Greek, and produce a certificate from the rector of the university to this effect. Sons of masters were exempt from apprenticeship and journeyman requirements. All candidates including sons of printers had to submit to an examination before the guild officers.

These requirements were understood by everyone but satisfying only these was not sufficient to obtain a printer position in eighteenth-century France. Candidates covered all the required bases in their applications and added yet more evidence of suitability. Defay, our Dijon example from 1780, was a son of a printer and, although he did not need to complete a stint as a journeyman, he made it clear that he had vast experience directing a printing house. Also, he had his *curé* produce a certificate saying that he was a man of probity. The Lieutenant of police in Dijon in his letters made two points about Defay: he had been in printing all his life, and his conduct was irreproachable. Given the heightened fears of the clandestine book trade in the reign of Louis XVI, it is unlikely that this last comment meant anything but that he could be deemed loyal and reliable.

This understanding of what made for a good printer in the reign of Louis XVI (1774–1792) was not firmly fixed in the earlier reign of Louis XIV (1643–

1715).[9] The hypothesis of our present essay is that, in the minds of the applicants, the conception of what constituted 'a good printer' was forged over the course of the eighteenth century, especially in the early years. The evidence we will consider for our hypothesis is the changing patterns of argumentation recorded in samples of the licensing decrees from 1669–1781.

The data

The documents we are studying are decrees (*arrêts*) issued by the King's Council. They contain summaries of the arguments which were made in the application letters for printer positions. The application a printer made for a license would have taken the form of a letter (*applicant letter*) written by him or his lawyer and sent to the Chancellor or Keeper of the Seals together with supporting letters from other sources in aid of the application. With few exceptions, these original applicant letters have not survived.[10] What remains are summaries of the arguments in the applicant letters that were placed in the preamble to the decrees issued by the King announcing the decision on the application, i.e., whether to grant a license, to recommend further investigation, or to deny a license. These decrees, which took the form of Privy Council *arrêts*, survive in the archives of the Privy Council in the *archives nationales* (V6). The summaries in the decrees were made by Masters of Request in the Chancellor's office or, after 1701, members of the *bureau de la librairie*. We will assume that the summaries of the arguments in the decrees closely resembled the original arguments given by the applicants in support of their petitions.

At the current stage of our research, our data presents us with certain problems which weaken the strength of our conclusions. For example, for the earliest period we sample, 1669–1703, we have only eighteen decrees to work with; a sample too small for a solid basis. We are more confident of our sampling in the periods 1709–1714 and 1719–1724, where we have 80 and 100 decrees respectively to work with; for 1739–1744 we have 77 decrees, and 1755–1760 where we have 54 decrees, and the last period, 1776–1781 we have 39 decrees to examine. With our concern about the differences in the sample sizes from the different periods freely admitted, we are interested in seeing what patterns the data, such as it is, suggests about the thinking of printers and would-be printers in provincial France in the *ancien regime*.

Argumentation theory

Hypothesizing that the printers of seventeenth- and eighteenth-century France were competing for licenses in what they perceived to be a reasonably lucrative industry, gives us reason to view their petitions as earnest attempts at persuading the license grantor to look favourably upon them. Persuasion then, is what they were up to: persuasion by any means that could be committed to paper and thought to have a chance of succeeding. Thus, in examining the decrees which have recorded these petitions, we are not surprised to find that they contain *reasons* why the applicant should be given a license; i.e., they contain *arguments* in favour of the applicant's petition. These were arguments given by educated urban elites of eighteenth-century provincial towns to royal officials in Versailles. One must assume (a) that the arguers had ideas about what kinds of arguments would have the best chance of success with the authorities, and (b) that they considered the arguments they gave as being relevant to their cause.

All this talk of arguments gives the historian occasion to engage the argumentation theorist. Argumentation theory is simply the theory which takes an interest in arguments *qua* arguments. It would be better, of course, to speak about argumentation *theories*, in the plural, for there are different ones with different aims, each with its own peculiar resources. Fully developed, an argumentation theory offers guidance on analysis, construction and evaluation of good arguments. But the idea of a 'good argument' may be viewed from different perspectives. Rhetorical theories of argumentation, like Chaim Perelman's (1958), focus on argument as the intermediate object between arguer and audience, and develop the importance of adapting arguments to audiences. Dialectical theories of argumentation, like that of Van Eemeren and Grootendorst (1984), turn on the rational resolution of disagreements between arguers; for them, arguments are moments in argumentation, and they offer a sophisticated model whereby argumentation can be evaluated as more or less rational. Theories mainly concerned with the evaluation of arguments – where 'argument' is understood as a combination of premises and a conclusion – are logical theories of argumentation. One such notable theory, developed in the last twenty-five years, is the informal logic of the Canadians Johnson and Blair (1977). In their view the standards for good arguments have not been sufficiently captured by formal logics and they attempt an enriched analysis of 'good argument'.

All three of these theories – the rhetorical, the dialectical and the logical – share an interest in the nature of *argument* where that term is simply under-

stood as a claim (conclusion) supported by reasons (premises). Arguments are the kinds of things that can be good or bad, strong or weak, depending on the degree to which they provide support for their conclusions. Hence, argumentation theorists are mainly interested in normative issues, questions of developing standards whereby to measure the goodness of given arguments.

In this essay, however, we are not concerned to *evaluate* arguments or argumentation found in the applicant letters, nor are we especially concerned with disagreements and objections. (We postpone these issues to a sequel.) In this preliminary study we want only to look at arguments from a non-evaluative point of view and identify which kinds of arguments the applicants *chose* as most likely to bring them success. In other words, our enterprise is *descriptive* and not *normative*, it belongs to social science and not to logic. Simply put, we wonder whether the kinds of arguments used in the applicant letters changed over the years. To answer this question we must find some way to classify arguments and look for changes in class membership. Hence, the categories of which we are in need, are categories of arguments.

The arguments we are studying may all be seen as having been meant to support the claim that *the crown should grant applicant X a printer's license to practice in provincial city Y*. We find that the kinds of reasons (premises) brought forward to support this conclusion may be divided into four broad categories, and accordingly, there are four broad kinds of arguments that were given in support of the applications. Each kind of premise then, together with the general conclusion we indicated, gives rise to four general kinds of arguments as follows:

(1) *Qualification based arguments* are those whose premises make reference to an applicant's qualifications: that he is properly trained, has the relevant education, and has the equipment needed to be a printer.

(2) *Character arguments* are those whose premises make reference to the candidate having a good moral character and/or of his loyalty to the state.

(3) *Family factor arguments* are those whose premises show that the applicant had some kind of a claim on the position due to the fact that he or she had a relative (father, or father-in-law) in the printing business. Included here will also be arguments turning on sympathy to the effect that the applicant and his family would fall on hard times if their application were to be unsuccessful.

(4) *Testimony arguments* are also arguments whose premises make reference to the qualifications of the applicant, but they differ from qualification based arguments in that they consist in supporting testimony by other

persons (e.g. colleagues, employers, church and government officials), rather than the first-person avowals of the applicant.

A first look at the data

Our first observation concerns the *diversity of kinds of arguments used* by an applicant. We assume that each decree reports more or less correctly the arguments that were contained in the original application letter. We now ask, did all the candidates use all four kinds of arguments? (e.g., family factor argument, character argument, etc.). And the answer is No. Not all the applicants availed themselves of all of the four kinds of arguments. Nevertheless, as Table A indicates, there is, in the six periods we studied, a steady increase in the argument diversity of the applications. Whereas, for the years 1669–1703, we see that 12 of the 18 applicants (66.7%) made use of qualification arguments, less than 20% made use of character arguments. However, for the final period, 1776–1781, nearly all the applicants made use of qualification arguments and a third of them employed character arguments as well. Therefore, the diversity of the kinds of arguments used in the later period is greater than in the earlier period; argument diversity was on the rise.

How is this to be explained? The increase in argument diversity suggests that the candidates were increasingly aware that they had to employ different kinds of arguments in their applications; that they had to include different kinds of factors to show their eligibility. They felt that officials needed to know about their qualifications, their families and the local officials who supported them. In part this could reflect the increased competition for the limited number of printer positions as well as an understanding among both printers and officials that a certain number of bases needed to be covered.

Another tendency shown in Table A deserves to be remarked upon. Character arguments increased. In the early period only 16% used character arguments, in the second half of the eighteenth century between 33% and 48% did. This is evidence that the applicants took character to be an increasingly significant factor in a successful application and that were increasingly concerned to reassure officials that they would not engage in the clandestine trade.

A second observation concerns a relationship between *arguments and application letters*. We refer to this relationship as *argumentative density*. An application which contains more arguments than another application has greater argumentative density (on the assumption that all the applications were of roughly equal length). Argumentative density is calculated (i) *for a document*

Table A. % of argument kinds as they occur in the decrees*

	1669–1703		1709–1714		1719–1724		1739–1744		1755–1760		1776–1781	
Number of decrees (368)	18		80		100		77		54		39	
Qualification arguments	12	66.7%	60	75%	79	79%	50	64.9%	52	96.3%	35	89.7%
Testimony arguments	8	38.9%	34	46.3%	60	60%	38	49.3%	36	66.7%	31	79.5%
Family factor arguments	13	72.2%	59	73.8%	86	86%	57	74.0%	42	77.8%	37	94.9%
Character arguments	3	16.7%	17	21.3%	43	43.0%	26	33.7%	26	48.1%	13	33.3%

* no. of arguments in argument kind divided by no. of decrees

Table B. Argumentative density (number of arguments per decree)*

	1669–1703	1709–1714	1719–1724	1739–1744	1755–1760	1776–1781
Number of decrees (368)	18	80	100	77	54	39
Number of arguments	54	274	405	264	236	186
Argument Density	3.00	3.42	4.05	3.42	4.37	4.77

* total no. of arguments divided by the number of decrees

(a decree) by simply counting the number of arguments it contains, and (ii) *for a period* (a set of documents) by dividing the total number of arguments in the period by the number of decrees in the period.

Table B shows an increase in argumentative density in the decrees over the period of our study. So, whereas the average application contained 3.00 arguments in the earliest period, this rose to 3.42 in 1709–1714, then to 4.05 in 1719–1724, and then 3.42 in 1739–1744, to 4.37 in 1755–1760, and in the final period it rose to 4.77.

Since we have divided the kinds of arguments given into only four kinds, once argumentative density rises over 4.0, it must be the case that for at least one of the four kinds of arguments, the applicants were offering more than one argument; that is, in some of the decrees there would be two or more arguments in favour of qualifications, for example.

The explanation of the increase in argumentation density supplements the explanation of the increase in argument diversity: applicants were strengthening their cases by increasing the number of arguments within a given kind in an application. What factors might have occasioned this change? The applicants may have felt themselves in competition with others who were also writing applications rich in argument diversity. Increased argumentation density was a means of strengthening applications which were already thought to be sufficiently diverse in argumentation. Another possibility is that, over time, with the standards for printers being revised and made public by the crown, the way to ensure that an applicant was seen by the authorities as satisfying the standards, was to show that he was in some sense 'overqualified'; that is, he had several testimony arguments in his support, one from the judicial officer, another from a clergy man, another from a guild official. This approach of showing that one met the standards 'and then some', led to increased argumentation density.

Looking more closely at qualification arguments (Table C)

Each of the four broad categories of arguments we have identified, may be further divided into subcategories, thereby giving us a more detailed look at the kind of arguments that were employed. In the broad category of *qualification arguments* we found five different kinds of reasons or arguments. There were (a) those arguments whose premises made reference to the technical training of the applicant, that he had finished his apprenticeship or was a journeyman; (b) those arguments which reported the applicant's formal education, especially that he had Greek and/or Latin; (c) those arguments giving as a reason that

Table C. Comparative frequency of kinds of qualification arguments reported*

	1669–1703		1709–1714		1719–1724		1739–1744		1755–1760		1776–1781	
Total number of arguments	20		106		128		70		91		60	
No. of training arguments	10	50.0%	52	49.1%	57	44.5%	31	44.3%	26	28.6%	17	28.3%
No. of education arguments	5	25.0%	37	34.9%	46	35.9%	28	40.0%	52	57.1%	30	50%
No. of equipment arguments	5	25.0%	15	14.2%	21	16.4%	5	7.1%	6	6.6%	2	3.3%
No. of bookseller arguments	0	0.0%	2	1.9%	4	3.1%	6	8.5%	7	7.7%	11	18.3%

* no. of kind of qualification argument divided by total number of qualification arguments

the applicant owned or had access to printing equipment; (d) those arguments which said the applicant already had a license as a bookseller (indicating that he had successfully been through the licensing process once already).

It is striking that, in the earliest period, arguments about the applicant's training counted for half the arguments given and education was only half as important as training. However, when we come to the last period, things were reversed. By 1776–1781 it was education which was cited as an argument most often (50%) and training had fallen to less than 30%.

This suggests that printers focussed more on convincing officials that they were educated, knew Latin and Greek, than they did on drawing attention to their training. The other discernable pattern is that having one's own equipment decreased as a cited reason, from 25% in the early period to only 3.3% in the last period. A possible explanation for both trends is that more and more applicants were from printing families and their training and equipment were assumed.

Family factor arguments (Table D)

There seem to be six different sub-categories of family factor arguments given in support of the printers' applications. First, (a) there are those which identified the applicant as a son, son-in-law, nephew or grandson of a printer; (b) there are those which identified the applicant as having married a printer's widow (and who wanted to enter the trade by taking over her printing house); then there are (c) those arguments which turned on the applicant's father's reputation, making reference to the father's prudence and/or technical competence as a printer. There are also those arguments (d) wherein the applicant claimed to have been trained in a printing family from an early age, and (e) those in which the applicant declared that his family had been in the printing business for many generations. Finally, some gave (f) the *ad misericordiam* argument (appeal to pity, or sympathy) that the family would suffer hardships unless it was granted a printing license.

Table D shows that the percentage of the candidates arguing that they were replacing a close relative (son replacing father, or nephew replacing uncle, etc.) increased over the period of the study. Whereas only 55.5% made this argument in the first period, 87.2% made this argument in the last period. This suggests that the printing trade was becoming increasingly closed to outsiders throughout the century. One notices also, in Table D, that there was a steady decrease in the use of *ad misericordiam* arguments (from 16% to 0%): this may

Table D. % of applicants using family related arguments*

	1669–1703		1709–1714		1719–1724		1739–1744		1755–1760		1776–1781	
No. of decrees	18		80		100		77		54		39	
No. using Father, son, nephew	10	55.5%	50	62.5%	71	71%	52	67.5%	40	61.2%	34	87.2%
No. using Marrying a widow	2	11.1%	6	7.5%	6	6%	4	5.2%	0	0%	2	5.1%
No. using Father's reputation	4	22.2%	5	6.3%	18	18%	12	15.6%	4	6.2%	6	15.4%
No. using 'From early age'	0	0%	16	20%	24	24%	15	19.5%	5	7.7%	21	53.8%
No. using many generations	2	11.1%	13	16.3%	23	23%	13	16.9%	13	20.0%	10	25.6%
No. using sympathy arguments	5	27.7%	12	15%	12	12%	8	10.4%	3	4.6%	0	0%

* no. of arguments in argument kind divided by no. of decrees

be evidence that the printers and would-be printers refrained from making appeals to sympathy, possibly because government officials were not responsive to them. Many officials believed that poor printers were especially likely to engage in the clandestine trade and consequently should not be allowed to work. Those who thought along these lines would certainly not have responded favourably to appeals to sympathy and gradually the printers may have learned not to use them.

Some conclusions

The counting and classifying of arguments can take a number of different forms but today we would like to take up four trends in this data and suggest possible conclusions that might be of interest to historians of eighteenth-century France.

The first concerns the decline in the role of patronage in eighteenth-century society (Beik 1985; Kettering 1986). Printers were covering an agreed upon set of requirements to become a printer and there was consensus about what such a minimal set of requirements looked like. Increasingly over the course of the century, they added to this with as many additional arguments as they could. Even if, behind the scenes, patronage determined some of the licenses granted, this understanding of the qualifications of a good printer had to be addressed. There were limits on traditional patronage by the end of the eighteenth-century because the pool of possible candidates for printer positions was limited and governors, bishops and other noble protectors had to limit their patronage to candidates who were able to demonstrate they could meet the requirements. The argumentation in the applications at the end of the century could then be said to reflect developing bureaucratic or administrative control which parallelled, complemented and transformed older patronage practices.

The whole licensing process suggests that the printer guilds played a smaller role in deciding who was to have a license than they did in the seventeenth century. The guilds no longer decided who would be admitted as printers. Instead they contributed an opinion to an applicant's dossier. That the printer guilds saw their role so reduced is possibly of interest to historians of de Tocqueville, corporations and absolute monarchy. Many historians have shown how misguided it would be to use the corporate idiom of guilds as a tool to describe the real world of eighteenth-century artisans.[11] For most artisans, there was an enormous gulf between guild rhetoric and the realities of

the workplace. Our study shows that not only did guild rhetoric camouflage employer-worker relations, it also camouflaged recruitment decision making. In the case of printers, the guild rhetoric was especially hollow and when it was used, it was really a desperate effort to cling to vision of guild autonomy that no one really believed in anymore. The guild rhetoric was in fact evolving and disappearing and terms such a *l'administration*, *concours*, book trade inspectors began to fill the guild registers. The conclusion here is quite in line with de Tocqueville in that the corporate power of the printer guilds was quite clearly undermined by the monarchy.

The declining influence of the guilds did not mean, however, that the families in the printing trades did not benefit enormously as did other members of provincial urban elites from the growth of absolute monarchy. We need here only to look at the important place of the family in this argumentation and note how it increased over the course of the eighteenth century. Despite a number of indications that some *philosophes* and some printer workers were trying to separate the notions of "family" and "merit" in people's thinking, it seems here that both officials and candidates increasingly fused the ideas of family and merit and did so to a greater degree, as the century wore on (Bien 1979).

Through the licensing process, printers and officials seem to have communicated back and forth on the issues, both sides increasingly believing that the best possible education for a printer was to have been raised in a printing family. This tendency increased over the century. This view of education gave enhanced importance to family training, both in values and in technical matters. Clearly it seems there is a consensus that candidates had to be able to make a family argument in their favour. That technical merit was not mentioned as much was largely because it was taken for granted. What mattered was something closer to ideological suitability and financial security, both important criteria for good printers and both more likely to be found in long-serving printing families. It is clear from this data that character arguments take on more importance in the later eighteenth century than it did in the seventeenth century. Printers made reassuring claims about probity, good morals, reproachless conduct in their applications because they were countering notions that circulated in Versailles and elsewhere that printers in the provinces were heavily engaged in the selling of pirated and prohibited books. Printers and officials both were aware of the view that the printing world in the French provinces was disordered and dangerous. This persistent discourse of disorder and the numerous appeals to fear made by the printers themselves (*ad baculum* arguments) are evident in all aspects of book trade regulation in eighteenth-century France.

The emergence and power of this notion of dangerous disorder in the printing trades was the result, in a very large part, of the lobbying efforts of the Paris publishing industry which was concerned to protect its copyrights and markets. It was reinforced by the licensed printers in the provincial towns themselves who tried to hold on to their own market share by scaring the government with dire scenarios that would develop if officials were to be foolish enough to license more printers. These economic agendas are important in fostering a vision of the provincial countryside as one full of pirated and clandestine books, a place that had to be cleaned up if the monarchy was to survive. Some historians believe that this vision was close to the reality (see Darnton 1982, 1991).

Whether there really was a dangerous increase in the sale of clandestine pamphlets and books, or just an exaggerated vision created by lobbyists, there is no doubt that the vision was clearly in the minds of royal officials. In the eighteenth century, royal officials believed that printers, printing and public opinion represented a much more serious danger than Colbert and his contemporaries believed they did. The arguments studied here reveal a group of printer candidates that was very concerned to present itself as ideologically acceptable. Their thinking suggests that a modern notion of ideological control had emerged, a notion that both officials and the printers shared and one that both groups (printers and officials) played a part in creating. In 1667 the ability of the French book trade to compete with the Dutch was foremost in Colbert's thinking. This concern had not disappeared, but it was certainly being overshadowed by family and ideological considerations.

Notes

1. Archives nationales, (AN) V6 1099, December 18, 1780; Bibliothèque municipale de Dijon, Mss. 745, *Communauté des imprimeurs-libraires de Dijon: registre des déliberations* (10 mai 1772–22 février 1790). For references to the historical literature and the regulation of the book trade in eighteenth-century France see J. McLeod (1988).

2. The towns under the jurisdiction of the *chambre syndicale* of Dijon were: Auxerre, Châlons-sur-Saône, Chaumont, Langres, Moulins, Nevers.

3. Much attention has been given the August 1777 decrees for their reform of copyright rules (see Birn 1971; Hesse 1991; and Dawson 1992). No attention has been given to issues of recruitment and policing that were addressed in these decrees.

4. In 1701 there were 411 printers in France (including Paris). In 1704 the ceiling ordered was 285 printers and the ceiling in 1739 was 250. In 1764 there were 309 printers and in 1777 there were 310. Census data in 1701, 1764 and 1777 is from Roger Chartier (1973).

The ceilings fixed by the Crown are from *arrêts du conseil* 21 July 1704 and 31 July 1739; copies in Saugrain (1744).

5. In theory this was by obtaining royal permission which was provided in the form of an *arrêt du conseil,* usually of the *conseil privé.* The requirement of an *arrêt* was reiterated in 1673 and 1700 and in many subsequent decrees. The decree dated 6 December 1700 stated that the King had been informed of the contraventions committed in enforcing the rules of the book trade and that the abuses arose principally because of the large number of booksellers and printers who, without the required abilities, were setting up in several towns in the realm and were printing all sorts of books that undermined good order.

6. By 1700 many printers were in fact obtaining them. Indispensable for understanding Privy Council decrees is Albert Hamscher (1987) and Michael Antoine (1970).

7. On 21 July 1704 the Crown fixed the number of printers allowed for every city in France and printers were ordered obtain an *arrêt du Conseil.* The 1704 decree also ordered all candidates to present their titles and qualifications to the Chancellor.

8. After 1723 printers used criteria outlined in a major piece of legislation issued to govern the Paris book trade, an *arrêt en commandement* issued by the royal council in 1723, often referred to as the *Code the la Librairie.* These rules were originally designed to be issued as the more forceful *Déclaration* but the parlement of Paris would not agree. On the 1723 *Code*, see H. de la Bonninière de Beaumont (1966).

9. In this pilot project we survey the kinds of argumentation used by the men and women in provincial France who applied for royal licenses to run printing houses in the period, 1669–1781.

10. Some original letters are in the papers of the *bureau de la librairie* in AN V1 549-553.

11. For example, see the work of Michael Sonenscher.

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Chapter 21

Inventional capacity

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"Inventional capacity" refers to the size of one's stock of available arguments in a given situation. The elements in one's repertoire are generated in one of three ways: the argument is directly recalled from memory, or it is recalled and then edited to adapt it to the immediate circumstance, or it is completely invented from whole cloth (Waldron 1990). Arguments that are made public, first exist cognitively (Hample 1985).

The main task of this paper is to summarize a number of recent unpublished experiments that offer information about inventional capacity. Before doing so, however, perhaps a brief description of the importance of this idea in both classical rhetorical theory and contemporary message production theory might be in order.

1. Theoretical background

This is surely not the place to trace the whole history of invention in rhetorical theory, and I am not the person to do it anyway. Instead, let me begin with some focused attention on a single passage from Cicero's *Topica*.

That book was written in response to repeated requests by Trebatius, a protégé of Cicero's who acted as liaison between Cicero and Caesar. Trebatius found Aristotle's *Topics* in Cicero's library, but wished to have a more readable account because Cicero had assured him that "...these books contained a system developed by Aristotle for inventing arguments so that we might come upon them by a rational system without wandering about..." (*Topica* I. 2). This sets the stage for the points I wish to make. For Cicero, inven-

tion is systematic, rational, and efficient. It is something done on purpose, done by study.

Soon thereafter comes the passage I wish to reflect upon. The substantive beginning of the book is this: "Every systematic treatment of argumentation has two branches, one concerned with invention of arguments and the other with judgment of their validity…" (*Topica* II. 6). Cicero credits the Stoics and their writings on dialectic with having made great contributions to the second branch, judgment. Aristotle and his *topoi*, however, are Cicero's main source of inspiration regarding invention. Some of these *topoi* are intrinsic, and include the whole, the parts, the meaning, and those things closely connected to the thesis. Extrinsic *topoi* are, of course, external to the nature of the subject, and mainly involve proof by authority (XIX. 72–XX. 78).

This is an important theoretical statement about argumentation. Cicero clearly distinguishes between the generation of possible arguments and the testing of them, and that distinction is at the heart of this research program. I depart from Cicero in detail, however, and wish briefly to say why.

The first branch of Ciceronian argumentation is invention, which consists mainly of the *topoi*. The topical systems have always struck me as *post facto* and unhelpful to the creative process. Given enough time to prepare, one might make constructive use of the *topoi*. But in the moment, one may simply have to argue, and circumstances do not often permit time to work through the lists of *topoi*.

Actually, Cicero shows some sensitivity to this hesitation in another work. In *De Oratore* the participants debate whether or not rhetoric is an art. Crassus makes this comment: "If however the actual things noticed in the practice and conduct of speaking have been heeded and recorded by men of skill and experience, if they have been defined in terms, illuminated by classification, and distributed under subdivisions – and I see that it has been possible to do this – I do not understand why this should not be regarded as an art…" (I. 109). This displays my own understanding: that the *topoi* and other rules are after the fact, things noticed in the practice of successful orators. Though substantial energy invested in working through the lists of *topoi* and *stases* could produce some good inventions, I am doubtful that even those carefully trained in classical rhetoric do this very often. I think they mainly just argue.

The second part of argumentation is judgment. Arguments can certainly be tested dialectically, but this is the only method Cicero has in mind. This seems overly restrictive, for two reasons. First, dialectic is solely concerned with rational testing, and other factors (e.g., politeness) are also reasonable tests of an argument. Second, dialectic is inherently public, and always involves two or

more people. This misses the private approximations to dialectic that a single person might construct in thinking through an argument prior to utterance.

So the merit I find in Cicero is the sharp distinction between invention and judgment, and the recognition that these are the two aspects of argumentation. My objection to what he says on both heads is the same, that his descriptions are too unnatural to describe what people actually do. More useful material is found in recent theories of message production.

In that work, the idea of repertoire is recurrent. Most theories take it as a starting point. The compliance-gaining tradition, for instance, uses explicit lists of messages, and asks respondents to choose the ones they would be willing to utter (see Wilson 1997). Greene's (1997) action assembly theory sees messages as having been assembled from components stored in memory. Berger (1997) says that people speak from plans that contain pre-existing messages. Kellermann (1995) shows that we have memory organization packets for episodes, and how these little theories of what might happen contain what can be said at each anticipated point. Hample and Dallinger (1987, 1990) presume that people have repertoires of possible arguments, and that they select the ones that best suit the actor's immediate goals. Several theorists, such as Dillard (1990, in press) and Meyer (1997), make use of the goal-plan-action model. This theory says that goals activate pre-existing message plans, which contain the messages. O'Keefe and Lambert (1995) argue that messages take their content from a reading off of the thoughts stimulated by the interaction. Several scholars (Berger 1997; Hample 2000; Waldron 1990) have noticed that the messages may not come cleanly out of the repertoires, because some sort of modification may be needed. The common thread in all these theories is the idea that the repertoires exist prior to the episode, and that messages are activated by circumstances.

But this is mostly a theory of recall, not of invention. We have a welter of accounts describing how materials are discovered in memory. In 2000 years, our discipline has done very little to study how content can be freshly created, or more likely, how it emerges from memory in freshly adapted form. Nor have we done much in the way of predicting the nature of people's repertoires. The inventional capacity research program has the goal of eventually redressing these two deficiencies.

2. The empirical record to date

Several studies have now investigated the idea of inventional capacity. These have been exploratory in impulse, and have mostly concerned themselves with the nature of the construct. It is understood as an individual differences variable. These first studies have clarified what sort of individual difference it is, have explored whether it depends on the situation that calls for arguing, and have investigated a few features of the repertoires themselves. In reviewing this work, I will begin by explaining how inventional capacity is operationalized, and then move on to the substantive results.

2.1 Operationalization

The measurement of inventional capacity is reasonably simple. Respondents are presented with a description of a stimulus situation, asked to imagine that they are actually participating in it, and then to list up to15 things that they could say in that circumstance. The measure of inventional capacity (IC) is the number of items listed. Most of the work has been done with persuasion situations, although some studies have examined comforting, initial acquaintance, and forgiving. All of the stimuli end by indicating the goal (e.g., "You initiate a conversation in order to forgive him/her").

Table 1 contains a few descriptive results from the studies so far, showing type of stimulus, sample sizes, means, standard deviations, and the percentage of respondents who listed 15 items. The stimuli are abbreviated as follows: P represents persuasion, F forgiveness, C comforting, and IA initial acquaintance. These results indicate a reasonable amount of variation in the means, and also suggest that 15 is an acceptable upper limit for the listing task.

Table 1. Descriptive statistics

Study	Stimuli	N	IC Mean	IC SD	% with 15
Hample, Quinton, et al. (2000)	P	110	9.2	3.6	18%
Hample, Grismer, et al. (2000)	P	108	5.9	3.1	4%
Hample, Gonzalez, et al. (2002)	P	114	5.7	2.7	2%
Hample & Wang (2001)	F	136	6.0	2.9	1%
Hample, Hammond, et al. (2002)	P, C, IA	297	6.9	3.1	2%

2.2 The nature of the individual difference

Plainly, people differ in their inventional capacities. What sort of individual difference is this? We have investigated two possible answers, trait and ability. A trait is an enduring personality characteristic, a predisposition to behave in a general way. Examples of traits are extroversion and communication apprehension. A cognitive ability, on the other hand, is a measurement of cognitive architecture or dynamics. Intelligence and accuracy of recall are abilities, for instance. We have explored this issue with designs that permit us to correlate inventional capacity with various ability or trait measures.

Our intuition at the start of the program was that inventional capacity is probably an ability, and the initial studies reflect that orientation. The first studies tested the association between inventional capacity and a range of individual differences measures. The abilities tested include academic performance, creativity, and interpersonal construct differentiation. The traits were argumentativeness and verbal aggression. For the most part, our results indicate that inventional capacity is predicted by several abilities, but is not associated with the trait measures.

Academic ability was assessed by obtaining respondents' consent to gather their grade point averages and ACT scores from university records. In Hample, Quinton, et al. (2000) inventional capacity was not associated with these measures, although the correlations with several of the English subscales of the ACT approached significance. However, Hample, Grismer, et al. (2000) do report significant correlations between inventional capacity and GPA ($r = .31$), and several of the ACT subscales (English, $r = .40$; reading, $r = .39$; English usage, $r = .40$; rhetorical skill, $r = .37$; arts, $r = .36$; social science, $r = .36$; and math, $r = .30$). Considering both studies together, and cumulating their data, it is safe to conclude that inventional capacity is associated with verbal ability, and perhaps with other intellectual measures as well.

Perhaps the most common way to understand creativity is to conceptualize it as divergent thinking. We measured it in two ways (Hample, Quinton, et al. 2000, drawing the measures from Getzels & Jackson 1962). In the Uncommon Uses Test, people are asked to list novel uses for various objects, such as a brick. The Word Association Test requests respondents to list as many definitions for a word (e.g., duck) as they can. Inventional capacity is positively associated with both instruments. The uncommon uses instrument correlates with IC at $r = .38$, and the word association measure at $r = .30$.

The last ability variable is interpersonal construct differentiation. Assessed with the Role Category Questionnaire (see Burleson & Waltman 1988), this is

a measure of cognitive architecture. People with high RCQ scores have more differentiated, more varied, more developed perceptual systems to apply when interacting with others. We felt that since interaction is a central element in both argument production and person perception, the two cognitive architectures might well develop in tandem, having comparable levels of sophistication in a given person. In fact, RCQ scores are highly correlated with inventional capacity in both persuasive situations (r = .49; Hample, Grismer, et al. 2000) and forgiveness situations (r = .46; Hample & Wang 2001). However, Hample, Gonzalez, et al. (2003) report that their correlation, while positive (r = .16) is not statistically significant.

To date, we have compared inventional capacity with only two trait measures, argumentativeness (Infante & Rancer 1982) and verbal aggression (Infante & Wigley 1986). Even if inventional capacity is really an ability measure, we thought it might manifest itself in predispositions to argue or to be verbally aggressive. People high in inventional capacity, after all, have larger repertoires and more verbal facility. We thought they might therefore seek out argumentative interactions. However, neither construct is significantly associated with inventional capacity (Hample, Grismer, et al. 2000).

We do not rule out the possibility that inventional capacity will turn out to have reliable associations with some personality traits. However, we are confident in saying that inventional capacity is most immediately reflective of intellectual ability, and any future finding of association with traits will need to be explained in those terms.

2.3 Situation

We also wish to know how stable inventional capacity is. Another way of asking this question is to inquire how much effect situation has on IC scores. If inventional capacity were completely stable, we should obtain the same IC scores from a given person regardless of the situations s/he is responding to. On the other hand, people might have different inventional abilities for different circumstances.

Our work has followed three paths on this issue. First, we have used several different instances of the same general goal. For instance, in the studies using persuasive stimuli, we distributed 3 or 4 different persuasive situations within each sample. Second, we have used different goals. Besides persuasion, we have examined IC scores for comforting, initial acquaintance, and forgiving. Although it is sometimes a stretch to describe initial acquaintanceship tactics

as arguments, people tend to respond to persuasive, comforting, and forgiving situations by giving reasons.

Within a general category of goal, IC scores are generally unaffected by specific instantiation. Hample, Quinton, et al. (2000) used 4 different persuasive situations, and found that IC scores did not discriminate between them. The same result appears in Hample, Grismer, et al. (2000), which used 4 other persuasive situations. Hample and Wang (2001) used 6 different forgiveness situations in their design, and report that IC scores are essentially the same for all 6 instantiations. Finally, Hample, Hammond, et al. (2002) used 3 persuasive situations, 3 comforting stimuli, and 3 initial acquaintance situations. Instantiation did not make a difference within persuasion or initial acquaintance goals, but a significant effect appeared for comforting ($eta^2 = .06$). The comforting results may be worth following up. But when people have persuasive goals, our data indicate that they will have essentially the same IC scores regardless of the situational details.

A second strategy used to explore the possible relationship between inventional capacity and the stimulating situation has been to describe the situation in finer detail. Hample, Gonzalez, et al. (2003) asked respondents to rate persuasive situations in terms of several goals suggested by Dillard (1990). These goals are to influence the other, to protect own identity, to preserve the interaction, to protect the relationship between persuader and target, to preserve personal resources, and to manage own arousal. None of these correlate significantly with inventional capacity, again suggesting the independence of this ability from immediate circumstances.

The last approach in studying situation has been to compare different goals. In Hample, Hammond, et al. (2002), persuasion, initial acquaintance, and comforting goals were compared. The mean IC scores for the 3 goals were all in the range from 6.8 to 7.1, and the differences were not significant. Hample and Wang (2001) only collected data on forgiveness situations, but they compared the mean IC from the forgiveness data to those obtained in earlier studies, and they, too, report that goal type does not affect IC scores.

In Hample, Hammond, et al. (2002), each person actually responded to two different situations that differed in goal type. This permits a correlation between the IC score for the first goal/situation and the second. This correlation is significant ($r = .72$). This result not only supports the conclusion that inventional capacity is stable across situation types, but also offers a lower limit estimate of the instrument's reliability.

In sum, research on situational effects supports the conclusion that inventional capacity is fairly consistent across the various goals and specific situa-

tions that we have studied. The ability to generate possible arguments appears to be quite a stable one.

2.4 The nature of the repertoires

Exploration of the contents of people's repertoires will probably prove to be one of the more interesting topics in the research program. We can offer results bearing on three issues, the politeness of the repertoires, their creativity, and their content types.

The question of repertoire politeness was raised in a different research program. Hample and Dallinger (1998) tried to explain why people's arguments become ruder after a rebuff. That is, if a person makes a persuasive appeal, has it refused, and decides to persist, the second message will be more aggressive than the first one. Hample and Dallinger speculated that this might happen because people's editorial standards change after one or more rebuffs, such that arguers become less concerned about politeness issues. In fact, they obtained support for that hypothesis. However, they were aware that another, independent, explanation for the effect was also possible. This is the repertoire exhaustion hypothesis, which suggests that when people have to give a second or third argument, they must move down lower into their repertoires. If the prosocial messages are higher in the repertoires, as seems plausible, then perhaps the rebuff phenomenon occurs because people have run out of polite messages after being rebuffed. Repertoire exhaustion and changing editorial standards could both be happening simultaneously. Consequently, the finding that editorial standards do change does not rule out the exhaustion hypothesis.

Hample (2001) analyzed the persuasive repertoires from the Hample, Grismer, et al. (2000) and Hample, Quinton, et al. (2000) studies. Each listed item was rated as to its politeness, and those politeness ratings were compared to the ordinal positions of the items. For the repertoire exhaustion hypothesis to be correct, the first-listed messages should be rated as more polite than those at the end of the lists. In general, however, the mean politeness ratings for the listed messages were essentially the same, regardless of whether the items were listed early or late in the repertoires. What this means is that people do not need to sacrifice appropriateness in order to generate additional arguments. This is an interesting finding.

Besides politeness, we have obtained some results bearing on the creativity of the repertoires. In addition to listing what they might say, some respondents were also asked to rate each listed item as to its usualness. Our original hope was that we would see clear breaks in the usualness scores as we moved down

through the repertoires. We expected the first-listed items to have been easily retrieved from memory, and the later items to have been invented with more difficulty.

These considerations prompted us to compare mean usualness ratings within the repertoires (i.e., the first item's usualness to the second item's, to the third item's, and so forth). Hample, Quinton, et al. (2000) found a significant decline in usualness as one moves downward through the repertoires. Hample, Grismer, et al. (2000) replicate this result ($eta^2 = .05$). The pattern does not appear in Hample and Wang's (2001) study of forgiveness messsages.

But even in the persuasion studies where a decline in usualness appears in the data set, we do not see the breaks we had hoped would give us guidelines as to how many arguments are simply retrieved, how many are retrieved and slightly edited, and how many are substantially freshened or genuinely invented in the moment. In every study to date, the mean usualness rating for every ordinal position (1 through 15) is above the theoretical midpoint of the usualness scale. Since nearly all our respondents quit listing new arguments before they arrive at the limit of 15, we may have failed to generate a research design that captures or requires genuine inventions. This research program suggests that Waldron's third possibility, inventing from whole cloth, is chimerical. The key inventional process seems to be recall, and the next most important is editing and adapting.

A recent study (Hample, Elliott, et al. 2003) coded the inventions provided by respondents in Hample, Quinton, et al. (2000) and Hample, Grismer, et al. (2000). We found that 87% of the items are argument-relevant. Almost two-thirds of the inventions are coded as reasons. About 10% state conclusions. This is an important result, because the format of the inventional capacity instrument leaves people free to write whatever they want. Items such as "how are you doing today?" appear on the lists, but such substantively-irrelevant messages are in the minority. The inventional capacity instrument does, in fact, capture argument repertoires. Further, the statistical analyses in that investigation show that the leading correlates of inventional capacity are explained by the argument-relevant content, not by the materials that bear only on politeness issues.

We have only begun to examine the contents of people's argument repertoires. So far, we can say that extra inventional activity does not seem to sacrifice appropriateness. Somewhat more novel arguments appear at the ends of lists than at the beginnings of them. And people do respond to this measuring procedure by providing argumentatively relevant material.

3. Conclusions

Inventional capacity is a new research program, of course, and its main contributions may still lie ahead. These early studies have some merit, however, in mapping the conceptual landscape. Arguing is a skill, which may be done well or poorly (Hample 2003). Both motivation and ability are critical in predicting a person's skill level in a given circumstance. Inventional capacity would seem to be part of the ability component of arguing skill. Argumentation is, after all is said and done, mainly about content. To argue well, one must have good content, and that means that one must have a repertoire with at least some high quality items.

One of the goals of the research program is to improve our descriptions of inventing. Classical rhetorical theory does not seem very useful in either describing how people actually generate content, or in giving prescriptive advice when the arguer has little time to prepare. Contemporary theories of message production are mostly about recall, and appear to have minimal interest in creativity. It is a commonplace that the first canon of rhetoric includes both discovery and invention, but our community treatment of invention – whether rooted in classical theory or modern cognitive science – is rather sterile. Perhaps research on inventional capacity can help address this problem.

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Chapter 22

The conventional validity of the pragma-dialectical freedom rule

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1. Introduction

It is as yet unknown what ordinary language users think of discussion moves that are considered fallacious in argumentation theory. Little research has been carried out regarding the standards for reasonableness ordinary arguers apply when evaluating argumentative discourse. Because knowledge of the standards is of both practical and theoretical importance, some years ago we started a comprehensive research project aiming at mapping these standards in a systematic way. The study presented here gives an overview of the results of previous empirical investigations done on the *ad hominem* fallacy, the *ad baculum* fallacy, the *ad misericordiam* fallacy and the fallacy of *declaring a standpoint taboo*. Although at first sight these fallacious moves may look very different, they nevertheless have one theoretical feature in common: they all involve a violation of the first pragma-dialectical rule, i.e. the freedom rule according to which the parties should not prevent the other party from expressing standpoints or casting doubts. In a critical discussion, all parties have a fundamental and inalienable right to express any standpoint or any doubt they wish to express.

The central question in the empirical studies of which the main trends and results are reported here, was: to what extent do ordinary arguers regard these types of fallacies as reasonable or unreasonable?

2. Conventional validity and violations of the freedom rule

In the pragma-dialectical argumentation theory, argumentation is seen as a part of a procedure aimed at resolving a difference of opinion concerning the acceptability of a view or a standpoint. The moves made by the protagonist of the standpoint and those made by – or ascribed to – the real or imaginary antagonist in the discourse are regarded reasonable only if they can be considered as a contribution to the resolution of the difference of opinion. In an ideal model of a critical discussion the pragma-dialectical theory describes a discussion procedure that specifies the four stages an argumentative discussion has to go through. There is a 'confrontation' stage in which a difference of opinion manifests itself. There is also an 'opening' stage, in which the procedural and material points of departure for a critical discussion about the standpoints at issue are established. In the 'argumentation' stage the standpoints are challenged and defended. And the critical discussion closes with a 'concluding' stage in which the results of the discussion are determined. In order to comply with the dialectical norms of reasonableness, in all four stages the speech acts performed in the discourse have to be in agreement with the rules for critical discussion. If they are not, then they may be considered fallacious.

The different rules for critical discussion derive their 'problem validity' from the fact that they are instrumental in resolving the difference of opinion. To resolve a difference of opinion, however, the rules must, besides being effective, also – at least to a certain extent – be acceptable to the parties involved in the difference: they should be intersubjectively approved or 'conventionally valid'. This criterion is central to the empirical studies done on the (un)reasonableness of the different types of fallacies covered by the pragma-dialectical freedom rule.

According to the rule for the confrontation stage (i.e. the freedom rule) the parties are not allowed to prevent each other from advancing standpoints or casting doubt on standpoints. Attacking the opponent personally by means of an ad hominem fallacy is one way to eliminate him as a serious discussion partner. Traditionally, three variants of the argumentum ad hominem are distinguished, and all these variants were investigated in our first study (Van Eemeren, Grootendorst, Meuffels, & Verburg 1997; Van Eemeren, Meuffels, & Verburg 2000): (a) an *abusive* variant, (b) a *circumstantial* variant, and (c) a *you too* (*tu quoque*) variant. In the abusive variant, a head-on personal attack, one party denigrates the other party's honesty, expertise, intelligence, or good faith, so that the other party loses its credibility. Here is an example taken from the material in our first study (henceforth: 'ad hominem-study'):

(abusive variant; direct attack)

A: I think a Ford simply drives better; it shoots across the road.
B: How would you know? You don't know the first thing about cars.

In the circumstantial variant, an attempt is made to undermine the opponent's credibility by pointing out special circumstances pertaining to the opponent or suggesting self-interest on the part of the opponent that make the opponent's arguments mere rationalizations. Here is an example, again taken from the material in the ad hominem-study:

(circumstantial variant; indirect attack)

A: In my view, the best company for improving the dikes is Stelcom Ltd; They are the only contractor in the Netherlands that can handle such an enormous job.
B: Do you really think that we shall believe you? Surely, it is no coincidence that you recommend this company: It is owned by your father-in-law.

The *tu quoque argumentum ad hominem* is directed at revealing an inconsistency in the positions that the opponent has adopted on various occasions. This may point to an inconsistency between the standpoint the opponent attacked or defended in the past, or a discrepancy between a standpoint verbally expressed by the opponent and other behavior on his part that is not in accordance with this standpoint. An example from our ad hominem-study:

(tu quoque variant; you too variant)

A: I believe the way in which you processed your data statistically is not entirely correct; you should have expressed the figures in percentages.
B: You're not being serious! Your own statistics are not up to the mark either.

In our second and third study (the so-called 'ad baculum-phys study' and the 'ad baculum-dir study'), the *argumentum ad baculum* (i.e. 'the fallacy of the stick') was investigated: a threat aimed at preventing the other party at freely advancing a standpoint or casting doubt. The threat can be both physical and non-physical. The most extreme way of preventing the opponent from advancing a standpoint or putting forward doubt on a standpoint is to make it literally impossible for him to speak by means of brutal force. Here are two examples from the material participants were exposed to in our ad baculum-phys study (Van Eemeren, Grootendorst, & Meuffels 1999; Van Eemeren, Garssen, & Meuffels 2001). In this study the physical variants of the argumentum ad

baculum (first example) were compared to and contrasted with non-physical variants (second example), i.e. variants in which the other party is 'only' threatened by depicting some non-physical, undesirable consequences:

(physical variant of the ad baculum)

A: I think that the location in Amsterdam South is the best spot for the distribution of methadone; it is a quiet neighborhood with relatively few problems.

B: If you try to get that repulsive proposition passed, chances are you will have false teeth in the near future, let that be clear!

(non-physical variant of the ad baculum)

A: I think it is better not to have joint property when we get married; if the company goes bankrupt, at least they can't take possession of everything we own.

B: If you don't want to have joint property, that's fine with me, but as far as I am concerned we don't have to share our bedroom either.

In practice, ordinary arguers will presumably tend to use more subtle, indirect means for putting the other party under pressure. Indirect reference may be made to unpleasant consequences for the other party if the speaker does not get his way: "Of course you must make your own decision, but remember that we're one of your top clients". Or the speaker may emphatically deny any intention of putting on pressure: "I certainly wouldn't want you to be influenced by the fact that I happen to be chair of the committee that will be evaluating your work". This indirectness by which threats are sometimes put forward was the subject we focused on in our third empirical study on fallacies (henceforth: 'ad baculum-dir study'). In this study (Van Eemeren, Grootendorst, & Meuffels 1999) we contrasted direct variants of the *argumentum ad baculum* with indirect ones. Two examples, taken from the material (the first example pertains to the direct variant, the second one to the indirect variant):

(direct variant of the ad baculum)

A: Mom, I think you should watch your calories; you are growing too fat now.

B: Watch your words! Otherwise I'll smash you in the mouth.

(indirect variant of the ad baculum)

A: In my opinion women are bad drivers. Accident rates show this unambiguously.

B: Of course you may say this, but bear in mind your own safety! I cannot keep all those furious driving feminists under control.

Another effective way of putting pressure on the other party is to play on his emotions: "How can you have given me such a low mark for my thesis? I've really worked on it night and day". Traditionally, this fallacious appeal to pity is called *argumentum ad misericordiam*. The (un)reasonableness of this fallacious discussion move was investigated in two independent studies (one a mere replication of the other; henceforth: 'ad misericordiam-I study' and 'ad misericordiam-II'). One example from these two studies (Van Eemeren, Garssen, & Meuffels 2000a):

(argumentum ad misericordiam)

A: I don't think your graduation ceremony can take place; your research isn't any good.

B: You can't do that to me! I have already invited my whole family and all my friends.

In addition to personal attacks, threats and emotional blackmail and other ways of restricting a party's freedom of action, the freedom rule can also be violated by placing limits on the standpoints or doubts that may be expressed. One way of limiting expression of standpoints and doubts is to declare certain standpoints taboo: "Homosexuals in the army? I refuse to discuss such matters!" Conversely, particular standpoints can be declared sacrosanct ("I regard his authority beyond discussion".), so that the opponent is prohibited from casting doubt on them and they are rendered immune to criticism. This particular fallacy (i.e. the fallacy of declaring a standpoint taboo) was investigated in our sixth study (Van Eemeren, Garssen, & Meuffels 2000b). Here is an example, taken from our material:

(fallacy of declaring a standpoint taboo)

A: In my opinion, our university should pay more attention to research in which the possibilities of the cloning of people are studied. If not, we will fall far behind recent scientific developments in the United States.

B: Shut up! For me, cloning of people is absolutely taboo.

It is fair to say that there is little consensus among argumentation theorists about the malicious character of the discussion moves discussed so far. Even the evidently dubious status of the 'argument of the stick' is disputed by some fallacy theorists. But looked at these discussion moves from a pragma-dialectical perspective, they are all without exception invalid moves because they all involve a violation of the freedom rule for critical discussion.

3. Judgments on fallacies and non-fallacies

Each respondent in the six experiments we carried out was exposed to 48 constructed discussion fragments. Each fragment consisted of an imaginary dialogue between two interlocutors (A and B), one of them (B) systematically violating the freedom rule in 36 fragments, resulting either in an argumentum ad hominem, or an argumentum ad baculum, or an argumentum ad misericordiam or a fallacy of declaring a standpoint taboo (for examples of these dialogues, see the previous section). For base line and comparison purposes, in each of the six studies 12 discussion fragments were included in which no violation of the confrontation rule was committed. An example of a fragment of this last kind:

> A: I believe my scientific integrity to be impeccable; my research has always been honest and sound.
> B: Do you really want us to believe you? You have already been caught twice tampering with your research results.

Note that this last fragment (with no violation of the freedom rule) is constructed in accordance with the same fixed pattern that is used for the construction of the fallacious examples, and that B's response (in this specific case) is also marked by an ad hominem indicator (such as "Are you out of your mind?") to make sure that the fallacious and non-fallacious dialogues looked as much alike as possible. The respondents were asked to judge the (un)reasonableness of B's reaction, the antagonist. They could indicate their judgment on a 7-point scale (varying from 1 = very unreasonable, to 7 = very reasonable). The written instruction given to the respondents stated that people can have different opinions on the question of what is allowed or reasonable in a discussion. The notion of reasonableness was not specified any further.

The main question is whether the respondents (Dutch pupils with 4 or 5 years of secondary (i.e. high school) education or pre-university (i.e. grammar school) education, most of them 17 years old) make a distinction between discussion moves that, according to pragma-dialectical standards, involve a fallacy and those that are not fallacious. In Table 1, the mean for the 36 fallacious moves is contrasted with that of the 12 non-fallacious moves, abstracting from the specific type of fallacy in each of the six studies (see next section), and abstracting from the type of discussion (see Section 5).

In each of the six studies the same pattern is found: fallacies are considered less reasonable discussion moves than non-fallacies.[1] The respondents in each study regard the discussion fragments with a violation of the freedom rule also

Table 1. Means of reasonableness scores for discussion moves involving or not involving a violation of the freedom rule (between brackets: standard deviation) for each study (1 = very unreasonable; 7 = very reasonable) n = number of participants

Type of study	n	Violation of the freedom rule	No violation of the freedom rule
ad hominem	92	3.75 (.46)	5.29 (.64)
ad baculum-fys	35	3.35 (.46)	5.64 (.39)
ad baculum-dir	35	3.27 (.48)	5.41 (.62)
ad misericordiam-I	21	3.86 (.53)	5.06 (.42)
ad misericordiam-II	57	3.51 (.51)	5.20 (.41)
declaring taboo	52	3.33 (.45)	5.14 (.47)

in an absolute sense unreasonable while the fragments with no violation were regarded as reasonable. For example, in the ad hominem-study the mean reasonableness score for the dialogues with fallacies is 3.75 ('fairly unreasonable'), the mean for dialogues without fallacies is 5.29 ('fairly reasonable'). Assuming for the moment that alternative explanations are ruled out, the data in Table 1 provide strong support for the conventional validity of the freedom rule.

4. Judgments on different types of fallacies

Another variable of interest is the type of freedom rule violation. Do the respondents differentiate between the different kinds of freedom rule fallacies? For example, in the first study (Van Eemeren, Meuffels, & Verburg 2000) it was predicted that ordinary arguers would judge the abusive variant of the argumentum ad hominem the least reasonable, the circumstantial variant more reasonable and the tu quoque the most reasonable. This prediction could be confirmed (see Table 2).

For reasons of comparison and generalization the two variants with the largest contrast in our first investigation (i.e. the direct attack versus the tu quoque in the ad hominem-study) were again included in the five subsequent studies. Replicating such an effect employing different arguments on different topics is an important precondition before valid conclusions about message and argumentation effects can be drawn. Thus, in each of the six experiments three types of fallacies were investigated, each type represented by 12 discussion fragments; two of these involved always the same type of violation of the freedom rule. However, in each of the six studies the instrumental instantiations of these two types were different.

Table 2. Means of reasonableness scores for different types of freedom rule violation, per study (F = overall test of the differences between the three types of fallacies, with (between brackets) the corresponding degrees of freedom; ES = effect size, associated with F; F1 = first a posteriori Helmert contrast between the first type of fallacy versus the second and third type; F2: second a posteriori Helmert contrast between the second and third type of fallacy)

Type of study				F	ES	F1	F2
ad hominem	dir.	ind.	tu q.				
	2.91	3.89	4.45	25.22*	.16	43.33*	6.42#
	(.64)	(.57)	(.60)	(2,33)			
ad baculum-fys	bac.	dir.	tu q.				
	2.48	3.03	4.56	22.17*	.27	21.89*	22.23*
	(.62)	(.71)	(.67)	(2,41)			
ad baculum-dir	bac.	dir.	tu q.				
	2.79	2.90	4.12	6.97*	.11	5.06#	10.89*
	(.60)	(.66)	(.69)	(2,32)			
ad misericordiam-I	dir.	mis.	tu q.				
	3.15	3.88	4.56	8.07*	.12	12.29*	3.72†
	(.80)	(.78)	(.70)	(2,53)			
ad misericordiam-II	dir.	mis.	tu q.				
	2.93	3.32	4.29	8.88*	.11	9.25*	8.53*
	(.73)	(.72)	(.68)	(2,34)			
declaring taboo	tab.	dir.	tu q.				
	2.79	2.83	4.37	33.13*	.28	13.30*	36.07*
	(.66)	(.57)	(.66)	(2,41)			

* = $p < .01$; # = $p < .05$; † = $p < .10$

Looking at the direct attack and the tu quoque in the six studies we see that the direct attack situation is invariably considered as less reasonable than the tu quoque.[2] The consistency of this pattern provides support for the external validity of the results.

From Table 2 a rank ordering can be inferred regarding the unreasonableness of different types of freedom rule violations. That ordering is, at least to a certain extent, intuitively plausible: the physical variant of the ad baculum is considered by far the most unreasonable discussion move, next the direct variant of this fallacy, then the direct attack and the fallacy of declaring a standpoint taboo, and subsequently the indirect attack, the argumentum ad misericordiam and the tu quoque. That in general the 'you too' fallacy is considered as a reasonable move is conceivable, assuming that in some discussion contexts this

fallacy has at least the appearance of being reasonable: Serious participants in a conversation may be expected to show a certain amount of consistency between their (past and present) words and deeds. At least that is what our respondents thought. However, from a critical discussion perspective this is still a fallacy, even in an informal setting.

From the results in Table 2 it cannot be inferred, however, that the tu quoque fallacy is judged reasonable under all circumstances. We didn't present the fallacious and non-fallacious discussion moves in isolation, but in the context of dialogues that were part of a discussion (see the next section). We presented the dialogues in three types of discussion: a scientific, a political, and a domestic discussion. In a scientific discussion, i.e. that type of discussion that exemplifies the type of exchange of ideas that, generally speaking, resembles the ideal of a critical discussion most closely, the tu quoque fallacy was invariably considered as an unreasonable discussion move (in the six studies the means for this particular fallacy were respectively 3.66 (.86), 3.78 (.97), 3.22 (.83), 3.62 (1.04), 3.71 (1.01), and 3.77 (.91)).

5. Politeness as an alternative explanation

Judgments concerning the reasonableness of discussion moves are, in the ordinary course of events, not made *in abstracto*. That is why we didn't present the fallacious or non-fallacious moves in isolation but in the context of dialogues that are part of a discussion. Moreover, in doing so we hoped to disentangle the effects of rule violations and the effects of politeness. Because the fallacies covered by the freedom rule, like ad hominem attacks or ad baculum threats, are not only unreasonable in an argumentative sense but are also very impolite there is always a chance that the respondents base their judgments on the politeness value of the fallacious discussion moves. The data in Table 1 and 2 are in perfect agreement with this counterhypothesis: for example, the respondents judged the abusive ad hominem attack (which is the most impolite variant of the three ad hominem attacks) as the least unreasonable move, whereas they invariably judged the least impolite attack (tu quoque) as the most reasonable.

Nonetheless, two objections can be made against this criticism. First, the non-fallacious arguments were also quite impolite. Remember that not only fallacious but also sound arguments were accompanied by (for example) ad hominem indicators such as "Are you out of your mind". These indicators are normally taken to be very impolite forms of expression, which often create a sphere of hostility between the interlocutors. Second, in order to get a grip on

this alternative explanation, we represented three types of discussion in each of the six studies: a scientific, a political, and a domestic discussion. In the instruction to the respondents, it was made clear that these three discussion types differ in two important ways: (a) the extent to which they approach the ideal of a critical discussion and (b) the extent to which they reflect a formal situation. A scientific discussion exemplifies the type of exchange of ideas that, generally speaking, resembles the ideal of a critical discussion (De Groot 1984). The other two discussion types are taken to be specimens of exchanges that in practice are further removed from the ideal of a critical discussion. Furthermore, the scientific and political types are formal; were the domestic type is informal (the example of a direct attack (see Section 2) is an example of a discussion fragment in the domestic domain, the example of the indirect attack pertains to the political domain, and the example of the tu quoque to the scientific domain). If the respondents would react primarily to the politeness value of the items there would be no difference between de reasonableness scores pertaining to the political and the scientific domain. However, assuming that the respondents react primarily to the argumentational (in)adequacy (and not the impoliteness of the discussion moves), one can predict that the respondents will regard fallacies in a scientific discussion less reasonable than in the other two, less-critical discussion contexts. The results in Table 3, indicating that the respondents are discriminating between the reasonableness of arguments in the scientific domain and the other two settings (between which no differences are found), are clearly favoring the second prediction. The results seem to indicate that the respondents are predominantly sensitive to and reacting to the quality (or lack thereof) of the argumentation.

To substantiate this last idea, an altered replication of the ad hominem study was carried out in which 24 respondents of the same age and educational background as those in the original research not only had to judge and rate the (un)reasonableness of the discussion moves but also had to justify their answers in some cases. Because of the more limited testing time, only half of the items of the original test (24) were presented (each of the nine combinations was represented by two, instead of four, items for each discussion type, plus two fragments in which no rule violation occurred). With regard to 12 of these 24 items the respondents had to explain in writing why they judged the reaction of the antagonist B as reasonable or unreasonable. The quantitative results were strikingly similar as our earlier results, even with this considerably smaller sample and fewer items.[3]

The 288 answers of the respondents were coded in 7 categories (this coding system was developed on the basis of the answers of 10 other respondents

Table 3. Means of reasonableness scores for fallacious discussion moves in the three types of discussion domains (D = domestic domain; P = political domain; S = scientific domain), per study (F1 = first a priori Helmert contrast between D and P; F2 = second a priori Helmert contrast between S versus D and P)

Type of study	D	P	S	F1	F2
ad hominem	4.09 (.62)	3.94 (.66)	3.22 (.61)	0.45$^{\checkmark}$ (1,35)	16.88$^{\#}$ (1,35)
ad baculum-fys	3.55 (.68)	3.62 (.50)	2.89 (.56)	0.05$^{\checkmark}$ (1,34)	6.69$^{\#}$ (1,34)
ad baculum-dir	3.55 (.83)	3.44 (.70)	2.82 (.57)	0.08$^{\checkmark}$ (1,33)	4.37$^{\#}$ (1,33)
ad misericordiam-I	4.07 (.62)	4.09 (.60)	3.42 (.74)	0.01$^{\checkmark}$ (1,41)	5.62$^{\#}$ (1,41)
ad misericordiam-II	3.85 (.60)	3.62 (.58)	3.08 (.73)	0.50$^{\checkmark}$ (1,32)	5.42$^{\#}$ (1,32)
declaring taboo	3.45 (.57)	3.43 (.52)	3.11 (.61)	0.01$^{\checkmark}$ (1,34)	2.43‡ (1,34)

$^{\checkmark}$ = not significant; * = $p < .01$; $^{\#}$ = $p < .05$; † = $p < .10$; ‡ = $p < .25$

in oral interviews). Of these 288 answers, only 170 could be interpreted: In 16 cases no answer was given at all; in 102 cases, the answer could not be classified in one of the five content-oriented categories. This was, for example, the case with answers such as "I have the strong feeling something is wrong but just can't say why". 66 answers could be classified as "rule violations" ("B's reaction is unreasonable because he is not reacting to A's standpoint at all; he is only pointing at personal interests of A"), 64 answers belonged to the category "lack of relevance" ("B's reaction is unreasonable because it is not relevant"), 19 to the category "politeness" ("B's reaction is unreasonable because he could have said it in a more polite way"), 17 to the category "bad argument" ("It's unreasonable because B's reaction is a bad argument"), and the remaining 4 answers could be classified in more than one category.

Clearly, the majority (86%) of the responses that could be interpreted could be linked to the quality of the argumentation. Only a small part (11%) could be attributed to the lack of politeness of a discussion move. These results suggest that, at least in the ad hominem study, the respondents reacted primarily to the argumentative value of the arguments, not so much to their politeness value.

6. The type of proposition expressed in the standpoint as an alternative explanation

The differences in reasonableness between the three discussion types in Table 3 can be attributed to differences in the type of proposition expressed in the standpoints in each of the three discussion domains. Three main types of proposition can be distinguished: descriptive, evaluative, and inciting propositions. Descriptive propositions describe facts or events ("The euro rate is still falling"), evaluative propositions express an assessment of facts or events ("The formerly President Clinton is an underestimated statesman"), and inciting propositions call on to prevent a particular event or course of action ("The policy of apartheid must be combated with all possible means").

It is conceivable that ordinary arguers consider fallacious moves implying an attack on descriptive propositions as less reasonable than attacks on evaluative or inciting propositions: after all, facts are facts. On the basis of a post hoc analysis of the dialogues in the original ad hominem study it became clear that this variable, i.e. the type of proposition expressed in the standpoint, unwittingly co-varies with the type of discussion (see Table 4).

A new study with 72 discussion fragments was designed to rule out this alternative explanation. Each of the three types of ad hominem attacks was represented by 6 dialogues in each of the three discussion domains: in two of them the protagonist advanced a standpoint with a descriptive proposition, in two of them a standpoint with an evaluative proposition, and in two of them a standpoint with an inciting proposition. The effect of this crossing is independence of these two types of variables.

A group of 75 respondents was randomly split in two. Half of them (group I: n = 38) had to rate the dialogues in the domestic and political domain, the other half (group II: n = 37) had to judge the dialogues in the scientific domain and in the political domain. Both groups were exposed to the same dialogues in the political domain. No differences were found between these two groups

Table 4. Distribution of the number of discussion fragments according to the type of proposition expressed in the standpoint, in each discussion domain

Type of proposition	Domestic	Political	Scientific
Inciting	11	6	2
Evaluative	3	8	2
Descriptive	2	2	12

Table 5. Means of reasonableness scores for ad hominem fallacies, according to the type of proposition expressed in the standpoint (DES = descriptive; EVA = evaluative; INC = inciting) and the type of discussion domain (D = domestic domain; P = political domain; S = scientific domain)

	Group 1				Group 2		
	DES	EVA	INC		DES	EVA	INC
D	4.00 (.72)	4.00 (.73)	3.93 (.85)	P	3.89 (.69)	3.86 (.74)	4.11 (.69)
P	3.98 (.69)	3.79 (.75)	3.97 (.62)	S	3.46 (.76)	3.31 (.93)	3.17 (.90)

in their judgment of the reasonableness of the dialogues in the political domain (group I: 3.91 (.55); group II 3.95 (.57). Further, the results were in agreement with those found in the original ad hominem study. In both groups the fallacies were again judged as less reasonable than the non-fallacies (group I: fallacies 3.95 (.50), non-fallacies 4.73 (.49); group II: fallacies: 3.63 (.62), non-fallacies 4.76 (.68)). In both groups the direct attack was again judged as the least reasonable move, then the indirect attack, and subsequent the tu quoque (group I: dir 3.11 (.75), ind 3.92 (.67), tu quoque 4.85 (.63); group II: dir 2.88 (.73), ind 3.76 (.77), tu quoque 4.26 (.69). Moreover, the fact that group II judged the ad hominem fallacies as less reasonable compared with group I, is in accordance with the data in Table 3: group II had to rate the dialogues in a scientific (and political) domain while group I had to rate them in a domestic (and political) domain. Most important, the variable 'type of proposition expressed in the standpoint' had no statistically significant influence on the reasonableness scores, neither in isolation, nor in interaction with one of the other variables.

Clearly, the results of this study run counter to the offered alternative explanation.

7. The freedom rule and the 'polder' debate

All the empirical investigations discussed so far are conducted in Holland. The participants in our experiments are accustomed to the typical characteristics of the Dutch debate-culture: a strong emphasis on rational deliberation, an emphatic disapproval of verbal and non-verbal violence, and, most important, the pursuit of reaching consensus when conflicts and differences of opinion arise. This ideal can be coined as the Dutch 'polder' debate. All activities that threaten this dominant ideal of reasonability and frustrate the resolution of a

difference of opinion, are rejected – consequently fallacies that hinder a rational resolution of a difference of opinion. It is possible that in other cultures, with different debate traditions, other empirical results would be obtained.

To check this supposition, the ad hominem study was replicated twice in Spain. All the 48 discussion fragments of the original ad hominem study were translated and, if necessary, adopted to the Spanish culture. For example, a typical Dutch discussion fragment about a minced-meat ball ('I think you should add an egg to the minced meat; it tastes much better') was replaced by 'creo que deberias poner mas chorizo en las lentejas; estan mucho mas buenas', a fragment that is more suitable in the Spanish culture (Piñol 1999). In the first replication the participants (n = 47) only had to rate the reasonableness of the discussion fragments, in the second study (n = 29) the participants also had to justify some of their judgments. In both replications the main results were the same as those reported in Table 1 and 2: fallacies (mean: 3. 54 (.64)) were judged less reasonable than the non-fallacies (mean: 4.97 (.86)); the indirect attack was again judged as the least reasonable discussion move (mean: 3.01 (1.12)), then the indirect attack (3.61 (.75)), and subsequently the *tu quoque*-variant (3.99 (.78)). There was one notable deviation in both replications: unlike the Dutch participants the Spanish subjects didn't discriminate between fallacies committed in a domestic (3.27 (.90)) and a scientific situation (3.07 (1.01)), and they considered the fallacious fragments in a political domain (4.27 (.63)) less unreasonable compared to the two other domains. Probably politeness is playing a somewhat different role in the two cultures, especially in the communication between intimae, relatives and friends. For example, in Spain it is absolutely not done in ordinary conversations with friends to perform a 'face threatening' act like rejecting a proposal – let alone performing a face threatening act like an abusive attack. In a pilot study we asked 20 Dutchmen and 20 Spaniards (1) what they would do and (2) what they thought their countrymen would typically do in (seven) situations like the following:

> You have invited a friend for a dinner. After the dinner you feel very tired. Besides that, it is pretty late and next morning you have to wake up early. What would you do?
>
> a. You tell her friendly that it is late, that you are really tired, that you have to wake up early next morning; subsequently you request her to leave.
> b. You give hints and signals that it is time to leave (for example by looking on your watch or by yawning).
> c. She is your guest and you'll just have to wait until she wants to leave.

Table 6. Frequencies of chosen answer by Dutchmen (n = 20) and Spaniards (n = 20) on the question: 'What would you do?' (Self) and 'What would be the typical reaction in Holland/Spain'(Typical reaction), for 7 potentially face threatening situations

	Self		Typical reaction	
	Holland	Spain	Holland	Spain
a – perform 'on record'	100	84	84	4
b – perform 'off record'	26	22	48	41
c – not perform	14	34	8	95

The differences between the Dutch and the Spaniards are quite pronounced (see Table 6).

The different role of politeness in the two cultures can also be inferred from the justifications the Spanish respondents (n = 29) had to give for their judgments of 12 *ad hominem*-fallacies. A substantial part (41%) of the total amount of 348 justifications could not be interpreted, i.e. could not be linked to the five content-oriented categories (see Section 5). The majority of the remaining answers could be classified in one of the categories that were associated with the quality of the argumentation (67%), the remainder (33%) could be attributed to politeness. It is striking – and in accordance with the results in Table 6 – that in the domestic domain the number of justifications that could be linked to the category 'quality of argumentation', was approximately the same as the number of 'politeness' justifications (28 vs. 29). Notice that in Spain the influence of politeness is somewhat stronger than in Holland (33% in Spain versus 11% in Holland). Nevertheless, the main results concerning the difference in reasonableness of fallacies and non-fallacies and the difference in reasonableness of the three types of ad hominem fallacies are in perfect agreement with those found in Holland.

8. Conclusions

Taking into account the restrictions of the experimental set up we specified earlier, our findings confirm our general expectation that the pragma-dialectical rule for the confrontation stage is largely in agreement with the norms ordinary arguers claim to apply when judging the reasonableness of discussion moves.[4] This finding provides positive evidence for the conventional validity of the first pragma-dialectical discussion rule. Of course, the present research cannot answer the question to what extent the current results may be general-

ized to extra-experimental, real-life situations in which people are discussing the acceptability of standpoints.

Notes

1. In the statistical tests of the differences in reasonableness between fallacious and non-fallacious moves we contrasted each of the three types of fallacy (represented by 12 dialogues within each study (see Table 2, next section)) with the 12 non-fallacious moves (abstracting from the type of discussion domain, see Section 5). Assuming a repeated measurement design in which the random Replication factor is nested within the fixed factor Violation/No Violation and is crossed with the random Respondent factor, quasi F ratios had to be computed (as proposed by, for example, Clark 1973). All F ratios reported in this article are of this type. Degrees of freedom for such quasi tests are not exact, but must be approximated. Within each of the studies, the F's proved to be significant ($p < 0.05$), even after applying the Bonferonni criterium (with one notable exception: the tu quoque fallacy in the ad misericordiam-I study which is judged equally reasonable as the non-fallacious moves. This finding was one of the reasons for replicating this study). Ad hominem study: dir $F(1,34) = 134.38$; ES = .47; ind $F(1,27) = 34.78$; ES = .21; tu q. $F(1,26) = 11.78$; ES = .09. Ad baculum-phys study: bac $F(1,33) = 92.23$; ES = .57; dir $F(1,40) = 98.02$; ES = .52; tu q. $F(1,29) = 13.17$; ES = .14. Ad baculum-dir study: bac $F(1,24) = 20.20$; ES = .29; dir $F(1,25) = 31.35$; ES = .36; tu q. $F(1,25) = 6.06$; ES = .09. Ad misericordiam-I study: dir $F(1,41) = 26.81$; ES = .24; mis $F(1,41) = 9.84$; ES = .13; tu q. $F(1,33) < 1$. Ad misericordiam-II study: dir $F(1,32) = 80.02$; ES = .41; mis. $F(1,28) = 32.09$; ES = .29; tu q. $F(1,28) = 12.20$; ES = .09. Declaring taboo: tab. $F(1,37) = 82.02$; ES = .46; dir $F(1,36) = 121.39$; ES = .49; tu q. $F(1,28) = 10.29$; ES = .08. ES refers to the (estimated) effect size, expressed here as the proportion of within-Ss explained by a factor (after removing the between-Ss due to the 'nuisance' variable Respondent from the total-Ss). As can be inferred from the magnitude of the effect sizes, the participants in the six studies discriminated sharply between fallacious and non-fallacious moves. For more detailed information about the statistical procedures, see Van Eemeren and Meuffels (2002).

2. Although in some studies a priori contrasts between the three types of fallacy were possible (for example in the ad hominem study or in the ad baculum-phys or ad baculum-dir study), in other studies they were not (for example in the ad misericordiam studies). The reported (quasi) F in Table 2 is computed on the basis of a repeated measurement design in which the random Replication factor (with four levels) is nested within the interaction of two fixed treatments, each with three levels (i.e. (1) type of fallacy, and (2) discussion type (see Section 5)), and is crossed with the random Respondent factor. The data in Table 2 are thus not independently, but simultaneously analysed with those in Table 3. After establishing the significance of the overall (quasi) F, two orthogonal a posteriori Helmert contrasts were carried out, the first contrast pertaining to the difference in reasonableness between the first fallacy (listed in Table 2 within each study) and the second and third, the second Helmert contrast pertains to the difference in reasonableness between the second and third fallacy. The degrees of freedom for Helmert contrast F's are, for the numerator, 1; for the

denumerator these are equal to the corresponding degrees of freedom for the statistical test of the main effect.

3. Just as in the previous research, the tu quoque variant is regarded as the most reasonable (3.82), followed by the circumstantial variant attack (3.47) and the abusive attack (2.99). Fallacious arguments are, again, most strictly judged in the scientific domain (in this domain the means for the tu quoque, circumstantial, and abusive attack are 3.25, 2.69, and 1.96 respectively). Moreover, fallacious arguments (3.43) are judged less reasonable than the non-fallacious moves (5.27).

4. It is, of course, an entirely different matter whether the respondents who acted as our judges actually apply their verbally expressed reasonableness standards in their own argumentative practice.

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Index

A
advertising 165–168
argument
  ability 341
  diversity 326–328
  from perceived opposition 286–288, 300–301
argumentation
  graphs 78–81
  in discourse 89–91
  on television 181–183
  political 225–226
  rhetorical 33–35
  scope of 87–91
argumentative
  competence 145–147, 159–160
  density 326–328
  dimension 91–97
argumentum
  ad baculum 349, 351–352
  ad hominem 349–351
  ad misericordiam 349, 353

C
character arguments 325
classroom discussion 13–19
collaborative learning 69–78, 83–84
conditionals 115–122
constructed antagonist 163–165, 171, 173
critical discourse analysis 12
cultural keywords 125–127

D
David Horowitz 232–239
definition 64
deliberation 106–110
dialectic(s) 69–71, 83–84, 338–339
discourse genre 92
Disney World 251
dissociation 53–55
distinction 57–59, 64

E
emotion 43–45, 49–50
endoxa 125, 128, 136
enthymeme 128, 130–136
evaluation 146–147, 159–160

F
fallacy 29–30, 354–357
fallacy of declaring a standpoint taboo 349, 353
family-factor arguments 325, 330–332
forensic rhetoric 101–105
freedom rule 350–353

G
grounded practical theory 11–12
Guildford Four 269–273

I
inference
  abductive 218–219, 225–226
  coductive 218–219, 225–226
inventional capacity 337, 339, 341–342
issue 11

J
judicial decision making 197

M
mediated communication 181–182
modality 116
musical framing 220–224

N
negation 59–61, 65
non-interactive audience 168–174
normative pragmatics 100–101, 184–185
normative reflection 25–27

O
official speakers 305–308
O. J. Simpson 183–184, 236–237

P
politeness 357–359
political campaign 215–217
pragma-dialectics 43–45, 49–50, 184–185
pragmatic meaning 116
precization 55–57, 64
premise adequacy 99–101
problem-solving 21, 71–78
progressive inclusion 168–171, 178
public
  arena 306
  arts 268, 277
  memory 269
  opinion 269, 286, 305–307
  sphere 193–194, 252, 307

Q
qualification based argument 325–330

R
refutation 145, 147–153
repertoire 344–345
rhetoric
  (anti-)reparations 231, 244–249
  of racism 233–239

S
sage-king 309
semantic
  congruity 139
  shift 54

T
terminus medius 130
testimony arguments 325–326
Timothy McVeigh 198–201
topoi 125, 130–136, 337–339
town hall meeting 182–183

U
undeveloped standpoint 190–193

V
validity
  conventional 350
  problem 350
value 62–63, 65
victim impact arguments/statements 197, 201

W
Whately 31–33, 41

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ISBN 90 272 1882 X

John Benjamins Publishing Company