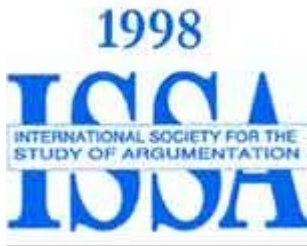# ISSA Proceedings 1998 – A Critique Of The Dialectical Approach: Part II

1. Introduction

This paper is part of a project designed to explore the nature of the dialectical approach in argumentation theory, its relationship to other approaches, and its methodological fruitfulness. The main motivation underlying this project stems from the fact that the dialectical approach has become the dominant one in argumentation theory; now, whenever a given approach in any field becomes dominant, there is always the danger that it will lead to the neglect or loss of insights which are easily discernible from other orientations; this in turn may even prevent the dominant approach from being developed to its fullest as a result of the competition with other approaches.

In a previous paper (Finocchiaro 1995), I undertook a critical examination of two leading examples of the dialectical approach. I argued that Barth and Krabbe's (1982) demonstration of the equivalence of the methods of axiomatics, natural deduction, and formal semantics to formal dialectics works both ways, so that the former acquire the merits of the latter, and the latter the limitations of the former. I also argued that Freeman's (1991) demonstration that the structure of arguments as products derives from the process of argumentation is insufficiently dialectical insofar as it involves a conception of dialectics in which dialogue is easily dispensable, and insofar as it suggests that argument structure is rooted more in an evaluative process than in a process of dialogue between distinct interlocutors.

In this paper I plan to examine the ideas of other authors who have written on or have used the dialectical approach. I shall use as a guide the following three working hypotheses suggested by the just stated conclusions reached in my previous paper. The first is the claim that if one takes the point of view of formal dialectics, the formal dialogical approach is not essentially different from the monological approach, but rather the two approaches are primarily different ways of talking about the same thing. The other two working hypotheses involve informal rather than formal dialectics. The second working hypothesis is that

perhaps there are two versions of the informal dialectical approach, depending on whether one emphasizes the resolution of disagreements or their clarification. The third working hypothesis is that the dialectical approach is fundamentally a way of emphasizing evaluation, a way of elaborating the evaluative aspects of argumentation.**[i]** These are working hypotheses in the sense that I shall be concerned with testing their correctness, namely with determining whether they are confirmed or disconfirmed by other actual instances of the dialectical approach. Since I shall be examining only examples of the informal dialectical approach, I will be dealing primarily with the second and third working hypotheses.

2. Johnson on the Dialectical Approach
In their paper entitled "Argumentation as Dialectical," Blair and Johnson (1987: 90-92) claimed that to say that argumentation is dialectical involves four things:
1. we should emphasize the process as well as the product;
2. the process involves two roles, that of questioner and that of answerer;
3. the process begins with a question or doubt, perhaps only a potential question or doubt; and
4. argumentation is purposive activity, in which there are two purposes corresponding to the two roles.

In his latest paper, Johnson (1996: 103-15) speaks more generally of a pragmatic approach and restricts the dialectical component to just one of three elements, the others being the teleological and the manifestly rational. The most basic feature is that argumentation is teleological in the sense that its aim is rational persuasion. For Johnson, the dialectical aspect of argumentation now becomes largely a consequence of the fact that it aims at rational persuasion. For now by dialectical Johnson means that argumentation must include answering objections and criticism. His own words are worth quoting: "That argumentation is dialectical means that the arguer agrees to let the feedback from the other affect her product. The arguer consents to take criticism and to take it seriously. Indeed, she not only agrees to take it when it comes, as it typically does; she may actually solicit it. In this sense, argumentation is a (perhaps even *the*) dialectical process *par excellence*)" (Johnson 1996: 107). Johnson then goes on to argue that, because argumentation is teleological and dialectical, it needs to be manifestly rational; that is, not only must it be rational, but it must
be so perceived by the participants.

It is beyond the scope of the present remarks to discuss Johnson's account more fully. Here, the main thing I want to stress is his conception of the dialectical nature of argumentation. It obviously refers to a critical or evaluative element. He seems to be saying that arguing for a conclusion has two aspects: that of providing reasons and evidence in support of the conclusion, and that of taking into account counter-arguments and counter-evidence. Moreover, since this taking into account can take the form of either refuting the objections or learning something from them, it is clear that what is involved is not merely negative criticism of the objections but also positive evaluation, as the case may be.

Although Johnson's notion of the dialectical is clear, there is an aspect of his discussion which is not so clear. The difficulty stems from the fact that he plausibly finds it useful to distinguish argument and argumentation, and on the basis of this distinction he seems to say that what is dialectical is argumentation, not argument. In his own words:

Although it seems clear that if the process of arguing is to achieve its goal, the arguer must deal with the standard objections, it is not clear that we would be wise to take this same view of the argument itself – else a great many arguments (which many times fail to deal with objections) would *ipso facto* have to be considered defective – this consequence seems unduly harsh [Johnson 1996: 104-5].

The issue here is whether we want to make dialectics – or evaluation in my terminology – an integral part of the process of arguing. Perhaps this issue could be described as involving two versions of the dialectical approach, in a strong and in a weak sense. The strong dialectical approach would make the evaluation of objections an essential part of the process of arguing, whereas the weak dialectical approach would make it only a part of a complete evaluation of an issue or claim. This is reminiscent of my distinction between the weak and strong dialectics discussed in my earlier paper.

Be that as it may, my conclusion here is that Johnson's account is such as to support my working hypotheses, primarily the one about the evaluative nature of dialectics, and secondarily the one about the existence of two versions of the dialectical approach.

3. An Example of the Pragma-Dialectical Approach

My next example of a dialectical approach is Snoeck Henkemans's (1992) account of complex argumentation. I take her work to be an excellent application and elaboration of the pragma-dialectical approach of the Amsterdam school.

Examining her work can also serve here as a good substitute for examining the general framework of van Eemeren and Grootendorst's approach because she deals with a relatively concrete and specific problem. The aim of her doctoral dissertation (Snoeck Henkemans 1992) was to give a pragma-dialectical analysis of complex argumentation, and in particular of the difference between multiple and coordinatively compound argumentation. Having used these terms, I should give some terminological clarification.

By complex argumentation is meant argumentation where a conclusion is supported by more than just a single reason, either in the sense that two or more reasons are given to support the conclusion, or in the sense that the reason which directly supports the conclusion is itself in turn supported by another reason. When two or more reasons support the same conclusion, the reasons may be completely independent of one another or inter-related to some extent. Snoeck Henkemans, following the Amsterdam school, speaks of "multiple" argumentation when the two or more reasons are completely independent. This case corresponds to what other scholars call convergent or independent reasons. When the two or more reasons are inter-related, she speaks of "coordinatively compound" argumentation; this corresponds to what others call linked, interdependent, cumulative, or complementary. When a reason that supports the conclusion is itself supported, she calls this case "subordinatively compound" argumentation; it corresponds to what others call serial structure or chain arguments. As if such terminological confusion were not enough, it ought to be remembered that the Amsterdam school also speaks of a "standpoint" to refer to a conclusion, and of an "argument" to refer to a reason.

One of Snoeck Henkemans's (1992: 85-99) main accomplishments is to examine how these various structures result from various kinds of dialogue in which the proponent is involved in answering various kinds of criticism. In particular, multiple argumentation results when the proponent accepts some criticism of a premise and offers a new reason for the conclusion. Subordinatively compound argumentation results when the proponent tries to answer criticism of the acceptability of a premise. Coordinatively compound argumentation results when the proponent tries to answer criticism of the sufficiency of a premise. The case of criticism of the relevance of a premise generates subordinatively compound argumentation in which a reason is given for the unexpressed premise linked to the explicit reason.**[ii]**

This analysis is for the most part interesting, intelligent, and plausible. But I want

to offer some critical observations. First, I would say that the upshot of Snoeck Henkemans's analysis is to show primarily that and how complex argumentation is an attempt to overcome criticism of the conclusion, understanding that the criticism may be actual or potential. Now, I believe this thesis to be essentially correct, but it seems to me that it advances the evaluative approach more than the dialectical one. That is, it tends to show how argumentation is essentially a form of evaluation. I do not deny the presence of the dialectical element in the sense of dialogue, but I wish to stress that the purpose of the dialogue is to elicit evaluation. Thus, if the evaluation can be elicited by the proponent's imagining of potential objections, then the dialogue is not essential. Of course, one may then speak, and the proponent of the dialectical approach do speak, of an internal dialogue, but that is just a manner of speaking.

Another striking aspect of Snoeck Henkemans's analysis is that it exploits the notions of acceptability, sufficiency, and relevance of a reason or premise. In a sense what she is doing is to take these notions as relatively unproblematic, and to analyze complex argumentation in their terms. Although this is valuable, there is a difficulty here stemming from the fact that it is not always clear whether a given criticism is directed at the acceptability, or the sufficiency, or the relevance of a premise. This in turn implies that, despite its theoretical elegance, this theoretical framework is not too useful as a practical instrument for the analysis and understanding of actual argumentation.

A related difficulty stems from the artificiality of the dialogical situations examined. These dialogues are artificial in the sense that they are too atomistic. That is, like other proponents of the dialectical approach, Snoeck Henkemans tends to consider dialogues where the interchange involved bits of discourse that are too small to be realistic. The more realistic situation is one where the basic unit of discourse in a dialogue is already an instance of complex argumentation and the interlocutor's criticism is itself another complex argument. To determine how the two relate requires that we begin with a non-dialogical analysis of each discourse, along the lines of what proponents of the dialectical approach would label a structural approach. This suggestion will be illustrated presently.

The critical conclusion suggested here is that Snoeck Henkemans's analysis is not primarily dialectical but evaluative insofar as it is correct, and it is inadequate insofar as is is primarily dialogical.

4. Walton on the Dialectical Approach

In his latest book entitled *Argument Structure: A Pragmatic Theory,* Douglas Walton (1996) offers many insights which are beyond the scope of the present paper. One line of argument is, however, directly relevant; it is found in the first two chapters. There, Walton seems to argue that the dialectical approach is needed in order to properly distinguish argument from reasoning on the one hand and from explanation on the other.

He begins by admitting that argument is a special case of reasoning, namely reasoning which fulfills the probative function consisting of premises supporting a conclusion. But he claims that such probative reasoning must be viewed in a dialectical context. Doing this requires understanding that the probative function can be fulfilled in several different types of dialogue: critical discussions, negotiations, inquiry, deliberation, quarrels, and information seeking. In Walton's own words, "what is characteristic … in all these contexts, is the existence of a proposition that is unsettled, that is open to questioning or doubt, and open to being settled by a dialogue exchange between (typically) two parties" (Walton 1996: 26).

Similarly, in regard to the distinction between argument and explanation, Walton aims to improve the best textbook definitions by adding a dialectical element. He regards as basically right the criterion advanced by Copi and Cohen (1990) which says the following about an expression of the form "Q because P": "If we are interested in establishing the *truth of Q* and P is offered as evidence for it, then '*Q because P*' formulates an argument. However, if we regard the truth of Q as being unproblematic, as being at least as well established as the truth of P, but are interested in explaining *why Q is the case*, then '*Q because P*' is not an argument but an explanation" (Copi and Cohen (1990: 30). Walton objects that this applies only to critical discussions, and that in order to generalize the test one must ask two questions about the proposition at issue, namely:

1. Does the respondent doubt it or disagree with it, implying an obligation on the part of the proponent to support it with premises that provide reasons why the respondent should come to accept it as a commitment?

2. Is the proposition one the respondent is prepared to accept (or at least not to dispute), but desires more understanding of why it is so, or lacks clarification about it? [Walton 1996: 62]

It might seem as if there is an irreducible dialogical element here. This is especially true for those troublesome cases which have been advanced by various scholars as instances of reasoning which can be both arguments and

explanations. However, Walton himself makes a number of qualifications the upshot of which is to suggest that the dialectical context is not that important after all, but may be mere window dressing on probative reasoning (for the distinction between reasoning and argument) and on the questionability of Q (for the argument-explanation distinction). In Walton's own words:

Although this dialectical test focuses on the presumed attitude of the respondent (according to the evidence of the text of discourse in the given case), what is basic is the underlying type of conventionalized speech act and type of dialogue both participants are supposed to be engaged in. It is not the proponent's, or the respondent's, purpose that is the key to the argument-explanation distinction. It is the goal of the type of dialogue they are supposed to be engaged in, as a conventional type of social activity which has normative maxims and principles. Explanation is one type of activity, argument another. But the key to testing in a given case is to look for the element of unsettledness … as indicated by the context of the discourse [Walton 1996:63].

My conclusion about Walton's work is that his primary interest seems to be dialogues: to study their nature, structure, types, and so on. It is not surprising that such a study exhibits a deep dialectical component. Nor is it surprising that it leads Walton to study the relationship between dialogues and other things such as arguments, fallacies, and so on, and thus to study the dialectical elements of these other things. But such dialectical elements are things seen one when one is wearing dialogical glasses. One can choose to wear monological glasses, and then, for example, argument becomes probative reasoning, and the difference between argument and explanation becomes a matter of whether in "Q because P" the truth of Q is contextually problematic. This conclusion, of course, supports my first working hypothesis.

5. Examples of Concrete Argumentation

As a further test of my working hypotheses, I now want to examine some actual cases of argumentation. They are taken from *The Federalist Papers*, a work which is certainly well known as a crucial document of American history and as a classic of political theory, but which is largely unappreciated and little studied as a source-book of argumentation and material for argumentation theory. Yet, I would go so far as to say that it has few rivals in this regard as well.

There is no question, of course, that the context is one of a critical discussion, the main issue being whether not the U.S. Constitution should be ratified. The essays were written in 1786-1787, immediately after the constitutional convention in

Philadelphia had written a constitution, which was then being considered for ratification by each of the original thirteen states. There is also no question of the dialogical, and to that extent dialectical, context in which pro-constitution arguments contained in *The Federalist Papers* were being advanced. However, to what extent the various ideas of the proponents of the dialectical approach are applicable remains to be seen.

Let us also readily admit that the authors of the federalist essays (Alexander Hamilton, James Madison, and John Jay) behave as good arguers in Ralph Johnson's sense discussed above. That is, the federalists not only advance reasons and evidence favoring the ratification of the constitution, but they examine, criticize, and try to do justice to the objections and counter-arguments. But this same fact also shows that they are taking evaluation seriously, that they conceive their task of arguing for the constitution as involving inference, but also as involving evaluation. They know that to be effective they have to discuss the arguments on both sides, but rather merely "present" the arguments, they have to evaluate them. We can also agree with Johnson that this evaluative (or "dialectical") requirement has to be used with care, and that there would be contexts in which it may be too harsh to apply it. A beautiful illustration of this problem is provided by what is perhaps one of the most ingenious of the federalist arguments, namely Madison's argument that a large republic is more likely to controls the harmful effects of factions and the tendency for a tyranny of the majority.

Madison's own words are worth quoting:
The other point of difference is
a. the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders
b. factious combinations less to be dreaded in the former than in the latter.
c. The smaller the society, the fewer probably will be the distinct parties and interests composing it;
d. the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and
e. the smaller the number of individuals composing composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression.

f. Extend the sphere and you will take in a greater variety of parties and interests;
g. you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or
h. if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other.
i. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.
j. Hence it clearly appears that the same advantage which a republic has over a democracy in controlling the effects of faction is enjoyed by a large over a small republic – is enjoyed by the Union over the States composing it.
k. In the extent and proper structure of the Union, therefore, we behold a republican remedy to the diseases most incident to republican government [Rossiter 1961:83-84].

Suppose someone were to criticize this argument by objecting that it is flawed because it does not even mention the problem that, for example, the constitution (allegedly) violates the principle of the separation among branches of government (insofar as federal judges are appointed by the executive branch). The latter objection was, of course, an argument against ratification, and the federalists did answer it in another paper (No. 47). However, what would be the point of criticizing this particular argument for this reason? The only thing such a criticism would accomplish would be a reminder that there are other issues that need to be examined besides the advantageous effects of size in regard to factions and majorities. In other words, the criticism would remind us that the argument in question is not conclusive, that by itself it does not establish the conclusion beyond any reasonable doubt. But this limitation would be easily granted by the federalists; indeed, it is implicit in the context. Thus, we may say that the criticism would be too weak, almost worthless.

This passage is also a good illustration of the problem of distinguishing explanation and argument. For this purpose, let us begin by noting that the argument supports its conclusion by explaining how and why the situation it describes would come about from the situation described in the premises. The passage basically examines the effects of a republic's size on the the composition and behavior of factions and majorities, arguing that a large size produces greater justice and less abuse of power. This is similar, though more complex that

the two examples from Stephen Thomas which Walton discusses. I believe that unlike Thomas, Walton would regard the passage as an argument and not an explanation. And I would agree with Walton. Despite the presence of explaining in the arguing, we do not have an explanation. And we do not have an explanation because the context is such that the issue is precisely whether or not large size has this claimed beneficial effect. On the other hand, despite the debate over ratifying the constitution which is in the background, I do not think we need to appeal to any dialectical or dialogical principles to arrive at this interpretation of the passage.

Finally, the passage can also serve as an illustration of the relative merits of the "structural" and the dialectical approaches in analyzing the complex structure of an actual piece of argumentation. It might seem that the question whether the passage is an instance of single or multiple argumentation would be easiest. If we try to apply any dialectical principles of analysis, such as those of Snoeck Henkemans discussed above, the first thing we realize is that we need to have identified a conclusion. Next, we need to identify at least two other propositions, each of which in some sense supports the conclusion. Then the dialectical questions would be whether the proponent accepts criticism of one but not of the other(s), or is trying to answer criticism of the sufficiency of each premise. Now, in the passage quoted above, in order to make any progress at this point, we would have to consider the first full sentence (a-b) as a conclusion and the second full sentence (c-d-e) and the third full sentence (f-g-h) as being each single propositions supporting the first (despite the fact that they each contain three clauses); and then the dialectical questions could plausibly be answered by saying that each full sentence is open to a potential charge of insufficiency.Thus the second and third sentences constitute coordinatively compound reasons supporting the first. The fourth sentence (i) might be taken as anticipating criticism of the acceptability of the third one; thus the two of them constitute a "subordinatively compound" structure. In regard to the fifth (j) and sixth (k) sentence, the most natural thing to say would be that (j) is a further conclusion supported by (a-b) and (k) a further conclusion supported by (j). However, in Snoeck Henkemans's dialectical terminology, we would have to say that (j) answers or anticipates a criticism of the acceptability of (k), and (a-b) answers or anticipates a criticism of the acceptability of (j). Such dialectical terminology might be taken to be passably adequate. However, I suspect that such terminology can be seen to make sense only after the fact, namely to justify an analysis arrived at by other, more structural means.

In any case, one may also raise questions whether the rules are even passably adequate. The following passage can illustrate this point. It comes from the first federalist paper, where Hamilton outlines his plan for supporting the ratification in the subsequent essays. At one point he gives the following summary of the arguments to be developed:

My arguments will be open to all and may be judged by all. They shall be at least offered in a spirit which will not disgrace the cause of truth. I propose, in a series of papers, to discuss the following interesting particulars: – [l] The utility of the UNION to your political prosperity – [m] The insufficiency of the present Confederation to preserve that Union – [n] The necessity of a government at least equally energetic with the one proposed, to the attainment of this object – [o] The conformity of the proposed Constitution to the true principles of republican government – [p] Its analogy to your own state constitution – and lastly, [q] The additional security which its adoption will afford to [q1] the preservation of that species of government, to [q2] liberty, and to [q3] property. In the progress of this discussion I shall endeavor to give a satis-factory answer to all the objections which shall have made their appearance, that may seem to have any claim to your attention [Rossiter 1961: 36].

What is the structure of this reasoning?
First let us note that the conclusion is not explicitly stated in this passage, but it is easily formulated; it is that the constitution should be adopted. To make a long story short, I would say that (m) and (n) are coordinatively compound; that (l) and (m) are linked, and so are (l) and (n), that is, each pair is more intimately interdependent than is the case for coordinative compounding; and that there are five independent reasons, namely (l-m-n), (o), (p), (q2), and (q3).
In other words, here we have a case of "multiple argumentation", where several independent arguments are given to support the ratification of the constitution. Yet the Amsterdam dialectical rules do not apply. It would be incorrect to say that the federalists accept (as valid) any criticism of the reasons given; they rather are aware of such criticism and try to answer it. Several distinct reasons are given not because the federalists think that any of them is invalid, but because none of them is sufficient. Why then, Snoeck Henkemans might ask, not regard the whole passage and the whole case in favor of the constitution as an instance of coordinatively compound, rather than multiple, argumentation?
There are two reasons for this. First, the five distinct arguments seem to me as different from each other as any arguments are which support the same

conclusion. Thus, if this is not multiple argumentation, I doubt any would be. Second, even if we regarded the whole argument as a single one, and the various reasons as merely coordinatively compound, then we would need to make distinctions among different kinds of coordinative compounding. One kind would be that illustrated by the relationship among (l-m-n), (o), (p), (q2), and (q3); another would be illustrated by (m) and (n), or to be more precise by (l-m) and (l-n); a third one by (l) and (m) and by (l) and (n). Regardless of the labels used, the three kinds of relationships are different.

6. Conclusion

There seem to be theoretical-conceptual difficulties, as well as practical ones, with the dialectical approach. The theoretical difficulties cluster around such questions as the following. What is the relationship between actual and potential dialogue? Is actual dialogue really necessary for a dialectical approach? Is potential dialogue sufficient? Must we not make a distinction between atomistic dialogue consisting of an exchange of small units of discourse such as sentences or words, and more realistic dialogue consisting of the exchanges of relatively long pieces of structured discourse? If and to the extent that the latter is primary, does not the structuralist alternative to the dialectical approach acquire primacy? What is the role and importance of the resolution of disagreements, as contrasted with their clarification?**[iii]** What is the role of criticism and evaluation in the dialectical approach? What is the role of evaluation in argumentation? Is argumentation anything more than inference-cum-evaluation? Is an argument anything more that the defense of a claim from actual or potential objections?

The practical difficulties with the dialectical approach are that its application to actual argumentation suffers from many limitations. This appears to be true even when such argumentation occurs in the context of actual debates, dialogues, and controversies. None of this is meant to suggest that the dialectical approach should be abandoned. On the contrary, this criticism is offered in the hope that by taking it into account, the dialectical approach can become better and stronger.

NOTES

i. In their new work, Fisher and Scriven (1997) elaborate an account of critical thinking which they label the 'evaluative' conception. I am inclined to think their work could be utilized to add further support to this hypothesis.

ii. Although Snoeck Henkemans criticizes the account advanced by James Freeman in some of his earlier papers, her own account is more similar to the one

advanced in Freeman's (1991) book on the topic.

iii. This type of issue is similar to that treated by Tannen (1998) under the label of "debate versus dialogue."

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ISSA Proceedings 1998 – Truth And Justice In Mass Media Reporting And Commentary: Serving More Than One Master In American Adversarial Contexts

1. Background

When writing for the mass media, reporters must usually explain complex matters in simple terms (Fiordo, 1997). Were media reporters to explain complex matters in complex terms, they would employ a style generally unsuited to their audiences. Writing for the mass media requires a style that is plain and direct (Roth, 1997; Harrigan, 1993). Although the principle of clarity is frequently violated for commercial and thematic media purposes, plainness remains a primary criterion of style (Kennedy, Moen & Ranly, 1993; Knight & McLean, 1996). Mass media writing should also have substance and be ethical (Zelezny, 1996).

A problem existing in American mass media reporting and commentary is analyzed in this paper. Two cases are used to illustrate a difficulty that surfaces frequently in American journalism. While this same troublesome condition may occur in the journalism of other countries, its manifestation in US journalism alone is examined here. For this study, 127 American television news broadcasts were viewed and 132 American newspaper and magazine articles read. All had content pertaining to the problem addressed. Because of its straightforward use in journalism (Kennedy, Moen & Randy, 1993), general semantics has been selected for this analysis. General semantics separates reports from inferences and judgments.While reporters utilize all three, the most heavily weighted should ideally be the report. The report is a statement verifiable through our senses (or the scientific extensions of our senses). An inference is a statement about the unknown made on the basis of what is known. And, a judgment is an evaluative or

emotive statement highly autobiographical in its function. Reporters will be understood in this paper to be writers or speakers who ideally communicate to us through reports primarily and inferences and judgments secondarily (Hayakawa & Hayakawa, 1990). Reporting and commentary are thus distinguished through higher frequency of inferences and judgments in commentary.

Subsequently, the reporter might construct an accurate and just account of the facts related to a topic or issue. The account should take the context of the facts into account (whether the context is the field of medicine, law, education, or whatever). Without reference to a context, we lack appropriate standards. What a statement means in relation to one set of criteria depends in part on what it means in relation to some context (Morris, 1964; Albrecht & Bach, 1997, 153). For example, a woman speed skater in the Nagano Olympics had to cover 500 meters in 39 seconds or less to win an Olympic medal; however, a woman speed skater in a regional 500 meter race may win a medal with a time of 47 seconds or less. Apart from the context of Olympic versus regional competition, the time would have a limited meaning since the context would be undefined. We would merely know the time it takes a particular female skater to cover 500 meters. In a medical report about reducing sodium in our diets, a "lite" soy sauce with 540 milligrams per tablespoon would be endorsed over one with 1130 milligrams per tablespoon. However, the diet of people with hypertension might require that soy sauce be avoided entirely. So, a 65 year old woman with a threatening case of hypertension may have to minimize sodium from all sources while a 20 year old female with no health problems may be able to consume an all-you-can-eat salty supper with minimal risk.

Truth is a term frequently used in the rhetoric of reporting. While reporters can address what has been verified (or what is verifiable) without violating journalistic ethics (Geib & Fitzpatrick, 1997), they might best construct the information available to them in a valid, fair, and accurate context. Much professional reporting is reasonable: for example, the reporting of Bill Moyer, Catherine Crier, or Bill Gaines. I target here, however, reporting that does not:

1. acknowledge neutrally and uncritically (yet realistically) that some information is classified and unavailable to the public at the time of reporting,

2. let the public know that some information is confidential and justly so,

3. explain to the public that some confidential information cannot be shared without sacrificing justice,

4. note the information being reported is speculative or premature, and

5. emphasize that professionals in law and media serve competing goals-that is, more than one master.

Acknowledging in an American context the tensions between the disclosure of truth and the implementation of justice constitutes a major theme of this paper. Proceeding with a respect for media reports, I urge here that in the US, reporting that deals heavily with legal matters should enlighten the public to the complexities of the US judicial system and legal principles with respect to the shared guidelines of truth and justice. Facts and constitutional protection must both be weighed. Rather than placing truth at the top, media reporters might more accurately place truth counterbalanced by justice at the top. Claims of reporters should display the data, warrants, and backing (Toulmin, 1958; Toulmin, Rieke and Janik, 1984; Eemeren, Grootendorst & Henkemans, 1996) for statements pertaining to law and fact.

2. Communication and Law
Although the field of communication and media law has developed worthy texts (Overbeck, 1998; Matlon, 1988; Zelezny, 1997), the pursuit of a concern with truth and justice must extend itself beyond these useful texts to texts from the field of law per se. While legal education in liberal arts curriculum has precedents in American higher education, such courses are not generally available. As regards journalists, legal communication eductors (Gillmor, Barron & Simon, 1998) hold that while a "basic understanding of the law governing the press is essential," no journalist should be (or is) "expected to play the role of lawyer in deciding whether or not to publish."
Journalists who understand the law and legal system may foresee potential problems. Once a journalist identifies a potential legal problem, such as libel, a lawyer can be consulted to determine the litigation risk (xxi). Since journalists often report on legal matters, knowing legal materials and research becomes crucial. Like lawyers, journalists can find the "cases, statutes, treaties, and other sources of law" that will prove useful (xxii) in reporting. Pember (1998) asserts that no nation may be "more closely tied to the law than the American Republic." In the US, "law is a basic part of existence" (2). While technically it is incorrect to discuss the US judicial system (since there are 52 different judicial systems – one for the federal government, one for the District of Columbia, and one for each of the 50 states), due to their similarity and for convenience, the US judical system will be addressed (15).

Since reporting truth with justice depends on a free press, a brief review of freedom of expression is in order. Courts have ruled that free speech presupposes civility and good behavior; it may not serve as an instrument for abuse or inciting violence. Also, courts have ruled that if a decision is made in terms reasonably carrying more than a primary meaning, a court will assign the meaning that least interferes with the rights and liberties of individuals (Butcher, 1992, 308). The freedom of expression allowed in the US and a few dozen other democracies is unique in world history (Lijphart, 1984). Leaders of many countries place national or personal security above the freedom of their citizens. Mass media reporting is but a tool for propaganda or national development a weapon against rivals. Some leaders still censor the mass media directly as well as arrest, torture, and murder mass media reporters. Governments may also control the media through subsidies the media need to survive, thereby weakening or destroying editorial independence (Overbeck, 1998, 32). Free expression for the public media have been earned through tragic efforts; this legacy is respectable. However, with free expression comes media reporting that expresses complex matters in ways which obscure truth and justice as well as in simplistic ways which distort or falsify truth and justice. Justice in the present context means US justice.

3. Legal Ethics and Professional Responsibility in the US Adversarial System
Truth with the restriction and discipline of justice may best guide reporters. Neither truth nor justice alone, but truth tempered by justice or facts bridled by law, might best serve as the ground for reporting. To hold truth up without its counterbalancing from US law, especially constitutional law and the American Bar Association's Principles of Professional Responsibilities (1987), may work against accurate and lucid reporting .
Legal godterms can be clarified and confusion reduced. The practice of the US adversarial system offers hope for clarifying theoretical confusion. Whether lawyers or judges comment on the godterms in the practice of law, the practice of law has to integrate the competing values of truth and justice. In asserting that "our adversary system rates truth too low among the values that institutions of justice are meant to serve," Judge Frankel (1980, 100) reminds us that truth is but one value. In fact, he adds that many of the rules and devices of adversary litigation are suited to "defeat the development of the truth" (102). Since interested parties employ lawyers, the adversarial process "achieves truth only as a convenience, a by-product, or an accidental approximation." Furthermore, Frankel holds the business of a lawyer is to "win if possible without violating the

law." The goal of lawyers is "not the search for truth as such" because "truth and victory are mutually incompatible for some considerable percentage of the attorneys trying cases at any given time" (103). In short, the metaphor of the "hired gun" embodies the "substance of the litigating lawyer's role." So, although the "discovery of the truth," according to Frankel, might best serve as a lawyer's paramount commitment in principle, the "advancement of the client's interests" reigns in practice (115).

Contrary to Judge Frankel's view is Professor Freedman's stand on truth and justice (Freedman, 1975). Referred to by Judge Frankel (1980, 113) as the "earnest and idealistic scholar who brought the fury of the (not necessarily consistent) establishment upon himself when he argued in our adversarial system for values that compete with truth over truth as a singular value." Freedman argued on theoretical as well as practical grounds for truth and its tempering values of justice, defense, liberty, and winning.

In the US adversarial system, a trial is in part a search for truth. However, the individual has several fundamental rights: a counsel, a trial by jury, due process, and the privilege against self-incrimination. These basic rights serve as "procedural safeguards against error in the search for truth." A trial thus is "far more than a search for truth" since our constitutional rights "may well outweigh the truth-seeking value": in fact, these rights and others "may well impede the search for truth rather than further it" (2). Our system requires that certain processes be followed which ensure the dignity of the individual, irrespective of their impact on the determination of truth (3). Freedman sees truth as a basic value in the adversarial system. While he maintains that truth-seeking techniques include "investigation, pretrial discovery, cross-examination of opposing witnesses, and a marshalling of the evidence in summation," he emphasizes that since our society honors an individual's human dignity, truth-seeking is not an absolute. On occasion, truth may be subordinated to values that are situationally important: for example, the Fifth Amendment's privilege against self-incrimination or the attorney-client privilege of confidentiality (4-5).

Freedman extends his case to support: (l) the zealous advocate who will let justice prevail for a client though the heavens fall if justice requires they do (9-11), (2) the keeping of secrets between lawyer and client even to the point of supporting a client on a testimony the lawyer knows will constitute perjury (28-31), and (3) making the truthful witness through cross-examination appear to be mistaken or lying (43-45). To prevent the lawyer-client relationship from being destroyed,

these constitutional rights must be preserved: counsel, trial by jury, due process, and the privilege against self-incrimination (5-6). In the corroborative words of Norton, lawyers serve "more than one master" and have a primary duty to pursue truth and justice (Norton, 1980, 261).

The American Bar Association Model Rules of Professional Conduct, adopted by the ABA House of Delegates on 2 August 1983 and amended repeatedly (ABA, 1995), supports the complex view that lawyers serve more than one master or that adversarial law has godterms, such as justice, that compete with truth. Rule 1.6 deals with the confidentiality of information. While a lawyer may reveal information to the extent the lawyer believes is necessary to prevent the client from committing a criminal act, a lawyer should not reveal information about a client unless the client consents with the exception of specified disclosures (20). Confidentiality applies not only to matters the client communicates in confidence but also to the information tied to the representation regardless of its source (21). In Rule 3.3 on candor toward a tribunal, a lawyer should not take a false statement or offer false evidence. However, in some jurisdictions a lawyer may have a client testify even if the lawyer knows the testimony will be false. The disclosure of perjury is subordinate to constitutional rights to counsel and due process (62-65).

4. Public Communication and Mass Media
Unlike fiction, the law usually lacks an omniscient author of wrongs and remedies. In stories acted out by stars like Clint Eastwood and Chuck Norris, we witness the wrong and then see the heroes remedy it. When wrongs come before lawyers, judges, and juries (none of whom are witnesses), no omniscient author is available to resolve the dramatic conflict in the style of a 30 to 90 minute program or movie. The facts have to be constructed and the law observed. Truth and justice, balanced against one another, may be pursued to untangle the confusion and complication of media accounts. The significant difference between facts and law needs clarification. The facts are "what happened," and the law is "what should be done because of the facts" (Pember, 1998, 15).

In this final section, the notion that lawyers must bow to several godterms in their professional practice of law is applied. Media reporters might best acknowledge these complications to advance the validity of their accounts. Two cases from legal reporting will help demonstrate the perspective presented in this paper. Because media writers have such high profiles in the reporting of legal events, they receive my attention here. Media writers, however, may communicate legal

information generally better than most lay professionals interested in disseminating such information. The journalist as an ethical professional is respected.

In reporting the fatal shooting on 31 December 1989 of Kevin Weekley in rural East Grand Forks (Black, 1998, 1C), the reporter tells us who were charged in this murder investigation, the charges that each faced, and the remaining charges of first and second degree murder. The reporter asserts that on 15 July 1997 half the charges faced by the four defendants were dropped because the statute of limitations had expired. While the law allows for the defendants to have rights and privileges, the knowledge of these rights and privileges are assumed by the writer rather than explained. The reader untrained in the law might know something about statutes of limitations but might also benefit from a line or two putting their legality in context. A sequel to this murder case (Black & Copeland, 1998, 1C) continued to cover the dramatic elements more instructively than the legal aspects. A female witness in the Weekley murder trial told police in Mandan, North Dakota that a white male grabbed her as he entered the back door of her apartment, threw her to her knees, and delivered this harsh message: "If you testify, you die." A real life drama with greater power than a fictional drama falls short of an adequate legal explanation with backing. While the story was reasonably well written, I believe it would have been stronger had the legal rules favoring any defendant been mentioned. Instead, an attorney for one of those charged with Weekley's murder is quoted as admonishing: "You have to remember that almost all of the witnesses are part of the underworld." The truth and the law need further attention here, and this story has, I believe, been reported better than most.

Turning from one of North America's favorite media themes to another, we move from violence to sex. As regretful as I am personally to give President Clinton's sex scandal any more coverage, the case with Monica Lewinsky will allow for a ready elucidation of truth and legal tensions in untangling media reports. If the public generally needs legal education from its media writers, in this case, the failure to provide the legal context of the journalistic coverage challenges journalistic and public relations ethics (Seib & Fitzpatrick, 1997; Seitel, 1995) with all respect due US federal freedom of information laws. As Overbeck (1998) reminds us, without freedom to gather news, freedom to publish amounts to little more than a "right to circulate undocumented opinions-a right to editorialize without any corresponding right to report the facts." For democracy to work, we

must be knowledgeable of our government and have access to its open meetings and records (303).

Granting restrictions in the US Freedom of Information Act and loopholes in US Government in the Sunshine Act, millions of documents have become public and some private meeting doors have opened (303-304). Putting aside for now issues connected with any president's personal sex life as being legally open or sheltered, we will look at the Lewinsky-Clinton sex scandal as portrayed in a nationally respected magazine with respect to untangling truth and justice.

One subtitle in a "special report on Clinton's crisis" reads: "A tangled web of politics, seduction and litigation." The article suggests a hopeful untangling it might accomplish (Gibbs, 1998, 21-33). Instead, the article, better written than most, presents the dramatic characters in several acts. The accounts of the events and facts derive largely from undocumented or partially documented opinions and many unsubtantialed claims. Readers are invited to share gossip on the alleged, sordid acts of President Clinton. We might, argumentatively speaking, appreciate the account more if it had factual over narrative value. The article shares a story with us: a story based on claims with sketchy or no evidence, a story that celebrates fiction for sales over evidence for justice. The opportunity to be a popular novelist shadows the opportunity to be a just reporter. Perhaps, the authors, being denied access to enough sources and facts, exercise their right to editorialize without exercising their responsibility to report facts. So, the authors choose to circulate views predominantly undocumented. The partisan accusations flourish while open inquiries wane. Rather than being enlightened with evidence, the readers receive a polemic on the evils of this Presidency. The quest for truth and justice has faded. The public is finessed into jumping on the oppositional bandwagon. Hearsay and speculation reign. As a commentator and citizen who appreciates facts over fiction and justice over bias, I would favor reporting that untangles false and irrelevant material from true and relevant material. This article weaves elements of fact with fiction so artistically that the effort has to be sifted through many filters to result in the actual sand of truth and justice desired. In one part of the coverage, the author reports: "Lewinsky is graphic in detailing, and at times denigrating, the President's sexual characteristics and performance." The author adds: "Lewinsky jokes that if she ever got to leave her job at the Pentagon and return to the White House, she would be made "Special Assistant to the President for b j " (22). In a related article describing these allegations, another author (Kirn, 1998, 30) affirms two passions of President

Clinton: one "alleged passion is for fellatio" and the "second, proven, passion (warning: pun ahead) is for cunning linguistics." Both authors present numerous inferences and judgments as compared to reports. Facts not being convenient, the report turns to emoting over informing. At one point, one of the authors (Kirn, 31) passes an opportunity to balance truth with justice. Referring to the possibility of Clinton facing impeachment proceedings, the author insults rather than instructs: "In an incredibly lucky constitutional break, the President's judge and jury will be the Senate-recently home to Bob Packwood, still home to Chuck Robb and Ted Kennedy." He then adds sarcastically: "Clinton just might find justice there. At least he'll have a jury of his peers." The author could have reported objectively what the President's options are and who his judges will be. The role of justice in relation to truth would be one step closer to being extricated from obscurity and confusion instead of embroiled in it.

5. Conclusion

My concern in this paper has not been with media writers who are commentators aiming at influencing attitudes and changing behavior based on sound reporting. Rather my concern is to urge reporters to deliver fact over fiction and justice over insult. The media writers cited write, in my opinion, superbly for a market that requires a heavy blend of reports with inferences and judgments. Their style is highly polemical and proceeds, sometimes out of necessity, from undocumented opinions and unsubstantiated evidence with minimal allusion to the interplay of truth and justice. Perhaps, we need an alternative form of media reporting, a form that may appeal to readers and viewers who prefer to distinguish reporting clearly from commentary. Maybe we need an alternative form of journalism that labels reporting as discourse with a preponderance of reports over inferences and judgments and that labels commentary as discourse with a base in reports but a preponderance of inferences and judgments.

We might benefit from media reporting that:
1. explains in a concise and rigorous manner what is actually known at the time of writing instead of what is opined,
2. elucidates what an accused has a right to expect in the process of justice,
3. notes whether truth and fact play a major role at the time of writing, and
4. forecasts whether the adversarial process might (or definitely will) be a consequence of the allegations at the time of writing.
In conclusion, let us consider journalism in another key: one where truth and

justice play a duet.

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ISSA Proceedings 1998 – Standpoints In Literary Reviews

1. Argumentation in literary reviews

In this paper I want to report about my analysis of the main standpoints in literary reviews from a pragma-dialectical point of view. This first exploration was carried out on a corpus of literary reviews in Dutch newspapers.

The main standpoint in a literary review is a value judgement about the quality of the book as a whole. There are more standpoints to be found

in reviews. Reviewers advance arguments to support the acceptability of their standpoint. If they say the book is beautiful, they have to bring in arguments like 'it is well-written, it opens new horizons for the reader' etc. These arguments relate to certain characteristics of the book. They are value judgements on aspects of the book, such as style, reality, innovation, and information. These arguments serve as sub standpoints in the literary reviews, whereas the main standpoint is an utterance about the book as a whole.

2. Standpoints and value judgements
The term 'standpoint' is broader than the term 'value judgement'. A standpoint not only can relate to the truth of propositions but also to their acceptability in a wider sense. Since a judgement may refer to the value of the subject of the utterance, it is a special kind of standpoint.

In literary reviews, the main standpoint is a judgement about the value of the book as a whole (and not about the values of certain aspects like style as pointed out before). Only relative terms can be used to express the value of books. Relative terms are always based on a scale. A scale is defined by two extremes: e.g. beautiful and awful, and the line between these extremes. In my survey, I postulated four different scales, on which the value of a book might be given.

1. The value of the book can be placed on a general scale from positive to negative. The general scale is between beautiful (or any other related positive qualification) and awful (or any other related negative qualification). Unlike the qualifications in the next scales, these qualifications are not exclusive for literature. "*Fear* could have been a terrible book because of all this, but it is a beautiful novel from the very start" (N. Hylkema, *Leeuwarder Courant*, 19-5-1995).
2. The value of the book can also be expressed by comparing a book with a general accepted standard of literature, a 'literary scale'. For example: 'This book is like a new Shakespeare. 'The value of Shakespeare's work is generally accepted, so the book is evaluated in a positive way.**[i]**
3. The value can also be expressed by comparing a book with another book from the same author as in 'This book disappointed me (...). His previous novel was much better. 'This scale can be called an oeuvre-scale. This is an example from the corpus: 'The award has caused quite a stir. That is not so surprising, because the book is an average book that in the light of Llosa's previous works looks particularly pale' (S. de Vaan, de *Volkskrant*, 19-5-1995).

4. The value can also be given within a certain genre as in: 'This book is a moving historical novel.' This utterance doesn't specify the value of this book as a novel, but it does express the value as a historical novel. In this example 'historical novel' can be replaced by all genres: from historical novel to pulp fiction, from experimental novels to thrillers. I called this the genre-scale.**[ii]** Genre is used here in a broad sense: Dutch books can be called a genre as well. I found this example in the corpus: 'Van Teylingen's writings enriched Dutch literature' (J. Diepstraten, de *Gelderlander*, 17-5-1995).

The corpus I examined consisted of all literary reviews in Dutch newspapers, published in an average week (no literary prices, no special literary events, no holidays). The first, general scale was used by far the most: in 18 of the 23 reviews in which the main standpoint was expressed in an assertive. The other scales were used rarely if ever.

3. Propositions, to which the main standpoint can be related
A proposition refers to something and adjudges a certain predicate to that something. Three kinds of propositions are distinguished: descriptive, evaluative and inciting propositions. Descriptive propositions describe facts or events. Evaluative propositions express an assessment of facts or events. Inciting propositions call on to prevent or to enhance a particular event or course of action (van Eemeren, Grootendorst, 1992: 159). This distinction is important for the analysis of the argumentation in literary reviews because different types of propositions are connected with different types of arguments. And conversely: a certain type of argument presupposes a certain type of standpoint. Is it possible to predict to which kinds of propositions the main standpoint in literary reviews can be related?

1. Can the main standpoint be related to a descriptive proposition?
The answer must be no, because the arguments to support descriptive propositions are factual arguments: you need facts to support a standpoint related to a descriptive proposition. The main arguments in a literary review to support the main standpoint are judgements and not facts, so the main standpoint can not be related to a descriptive proposition.
2. Can the main standpoint be related to an evaluative proposition?
This seems to be pre-eminently the kind of proposition to which the main standpoint in literary reviews is related. This is for two reasons. Evaluative propositions are supported by arguments that express values or a hierarchy of

values, as Peter Houtlosser stresses (Houtlosser 1995: 176). The argumentation in literary reviews consists of sub standpoints in which judgements are expressed about the value of different aspects of the book. So the argumentation expresses values.

Besides that, there is a hierarchy of importance between these aspects, reflecting the reviewer's overall opinion about literature. For example: a reviewer is positive about the style and negative about the innovative character of a novel. His main standpoint can be negative, if he considers innovation to be the main function of novels. So there is also a hierarchy of values. These two characteristics of argumentation in literary reviews (expressing values, not independent values because these values are hierarchical anyway) point out that the evaluative proposition is pre-eminently the kind of proposition the standpoint can be related to.

3. Is it possible that the main standpoint is related to an inciting proposition?
An inciting proposition calls on to prevent or to enhance a particular event or course of action. (van Eemeren, Grootendorst, 1992: 159). That can be so in the main standpoint in a literary review, for example in 'My opinion is that this book should be read world-wide'. So far, the main standpoint has been given the following characteristics: it is a value judgement about the quality of a book as a whole; this value is expressed on a scale; it can be related to evaluative and inciting propositions.

4. Different speech acts and the main standpoint in literary reviews
The speech act 'to advance a standpoint' is an assertive. According to Peter Houtlosser the speech act to advance a standpoint must be seen as a complex speech act, as is argumentation (Houtlosser 1995: 75). That means that an utterance can be analysed at a higher textual level as a standpoint while on sentence level it may actually be a non-assertive. Peter Houtlosser also stresses that not only assertives but also other speech acts can lead to a difference of opinion. These speech acts must be reconstructed as standpoints in an analysis. The reconstructed standpoints are virtual standpoints. A value judgement is a certain kind of standpoint, so it is an assertive. Peter Houtlosser stated that other speech acts also might lead also to a difference of opinion. Which speech acts can be used to express the main standpoint in a literary review?
a. Suppose the only utterance about the quality of the book as a whole is: 'This book should be read world-wide'.

This example illustrates that the main standpoint can be an advice. Language users recognise this advice as a value judgement. An advice is not an assertive but a directive. This directive can be reconstructed on textual level as the (in the example: positive) main standpoint.

b. Suppose the main standpoint is expressed in 'I promise never to read a book from this author again'.

To promise is a commissive speech act. On textual level this utterance can be reconstructed as a value judgement. In this example the judgement must be negative: the reviewer's promise never to read these books again is not very recommending.

c. The main standpoint can also be expressed as in 'Reading this book made me very happy'. This utterance is an expressive. But it can be reconstructed as the main standpoint on textual level. The qualification appears to be positive, assuming that only good books can make the reader happy.**[iii]**

In literary reviews a special kind of expressive can be distinguished. In some of the reviews I examined I found remarks in which the subjective character of the judgement remains implicit. For example: 'This book is really moving.' An utterance like this must be characterised as an expressive. But the expressive is made impersonal, the phrase suggests that the book is moving for every reader. It differs from the utterance 'this book made me happy' because the personal experience is generalised. I called this kind of expressive a 'depersonalised expressive'.**[iv]** I believe that depersonalised expressives can be found very often in reviews, but this needs further research.

4. Can main standpoints in literary reviews be expressed by declaratives?

Declaratives are speech acts by means of which the speaker creates the state of affairs that is expressed in the propositional content. Usually declaratives are performed in more or less institutionalised contexts, – such as court proceedings, religious ceremonies – in which it is clear who is authorised to perform a particular declarative. When the referee in the championship says: 'the ball is out', so it will be, whatever all the British football fans may say (or do). When the reviewer says: 'this book is good', his utterance doesn't influence the reality: it doesn't change the quality of the book. Therefor I think main standpoints in literary reviews can not be expressed by declaratives.**[v]**

What are the differences between main standpoints, expressed in an assertive (not to be reconstructed) and reconstructed main standpoints expressed in a non-

assertive? First, the reconstructed main standpoint can only be reconstructed in positive or negative ways. If a reviewer writes: 'read this book', the qualification is positive. If he writes 'don't ever read this book', the qualification is negative. Because it can only be reconstructed as positive or negative, the qualification behind reconstructed main standpoints is less specific than in standpoints like 'this book is better than his last one' (an assertive). Second, a reconstructed standpoint is always explicit, whereas a standpoint that has not yet been reconstructed may be very vague, like: 'this book might be the start of an international career'. So far the main standpoint in literary reviews can be expressed by all different speech acts, except for declaratives. They must be reconstructed on a textual level as explicitly positive or negative judgements.

5. Unexpressed main standpoints
If the main standpoint is unexpressed, only argumentation provokes a clue for the reconstruction of the main standpoint.
First: when only positive judgements of aspects (or: the sub standpoints, the arguments) are given, the main standpoint must be reconstructed as positive. Only if one aspect is judged as negative, the judgement of the book as a whole might already be negative: the negatively judged aspect might have a very high place in the hierarchy of the values. Analysis of the corpus shows, that the repetition of a negatively judged aspect may emphasise the negatively judgement so much, that this aspect seems to be a decisive criterion. The judgement can also be negative to such a degree that it becomes very important compared to the other (positively judged) aspects.
Second: the main standpoint can also be unexpressed (no utterance can be found about the quality of the book as a whole), whereas evaluative utterances with a broader reference can be found. For example: 'Daphne Meyer is a good writer'.
In these cases, one level in the argumentation scheme is left out. The argumentation scheme can be reconstructed as: Daphne Meyer is a good writer. Good writers write good books. This book is written by Daphne Meyer, so this book is a good book. In the corpus I found this example: 'All this together inconspicuously turns IJlander into a writer whose entire oeuvre you want to read after the very first acquaintance'(L. Oomens, *Algemeen Dagblad*, 19-5-1995).

6. Requirements for the main standpoint in literary reviews
Eveline Brandt (1994) developed four requirements for the main standpoint in literary reviews: it must be well considered, and supported by arguments; it must

be easy to recognise as the main standpoint and formulated without any ambiguity. How can be decided whether the reviewer meets these general requirements?

1. Whether a main standpoint is well considered or not, is depending on the required attitude of the reviewer towards his work. Only the verbal presentation can show whether he meets this demand. And only argumentation can show whether the main standpoint is well considered or not.

2. The second requirement deals with argumentation to support the standpoint. In an analysis of the main standpoint the argumentation gets more important when the main standpoint is unexpressed. And if the main standpoint is unexpressed, the demand for an easy-to-recognise and unequivocal argumentation becomes stronger. The main standpoint can only be reconstructed if the judgements of certain aspects and the hierarchy between those aspects is made clear (outspoken or suggested by repetition).

3. The third requirement is that the main standpoint should be easy to recognise. The notion 'recognisibility' is a relative notion. Whether a main standpoint is easy to be recognised, is influenced by the next elements:
– explicit and implicit language use;
– the position of the main standpoint in the text;
– the repetition of the main standpoint.**[vi]**

4. The fourth requirement is that the main standpoint should be unequivocal, not ambiguous. The main standpoint can be ambiguous on the level of the sentence as well as on wider, textual level.**[vii]**
– If just one utterance can be identified as the value judgement, the main standpoint can be ambiguous in two ways. The scale of the value can be ambiguous (as in: 'This is the best Thai historical novel, ever translated in Dutch') and the qualification of the book can be ambiguous (as in: 'This book needs a lot of attention from the reader'). There are value judgements in both last examples, but the value remains unclear.
– Sometimes two utterances can be identified as the main standpoint. If so, it is not always clear which of the utterances expresses the main standpoint the best. The two (or more) utterances can be more or less contradictory, as in: 'This book claims to be an old masterpiece, but isn't one.' (...) 'I wonder why this was translated.' (...) 'If the writer aimed to write an catching erotic story, he succeeded.' (H. Pos, *Trouw*, 19-5-1995) This is an ambiguity on textual level.

7. Some examples taken from the corpus

After this theoretical, first exploration of the main standpoint in literary reviews, some quotations can illustrate the complexity of the analysis. In the analysis, the theoretically assumed characteristics were very helpful.

1.

'The award has caused quite a stir. That is not so surprising, because the book is an average book that in the light of Llosa's previous works looks particularly pale. (...) Anyone who enjoyed the breathtaking plot, the technical wizardry and the elaborate themes and the pageturning epic narrative in previous works will feel cheated. The book lacks tension. (...) The dialogues are generally anaemic and sometimes even trivial and the saccharin conclusion is disappointing, to put it mildly. (...) If it had been an anti-climax to an otherwise thrilling book it would have been acceptable, but the rest of the book is not exactly breathtaking either (...)' (S. de Vaan, de *Volkskrant*, 19-5-1995).

Three value judgements can be found in these quotes.
– The first utterance (it is an average book) is an assertive, and the value is placed on a general scale.
– The second utterance (it looks particularly pale in the light of Llosa's previous works) is also an assertive and the value is placed on the oeuvre-scale.
– The third utterance (anyone who enjoyed his previous works, will feel cheated) repeats the judgement expressed in the second utterance. But here it is expressed in a 'depersonalised expressive.'

2.

'His texts belong to the best that has been written in Dutch and wouldn't it be beautiful for this work to be spread as widely as possible. (...) This fragment is taken from the story 'the carrot in the letterbox', that, although it's title is not as beautiful as most of them, it's solid and strong construction make it one of the best stories I have ever read. (...) Finally I would like to conclude with a sentence suitable for the blurb on the back of Berckmans next book: I still don't understand why every household in the country does not have the complete works of J.M. Berckmans on their bookshelves' (R. Giphart, het *Parool*, 19-5-1995).

The first part of the first sentence in this quote is an assertive. The proposition is evaluative and the value is placed on the 'genre-scale'. In the second half of the first sentence, a wish is expressed indirectly. It is not an assertive but an indirect speech act, which can be interpreted as a wish. Then again this wish contains an indirect advice for readers. Strictly spoken, the second sentence is not a

judgement of the book as a whole, only a judgement of one of the stories. But the judgement is so positive, that the book as a whole must be positive. The value is placed on a very large scale: everything this reviewer ever read. And reviewers do read a lot; it is their profession. So this judgement of one part, reinforces the judgement of the book as a whole. The value judgement in the third sentence is hidden behind a promise, a commissive. And this commissive contents also an advice for readers.

3.

'I swear, I have read this book right through, I have not shied away from this mugful of lard but I would seriously advise against even picking this book up, because it is so greasy it will slip through your fingers. And in case you are still interested in it, it will be a great pleasure for me to give it to you as a present. In Witte's own words: 'do me a chip sandwich – oh, and heavy on the mayonaise'. This way at least you are sure your are dealing with an unhealthy mouthful (…)' (A. Koopmans, *Apeldoornse Courant,* 17-5-1995).

It is very clear: the reviewer judges this book as an awful one. In the first sentence he assures the reader that his judgement is well considered, he did his job and read this book through. This judgement is expressed in an advice. Later on it is expressed in an expressive, and the expressive also contents a commissive.

4.

'The reader travels along with them to the heart of the catastrophe, an experience that makes a deep impression, just as Lynn Pan's other journeys through China's life and history (…)' (anonymous, *Barneveldse Courant*, 20-5-1995).

This main standpoint is hidden in a short sideline. The utterance 'makes a deep impression' is the main standpoint, an expressive. The reviewer suggests with his words that his personal experience will be shared together with all readers, but in fact it is his own and personal experience. It is a so-called 'depersonalised expressive'.

5.

'In the first story of this collection I found literary confirmation of the fact that she is a real writer. (…) Her writings are not limited to just being descriptive, but are always permeated by an emotion that goes beyond that' (J. Bernlef, *NRC Handelsblad*, 19-5-1995).

Real writers write real books. Real books are good books. So the reviewers' judgement is positive. In the second quote he specifies what real writers do.

6.

'A direct beginning like this can be found quite often in IJlanders's work. It is his way of introducing the subject of the story directly at the beginning. They are all examples of IJlander's narrating skills. That is how IJlander has inconspicuously become a writer whose whole oeuvre one would like to read after the first acquaintance' (L. Oomens, *Algemeen Dagblad*, 19-5-1995).

This was the only utterance in this review, which could be identified as the main standpoint. But it is not an utterance about the quality of the book as a whole. The main standpoint is unexpressed here. The main standpoint is hidden in an utterance about an authorship, it is easy to reconstruct as a positive judgement about the book in question: you are curious about a whole oeuvre, if your judgement of one specimen is positive. So the value judgement is clear, while the main standpoint is unexpressed.

7.

'While reading Yoshimoto's collection of stories I was constantly reminded of my experiences with the Japanese cuisine. Like most Japanese food Yoshimoto's writings are not exactly pushy. You have to conquer it, discovering the qualities in a careful and concentrated way. He who puts his mind to it shall not be disappointed but will at the same moment discover that the distance in Yoshimoto's work comes with a price tag (...) To remain in culinary terms, despite their ingredients the taste of her stories remains often insipid. While dining you might feel it is time again to order a hearty steak au poivre' (H. Bouwman, de *Volkskrant,* 19-5-1995).

This value judgement is expressed by a comparison, not a comparison with other literature, but with the Japanese kitchen. Such a comparison is an indirect speech act. The reviewer transformed his reading experience, being a mixed visual and intellectual sensation, into a taste sensation. More than one utterance can be identified as main standpoint, as the quotes show. The value can be paraphrased as 'pretty good, but now for something completely different'. A bit positive, a bit negative. The value judgement is unequivocal.

NOTES

i. This scale differs form the general scale: the comparison is not only qualifying but also characterising. If the reviewer compares a book with Shakespeare, the book differs from one, which is compared to Dostojewsky's, although both writers have a position in the literary canon.

ii. I postulated one last scale, which is connected to the former one: a debut-scale. Debuts can not be seen as a genre, but an utterance like 'this book is a strong debut' is very much like 'this book is a good regional novel'.

iii. Awful books can make the reader happy as well, but in that case the reader must have special reasons for this strange effect. Without any further explanation, utterances like 'this book made me happy' or 'I felt awful reading this book' must be reconstructed as positive and negative qualifications.

iv. In Holland many publications can be found, in which reviewers discuss the subjective character of reviews. This discussion comes up very often. This attention to the subjective character of a value judgement sheds a new light upon this depersonalized way of expressing the value of a book.

v. An exception must be made for the usage declaratives. The usage declarative points to another speech act, so they can't be interpreted as the main standpoint. If they occur in a literary review and point at the main standpoint, the main standpoint is easier to recognise.

vi. For that matter: repetition not only influences whether the main standpoint is easy to recognise, it also determines the confidence with which the main standpoint is brought forward.

vii. Once again a reason to analyse the main standpoint on textual level.

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ISSA Proceedings 1998 – Argument Structure And Disciplinary Perspective

Many in the informal logic tradition distinguish convergent from linked argument structure. How intuitively we may present this distinction is quite familiar. In some arguments, several premises may each be offered to support some conclusion but these premises are apparently intended to be taken together, to work together to constitute a case for the conclusion. Each premise given is somehow incomplete in itself. Its removal would leave the argument with a gap. As Stephen N. Thomas puts it in *Practical Reasoning in Natural Language*, the "reasoning involves the logical combination of two or more reasons,... each of which needs the others to support the conclusion." (Thomas 1986: 58) Following Thomas, we say that such an argument has *linked* structure. By contrast, some arguments will have what Thomas calls *convergent* structure, where two or more premises are intended to support the conclusion separately, independently giving evidence for it.

The problem of distinguishing linked from convergent structure has proved vexing; indeed so vexing that it is currently the central problematic issue for understanding argument structure. The terminology in which Thomas and others have drawn the distinction is one obvious explanation for this difficulty. What do these key concepts of logical combination, premises needing each other, or being separate or independent mean? These characterizations are shot through with terms whose precise meaning is far from clear. What does it mean to say that reasons logically combine, that they need the others, that they fit together? What

does it mean to say that they are completely separate or independent?

The metaphorical nature of the terms in which the linked-convergent distinction is frequently cast may betray a more fundamental difficulty with this distinction. It is a confusion over just exactly what this distinction is to mark. It is the thesis of this paper that the linked-convergent distinction, which we regard as a logical distinction, is frequently confused with a dialectical or pre-logical distinction, the distinction between multiple and co-ordinatively compound argumentation as defined by the pragma-dialectical school. This distinction is sometimes regarded as marking the linked-convergent distinction, but only using different terminology. However, as I shall argue, the distinction is quite different. According to van Eemeren and Grootendorst in *Speech Acts in Argumentative Discussions*, a multiple argumentation consists of "a series of separate and independent single argumentations for or against the same initial expressed opinion." (van Eemeren and Grootendorst 1984: 91) Each argumentation is (or is intended to be) individually sufficient to justify accepting (or rejecting) the initial expressed opinion. With co-ordinatively compound argumentation, the single argumentations are "only sufficient together" (van Eemeren and Grootendorst 1984, 91). In *Argumentation, Communication, and Fallacies*, they point out that in "multiple argumentation, the constituent single argumentations are, in principle, alternative defenses of the same standpoint" (van Eemeren and Grootendorst 1992: 73). Again, "What matters most is that the individual arguments should count as independent defenses of the same standpoint" (van Eemeren and Grootendorst 1992: 75). By contrast, "Compound argumentation consists of a combination of single argumentations that are...presented collectively as a conclusive defense defense of a standpoint....In a coordinative argumentation, each argument individually is presented as being a partial support for the standpoint, but it is only in combination with the other arguments that it is presented as a conclusive defense" (van Eemeren and Grootendorst 1992: 76, 77).**[i]**

Why should we not see van Eemeren and Grootendorst as drawing the linked-convergent distinction, only using different terminology? Why does the multiple versus co-ordinatively compound terminology mark a different distinction from the linked-convergent contrast? The answer comes, as I have already suggested, from the fact that the multiple-co-ordinatively compound distinction is dialectical, whereas the linked-convergent distinction is logical. We have two different

disciplines here out of which these distinctions have come, disciplines with different perspectives on argumentation. Let me make it clear that by saying that these perspectives are different, I am not suggesting that one perspective is valid and the other not, or that one perspective is superior to the other. The perspectives of these disciplines may be equally valuable, but they are different, have different goals, and should not be confused.

The goal of a *logical* analysis and evaluation of an argument is to determine whether the premises constitute good reasons for accepting the conclusion, good in the sense of constituting inductively strong or sufficient or deductively necessitating reasons for the conclusion. The unit of analysis, then, is the premise-conclusion nexus. In developing a system of argument diagramming from the logical point of view, a system containing circles, arrows, and perhaps other elements, we understand these elements as making manifest the internal structure of such a nexus. That is, the various statements and their support relations are internal to an argument and together constitute one unit of analysis. The tools of argument analysis are tools for manifesting this internal structure.

This contrasts with the tools needed for a properly dialectical analysis of argumentation. Where the focus of interest concerns how well a critical discussion has come to a reasoned resolution of some disputed question, the argumentation included in the critical discussion need not form one single unified argument developed over the course of the discussion. In the case of resolving some dispute, a proponent may put forward a reason which he regards as sufficient to defend some claim. This reason, then, constitutes the premise in a distinct argument for that claim. Yet the proponent may later withdraw that reason, and thus the argument, under critical questioning from the challenger. She may not accept that reason and the proponent may have no premises – at least premises which she will accept – from which to argue for it. He may then offer another reason for the claim. Clearly this could be repeated a number of times. Each time a premise is withdrawn and replaced, the proponent is putting forward a different argument. Alternatively, a proponent may put forward what he regards as a number of distinct arguments for his claim. This could happen in a critical discussion with several interlocutors. The reason or premise one interlocutor is prepared to accept may not be acceptable to the others. But by presenting a series of reasons, the proponent has given each interlocutor at least one reason which that interlocutor finds acceptable (Compare van Eemeren and

Grootendorst 1992: 74). If then each reason is sufficient to justify the claim which is the issue of this critical discussion (and seen as sufficient by each interlocutor), by offering this series of reasons the proponent will have brought about a resolution of the dispute favorable to him. But notice that he has brought this about *not* through one argument but through a whole series. The proponent's argumentation consists not of one argument developing cumulatively, but of a number of discrete arguments. Again, for rhetorical purposes, a proponent may present a plurality of arguments for the same conclusion. A claim becomes more credible the more often one hears it repeated, especially if it is repeated in varying contexts. Surely if a proponent wants to get his audience to believe some claim, he may want to repeat it a number of times. But he can certainly vary the context by each time giving a different reason for that claim. The tools for carrying out a dialectical analysis of argumentation then must include a way of indicating that an argumentative passage or exchange includes a number of distinct, separate arguments. A *dialectical* analysis of argumentation, then, will focus on a different unit, a whole argumentation, possibly containing multiple arguments, where a logical analysis will take an individual argument as its unit of analysis. Different disciplines then will legitimately have different analyses of argument structure.

Dialectical analysis comes out specifically in the identification of multiple argument structure and the distinction between multiple and co-ordinatively compound argumentation structure in the pragma-dialectical approach. By saying that a multiple argumentation consists of a series of single argumentations, each sufficient or intended to be sufficient to accept the conclusion, van Eemeren and Grootendorst indicate that the unit of their analysis of argumentation is more than a single argument. Their use of "conclusive" is significant here. Their discussion also indicates that we should judge an argumentation to be multiple when the single premises "should each be regarded as conclusive defenses of the speaker's standpoint" (van Eemeren and Grootendorst 1992: 79). "Conclusive" is revealing for highlighting the separateness of the arguments in multiple argumentation. It is a modal term. On one standard understanding of "conclusive," to claim that the premise or premises of an argument constitute a conclusive defense of the standpoint is to claim that they entail or necessitate the conclusion. It is to claim that the argument from those premises to the conclusion is deductively valid. This is significant, because from a logical point of view, no argument is stronger than a deductively valid argument. If certain of the reasons

or premises put forward for a conclusion constitute a deductively valid argument for that claim, any remaining reasons will in no way strengthen the deductively valid argument that we already have, for one cannot strengthen a deductively valid argument. One cannot have any support for a conclusion stronger than premises which necessitate it. That a premise necessitates a conclusion could then be taken as a sign that any other premises offered in support of that conclusion are parts of one or more other, numerically distinct arguments for it. "Conclusive" then highlights the fact that in multiple argumentation we have two or more separate arguments for the conclusion.

Use of "conclusive" is also problematic, however, for arguments, although logically cogent, will not always provide conclusive support for their conclusions. We must allow for the possibility of multiple argumentation where each of the separate arguments provides less than conclusive evidence to justify accepting the conclusion, and we must also allow for the possibility of co-ordinatively compound argumentation where the premises collectively provide support but not conclusive support for the conclusion. In this connection, Snoeck Henkemans' appeal to modal qualifiers in distinguishing multiple from coordinatively compound argumentation is very insightful. In her view, modal words such as "probably," "certainly," "possibly," "necessarily," "make explicit the degree of certainty with which their standpoint is advanced" (Snoeck Henkemans 1992: 108). In deciding then whether an argumentative text has multiple or coordinatively compound structure, we should not look solely for units whose premises conclusively support their conclusions. Rather. If the argumentation consists of more than one argument [premise], in order to determine which structure is to be attributed to the argumentation, the analyst has to judge whether each individual argument is sufficient to support the standpoint with the claimed strength, or whether the arguments only have sufficient weight if they are combined (Snoeck Henkemans 1992: 113). Clearly, if each premise supports the conclusion with the strength claimed, then we have good reason to count the argumentation as multiple. On the other hand, if only the premises in combination have sufficient strength, we have reason to count to argumentation as coordinatively compound.

Hence, although there is an obvious parallel between the multiple and co-ordinatively compound distinction and the convergent and linked distinction, these two distinctions do not amount to the same thing. We have more than a

terminological difference here. The multiple-coordinately compound distinction is a dialectical distinction, while the linked-convergent distinction is logical. Multiple argumentations consist of a plurality of arguments, while convergent arguments are single, argumentative units. This is not to deny that when approaching an argumentative passage from a logical point of view, it is important to determine whether the passage contains one or a plurality of arguments. That will determine the units to be subjected to logical analysis and evaluation. But identifying those distinct units is preliminary to *logical* analysis – it is a prelogical analysis employing, from the logical point of view, a prelogical distinction – while identifying distinct units may be integral to dialectical analysis. Characterizing convergent argument structure in a way to make it coincide with multiple argumentation structure then is a mistake. It confuses dialectical with logical structure.

Keeping this in mind, we can see how certain characterizations of convergent structure are inappropriate, since they amount to characterizing this structure as multiple argumentation. This is most notably true of Thomas's first characterization of convergent argument structure: When "each reason supports the conclusion completely separately and independently of the other, the reasoning is *convergent*" (Thomas 1986: 60, italics in original). Thomas's wording is quite strong here. If by "completely separately and independently," Thomas means completely separately and independently, then convergent reasons on his characterization are separate distinct arguments for the conclusion. The cogency of each reason as support for the conclusion should be assessed separately from any of the other reasons. Thomas apparently endorses this interpretation when he says that "A convergent argument is equivalent to separate arguments (or evidence coming from separate areas) for the same conclusion" (Thomas 1986: 61). We say "apparently endorses," for in the light of Thomas's further elaboration of the nature of convergent arguments, it is not clear that he would endorse the view that convergent reasons should *always* be regarded as the premises of distinct arguments for the conclusion. Suffice it to say at this point that at least one of his characterizations may plausibly be interpreted this way.

In *Argument Structure: A Pragmatic Theory*, Douglas Walton analyses the differences among a number of tests for the linked-convergent distinction as falling along two axes: the Falsity-Suspension axis and the No Support-Insufficient Proof axis.

Some tests will ask us to consider the effect on the support the remaining premises give a conclusion if one premise is false. Others will ask us to consider the effect on the support if one premise is suspended, i.e. blocked out of the mind. If that premise were simply removed from the premise set of the argument, what would be the effect on the support the remaining premises give to the conclusion? Again, some tests will judge an argument to be linked if and only if the support is completely undercut, while others will judge the argument linked if and only if the resultant support is insufficient to show the conclusion. The various combinations of these two axes yield four possible tests for distinguishing linked from convergent arguments: Falsity/No Support, Falsity/Insufficient Proof, Suspension/No Support, Suspension/Insufficient Proof. Of these four, Walton regards the last, the Suspension/Insufficient Proof ... Test: *If one premise is suspended (not proved, not known to be true), then conclusion is not given enough support to prove it* (Walton 1996: 119, italics in original). As "being an analysis of the meaning of the linked-convergent distinction, generally, in an ideal argument in which the premises are collectively sufficient for the conclusion" (Walton 1996: 151). It provides "a right minded contextual framework, and a sensible pragmatic viewpoint on what is meant by the linked-convergent distinction generally" (Walton 1996: 181).

Appraising how Walton came to this position and his overall views on the linked-convergent distinction developed in *Argument Structure* is beyond our scope here. He acknowledges that this test frames the multiple versus co-ordinatively compound distinction of the pragma-dialectical school. If our argument is cogent that this dialectical distinction does not amount to the linked-convergent distinction, then Walton's claim that the Suspension/Insufficient Proof Test properly analyses that distinction is mistaken.

In *Informal Logic: Possible Worlds and Imagination*, John Eric Nolt also in effect characterizes convergent (or as he prefers to call them, split-support) arguments as separate arguments. In such arguments, the premises "work independently; neither needs to be completed by the other…, but stands by itself as a separate line of reasoning." The premises then constitute "separate inferences" (Nolt 1984: 31). Nolt carries this through in his instructions for evaluating convergent arguments. Each inference should be evaluated separately. The reasoning of a convergent argument "will generally be as strong as the strongest chain of reasoning it contains,… [T]he overall strength of the argument is as great as the

overall strength of its strongest chain" (Nolt 1984: 90). If an argumentative text contains two (or more) separate arguments for the same conclusion, then from a logical point of view, those arguments should be evaluated separately. The logical cogency of one is a separate issue from the cogency of the other. But in such a case, we are dealing with *distinct* arguments, not a single unit of argument. Nolt is quite consistent, then, in regarding a split support argument as being as strong as its strongest chain, as long as we recognize that split support arguments are multiple argumentations and not convergent arguments.

But Walton and others might very well ask why we need the lin-ked-convergent distinction in addition to the multiple co-ordinatively compound distinction. Why within arguments which we all agree are co-ordinatively compound do we need to distinguish those whose internal structure is linked from those whose internal structure is convergent? Some further remarks Thomas makes concerning convergent argument suggests why. He makes the following claim:

It is possible to have a correct convergent diagram in which the result of combining the separated reasons would (if this were done) be a stronger argument than either reason provides alone, as long as the *negation* or *falsity* of the various separated reasons would not decrease the support given by the other(s) to the conclusion (Thomas 1986: 62, footnote 18, italics in original). This assertion is problematic as it stands. What argument is the correct convergent diagram to be a diagram of? Is it the diagram of the various numerically distinct arguments, each giving a separate, independent reason for the conclusion? Or is it the diagram of the result of combining these several arguments into one? If the convergent-linked, multiple -co-ordinatively compound distinctions amounted to the same thing, then the convergent diagram would represent a plurality of arguments, and the combined argument would have co-ordinatively compound, i.e. linked structure. But Thomas does not regard the resultant combined argument as having linked structure. The last clause makes reference to what he regards as another hallmark of the linked-convergent distinction. Reasons are convergent if the falsity of any one of them would in no way affect the strength of support each of the others affords for the conclusion. If by contrast the falsity of one of the reasons undercuts the strength of the others, the structure is linked. This allows for the possibility that the strength of two or more premises considered together will be greater than the *strength of the strongest premise*, and that the strength of the overall argument will be diminished by the falsity or

withdrawal of any of its premises. The argument will be convergent as long as the strength of each remaining premise considered separately remains the same.

Notice that this allows the combination of a plurality of premises which supplement each other, which work together logically in terms of the weight of the entire case for the conclusion, but which are still regarded as convergent. No wonder, then, that there is confusion over the linked-convergent distinction. One would think that if the combined weight of the premises offered to support a conclusion were greater than the weight of any premise taken individually, then the premises would be working together, logically supplementing each other, and thus should be linked. But Thomas now allows that under certain circumstances they may be convergent, even though in such a case we shall have only one argument.

What this apparent conflict between Thomas's criteria for drawing the linked-convergent distinction may indicate is that within the class of arguments which from a dialectical perspective have co-ordinatively compound structure, we need to distinguish convergent from linked arguments. This reinforces our thesis that these two pairs of distinctions do not amount to the same thing. We are dealing not with one but with two structural distinctions here and thus with two problems in delimiting argument structure. That for *logical* reasons we should want to distinguish linked from convergent arguments is easily shown. Indeed we claim no originality for this point. Consider the following argument:

There is no evidence that capital punishment for first degree murder constitutes an effective deterrent for these crimes. It cannot restore life to the murder victim. If applied to the wrong person, there is no way that wrong can be redressed. It signals that brutality is an option for the state. Hence the death penalty for premeditated murder should not be a judicial option. Here four distinct reasons are given for the conclusion. Although all four reasons together give a stronger case for the conclusion than each separately, each by itself counts against capital punishment and thus for the conclusion. Intuitively this argument is convergent. From a logical or logico-epistemological point of view, the premises of an argument must be acceptable and adequately connected to the conclusion. Now suppose the first premise were recognized false. Suppose there was evidence that under certain circumstances at least, say when the administration was swift, sure, and equitable, capital punishment constituted an effective deterrent for first degree murder. Given that information, the first premise would no longer be

acceptable. Yet the remaining premises would still constitute a case against capital punishment. The falsity of one premise would not spell the demise of the entire argument, although if all four premises had been true, we would have had a stronger case for the conclusion than that made by the remaining three. The point is that even if the first premise proves unacceptable, it still makes sense to proceed with the logical evaluation of the remainder of the argument.

Now contrast these considerations with the following argument: Capital punishment signals that brutality is an option for the state. Brutality must never be an option for the state. Hence capital punishment must not be permitted.
Suppose the first premise were found false and thus unacceptable.
Suppose some forms of capital punishment, e.g. lethal injection, were certifiably non-brutal. Then the remaining premise would not give us much of a reason for opposing *those* forms of capital punishment.
Suppose, on the other hand, that brutality is an acceptable option for the state, at least under certain circumstances. Then under those circumstances, capital punishment might be quite permissible.

Intuitively it seems we need both premises together to constitute a case for the conclusion of this argument. Intuitively it is linked, and the contrasting logical fate of this argument with that of the convergent argument when it is imagined that one premise is false shows the cogency of drawing the linked-convergent distinction.
Whether an argument is linked or convergent has a bearing on its logical evaluation. The distinction is relevant from the logical point of view. Hence, it is important that we keep the logical purpose of this distinction in mind when we draw it and not confuse it with prelogical or dialectical considerations, even though those distinctions may be valuable for the logical and dialectical analysis of argumentation. The linked-convergent distinction and the multiple-co-ordinatively compound distinction are two different distinctions, ultimately expressing two different disciplinary perspectives, and we should not use the latter to explicate the former.

NOTES
[i] We shall comment on the significance of "conclusive" shortly.

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ISSA Proceedings 1998 – Critical Thinking: Assessment, Flow Charts And Computers

This paper will look at some new directions in the teaching of critical thinking. This project originally began as an assessment project to discover how well our students were mastering the critical thinking unit in our introductory philosophy course. By using computers to test the pre and post course skills of students, and by running some statistical analyses of what students were and were not learning, I became aware that students had little difficulty memorizing logical concepts – they could define arguments, they understood the difference between premises and conclusions, etc.What they were not able to do successfully, or as successfully as I would like, is apply these concepts to new material. They had difficulty distinguishing arguments from other forms of discourse, evaluating new arguments for strength and validity and recognizing examples of pseudoreasoning. What they most needed help in was learning the skills one uses to come to the decision that a

passage does or does not contain an argument, or that a particular form of fallacious reasoning is being used.

My initial computer exercises focused on reinforcing the nature of the concepts – what an argument is, what a slippery slope involves, distinguishing between valid and invalid arguments, etc. These exercises improved student outcomes, but not as significantly as I had hoped. My next step was to develop flow charts to help students picture graphically the relevant reasoning processes. I have used three such charts, designed to help students recognize arguments, recognize valid arguments, and recognize several informal fallacies. The students could then use these flow charts to develop their own methods to accomplish these tasks.

By focusing on the processes used to make logical decisions, I hope to show that students can master logical concepts more easily. Most logic texts are problem based; yet little is offered on *processes* to solve the problems. For example, most texts include problems on identifying arguments, but do not show the steps necessary to distinguish arguments from other types of discourse. Notable exceptions to this are units on more complicated logical procedures such as diagraming arguments, using Venn Diagrams and logical proofs. Logic Texts address part of this problem when they teach students how to recognize premises and conclusions. The expectation seems to be that if students can understand the concept of an argument, they can therefore identify arguments in practice. But I do not find this to be the case. This is not enough to give students the ability to distinguish arguments from other types of discourse.

To address the problem of making the process more explicit, this semester I measured the growth in critical thinking ability of 150 students in three sections of introductory philosophy. The first step was a pre-test on the second day of class to evaluate their ability to recognize arguments, to judge good arguments, and to detect examples of informal fallacies. The test consists of 14 computer questions that ask students to distinguish arguments from other forms of discourse and to say whether the conclusion of an argument follows from the premises given. It also includes 11 questions given in class that asks what is wrong with passages that each contain an example of an informal fallacy. The same test was repeated on the last day of class. The students never received the results of their pre-assessment test or discussed the correct answers in class.

Because the concept of flow charts is integral to the way computers are programmed, they can be programmed to duplicate the kinds of flow charts employed here. By using pre and post course tests for assessment purposes, I

hoped to show that through using flow charts, and computer exercises based on those flow charts, students' acquisition of these critical thinking skills would increase.

The first step in this process was the decision about which skills to target in my course. Since philosophy is the discipline that employs argumentation most prominently, and since this course fulfills the University requirement for critical thinking, students must learn to identify arguments and to distinguish arguments from other forms of discourse. This pushed me immediately back into the arena of concepts, but there did not seem to be much literature on the process of recognizing arguments. From treatments of the nature of arguments: I chose the definition used by Moore and Parker in their text *Critical Thinking*, one of the most popular texts for critical thinking courses in the United States. They begin their exploration of arguments with the claim that an argument is an attempt to settle an issue (something up for debate) through the use of premises and conclusions supported by premises (Moore and Parker 97: 8-11). This seemed a promising avenue for exploration,

though it proved to generate some difficulties as well. Using this definition, I instructed students to look for an issue, a conclusion and some support for the conclusion.

However, this definition led substantial numbers of students to deny that the following is an argument: All men are mortal; Socrates is a man; therefore Socrates is mortal. They rejected this as an argument on the grounds that there is nothing to dispute, or no issue. I therefore revised Moore and Parker's criteria for an argument to the following: an argument must involve an attempt to persuade, must come to a definite conclusion and must provide reasons to accept that conclusion. Students find these criteria somewhat easier to follow than Moore and Parker, though they still have some difficulty in deciding whether a passage involves an attempt to persuade.

The flow chart I developed for students to use is #1 on the handout. It works reasonably well: scores on the homework and quizzes for this section of critical thinking have improved dramatically. This area of the assessment had been one that, before the use of flow charts, showed very little improvement from the beginning of the course to the end. In my original assessment the average improvement on this section was less than 5%; using the flow charts this semester the average improvement more than doubled to over 11.29%. I am not completely

satisfied with the current flow chart (perhaps more needs to be said about what constitutes an attempt to persuade, and it does not address some of the subtle differences between explanations, justifications and arguments). Still, it seems to help students to improve their ability to recognize arguments.

The second skill I chose to address as part of critical thinking was the evaluation of arguments: specifically, the ability to distinguish valid deductive arguments from invalid ones, and the ability to decide an argument's soundness Good arguments are important precisely because we can trust their conclusions. So it is essential for critical thinkers to be able to distinguish good arguments from bad. The conclusions of sound arguments are, by definition, true; so the ability to pick out such arguments is an essential skill.

Since the list of valid arguments is so extensive, and given the time constraints in an introductory course, I decided to choose just a few for this unit. Arguments that use hypothetical seemed a good start, because students initially find these difficult, and because they are a source of many reasoning mistakes. To illustrate such mistakes I usually let students read some examples of valid and invalid modus ponens and modus tollens and have them make intuitive suggestions about the reasoning in each. Invariably, they argue that the valid forms are bad arguments and the invalid forms are good arguments. Despite this poor beginning, grades on homework for this unit after the introduction of the flow charts are the highest in the course.

Besides hypothetical arguments, we also look at the validity of disjunctive syllogisms, another source of reasoning mistakes commonly made by students. Most students understand the word "or" only in its exclusive sense, meaning only one alternative is the case. So they commonly reason that if A is true, B cannot be true. With some exposure to the inclusive sense of "or," most students are able to avoid this reasoning mistake, though for some students disjunctive arguments are the hardest to evaluate and they continue to regard all "or's" as exclusive. (See Flow Chart #2) Test scores and homework scores on the evaluation of arguments show considerable improvement with the use of flow charts.

But the most dramatic improvement on the assessment test came in the section on informal fallacies, despite the fact that I am the least satisfied with the flow chart I developed for this purpose. Since informal fallacies are so widespread in everyday life, from the comics section of the newspaper to political oratory to advertising, all of us are bombarded with examples of informal fallacies. This made me conclude that the ability to recognize such fallacies and to understand

why they are compelling for many people is an extremely important skill for a critical thinker. Developing a flow chart to duplicate these processes proved the hardest challenge.

Over the years, in teaching such reasoning mistakes, I have encountered resistance from students who find these concepts vague and difficult to master. The task was made more difficult by the fact that no two logic texts approach informal fallacies in the same way, or even agree on a list of such fallacies. The most helpful text here was Morris Engel's *With Good Reason*, because of the way he classifies the mistakes(Engel 94: 84-86). I also found the treatment of informal fallacies in Cederblom and Paulsen's text, *Critical Reasoning* helpful in coming up with a procedure for identifying such fallacies (Cederbloom and Paulsen 91: 134-166).

I tell my students that most informal fallacies use five kinds of appeals in their proofs: diversion, emotion, presumption, misuse of language, and appeals to the presenter of an argument. If they can identify what the author is attempting to use for proof, they can usually correctly identify such fallacies as *ad hominem, ad populam*, etc. Some of the categories are easier to recognize than others: appeals to emotion are much easier to identify, for example, than what Engle calls fallacies of presumption. This leads me to suggest a process of elimination as a part of the flow chart for this unit. (See Flow Chart #3) One of the chief difficulties in constructing flow charts for these kinds of exercises is that more than one fallacy can be involved, depending on the interpretation of the passage. Refinement in the charts may needed to provide branches that reflect the overlaps among the fallacies. Still, though there is room for improvement, students increased their mastery of these concepts by an average of 154% since they began using the charts.

I had hoped to translate this approach into a set of computer questions that duplicate the flow charts. I have written the basic outlines for such a project, even written the preliminary exercises. My current computer exercises are written in tree form with students answering relevant questions and then being given explanations of those answers. The software that is used for those exercises is *Authorware* by Macromedia and it will be no major project to rewrite these so that the questions duplicate the questions on the flow chart. Unfortunately our Department's computer expert got more interested in protesting Texas' marijuana laws than in improving critical thinking. As result of his public pot smoking (perhaps in itself a lapse of critical thinking), he was arrested and expelled from

the University. Consequently, the exercises I had planned to be performed on the computer were never programmed into the machines.

I believe that using such exercises will continue the improvement already achieved by the flow charts. Overall, my students demonstrated more than a 100% average improvement in their scores on the post-assessment test; this compares with a 46% average improvement in scores using the computers but without the flow charts. The average score on the department-wide assessment also increased from 4.84 out of 10 to 7.14: a 47% increase. This compares with an average 25% increase before using the flow charts.

My basic contention, then, is that in teaching logic and argumentation, we must focus more on the processes we use in good argumentation and reasoning rather than the concepts. Students seem to understand the definition of premise and a conclusion, but frequently can not distinguish them in actual arguments they encounter in real life or even in logic books. Logic texts have always focused on the doing of logic through the use of exercises that emphasize skills. What I found missing and what my students profit from is more explanation of the very basic processes involved in mastering those skills.

Ironically, those of us who teach logic or critical thinking may be the least able to explain these processes. They have become so automatic for us that we rarely stop to think about the steps we go through to recognize arguments, evaluate them, or pick out instances of informal fallacies. We understand the concepts on an abstract and even on a practical level, but we rarely stop to go through the processes and make them fully explicit for our students.

This became clearly apparent to me as I tried to develop flow charts for my students. It was very difficult for me to say why I thought something was or was not an argument. And I frequently found my self disagreeing with the authors of a particular text. The following appears in Moore and Parker's supplement to *Critical Thinking: The Logical Accessory*. "Some of these guys that do Elvis Presley imitations actually pay more for their outfits than Elvis paid for his. Anybody who would spend thousands just so he can spend a few minutes not fooling anybody into thinking he's Elvis is nuts" (Moore and Parker 95:33). Moore and Parker do not feel this is an argument, and some of the time I agree with them that neither sentence really supports the other. But other days I can see my students' point that there does seem to be an attempt to persuade; there does seem to be a definite stand, and some reason is given for that stand. Perhaps we

have not yet gotten to the heart of the concepts. Perhaps if we more fully understood the nature of logical concepts, the processes would not be so difficult to explain to our students. I don't really want to push that line of thought, so much as to suggest that we need to spend more time discovering the processes that lie behind logical thought and reasoning. My flow charts are an initial attempt to explore this area; they begin to meet what students seem to need. They help them to understand how we make decisions that something is or is not an argument, is a good argument or is an example of an informal fallacy. I would very much welcome any suggestions that you might make as to a better analysis of the processes involved.

APPENDICES

#1 Flow Chart for recognizing arguments
1. What is this passage trying to do?
Present facts – no argument
Describe something – no argument
Present compound unrelated claims – no argument
Persuade me about the truth of a claim – possible argument –Procede further.

2. What is the claim or issue at stake?
State this in your own terms. Go to step 3

3. Does the passage take a clear stand on the issue? What is the stand?
If no stand, no argument.
If yes, procede to step 4.

4. Does the passage provide clear reasons to accept the stand taken?
If no reasons, no argument.
If yes – then argument.
=
An argument must be an attempt to persuade, include a definite stand on an issue and provide reasons to accept that stand.

#2 Flow Chart for Evaluating Arguments
Find the logical indicator – *If* move to step 2; if there is more than one if statement move to #9 If the logical indicator is an *or* move to #13.

2. Label the claims beginning with the if clause, no matter what comes first in the argument. Label the antecedent or if clause p; label the consequent or then clause

q.

3. Identify the conclusion; label the claim based on the first premise.

4. Identify the second premise(this will be what is left over). Label the claims according to the first premise.

5. Set up the schema.

6. Identify the argument using the schema: if the second p and q are affirmations or repeat the first p and q, the argument is a modus ponens. Go to #7 If the second p and q are denials the argument is a modus tollens: go to #8.

7. Determine validity: A modus ponens must affirm the antecedent clause (p clause) to be valid. If it affirms the consequent clause (q clause) it is invalid.

8. Determine validity of modus tollens: A modus tollens must deny the consequent clause (q clause) to be valid. If it denies the antecedent clause (p clause) it is invalid.

9. More than one if statement means the argument is a chain or hypothetical syllogism.

10. Find the conclusion. Label the premises with p, q and r first. Label the conclusion last.

11. Set up the schema and determine validity. Watch for breaking the chain or reversing the conclusion. To be valid the second premise should affirm the consequent clause of the first premise in the second premise and should include the antecedent clause of the first premise and the consequent clause of the last premise in the conclusion. Any other pattern is invalid.

12. If the logical indicator is an or , first determine whether it is a strong or weak disjunct. (In a strong disjunct only one alternative is possible.)

13. Label the claims beginning with the or statement. Set up the schema with the conclusion last. Determine validity: all strong disjunct are valid; in a weak disjunct only the denial in the premisses is valid; if the denial is in the conclusion it is invalid.

#3 Flow chart for recognizing informal fallacies

What is the main claim or the conclusion?

What are the premises or support?

Do the premisses or conclusion contain a word or phrase that could have more than one meaning?

one tipoff – a word used more than once.

NO – Move to next question

YES – 1. Ambiguous word or phrase – EQUIVOCATION

2. Sentence structure is ambiguous==AMPHIBOLY

3. Grouping is ambiguous-moves from parts to whole ==COMPOSITION

4. Grouping is ambiguous – moves from whole to parts==DIVISION

Are the premises irrelevant to the main claim?

NO – Move to the next Question

YES – 1. Changes subject==SMOKESCREEN

2. Appeals to others opinions==APPEAL to BELIEF/COMMON PRACTICE (See also emotions)

3. Appeals to undesirable consequences==SLIPPERY SLOPE

4. premises distort main claim==STRAW MAN

Do the premises appeal to emotions or supply motives?

NO – Move to next question.ES

YES – 1. They appeal to the good opinions of others== PEER PRESSURE

2. They appeal to wealth and status==-SNOB APPEAL

3. They use flattery== APPLEPOLISHING

4. They use fear== SCARE TACTICS

5. They appeal to our sense of compassion==PITY

6. OTHER EMOTIONS, eg. Spite, ridicule, etc

Do they attack the presenter of the argument or use the presenter's status illegitimately?

NO – move to the next question

YES – 1. Attacks the person directly==AD HOMINEM (abusive)

2. Attacks person or claim because of source==AD HOMINEM (genetic)

3. Discredits source for inconsistency==AD HOMINEM (inconsistent)

4. Uses a source outside its field of expertise== AD VERECUNDIAM Also called illegitimate authority

Is there an unjustified assumption? This category is usually reached by elimination. If none of the other categories fit try one of the following:

1. Look for premises and conclusion that say the same thing in slightly different terms==BEGGING THE QUESTION

2. Look for unproven assumption that there are only 2 alternatives.(MAY BE STATED AS AN IF CLAUSE)=FALSE DILEMMA

3. Look for claim that lack of proof proves the other side==ARGUMENT FROM IGNORANCE

4. Look for improper relationships between causes and effects ==FALSE CAUSE

5. Look for conclusions based on too little evidence or illegitimate evidence==HASTY GENERALIZATION

6. Look for a claim that assumes that an earlier question has already been answered in a particular way==COMPLEX QUESTION

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ISSA Proceedings 1998 – "Scorching Irony, Not Convincing Argument, Is Needed": Frederick

Douglass On Some Rhetorical Limitations Of Argumentation

This is the fourth ISSA conference to which I have contributed a paper. Each paper, with the exception of the first, has discussed the ideas of some thinker who was, for one reason or another, largely opposed to the strong Western insistence upon argumentative justification. Thus in 1990 I rehearsed Friedrich Schlegel's complex rationale for believing that "nothing should, and nothing can be proved," while in 1994 I explored Plato's attempt to "blame Lysias" for deviating from argumentative procedures which Plato advocated in theory but neglected to practice[i]. I have chosen to examine thinkers who are skeptical about, if not also opposed to, argumentation primarily because much of my own current work seeks to trace the long subalternated tradition of Western anti-argumentative, "declarative rhetoric." I am interested, that is, in all of those thinkers who, for a wide range reasons, have come to believe that the process of providing reasons and inferences in support of claims, is not, or at least is not always, the best way to accomplish communicative, rhetorical or epistemological purposes. I must confess, however, that I especially enjoy discussing such argumentative agnostics and atheists at this particular conference, for this is a place which, more than any other I've encountered, abounds with the hubris of argumentation, and it gives me some small pleasure to play the role of the oracle of doom, to be the one who, however modestly, attempts to inject a smidgen of yin into a discourse that is otherwise so lopsidedly yang.

As part of my larger project of recuperating the long declarative protest to the hegemony of argumentative justification in the West, I am forever on the lookout for argumentative Nichtmitmacher, for those refractory types who refuse to accede to the conventional requirement that one be prepared to justify all of one's assertions, or "declarations," through recourse to argumentative justifications. I have by now collected quite a few odd characters in my declarative menagerie. Many of them, of course, oppose argumentation for rather poor reasons. But several of them, like Meister Eckhardt, Friedrich Schlegel, Soren Kierkegaard, Henry Thoreau, Ralph Waldo Emerson, Friedrich Nietzsche, and Walter Benjamin, provide objections to argumentation that deserve to be taken very seriously.

The author I wish to discuss today, that 19th century escaped American slave, polymathic autodidact, turned abolitionist orator par excellence, Frederick Douglass, is yet another who has some objections to argumentation which, I believe, are well worth the consideration of all who, like me, are interested in the many ways argumentation has been challenged by the subalternated declarative tradition.

Douglass's thoughts regarding the rhetorical limitations of argumentation occur toward the middle of what is generally, and I think rightfully, considered to be his oratorical masterpiece, "What to the Slave is the Fourth of July? An Address Delivered in Rochester, New York, on 5 July 1852." I frequently have my students analyze this speech as part of my course on "Rhetoric and American Culture." There are, of course, many features of the work that lend themselves especially well to rhetorical examination. Douglass is a master stylist, so it is easy for students to discover and scrutinize all manner of rhetorical devices, with which the work, like most 19th century American orations, is replete. The speech also exemplifies the characteristically American form of the jeremiad, a form inherited from early Puritan oratory much discussed in recent years.[ii]

Thus the work is divided chronologically into three basic sections. The first eulogizes the accomplishments of the American founders. Conveniently eliding the many shortcomings of these men, of which he was well apprised, Douglass paints them, borrowing their own sacralized words, as men of principles.

They loved their country better than their own private interests, and, though this is not the highest form of human excellence, all will concede that it is a rare virtue, and that when exhibited, it ought to command respect. He who will, intelligently, lay down his life for his country, is a man whom it is not in your nature to despise. Your fathers staked their lives, their fortunes, and their sacred honor on the cause of their country. In their admiration of liberty they lost sight of all other interests.

They were peace men; but they preferred revolution to peaceful submission to bondage. They were quiet men; but they did not shrink from agitating against oppression. They showed forbearance; but they knew its limits. They believed in order; but not in the order of tyranny. With them, nothing was "settled" that was not right. With them justice, liberty and humanity were "final"; not slavery and oppression. You may well cherish the memory of such men. They were great in their day and generation.[iii]

We then receive a sentence which begins the transition to the speech's second section, concerning the repudiation of the founder's principles, and describing the moral degradation of the present situation. Their solid manhood stands out the more as we contrast it with these degenerate times.**[iv]**

In moving to consideration of the degenerate but potentially regenerative present, "the accepted time with God and his cause," "the ever-living now," Douglass reminds his audience that many Americans are not included in the joyous celebration of freedom that the Fourth of July symbolizes for free white Americans.**[v]** This leads him into a clear topic sentence, thesis, and amplificatio.

Fellow-citizens; above your national, tumultuous joy, I hear the mournful wail of millions! whose chains, heavy and grievous yesterday, are, to-day, rendered more intolerable by the jubilee shouts that reach them. If I do forget, if I do not faithfully remember those bleeding children of sorrow this day, "may my right hand forget her cunning, and may my tongue cleave to the roof of my mouth!" To forget them, to pass lightly over their wrongs, and to chime in with the popular theme, would be reason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then fellow-citizens, is American Slavery. I shall see, this day, and its popular characteristics, from the slave's point of view. Standing, there, identified with the American bondman, making his wrongs mine, I do not hesitate to declare, with all my soul, that the character and conduct of this nation never looked blacker to me than on this 4th of July! Whether we turn to the declarations of the past, or to the professions of the present, the conduct of the nation seems equally hideous and revolting. America is false to the past, false to the present, and solemnly binds herself to be false to the future. Standing with God and the crushed and bleeding slave on this occasion, I will, in the name of humanity which is outraged, in the name of liberty which is fettered, in the name of the constitution and the Bible, which are disregarded and trampled upon, dare to call into question and to denounce, with all the emphasis I can command, everything that serves to perpetuate slavery – the great sin and shame of America! "I will not equivocate; I will not excuse." I will use the severest language I can command; and yet not one word shall escape me that any man, whose judgement is not blinded by prejudice, or who is not at heart a slaveholder, shall not confess to be right and just.**[vi]**

Now clearly this is great stuff. It retains much of its rhetorical power even when read by a thin-voiced professor a hundred and thirty some years after the issue of abolition was decided. One can only imagine the force it must have had upon its

original abolition-sympathetic audience when declaimed by arguably the finest orator of a country and age which prided itself on the quality of its oratory. To use the more impoverished language of our own day we might note that Mr. Douglass is clearly on a rhetorical roll here. We might thus expect him to continue to build the amplificatio, to depict for us in greater detail, and with greater vividity, some of the legion crimes and hypocrisies of the institution of slavery. He will indeed do that quite soon. But for the moment, he interrupts his excoriation to provide us with an interesting little digression or excursus.

Immediately after the first forceful assertion of his central thesis, he suddenly chooses to spend two pages of speech text elaborating a critique of argumentation to which we will turn our attention here. He begins the excursus with a traditional anticipatio. But I fancy I hear some one of my audience say it is just in this circumstance that you and your brother abolitionists fail to make a favorable impression on the public mind. Would you argue more, and denounce less, would you persuade more, and rebuke less, your cause would be much more likely to succeed.**[vii]**

This anticipatio is followed, as one would expect, with an immediate refutatio, taking, as so often in 19th century American oratory, the form of several rapid rhetorical questions, all intended to establish that the main facts germane to the slavery issue are already conceded even by those who oppose abolition.**[viii]**

But I submit that where all is plain there is nothing to be argued. What point in the anti-slavery creed would you have me argue? On what branch of the subject do the people of this country need light? Must I undertake to prove that the slave is a man? That point is conceded already. Nobody doubts it. The slaveholders themselves acknowledge it in the enactment of laws for their government. They acknowledge it when they punish disobedience on the part of the slave. There are seventy-two crimes in the State of Virginia, which if committed by a black man, (no matter how ignorant he be), subject him to the punishment of death; while only two of the same crimes will subject a white man to the like punishment. What is this but an acknowledgement that slave is a moral, intellectual and responsible being? The manhood of the slave is conceded. It is admitted in the fact that the Southern statute books are covered with enactments forbidding, under severe fines and penalties, the teaching of the slave to read and write. When you can point to any such laws, in reference to the beasts of the field, then I may consent to argue the manhood of the slave. When the dogs in your streets, when the fowls of the air, when cattle on your hills, when the fish of the sea, and the reptiles that crawl, shall be unable to distinguish the slave from a brute, then will I argue with

you that the slave is a
man!**[ix]**

The first line here is quite significant. It suggests that Douglass views argumentation as a process oriented toward resolving misunderstandings of facts or opinions. If everything is clear, or "plain," to all participants at the outset, then, there can be no argumentation, since argumentation seeks only to adjudicate differences. Douglass thus seems to be asserting the counter-intuitive thesis that the basic facts of slavery are clear to both those who seek to abolish it and those who wish to uphold it. Now since the other side would undoubtedly wish to deny this, Douglass attempts to establish that, although they may explicitly deny abolitionist principles in theory, supporters of slavery still tacitly endorse these same "facts" through their practice. Thus in punishing slaves severely for transgressions, they too recognize the basic fact that slaves are "moral, intellectual and responsible being(s)" etc.. Douglass is thus here involved in making what we today call a "transcendental argument."

He begins with some universally acknowledged reality, i.e. the punishment of slaves, and then seeks to establish that such a reality is only rendered "possible" through some prior condition, i.e. a tacit recognition of the slave's humanity. The transcendental argument merely renders explicit what was already implicit, but unrecognized, in the situation at hand.

Now this is hardly the place to rehearse the long, interesting, and rather checkered, history of transcendental arguments in Western discourse.**[x]** Those of you familiar with Kant's philosophy will be acquainted with such procedures, as will those of you who have encountered the specious machinations of Kant's epigoni among the contemporary German and American advocates of "universal pragmatics" and "transcendental discourse ethics," those Latter-day prestidigitators who are forever claiming that, "merely by participating in argument at all" you are already tacitly acceding to whatever goofy theory of argumentative discourse they have cooked up this week, that "your every denial" merely further establishes the veracity of anything they happen to claim. In fairness to Douglass, however, the transcendental argument he advances would seem far more credible. The punishments specified do seem to presuppose some moral agency of the slaves.

Having thus indirectly argued against the first counter-claim, that slaves are not moral agents, Douglass reiterates his refusal to engage in traditional argumentative operations, opting instead to valorize, as do so many other

declarative rhetoricians, the act of "affirmation" over that of demonstration or proof.

For the present, it is enough to affirm the equal manhood of the negro race. Is it not astonishing that, while we are ploughing, planting and reaping, using all kinds of mechanical tools, erecting houses, constructing bridges, building ships, working in metals of brass, iron, copper, silver and gold; that, while we are reading, writing and cyphering, acting as clerks, merchants and secretaries, having among us lawyers, doctors, ministers, poets, authors, editors, orators and teachers; that, while we are engaged in all manner of enterprises common to other men, digging gold in California, capturing the whale in the Pacific, feeding sheep and cattle on the hill-side, living, moving, acting, thinking, planning, living in families as husbands, wives and children, and, above all, confessing and worshipping the Christian's God, and are looking hopefully for life and immortality beyond the grave, we are called upon to prove that we are men!**[xi]**
Here too the primary strategy is to reveal the absurdity of the counter-claim, i.e. that slaves are not human, by enumerating – to an extent tolerable only to a 19th century audience – many of the ways in which the actual quotidian activities of African-Americans belief that assumption. We then get further anticipatio and refutatio, in the form of additional rhetorical questions interspersed with emphatic repudiations, this time with a specific attack upon the rhetorical appropriateness of argumentation in the current setting.
Would you have me argue that man is entitled to liberty? that he is the rightful owner of his body? You have already declared it. Must I argue the wrongfulness of slavery? Is that a question for Republicans? Is it to besettled by the rules of logic and argumentation, as a matter beset with great difficulty, involving a doubtful application of justice, hard to be understood? How should I look to-day, in the presence of Americans, dividing and subdividing a discourse, to show that men have a natural right to freedom? speaking of it relatively, and positively, negatively, and affirmatively. To do so, would be to make myself ridiculous, and to offer an insult to your understanding. There is not a man beneath the canopy of heaven, that does not know that slavery is wrong for him.**[xii]**

Here we learn more about how Douglass conceives of argumentation. Since his conception differs markedly from the ones utilized today, we should pause to note, that argumentation, for Douglass, is something that one properly uses, along with "the rules of logic," in situations "beset with great difficulty,"

situations where it is imperative to understand the particular case through the "application" of general principles. This is, of course, a conception of argumentation which derives from scholastic thought, and which has made its way, via Puritanism and other protestant theology, into the political discourse of Douglass's age. There is a time and place, it thus seems, when it is perfectly appropriate for an orator to "subdivide a discourse" for analytical purposes, when it is appropriate to consider the issue from various "relative," "negative," "positive," and "affirmative" perspectives as was then frequently done in theological, philosophical, or some scientific discourses. In such cases, one seeks to get clear about the first principles, the basic premises, indeed the foundational "facts" or "truths," upon which the discourse might build. But the current situation is clearly not such a one. For, in this situation, everyone already knows the essential facts of the matter, it is merely a question of getting all to draw the proper implications from these truths for their behavior, to get them to see that these facts require them to render their currently complacent, slavery-complicitous actions consistent with their primary moral principles. In short, to use the jargon of our own day, this is a practical discourse situation, not a theoretical discourse situation.

Douglass continues by again utilizing rhetorical questions and emphatic enumeratio to establish the superfluity of providing an argumentative justification of his position.

What, am I to argue that it is wrong to make men brutes, to rob them of their liberty, to work them without wages, to keep them ignorant of their relations to their fellow men, to beat them with sticks, to flay their flesh with the lash, to load their limbs with irons, to hunt them with dogs, to sell them at auction, to sunder their families, to knock out their teeth, to burn their flesh, to starve them into obedience and submission to their masters? Must I argue that a system thus marked with blood, and stained with pollution, is wrong? No! I will not. I have better employments for my time and strength, than such arguments would imply.**[xiii]**

Now partly what is going on here is the old rhetorical strategy of dismissing one's opposition as "too absurd to merit serious argumentation." Rather than explicitly anticipate and refute possible counter-arguments to the abolitionist position he advocates, Douglass simply refuses to consider that any such opposition, at least rational opposition, is even possible. And, of course, considering the way in which he has just depicted the issues, providing graphic presence to slavery's most

egregious failings, the impossibility of opposing his position seems, especially to a largely sympathetic audience like the one in Rochester that day, quite credible enough. He is well aware, of course, that there are any number of reasons used by advocates of the institution of slavery side which must in fact be refuted by abolitionists to win over the vacillating masses of white Northerners. Indeed, much of the later part of the oration is directly concerned with providing refutations of anticipated counter-arguments, like, for example, the standard Southern argument that slavery is sanctioned in the U.S. constitution. But, for the moment, he wishes to paint all opposition as being too preposterous to warrant serious response.

In reading Douglass' dismissal of his opposition under cover of the somewhat dubious assertion that "even they agree" with his assessment of the basic facts of slavery, I am reminded not only of today's post-Kantian ratiocinators, but also of the long-running, largely disingenuous, exceedingly expensive, socially injurious, patently discriminatory and thoroughly ineffective American "war on drugs." For several years now, opponents of drug prohibition have attempted to provide rational arguments in favor of ending a reign of government repression directed selectively against people of color and the poor. And yet, so self-righteously moralistic is the "decadent Puritanism" of American public opinion that proponents of continued prohibition need seldom to respond to these arguments with counter-arguments. Instead they can continue to dismiss all arguments for decriminalization as being "too absurd," "too ridiculous," or especially "too dangerous," to warrant any serious response. For the reigning "drug-czar," Barry McCaffrey, too, it seems, arguing about the wisdom of the current American prohibition of drugs would be tantamount to wasting one's "time and strength." It is enough to reiterate the old, increasingly hypocritical mantras about "saving our kids" to dismiss all rational deliberation. Dismissal in lieu of argumentation, then, cuts both ways. Rhetorically considered, it can work, as it does here, well for an orator, especially when one is addressing an audience generally favorable to one's own position. By ridiculing the opposition in various clever ways, one can give the impression of having "refuted" it without ever having to take its alternative seriously or to construct cogent counter-arguments. Certainly in the case of slavery it does seem doubtful that the other side has much of a case to consider. But, from the perspective of a normative theory of argument, such a procedure is always suspect, for there is simply no way to ensure, without recourse to argumentative deliberation, that the position dogmatically discounted as "too

preposterous" to consider, might not also turn out to be true, or at least partially true.

Douglass continues by providing us with yet another refusal to engage in conventional argumentation with the opponents of abolition.

What then remains to be argued? Is it that slavery is not divine; that God did not establish it; that our doctors of divinity are mistaken? There is blasphemy in the thought. That which is inhuman, cannot be divine! Who can reason on such a proposition? They that can, may; I cannot. The time for such argument is past.**[xiv]**

Somewhat ironically, this passage, like several others railing against having to "argue" the divinity of slavery or lack thereof, actually makes a succinct, indeed even syllogistic, argument against the claim that slavery is divinely ordained: i.e slavery is inhuman, all inhuman things are not divine, therefore slavery is not divine. It then adds the idea that "the time for such argument is past," which suggests that the other side had a burden of proof which they did not meet, although ample time was provided for them to do so.

We then finally encounter what seems to be the primary point of this rather long, and ostensibly peculiarly placed, digression on the inappropriateness of argumentation regarding the issue of slavery. At a time like this, scorching irony, not convincing argument is needed. Oh had I the ability, and could I reach the nation's ear, I would to-day, pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm and stern rebuke. For it is not light that is needed, but fire, it is not the gentle shower, but thunder. We need the storm, the whirlwind and the earthquake. The feeling of the nation must be roused; the propriety of the nation must be startled; the hypocrisy of the nation must be exposed; and its crimes against God and man must be proclaimed and denounced.**[xv]**

The main point here is that certain rhetorical situations require the rhetor to eschew the dispassionate or, as the period generally preferred to call it, "disinterested," attitude essential to argumentative deliberation, and to adopt instead a partisan or polemical stance which allows for the stimulation of the audience's emotions or "passions" regarding the matter at hand. Dialectical argumentation then is too heavily dependent upon logos to be of great use to the orator who wishes to incite the masses to prompt action. Such an orator must also utilize ethos and especially pathos to persuade most effectively. It is interesting, however, that Douglass does not contrast "convincing argument" with

"impassioned persuasion" or something similar, but rather with "scorching irony." Why might he have chosen to specify his rhetorical alternative in this way? What exactly does he have in mind when advocating "scorching irony"? Well, among other things, it suggests that he is operating here with some conception of what Theodor Adorno calls "immanent critique." It is not sufficient to build the positive case for abolition, even allowing for certain rhetorical embellishments. One must also reveal the "ironic" contradictions of the counter-case for slavery. It is thus quite understandable that Douglass should rhetorically wish for precisely what he, perhaps more than any person then living, so manifestly has; viz. the oratorical power to "pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm and stern rebuke." **[xvi]** We might look more closely at these four terms from the rhetorical lexicon, "ridicule," "reproach," "sarcasm" and "rebuke." Each of them implies some type of response which reveals the duplicity latent in the opponent's assertions.

Irony is also a central term for another declarative rhetorician, that greatest theoretician of literary and dialectical irony, Friedrich Schlegel. For Schlegel, however, irony tends to be related to polysemy. Irony also reveals the dialectical nature of all truth, the impossibility of stating any thesis without to some extent also implying its negation. Thus many of Schlegel's ironical statements seeks to exhibit the negation latent within the assertion. To provide an ironic interpretation of a text is thus, as many Schlegel scholars have pointed out, similar to providing its Derridian "deconstruction." Such a conception of deconstructive irony seems appropriate here as well. In much the same way as a deconstructionist critic reveals the failure of the text itself to expunge what its author most emphatically seeks to eliminate, Douglass is masterful at revealing the extent to which the actual practice of slavery gives the lie to the virtuous and patriotic ideation in which it is justified.

His – by today's conceptions actually quite argumentative – final justification of his refusal to engage in argumentation concluded, Douglass launches into a reiteration and intensification of his attack on American complacency and hypocrisy, one so emphatic and delicious that I can't resist the temptation to read it too, even though doing so contributes only indirectly to the point about Douglass' awareness of the rhetorical limitations of disinterested argumentation which primarily concerns us here.

What to the American slave is your 4th of July? I answer: a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which

he is the constant victim. To him your celebration is a sham; your boasted liberty, and unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade, and solemnity, are, to him, mere bombast, fraud, deception, impiety, and hypocrisy – a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on earth guilty of practices, more shocking and bloody, than are the people of these United States, at this very hour.

Go where you may, search where you will, roam through all the monarchies and despotisms of the old world, travel through South America, search out every abuse, and when you have found the last, lay your facts by the side of the everyday practices of this nation, and you will say with me, that, for revolting barbarity and shameless hypocrisy, America reigns without a rival.**[xvii]**

I am, of course, tempted to continue on and read you still more of this marvelously telling denunciation of my own still thoroughly hypermoralistic and hypocritical homeland. But it is no doubt better to return and finish the more parochial analysis of Douglass' dissatisfactions with argumentation. In this passage too, Douglass's primary strategy is to present a graphic, immanent critique of American society. As usual, this strategy affirms the basic American values, (justice, liberty, equality, greatness, religiosity etc.) and then employs polemic and "irony" to reveal the glaring inconsistency of current practice to these values. Like most American authors, according to Sacvan Bercovitch and other proponents of what is sometimes called "the new complicity historiography," Douglass nowhere ventures a thorough-going "transcendental critique" of the hegemonic American values or traditions themselves.

He does not attack the audience's independence day values or reveal the extent, say, to which the glorified "founders" were also hypocritical or racist. Instead he spends the first third of the speech eulogizing the "great" and "manly" white leaders of the past. He purposely steers clear of a more radical, transcendental critique of American lore, of the type, say, which delighted his abolitionist fellow-traveller, Henry Thoreau. And for good reason. To adopt that strategy would require Douglass to abandon the resonant form of the American jeremiad, greatly weakening the rhetorical force of his inspirational appeal for moral rededication. A transcendental critique is also unnecessary here, since the immanent critique, with its magnificent "scorching irony," quite adequately allows him to win the

audience to his cause without threatening to alienate them with gratuitous and adscititious criticisms of their most cherished assumptions, criticisms of the type his more refractory friend, and one time last-minute oratorical stand-in, Mr. Thoreau, was wont to deploy with relish.**[xviii]**

The strategy of immanent critique also allows Douglass to move past the perilous present moment of eschatological decision to the third and final moment of the jeremiad, the promise of a future redeemed, a millennium of justice and joy as the fit reward for national moral regeneration.

Allow me to say, in conclusion, notwithstanding the dark picture I have this day presented of the state of the nation, I do not despair of this country. There are forces in operation, which must inevitably work the downfall of slavery. "The arm of the Lord is not shortened," and the doom of slavery is certain. I, therefore, leave of where I began, with hope.**[xix]**

In the end, then, we shall overcome slavery. But we shall overcome it only through the "fire" of irony, ridicule, reproach, sarcasm and rebuke, not through the "light" of argumentation.

NOTES

i. William D. Fusfield, "Blaming Lysias: On the Origins of Western Argumentative Justification in the Socratic Proscription/Utilization of Stylistic, Reiterative, Equivocative and Combinational Rhetorical Forms," Proceedings of the Third International Conference on Argumentation, edited by Frans H. van Eemeren and Rob Grootendorst, ISSA Publishers, (Dordrecht: 1995, SicSat) I, 311-27. William D. Fusfield, "`Nothing Should and Nothing Can Be Proved': Young Friedrich Schlegel's Declarative Challenge to the Demonstrative Voice of Western Rhetoric," in Proceedings of the Second International Conference on Argumentation, edited by Frans H. van Eemeren and Rob Grootendorst, ISSA Publishers, Dordrecht, 45-53, 1991.

ii. See especially Perry Miller, The New England Mind: From Colony to Province, (Boston: 1953) and Sacvan Bercovitch, The American Jeremiad, (Madison: 1978, U. of Wisconsin).

iii. Frederick Douglass, "What to the Slave is the Fourth of July?: An Address Delivered in Rochester, New York, on 5 July 1852," in The Frederick Douglass Papers, edited by John W. Blassingame, (New Haven: 1969, Yale University) II, 364-5.

iv. Douglass, 365.

v. Douglass, 366.

vi. Douglass, 368-9.

vii. Douglass, 369

viii. For more on the problems with transcendental arguments, see the numerous essays of Charles Taylor, Herbert Keuth and Hans Albert.

ix. Douglass, 369-70.

x. For more on the problems with transcendental arguments, see the numerous essays of Charles Taylor, Herbert Keuth and Hans Albert.

xi. Douglass, 370.

xii. Douglass, 370.

xiii. Douglass, 370.

xiv. Douglass, 370-1.

xv. Douglass, 371.

xvi.Henry Thoreau is, as far as I can determine, the only other american orator of the age who can touch, and in some ways even surpass, Douglass in the intensity of his irony.

xvii. Douglass, 371.

xviii. To get a better handle on the rhetorical differences between immanent and transcendental critiques, it is quite useful to compare the Douglass speech here examined with one of Henry Thoreau's many famous attacks on the entire American ideography. Even a quick comparison with Thoreau's "Economy," "Slavery in Massachusetts," the John Brown essays or "Life Without Principle" will reveal many stark differences. Thoreau's tendency is always, as he noted himself, to emphatic "exaggeration" of the critique at hand. Such thorough-going "ruthless criticism," his policy of "leav(ing) out all the flattery and retain(ing) all the criticism," makes for very stimulating and provocative reading. And it certainly delights those few of his compatriots already sympathetic with his penetrating analysis of the many deep defects of American institutions. But it seems hardly to have ingratiated him with most of the chauvenistic New England audiences he addressed in his, hardly very successful, career as a lyceum lecturer. As he himself put it, "if you would get money as a writer or lecturer, you must be popular, which is to go down perpendicularly."

xix. Douglass, 386-7.