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Abstract: This contribution starts a critical analysis and reconstruction of arguments in classical texts of Islamic theology (of the period AD 900-1100) from the viewpoint of the epistemological theory of argumentation. The main question of the analysis is whether these arguments can be reconstructed as being of one of the universal types of argument identified so far by the epistemological approach. The answer is: yes - though non-deductive arguments are not yet well elaborated.

Keywords: deductive arguments, epistemological theory of argumentation, Islamic theological argument, Koran, universality of argument types

1. Aim and structure of this article

Many classical texts of Islamic theology are heavily argumentative; and much of Islamic theology tries to base faith on valid and sound arguments. Some Islamic theologians even think that Islamic doctrines cannot be defended by revelation alone but have always to be justified by rational arguments. The rational approach in Islamic theology was significantly influenced by the Mu'tazila. But also the Māturīdiyya and the Aṣḥ'ariyya have dealt with kalām (Arabic for speculative theology) and applied rational methods in their theology (see e.g. van Ess 1966, pp. 17-33). This argumentative tradition has nearly not been studied in argumentation theory up to this day. This contribution starts to develop a critical analysis and reconstruction of the arguments in classical texts of Islamic theology from the viewpoint of the epistemological theory of argumentation. The theoretical aims of this study are threefold: First, we want to compile (the beginning of) a list of the most important types of arguments used in these texts, giving particular attention to non-deductive arguments. Second, we analyse them with the help of epistemological criteria in order to establish whether they can be captured in this way, in particular whether all of them are intended (in a broad sense) to be or can be reconstructed as being of one of the universal types of argument identified so far by the epistemological approach (deductive, probabilistic or practical arguments or combinations thereof) or whether there

are e.g. specifically Islamic types of argument which should extend the present list of epistemologically valuable argument types or whether, on the other hand, there are (frequently used) argument types in Islamic theology which should be abandoned from an epistemological point of view. Third, we assess the examples with the help of the criteria developed in the epistemological theory of argumentation to gain an impression of the state of the art in classical Islamic theological argumentation. The arguments we will analyse in the following are taken from works by Abū Maṣṣūr Muḥammad ibn Muḥammad ibn Maḥmūd al-Māturīdī (about AD 870-944), by Abū al-Qāsim al-Ḥakīm al-Samarqandī (about AD 890-950) and by Abū Ḥāmid Muḥammad ibn Muḥammad, known as al-Ghazālī (AD 1058-1111), i.e. texts which were written roughly between AD 900 and 1100, i.e. in European terms at the end of the Early and the beginning of the High Middle Ages, before Thomas Aquinas or William of Ockham in Western Europe.

As just said, the argumentation theory which provides the background and criteria of our analysis is the epistemological approach to argumentation and, more specifically, the Practical Theory of Argumentation developed by one of us, because within the epistemological approach, apart from the profound theoretical justification, it provides the most elaborated and precise criteria for good argumentation, the broadest and deepest systematisation of argument types, and an elaborated theory as well as rules for interpreting arguments. **[i]**

2. Deductive arguments in medieval islamic theology

Islamic theologians of the period under consideration, of course, also use deductive arguments even of a rather sophisticated type. And since the erudite among them were familiar in particular with Aristotle's logic they even had a theory of deductive arguments at their disposal.

Nice examples of rather good and sophisticated deductive theological arguments can be found e.g. in Māturīdī's book *Kitāb al-Tawhīd* ("The Book of Divine Unity", AD 944). In this book Māturīdī is arguing, among others, against Christian Christology and the doctrine of Trinity. In a long passage of this book he presents a wealth of independent arguments, which try to show that Christian Christology is self-refuting or contradicting well-known facts. An extract reads as follows:

1. [S1.1] The Christians are divided over Christ, [S1.2] for there are those among them who attribute two spirits to him, [S1.3] one of them temporal, the spirit of humanity which is like the spirits of people, [S1.4] and an eternal divine spirit,

[S1.5] a part of God, [S1.6] and this came into the body. [...]

[S4] Ibn Shabīb said: I heard one of their associates say that he [Christ] was son by adoption and not son by begetting, just as the wives of Muhammad [...] are called mothers, and as a man says to another, 'My little son'.

2. [...] [S5] The Master [...] said, Say to them: [...] [S9.1] Further, it is well-known that a son is younger than a father, [S9.2] so [S9.3] how can they both be eternal? [S10.1] And if the whole is regarded as being in the body, [S10.2] say to him: [S10.3] Which thing in it is the Son? [S11.1] And if he says: The whole; [S11.2] he has made the whole Son and Father, [S11.3] in this making the Father a son to himself. (al-Māturīdī <944> 2008, pp. 97-99)

This passage does not contain a classical argument indicator; however, sentence S5: "The Master said, Say to them" serves this function. It means: the following are proposals how to argue against assertions of the Christian doctrines summarised in S1[-S4], whose negations, of course, are Māturīdī's theses. The negation exactly of which thesis entailed in S1 is the thesis sustained by S9 is not made explicit; only the content of S9 allows us to infer that S1.4 is the claim under attack, hence the thesis could be: '(The divine spirit in) Christ is not eternal.' That parts of the formulation of the thesis show up only in the reasons is an indicator for a deductive argument. (In the following reconstructions, "S" indicates a sentence from the argument's original text; "P" indicates a premise; "A" indicates a hypothetical assumption, which is not used as a premise taken to be true; "L" designates a lemma; "T" is the name for a thesis; "e" as well as "<...>" (angle brackets) indicate insertions included in the spirit of the argument and meant to be acceptable for the arguer; "[...]" (square brackets) indicate insertions, comments etc. made by us, the authors.) The argument can be reconstructed as follows:

<eA1 (= part of S6) assumption (not premise) of a part of the Christian doctrine: The divine spirit in Christ is the son of God (the Father).>

P1 (= S9.1): All sons are younger than their fathers. [This can be formalised as follows: For all x and y holds: if x is son of y, then there is a moment tz, for which holds: y subsists at tz, and all moments tw, at which x subsists, are later than tz.]

<eP2 For all x holds: If there is a moment ty, at which x does not subsist, then x is not eternal.>

P3 (= S9.2): ,So': description of an inferential relation: From S9.1 (= P1) [and eA1 and eP2] follows the implicature of S9.3 (= T1): 'The divine spirit in Christ and

God (the Father) are not both eternal.’ [Māturīdī formulates this assertion as a rhetorical question, which implicates the negation of the main propositional content of S9.3.]

□ —————

T1(= S9.3): God the Father and the divine spirit in Christ are not both eternal. [Māturīdī has formulated this conclusion as a rhetorical question, which however implicates a negative answer.]

Here the explicit argument terminates. It suffers from two defects, which, however, can be repaired easily. First, the thesis T1 does not follow. Since one of the premises of the inferential relation described in P3, namely eA1, i.e. ‘The divine spirit in Christ is the son of God (the Father)’, for Māturīdī and Islamic theology is just a hypothetical assumption, only a weaker, conditional thesis follows: eT1*:

<eT1* If (eA1:) the divine spirit in Christ is God’s son, then God (the Father) and the divine spirit in Christ are not both eternal.>

(This implication is logically equivalent to the disjunction:

<eT1.1* (\neg eA1): The divine spirit in Christ is not God’s son, or God (the Father) and the divine spirit in Christ are not both eternal.>)

Second, for Māturīdī’s overall aim already T1 is too weak because he does not negate God’s eternity and only wants to attack the assumption of Christ’s divinity. With a further implicit premise the result can easily be strengthened in the spirit of Māturīdī’s argument:

<eT1* If (eA1:) the divine spirit in Christ is God’s son, then God (the Father) and the divine spirit in Christ are not both eternal.>

<eP4 God (the Father) is eternal.>

□ —————

<eT2 (\neg eA1): The divine spirit in Christ is not God’s son, or (the divine spirit in) Christ is not eternal.>

The second horn of this Christian dilemma is in contrast to S1.4, i.e. to one of the Christian doctrines described in the introduction of Māturīdī’s argument.

The argument is a proof of a contradiction:**[ii]** from some assumptions of

Christian Christology and some trivially true premises follows the opposite of one of these assumptions; hence at least one of these assumptions must be false. The argument in its reconstructed form is deductively valid. Furthermore, the premises P1, eP2 and P3 as such are true; we can leave it open whether eP4 (eternity of God the Father) is true; in particular premise P1, i.e. 'All sons are younger than their fathers', is true for natural sons. However, a critical point of the argument is whether 'son' in the assumption eA1, i.e. 'Christ is the son of God (the Father)', can be interpreted as meaning natural sonship. If in Christian Christology not a natural sonship is meant - which probably is the case - we would have two different meanings of 'son' in eA1 and P1; this would make the argument invalid. More precisely this would be a fallacy of missing fit, namely of fallacious ambiguity (Lumer 2000, pp. 415-416). By the way, Māturīdī himself in sentence S4 mentions that in Christian Christology at least sometimes the expression 'son' is not interpreted in the usual way, but he ignores this critical point in his argument. He could have restricted his result to Christian doctrines which assume a natural sonship and could have objected to other versions that their use of 'son' is more than unclear - which for Māturīdī's critical purposes would be sufficiently strong. Finally, apart from being true, the argument's premises are also accepted by Māturīdī's (Muslim and Christian) addressees - which makes the argument adequate in this respect for convincing rationally. - So, altogether the analysed argument of Māturīdī is quite a good deductive argument though in the end it is fallacious.

This was only one example of a deductive argument in medieval Islamic theology. Of course, there are many more of them. Given this wealth of deductive arguments, the theoretical question is no longer whether there are deductive arguments but whether there are non-deductive arguments in medieval Islamic theology.

A particular important kind is practical arguments, i.e. arguments consisting of listings of advantages and disadvantages of an object which justify a specific evaluation of this object. Practical arguments, though perhaps not of a very explicit form, must have been present in daily life of Muslims of the period under consideration, simply because they reflect the basic way of human decision-making. The search for and analysis of respective examples so far is only the topic of further research.

3. Specifically islamic argument types? - authority arguments from the Koran

One of our theoretically central questions is whether there are specifically Islamic argument types, in particular argument types which could be recognised by the epistemological approach to argumentation as being effective in the sense of leading to true or acceptable (e.g. near to truth) beliefs (i.e. whether they are based on effective epistemological principles (cf. Lumer 2005a, pp. 221-222; 231-234) which have not yet been recognised in epistemological argumentation theory). The most obvious candidates are authority arguments from Holy Scriptures, which are present in Islamic theological texts as well as in theological texts from other revealed religions.

Good and instructive kinds of such authority arguments from Holy Scriptures can be found e.g. in Abū al-Qāsim al-Hakīm al-Samarqandī's screed against the fatalists who think believers do not need to care for subsistence, since Allah already cares for them. At one point e.g. Samarqandī argues with the help of an authority argument from Holy Scriptures that sometimes believers are obliged to strive for their subsistence - though Allah generally cares for the subsistence of human beings. The translated argument is this:

[S1] At certain times it is a duty to strive for living, [S2.1] because [S2.2] the Koran says: [S2.3] 'And shake the palm tree's stem by pulling it towards you! [S2.4] Then it lets plunge juicy and fresh dates on you' [Koran 19:25], [S3.1] and the Koran says: [S3.2] 'We have created the day for you in order that you gain your livelihood' [Koran 78:11]. (al-Samarqandī <950> 1838, p. 40)

The argument indicator in S2.1 tells us that the preceding sentence, S1, is the thesis - whose content is sufficient for refuting the fatalists - and that the following sentences, i.e. S2.2 to S3, are the arguments. Sentence S2.4, i.e. one part of the Koran citation, is not necessary for Samarqandī's argumentative purposes. The rest is a complex argument with two convergent (i.e. each of them sufficient) reasons for the thesis that sometimes it is a duty to strive for one's living. Both reasons are - independent and correct - citations of Koran verses about doing something for gaining one's livelihood.

The explicit argument is rather frugal. The transition from the two explicit reasons to the thesis presupposes two groups of implicit reasons. The first group of implicit premises deals with a general problem to be expected in such arguments from authority of Holy Scriptures, e.g. from the authority of the Koran, and, more specifically, how to get from an invitation expressed in the Koran to an

effective obligation. This problem can be resolved by inserting some fairly general premises which can be used in most arguments from the authority of the Koran. These general premises are:

E1 - Principle of revelation: Everything written in the Koran is the word of Allah, i.e. a communication by Allah.

E2 - Principle of divine truth: The propositions of all judgements stated by Allah are true.

E3 - Principle of divine duty: All invitations by Allah constitute a respective divine duty (i.e. a duty enforced by Allah).

The other problems which have to be resolved by a second group of implicit premises regard the transition from what is written explicitly in the Koran to the type of invitation or duty formulated in Samarqandī's thesis, i.e. a duty to strive for living. The first citation expresses a very concrete invitation, namely to shake the palm tree's stem, whereas the thesis speaks of an abstract duty to strive for living. The context of the Koran citation makes clear that the addressee, i.e. Mary who is in a desperate situation, by shaking the palm tree will contribute to her livelihood. However, commands and duties are intensional texts; and they do not allow for abstractions. I.e. we can say that by shaking the palm tree etc. she contributes to her livelihood, but this does not imply that if Mary has the duty to shake the palm tree, she necessarily also has a duty to contribute to her livelihood (in this situation). The problem is that from one and the same concrete duty enormously many abstractions could be generated, which in other situations will lead to contradicting duties; and we have no formal principle to choose the normatively correct abstraction. (Of course, in the other direction, from the abstract to the concrete, there are no comparable problems: If we have got an abstract duty we can easily classify more concretely described acts as instances of fulfilling that abstract duty.) Hence such abstractions without further substantial premises are not epistemically justified. Since Samarqandī does not provide such substantial premises we do not see any epistemically and interpretively justified reason to proceed from the concrete to the general in Samarqandī's first argument; its inference is invalid.

The second argument contains smaller technical problems. In the following reconstruction they are resolved by introducing acceptable premises, which in the end make the argument deductively valid. First, the Koran citation in S3.2 speaks only of Allah's intention to provide a functional commodity, not of a duty. This gap

can be bridged by a general normative teleological principle, i.e. that such natural functions (created by Allah) constitute duties to embrace them. (Such normative teleological thinking is also present e.g. in ancient Greek philosophy. **[iii]**) Second, the Koran quotation in S3.2 simply speaks of gaining one's livelihood, whereas the thesis S1 speaks of striving for living. Here a premise is needed which says that the duty to do something implies the duty to strive for doing so.

On the basis of these explanations, Samarqandī's argument can be reconstructed as follows:

Reconstruction of Samarqandī's sub-argument 1:

P1 - (= S2.2-S2.3): The Koran says: '<Mary,> shake the palm tree's stem by pulling it towards you' [Koran 19:25].

<eP2 - (= E1) Principle of revelation: Everything written in the Koran is a communication by Allah.>

<eP3 - (= E3) Principle of divine duty: All invitations by Allah constitute a respective divine duty (i.e. a duty enforced by Allah).>

<eP4 - '<Mary,> shake the palm tree's stem by pulling it towards you' is an invitation.>

□ —————

<eL1 - Mary (in the respective situation) has the divine duty to shake the palm tree's stem by pulling it towards her.>

<eP5 - Mary's shaking the palm tree's stem by pulling it towards her is an instance of striving for her living.>

□ —————

T1 - (= S1) At certain times it is a duty to strive for living.

Premises P1, eP4 and eP5 are true; the two principles will be discussed in a moment. The first inference is deductively valid, whereas the second is not because of the intensionality problem.

Reconstruction of Samarqandī's sub-argument 2:

P6 -(= S3): The Koran says: '[reformulated:] Allah has created the day for men in order that they gain their livelihood' [Koran 78:11].

<eP2 - (= E1) Principle of revelation: Everything written in the Koran is a communication by Allah.>

<eP7 - (= E2) Principle of divine truth: The propositions of all judgements stated

by Allah are true.>

<eP8 'Allah has created the day for men in order that they gain their livelihood' is a judgement with the proposition that Allah has created the day for men in order that they gain their livelihood.>

□-----

<L2 - Allah has created the day for men in order that they gain their livelihood.>

<eP9 - Normative teleological principle: If Allah creates something in order that a human being can do a certain action (and if He communicates this), then to strive for this action is a divine duty.>

□-----

<L3 - Human beings have a divine duty to strive for gaining their livelihood.>

□-----

T1- (= S1): At certain times it is a duty to strive for living.

The premises P6 and eP8 are true, and the three inferences are deductively valid; and all this is easily recognisable to be so. (The three inferences, of course, can be contracted to one inference only, thereby omitting the two lemmas.)

These four principles are accepted by Muslims but not e.g. by Christians. We can leave open the question whether the principles are true. In any case they rely on strong metaphysical and empirical presuppositions: that Allah exists; that He communicates with human beings; etc. If (some of) these principles are false, the argument is not argumentatively valid and, according to the epistemological theory of argumentation, a fortiori not adequate for rationally convincing. On the other hand, if these principles are true the argument is argumentatively valid and situationally adequate for rationally convincing Muslims; however, the argument is not adequate for convincing other addressees. This reflects the fact that arguments from the authority of the Koran are, of course, addressed to a specific audience, namely Muslims, who believe in the Koran.

This result leads to the question whether these audience-specific arguments constitute a distinctive, sui generis type of Islamic argument. One could for instance reinterpret the principles - in a Toulminian way - as inference rules. As the reconstruction has shown there is no need to do so; authority arguments from the Koran can as well be reconstructed as deductive arguments with particular premises, namely the principles. Therefore the question is which theoretical conceptualisation is generally more appropriate. From an epistemological viewpoint the reconstruction as a deductive argument with particular premises is

better in many respects and worse in none than the alternative systematisation. First, it reveals the epistemological foundations, i.e. logically valid inferences and materially true premises with their different respective procedures of validation, which, in addition, are theoretically well established. Furthermore, core questions of argumentation theory regarding the epistemological effectiveness of argument types are thus separated from argumentation theoretically irrelevant questions about the truth of particular material premises; the potential falsity of a (material) premise then does not affect argumentation theory. The alternative approach has nothing to offer in all these respects. Moreover, the deductive reconstruction is parsimonious in providing only one type of argument with many sub-forms constituted by the deductively valid inferences. The alternative approach instead considers every material principle as the basis of a new argument type without any possibility of systematisation.

4. Hermeneutic arguments in islamic theology

Some Islamic theologians of the period under consideration already use a variety of rather sophisticated hermeneutic arguments.

A good source with a wealth of hermeneutic arguments of various types is Ghazālī's book *Against the divinity of Jesus* because Ghazālī accepts the authority of the Bible but attacks its Christian interpretation; in particular he advocates a figurative interpretation of many passages which Christians take literally. One part of his argument is this:

[S1] It is well known that this group [the Christians] uses the word 'God' for the Messiah [...]. [S2.1] If only I knew whether [S2.2] this is just an honorary title because everything mighty is called 'God' [S2.3] or whether they really want to say that he [Christ] is God. [S3] If the latter is intended, then this group is more unreasonable than all the others.

[S4.1] They get into such trouble because they hold to the literal sense, [S4.2] even though certainty is given to the clear understanding that the literal sense is not meant. [S5] However, in every law there is text whose literal sense is contrary to reason. [S6] But then the teachers of the respective law have interpreted the texts.

[S7] A group of significant men has been led to similar things. [S8] One of them said: 'I am sublime.'

[S9] Another said: 'How mighty I am!'

[S10] And Hallādġ said: 'I am God. And in this cowl is nothing except God!' [...]

[S13] This is a question of reason, because the literal sense cannot be meant. [...] (al-Ghazālī 1966, p. 92)

What is interesting in this text from an argumentation theoretical point of view is that Ghazālī uses a simple version of a hermeneutic Principle of Charity, sketched in S4.2 to S6 and S16.2, by which to seemingly nonsensical texts a reasonable figurative meaning can be attributed:

Principle of Charity (= S4.2-S6; S16.2): If in a [holy text or in the text of an authority or of a significant man or in a] law the literal meaning is contrary to reason (S5), <in particular if it is obviously false,> then the text has to be interpreted (S6): then i. the literal sense is not meant (S4.2); ii. instead, to the <text or> word <that leads to the nonsense> a reasonable meaning has to be attributed (S16.2) <i.e. a meaning which makes the utterance reasonable, in particular one that makes it true>.

This Principle of Charity is formulated in such a way as to make Ghazālī's argument deductively valid. The principle goes in the direction of present-day principles of charity in rationalising interpretations; it is a big progress for hermeneutics because it provides a methodological way to reveal figurative meaning. Nonetheless, in its present form the Principle of Charity is too simplistic and strict for being true. Taken as an empirical hypothesis about the author's intention, Ghazālī's Principle of Charity is false: even authorities believe false propositions and sometimes talk nonsense. The relations expressed in the principle hold only frequently. Weakening the principle in this respect to a statistical truth with high frequency would alter the argument entirely, namely make it a defeasible argument - which, however, probably is an argument structure beyond Ghazālī's theoretical horizon. Furthermore, the Principle of Charity, apart from presupposing the falsity of the literal meaning, does not use at all further evidences (like the context) which could reveal what the author really meant; thereby it does not take seriously the communicative meaning of utterances. This problem leads to some kind of circularity: the reader of the holy text must already know the truth; he cannot use the text to find out what the truth is, in particular the revealed truth about the divinity of Christ. This makes the holy text worthless as evidence.

In the ensuing part of his argument Ghazālī interprets a passage from Paul's first letter to the Corinthians with the aim to show that even Paul does not affirm the

divinity of Jesus and implicitly even denies it. The passage is hermeneutically rich in using a variety of hermeneutical means: text quotes, references for them, references for assertions about word meanings, a disambiguating argument and the hint to an argument which works out an implicature in the Gricean sense. The disambiguating argument and the argument working out an implicature are very interesting from an argumentation theoretical point of view. Ghazālī has a quite good intuition about the structure of these arguments in bringing together many necessary minor premises. But he does not formulate the major premise, i.e. a principle of disambiguation and a principle for revealing implicatures. In our reconstruction we have formulated such principles on the basis of what is said in the minor premises, adding to this some plausible necessary conditions. However, it would be illusory to strive for an argumentatively useful strict principle; all the viable principles are only frequentist or probabilistic, e.g. the principle of disambiguation:

<eP5 Hermeneutic Principle of Contextual Disambiguation: 1. If a speaker *s* ascribes a quality called “F” to an object *a* (cf. P1), 2. where “F” has the meanings ‘F1’ and ‘F2’ (cf. eP2), 3. if, furthermore, *s* in the respective context attributes the qualities ‘F11’, ..., ‘F1n’ to *a*, which are implied by ‘F1a’ (cf. P3, P4), 4. if in the respective context *s* does not attribute any quality ‘F21’ to *a* which is implied by ‘F2a’ (cf. eP6) and 5. if no other (in particular opposite) evidences regarding the meaning of “Fa” are present in *s* (cf. eP7), then *s* with “Fa” mostly means ‘F1a’.>

This Principle of Contextual Disambiguation is probably true and makes the inference of the first argument (inductively) valid. However, with such a frequentist premise the argument becomes a defeasible statistical argument with a probabilistically qualified thesis. Such arguments are based on a best-evidence principle, according to which the best evidence has to be included in the argument. All this bursts the structure of deductive arguments. Though Ghazālī is at the edge of defeasible argumentation, probably he could neither formulate such a Disambiguation Principle nor did he see the new quality of this kind of arguing and the technical requirements it brings with it. As a consequence, in his arguments he violates in particular the best-evidence principle. Though he has rather good hermeneutic intuitions these technical gaps are impediments for further formally elaborating his hermeneutical arguments.

5. Conclusion

The preceding analyses have shown that Islamic theological texts of the period

between AD 900 and 1100 use a wealth of argument types. Apart from deductive arguments in general, we have identified deductive arguments from the authority of the Koran and a remarkable variety of hermeneutic arguments. None of these argument types requires enlarging the list of good argument types recognised as such by the epistemological approach to argumentation. We have found and analysed deductive arguments, but Ghazālī's arguments in part can be reconstructed as defeasible, statistical arguments. The latter case is particularly interesting because Ghazālī probably did not know or recognise them on a theoretical level. As a consequence his respective arguments are rather rudimentary and, what is more, he could not avoid several risks of these arguments, in particular that they always need to fulfil the best-evidence condition. This argumentation theoretical limitation probably was one obstacle for further developing theological hermeneutics.

NOTES

- i.** General overview of the epistemological theory of argumentation: Lumer 2005b. Practical Theory of Argumentation: The general approach is developed and justified in: Lumer 1990; 2005a. A systematisation of existing argument types is developed in: Lumer 2011a. Criteria for particular argument types are developed in: deductive arguments: Lumer 1990, pp. 180-209; probabilistic arguments: Lumer 2011b; 1990, pp. 221-260; practical arguments: Lumer 1990, pp. 319-433; Lumer 2014. For theory and rules of interpreting arguments, see: Lumer 2003; for fallacy theory: Lumer 2000.
- ii.** The argument evaluation in this paragraph uses the criteria exposed in: Lumer 1990, pp. 187-189; abridged criteria: Lumer 2011, p. 14.
- iii.** Aristotle, e.g., uses the (empirical) fact that something is a unique function of human beings as a reason for a normative (in a broad sense) claim that fulfilling this function is the supreme good for which human beings should strive (NE 1097b-1098a). Thereby he seems to assume a normative implication of supposed "teleological" facts.

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ISSA Proceedings 2014 - Ethical Arguments For Moral Principles

Abstract: Application arguments in ethics, from an argumentation theoretic perspective, are rather trivial; however they always rely on moral principles whose justification is a notoriously thorny problem. A critique of several trials of such justifications helps to formulate adequacy conditions for good justifications of moral principles. The main part of the article develops an adequate conception of the justification of moral principles as an argument for a specific thesis about such principles.

Keywords: adequacy of justification conceptions, epistemological approach to argumentation, ethical arguments, ethical constructivism, function of morals, instrumentalist justification of morals, justification of moral principles, moral motivation, practical justification, reduction of argument schemes.

1. *The aim of the paper*

The abundance of argument types and reasoning approaches to ethics is a real jungle. An impression of the complexity of the various types of reasoning and argumentation of the corresponding theoretical issues is provided in Walton's "Ethical Argumentation" (Walton 2002). To try to give an overview of this material here is illusory. Rather, I will focus on some, in my opinion, systematically central questions:

1. What types of good central arguments are there in applied ethics?
2. What are the main approaches to the justification of moral principles, and how useful are they?

3. How does the best of these approaches to justification, an instrumentalist, constructivist approach, work in detail and what argument types are used in it?

The brief look at the first question serves only to the discussion, which is thus focused on certain aspects of justification in normative ethics; the article's main aim is to sketch a systematic conception of justifying moral principles. In dealing with certain questions of how to proceed in normative ethics, the article in itself is metaethical: it provides criteria for good argumentation in normative ethics, but not yet moral principles.

The following analysis of argument types and the criteria for their evaluation are based on the epistemological approach in argumentation theory, according to which the standard function of argumentation is to rationally convince, i.e. to guide an addressee in acquiring knowledge or justified belief.**[i]** The particular approach to justifying moral principles presented in the following is based on my previous metaethical work, most of which has not yet been published in English.**[ii]**

2. Argumentation in applied ethics – the recourse to moral principles

According to the most broadly accepted understanding, applied ethics should just apply basic and most general moral principles to groups of more specific typical cases or, in cases of singular decisions of great importance – such as the basic lines of a political or economic system or the determination of climate targets –, even to individual cases. If the moral principles are clear, this application should not be a problem in principle. (“In principle” here means that it is clear how to proceed – which neither rules out the possibility that, for example, very complex or comprehensive empirical information, which is not only expensive to procure and process but may exist only in very uncertain or vague form, is needed, nor precludes that evaluations from the perspective of those affected are very difficult to perform.) The two main types of applied ethical arguments conceived in this way are, first, deontic arguments for deontic judgments (about moral obligations) and, second, consequentialist axiological, in particular welfare ethical, arguments for moral appraisals.

Deontic judgments are judgments with the deontic operators ‘(morally) obligatory’, ‘(morally) forbidden’ and ‘(morally) allowed’. Deontic arguments then are arguments that justify deontic judgments from deontic premises. The default case is that in a deductive argument a more specific deontic claim is derived

from, first, a general deontic premise, second, empirical premises and, possibly third, interpretive premises (or lemmata) – whether the empirical situation fulfils the conditions of the deontic premise. In the present context it is decisive that the major premise of deontic arguments be a general deontic norm, ultimately – if one considers the justification of less basic deontic norms on the basis of moral principles (in the strict sense) – a deontic moral principle.

Frequently the final, deductive step of a complex deontic argument is relatively trivial in argumentation theoretical terms. What is often more difficult is the justification of the empirical and especially the interpretive premises, as to whether a certain condition of the norm in question is fulfilled. In legal argumentation theory, there are several basic approaches to this interpretation problem. The two most important are:

1. What counts for the interpretation is the legislator's intention – this approach can not be applied to moral deontic arguments, because there is no legislator.
2. What counts for the interpretation is the (moral) sense of the norm: Which (morally) desirable state is to be achieved with it? Which (morally) undesirable state it to be prevented? The latter question already regards moral evaluations.

Axiological (moral) arguments are arguments for (moral) value judgments or appraisals. Nowadays, the most broadly accepted understanding (and thus the underlying evaluation criterion) of moral value judgments is consequentialist, in particular welfare ethical (or welfarist). The *moral value* (or the moral desirability or moral benefit) of an object p is then an aggregation or function of the individual utilities of p for all affected by p . Therefore, in comprehensive welfare ethical axiological arguments, first, it is determined who are the beings affected by p . Second, the expected utilities of p for these various individuals is determined; this is done in practical arguments that ultimately list and evaluate the pros and cons of the assessed object p for the person concerned. The third and final step is really moral: These individual expected utilities must be “aggregated” to the moral desirability of p according to one of the ethical evaluation criteria, e.g. a utilitarian, an egalitarian or a prioritarian criterion. This final argumentative step is deductive. In the present context it is again decisive that this applied argument presupposes a moral principle, namely a criterion for moral valuation.

As was just shown, the basic structure of applied ethical arguments is simple and easy to systematise in argumentation theoretic terms. But they always presuppose

moral principles, namely basic moral norms or moral evaluation criteria. The real problem of ethical argumentation is the justification of the latter.

3. Arguments for moral principles – some competing approaches and some instructive failures

The currently most important approaches to justifying moral principles are moral realism and value objectivism, methodological intuitionism, the game-theoretic approach and the instrumentalist, constructivist approach.

Moral realism and value objectivism are theories according to which there is a moral reality of norms and values independent of the aspirations, motivations and desires of the moral subjects (e.g. Brink 1989; Dancy 2000; McNaughton 1988; Shafer-Landau 2003). These theories have been criticized in ethics from both an epistemological and ontological standpoints: Moral values and norms conceived in this way are, e.g., ontologically odd entities that also are unknowable; and so far nobody has submitted a valid argumentative justification of realistically conceived norms or values (cf. Mackie 1977, ch. 1). I will not repeat these arguments here. In our context, another criticism is even more important: the type of claim that moral realism and value objectivism try to justify misses the particularity of material ethics: Even if these theories were right, then there would exist just one more sort of layer of reality – in addition to colours, smells, shapes, sounds, etc., and theoretical entities (such as electrons, quarks, etc.), there would be also moral entities such as ‘norms’ and ‘values’. However, this would say nothing about how we should behave with respect to these and other entities. The basic question of material ethics is not: ‘How is the world?’, but: ‘What shall I do (from a moral perspective)?’, ‘How shall I decide (morally)?’ (Hampshire 1949). Value objectivism and moral realism overlook the practical side of ethics, its function of effectively orientating our actions. And this practical side means in particular that the material ethical recognition of some morals must motivate the subject (to some degree) to accept and observe that morality. Ethics that are not designed respectively are pragmatically irrelevant; people do not act on such ethics; and, therefore, ethicists can ignore them too. In positive terms, this means: The statements of material ethics must be designed in such a way that, first, what should be done follows from them and information about the respective situation (informational aspect of orientation), and, second, that knowledge of these statements also mostly motivates to the respective actions (motivational aspect of orientation). I call this condition the “*practical*” or “*motivation requirement*.”

“Methodological intuitionism” means here a methodological approach which bases the justification of morals primarily on our moral intuitions. Simple forms of methodological intuitionism accept (unfiltered or, alternatively, well-considered) individual intuitions; more sophisticated forms, such as Rawls’ theory of reflective equilibrium, try to develop an intuitively accepted coherent system from the various intuitions by reconsidering intuitions which lead to incoherence (e.g. Rawls <1971> 1999, §§ 4; 9; Daniels 1996; other intuitionist approaches: Audi 2004; Ewing 1953; Humer 2005; Stratton-Lake 2002). In the most condensed (and therefore only thetic) form the main criticisms of this approach are:

1. Our “intuitions” are not primitive and natural psychological reactions, but the result of a lengthy, culturally, cognitively, emotionally and motivationally influenced ontogenetic development process (Lumer 2002; overview of some theories: Lumer 2014b, 27-29).
2. The recourse to one’s own intuitions is not a justification, but begs the question.
3. Since they dispense with any real justification such intuitions are fickle; in particular, they are in principle vulnerable to the challenge of obtaining new information of all kinds. – One important aspect of these three criticisms can be converted into the positive formal requirement: The justification of moral principles must be stable with respect to new information, i.e. the justification must be such that the practical and motivating acceptance of these principles is not affected by new information.

Game theoretical moral justifications (e.g. Binmore 1994; Gauthier 1986) try to show directly, by means of practical arguments, that a certain kind of moral action is optimal for the agent. In particular, they utilise the fact that the individual benefits for all partners can rise through social cooperation. As opposed to the approaches to justification considered so far, game-theoretic moral justifications are real justifications: They show by practical arguments that certain strategies are optimal. They also meet the two previously established conditions of adequacy for the justification of morals: Game theoretical justifications motivate to comply with morals stably with respect to new information. Problems of a game theoretical-justification of morals lie elsewhere.

1. From the point of view of material ethics, they are very weak, only a minimal or business ethics, which for example do not protect the most vulnerable who have nothing to offer for cooperation (Trapp 1998).
2. Game-theoretically justified ethics of cooperation are structurally flawed in a

fundamental way: They do not comprise any moral desirability function and no moral evaluation; thereby they also fail to provide the basis for moral emotions. Accordingly, in such ethics, for example, one cannot say that a collaboration was indeed rational for all parties involved, but was still unjust and morally wrong. (Lumer 2010, pp. 564-568.) - In brief, the flaw of the game theoretic-approach is that it ignores the goal or function of morality. In positive terms, this criticism leads to a further requirement for the argumentative justification of morals: *moral instrumentality*: The justified morality must meet the objectives or the function of morals.

If one wants to meet the practical requirement and the condition of stability with respect to new information, there seems to be no way to do so without the game-theoretical justification of morals. This seems so because, if it has been shown that a particular strategy is optimal, then there is just no alternative strategy that can be shown to be better and to whose compliance we can be motivated stably with respect to new information. But this reasoning is fallacious. The point of departure of game-theoretical ethics is that it wants to satisfy the practical requirement in a too direct, individualistic situation-bound approach. It is asked directly: 'What action is optimal in (given) cooperation situations?' and then the respective action is prescribed (mere individual optimisation). Alternatively, this optimality can also be understood as a necessary and limiting condition which must be fulfilled in the end by a well-constructed morality. So one first constructs a morality whose realisation might also change the action situation of the subject, and also sees to it that, in the end, the observance of this morality is also optimal for the subject - but maybe just because the situation has already been changed (socially prestructured optimisation). In this indirect approach, it is then more likely that the demands of such a morality coincide with our stronger intuitive moral beliefs. This alternative approach is to be pursued below.

Another, fourth approach to justifying moral principles is constructivist and instrumentalist: morality is a good instrument for fulfilling certain social functions (cf. e.g. Mackie 1977, ch. 5). This approach can meet the three previously developed conditions of adequacy. It is further elaborated in the following.

4. Instrumentalist arguments for moral principles - the general idea and adequacy conditions for justification theses

The initial problem for a conception of argumentative justification of moral principles, in particular with an epistemological approach, is the following

discrepancy: On the one hand, rational arguments have the standard function of leading to knowledge or cognitions, i.e. justified beliefs, where the objects or contents of these beliefs are propositions, or more precisely: judgments (i.e. propositions with an assertive mode), which make up the argument's thesis. This is the epistemic side of arguments in general. On the other hand, the objects of moral justifications of moral principles, however, are not judgments but moral principles; apart from moral principles one can also morally justify actions, norms, constitutions, evaluation criteria etc., which are not judgments either. Furthermore, apart from not being the right kind of objects of arguments (viz. judgments), the justifications of such objects should not simply lead to new insights, but also to the *practical acceptance* of these objects, namely to a particular motivation with respect to these objects. This is the moral and practical side of moral justifications.

The simplest and clearest way to bring the epistemic and the practical requirements together is to design such moral justifications as arguments for a thesis about the object of justification, i.e. about the moral principle, etc. However, this cannot be *any* thesis; but the justification for this thesis must meet certain conditions; a thesis which fulfils these conditions is the *justification thesis* for moral principles. In this way the epistemic requirement can be met by the fact that the justification still consists in an argumentatively valid and adequate argument which leads to justified belief, and the practical and moral requirements can be met by selecting a particular thesis about the object to be justified. Now my proposal is that the special conditions for moral justification theses about moral principles are identical to (or a superset of) the adequacy conditions already developed in the criticism of the alternative conceptions of the justification of moral principles. Hence the adequacy conditions for moral justification theses are:

Adequacy Condition 1: Motivation or practical requirement: Moral justification theses about moral principles are motivating in the sense that if a prudent addressee (i.e.: an epistemically and practically rational addressee with certain relevant information) is justifiedly convinced of the justification thesis, he is motivated at least to some extent to adopt and observe the moral principle.

Some reasons for the motivation requirement are:

1. The motivation requirement is the specifically practical component of the conception for justifying moral principles. The development and justification of

moral principles are part of *practical* philosophy and as such should generally have a corresponding influence on the practice, lead to the *practical* and not only to the theoretical acceptance of the justified object.

2. Fulfilling the motivation requirement ensures the *relevance of the insights*. One could have infinitely many different insights about moral principles. The vast majority of them would be so arbitrary and irrelevant, that we do not even know why what they say should be a reason for the moral principles. Relevances are constituted, however, - leaving aside our feelings - only by a relation to our motives.

3. A justification which satisfies the motivation requirement has the pragmatic advantage that it can actually make a difference.

Adequacy Condition 2: The motivating effect's stability with respect to new information: The motivating effect of a justified conviction of a justification thesis is stable with respect to new information, i.e. it is not lost as a consequence of acquiring additional true information.

Some reasons for this condition are:

1. Stability with respect to new information is the *rational* component of the concept of justifying moral principles. The only thing we can directly rationalise (in the sense of making rational) are beliefs, indirectly also actions and other things. And the two main directions of that rationalisation are: first, to make our beliefs true, i.e. to acquire possibly only true beliefs (or correct false beliefs) by observing epistemological rules and, second, to increase the number of true beliefs. The requirement of the motivation's stability with respect to new information introduces the practically relevant maximum of epistemic rationality into the conception of practical justification.

2. Stability with respect to new information prevents the justification from being persuasive in a pejorative sense, namely that the addressee practically accepts the object of justification only because he does not have certain information. Stability with respect to new information here introduces an element of *wisdom*, wisdom in the sense of transcending particular and isolated knowledge toward a comprehensive knowledge about the basic questions of life.

3. Stability with respect to new information contributes to the longevity of the motivating effect.

Adequacy condition 3: Moral instrumentality: Moral principles for which the justification thesis is true, fulfill the function of such principles, they meet the

instrumental requirements for such principles and morals in general.

Some reasons for this condition are:

1. Moral instrumentality is the specifically *moral* component of the conception of justification. If the “justified” moral principles do not fulfill the function of morality we are no longer dealing with a justification of a morality.
2. As a consequence of their moral instrumentality the resulting moral principles correspond more easily to what we intuitively expect from morals.

5. *The function of moral valuation: prudential consensualism*

The next central question of this conception of the justification of moral principles is, what then is the function of moral principles and of morals altogether? And above all, how can we determine this function and again justify it? I see two approaches for identifying and determining the function of morals. One is idealising-hermeneutic, the other is technical-constructive.

With the *idealising-hermeneutic approach*, one tries to determine the sense and function of the existing morality. First, one explores the general intentions of the morals of the moral agents, which have to do with the function of morals, in particular the intentions of moral reformers; or one infers from the make-up of the moral institutions themselves which function they might have. In this enterprise not all components of the moral subjects’ intention are interesting, but primarily those components that have to do with the intended purpose or the structure and functioning of morals in general, of general components of morality (norms, evaluations, virtues, etc.) as well as of singular concrete elements, i.e. instruments of this morality. The argumentative means to support such statements about the agents’ intentions are interpretive arguments in which the intentional causes of actions are reconstructed. The collection of such contents of intentions leads only to a series of fragments and often only to superficial ideas or even misconceptions. In the systematically second step of the idealising-hermeneutic analysis, the best must be filtered out from such intention pieces and then synthesised to complete ideals: Which conception of morality composed of such fragments of intentions is the best? Practical arguments for (amoral) value judgments (Lumer 2014a) are used for the argumentative justification of this last step.

Idealising hermeneutical justifications of the function of morals flow smoothly into *technical-constructive justifications*. The aim of technical-constructive

justifications is to create good instruments, thus in this case good conceptions of the function of morality, which are valuable to all moral subjects, and therefore are used by them. The argumentative means for the final technical-constructive justification of a function of morals are practical arguments in which the advantages and disadvantages of these functions for the individuals are presented and the best conception is filtered out.

In order to be able to explain the further course of argumentative justification of moral principles, substantive results about the function of morals are required. There are some formal, structural results on the one hand, and real material results on the other. The most important structural results are the following.

1. The basic principles of morality are, first, the criteria for moral evaluation and, second, moral precepts or norms. The relationship between these components which is technically most fertile and best adapted to the human way of deciding is this: First the criteria for moral evaluation are developed; with their help then in the next step all other objects of morality, i.e. norms, rules, institutions, virtues, etc., are instrumentally justified as being morally good, i.e. producing relatively much moral value.

2. With this setup, the question of the aim or function of morality initially is reduced to the question of the function of moral valuations, evaluation criteria and desirability functions.

With respect to the function of a moral value function, so far I have to offer only a hypothesis about the purpose or sense of a *socially binding morality*, which - unlike an individual morality - is designed to regulate social relations in an intersubjectively binding way. The sense of a socially binding moral desirability function could be *prudential-consensualistic*:

1. First, there is the *consensualistic requirement*: Socially binding moral evaluation criteria constitute a common moral value system that provides the intersubjectively shared standard

- (i) for assessing socially relevant measures,

- (ii) for planning social projects and

- (iii) for consensual arbitration of interpersonal conflicts of interest.

In addition, for the individuals the purpose or sense of such an intersubjectively shared value system could be to procure a benchmark for self-transcendent ego ideals and actions. I call this quality of the desired moral value functions "*subject universalism*", i.e. the value of all value objects (or more precisely the value

relation of every two value objects p and q ($= U(p)/U(q)$) of this value function is roughly identical for all (or nearly all **[iii]**) moral subjects of the moral community. (Expressed somewhat formally: for (nearly) all moral subjects i and j and all value objects p and q holds: $U_i(p)/U_i(q) \approx U_j(p)/U_j(q)$.) So if e.g. for Adam the present well-being of Clara is better than that of Dora, the same should hold for Bert, i.e. for Bert too the present well-being of Clara is better than that of Dora. Subject universalism has to be distinguished from *beneficiary universalism*, which is the quality of a moral value function to include all possible beneficiaries of a value function, i.e. the objects to whose fate a non-neutral value in that value function is attributed. Subject universalism does not imply beneficiary universalism analytically, but empirically.

2. Second, there is the *prudential requirement*: Subject universalism speaks of intersubjectively identical valuations, but what kind of valuations are intended here? The prudential requirement is that the subjective value functions to be compared according to subject universalism be parts or components of the subjects' *prudential desirability functions*. Prudential desirability functions express what is good for the respective subject and hence rationally or from a prudential point of view should be the guideline of the subject's decision; prudential desirability functions are constructed similarly to the utility functions of rational decision theory but with much stricter, philosophically developed standards, which also permit the criticism and correction of the subject's present instrumental or even intrinsic preferences (cf. e.g. Brandt 1979, part I; Lumer <2000> 2009, 241-428; 521-548). Prudential desirability functions are intersubjectively different - that I have a headache is mainly bad for me and neutral for you, and the reverse holds for your headache -; otherwise they could not express the *personal good*. Therefore, the subject universalistic requirement is not intended to refer to complete prudential desirability functions but only to parts (considering a certain set of value objects) or components thereof. What is a component of a desirability function? In prudential desirability functions the total desirability of an object p (for the respective subject) is consequentialistically conceived as the desirability (and in the end the intrinsic desirability) of its (p 's) various consequences plus the intrinsic desirability of p itself. The various consequences together with the way they come about are the different aspects of the value object, e.g. the hedonic aspect of bringing about immediate pleasure or pain, the financial aspect of altering the subject's financial endowment, the empathic aspect of altering the person's state of compassion etc. A *component of*

a prudential desirability function is then a desirability function constituted of the personal desirability of only one particular aspect of the value objects in question – such as the immediate hedonic, the financial or the empathic component of the desirability function which evaluates the objects only in these respects. – While the consensualist, subject universalistic part of the conception of the socially binding morality expresses more directly the function and instrumentality of morality, the prudentialist part already accommodates the conditions formulated in the first two adequacy conditions for moral justification theses:

(i) To be practically influential and to provide a chance of realisation, the subjective desirability functions the consensus of which makes up subject universalism have to be motivational. Prudential desirability functions are motivational because they rely on subjective (decisional) preferences.

(ii) To be really in the interest of the subject and to be stable with respect to new information, the desirability functions should also be prudential.

6. Arguments for moral principles – the justification theses

After this preparatory work we can now formulate the *justification thesis about moral value functions*:

‘V is the value function which fulfils the function of moral value functions, and stably with respect to new information, motivates (prudent and informed subjects) proportionally to the V-value.’

More specifically, if we fill in the prudential-consensualistic conception of socially binding morals, the thesis is:

‘The value function V is prudential-consensualistic, i.e. V is proportional to the sum of all subject universalistic parts or components of the prudential desirability functions of (nearly) all moral subjects of the moral community.’

The next step of the justification of morals is to enquire empirically, with the help of empirical decision theory and moral psychology, which desirability function fulfils the condition formulated in the justification thesis. This is beyond the topic of this paper. In other publications (Lumer <2000> 2009, 577-616; 2002), however, I have come to the conclusion that interpersonally (nearly) identical components of our prudential desirability functions arise in particular from our expected *compassion* and our expected *feelings of respect*. Adam and Bert may e.g. expect to feel similar compassion for Clara who will have a severe headache

as a consequence of an accident, where the compassion in turn is also undesirable for Adam and Bert. If this expectancy and empathic desirability can be generalised, Clara's headache is morally bad. (Elaboration of a moral value function based on compassion: Lumer <2000> 2009, pp. 616-632.)

So far we have dealt with the meaning, sense or function of moral value criteria. The function of all other instruments of morality, that is of moral norms, rules, institutions, virtues, etc., according to the axiological structural approach followed here, then consists in increasing the moral desirability of the world: they are means to the moral improvement of the world. The conception of their justification is straightforward: They are justified by practical arguments, which show that they have the highest possible moral value among the presently realisable instruments of this kind. The *justification thesis about moral norms, rules, institutions, virtues, etc.*, accordingly is: 'x is a norm (or rule, institution, virtue, etc.), and x is the morally best (or at least rather relatively good) among the presently realisable norms (respectively rules, institutions, virtues, etc).'

Again, applying this conception of the justification of moral norms etc. is beyond the scope of this paper. One remark, however, might complete the idea of the conception presented. The moral desirability function always is only one component of an individual's prudential desirability function such that the motivation to do what is morally good often will be too weak and the respective action will not be executed. The key instrument for resolving this problem and for strengthening the motivation to do the morally good is *social norms*, i.e. general ways of behaviour that in a certain community are followed almost generally and for which it holds that if they are not followed, punishments will be imposed. If these social norms are morally good then the individual moral motivation plus the fear of punishment together may be sufficiently strong to do the normatively required; i.e. in such a structured situation it will mostly be prudentially optimum to fulfill the moral demands.

NOTES

i. For an overview of the epistemological approach to argumentation see: Lumer 2005b. Some major pieces of my own account within the epistemological approach, i.e. the Practical Theory of Argumentation, are: Lumer 1990; 2005a; 2011a; 2014a.

ii. The most comprehensive exposition is: Lumer <2000> 2009, 30-127. Further elaboration of the instrumentalist aspect: Lumer 1999; 2004; 2010. Motivational

basis of morals and ethical justification: Lumer 2002. Preliminary work: Lumer 1995. On the instrumentalist approach in philosophy in general: Lumer 2011b.

iii. The exception that the intersubjective equality of valuation is not fulfilled for some subjects is meant to capture very special cases like psychopaths whose personal value functions simply lack certain components. Of course, such exceptions lead to particular problems. However, no empirically based approach would probably ever work without permitting such exceptions.

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ISSA Proceedings 2014 - Gender And Generative Argument: Locating The National Women's History Museum In The Landscape Of Public Memory

Abstract: Historical memory is mediated through public argument that determines which histories are celebrated or silenced. This essay examines the effort of the National Women's History Museum [NWHM] to establish a significant physical site in Washington, D.C. by exploring in close detail how the case for women's history that NWHM addressed to the U.S. public developed by focusing in particular on the initial arguments that circulated when the Museum was founded in 1996.

Keywords: commemoration, generative argument, National Women's History Museum, public memory, women, women's history

1. Introduction

Among the questions relevant to how historical memory is mediated through public argument, examining whose story is articulated as important, what aspects of history are deemed to deserve a monument or museum at a given time, and why certain aspects of a cultural history are commemorated are significant points

of inquiry. In essence, publics argumentatively negotiate what constitutes our “public memory,” designating people, events, and actions that are deemed worthy of remembrance. In particular, the intersection of gender ideologies with the processes of commemoration is a primary locus of rhetorical controversy.

In 1996, Karen Staser envisioned that a museum devoted to women’s history could be built on the National Mall in Washington, D. C. With a small group of volunteers, she founded an organization called “The National Museum of Women’s History,” dedicated to making her vision a reality. In 1997 they accomplished a lasting achievement by leading the effort to raise the “Portrait Monument” to the Capitol Rotunda from the basement, where the massive marble tribute to women’s suffrage had been consigned since it was given to the U.S. Government by in 1920. In subsequent years, the Museum mounted several small exhibitions and launched its “cyber museum” that features several curated exhibits about various topics such as women in espionage, woman suffrage, women in sport. What this young non-profit organization, now renamed as the “National Women’s History Museum,” did not foresee is that nearly 20 years after it’s founding, they still would be seeking the required approval of the U.S. Congress to lease, buy, or build a physical site that would house a women’s museum on or near the their targeted area of the Mall.

This essay is part of a larger project that analyzes the public argument associated with the prolonged effort of the National Women’s History Museum [NWHM] to establish a significant physical site in Washington, D.C. The organization has been successful in raising the necessary private funds to sustain the organization’s efforts and in amassing bi-partisan supporters in the U.S. Congress, which ultimately must approve the NWHM’s request to locate a building on or near the National Mall, but these overtures repeatedly were blocked by members of the Washington D.C. community or stalled in Congressional committees. My forthcoming larger study explores in close detail how the “case” for women’s history that NWHM addressed to the U.S. public developed through several stages of argument and debate, as various sites have been considered, efforts blocked, and multiple legislation initiatives introduced. The portion of the NWHM engagement with public memory addressed in this essay focuses on the initial arguments when the Museum was founded and how it argued its case for the significance of women’s history.

2. Public memory and sacred places

Monuments and museums function as material evidence of the public debates to designate people, places, and events as important. The absence of certain individuals and their experience in such spaces indicates by implication the relative lack of significance placed upon them by those who have the power and means to control commemorative processes. As John Bodnar (1992) explains, public memory must be understood as an ideological system, “a cognitive device to mediate competing interpretations and privilege some explanations over others” (p.14). As a process that inescapably denotes the dominant values and perspective, critics who analyze these argument processes must “ponder the tensions between past and present – or more accurately, the tensions between historical fidelity to the past and contemporary political motives in the present” (Reyes, 2011, p. 597). Public memory studies focus attention on the remembering and forgetting that swirls around public museums and memorials, an analytical process involving evocation of recursive and reflective processes. The contemporary studies of space and place invite contemplation of “preferred readings, undesignated space, and the ideological nature of the signifiers that become objects of desire, identification, movement, and authenticity” (Dickenson, Blair, and Ott, 2010, p. 33).

Consequently, public memory is a rhetorical process. As arguments circulate in the public realm, disputes arise especially over what should be commemorated, and where. Specific locations designate for public audiences particular notions about what is most worthy of memory, and these geographies are marked with conflicts. In particular, spaces deemed especially “sacred” become sites for public memory negotiations. These debates within publics can be identified by how their shared interpretations are represented in their discourses about a disputed site and by how those share interpretations evince traces of other discourses that they have pulled into their encounter with the these spaces. This is what Robert Aden (2012) refers to as “centripidal and centrifugal force” in the negotiation of memory. NWHM’s campaigns to shape public memory, engage battles on two such sacred grounds in Washington, D.C.: the Capitol Rotunda, specifically, the National Mall in Washington, D.C.

Gender and race also are particular arenas of contention regarding who will be remembered and in what ways. Relevant to this study, entry into public memory has been particularly difficult for women on the National terrain of U.S. history and memory. For example, no comprehensive museum devoted to women’s

history exists in the U.S. In Washington D.C., the Smithsonian Institution includes specific museums regarding American Indian history, African American and Asian Art, and a future museum devoted to African American history, but the only permanent exhibits in the Smithsonian that relate women's history are devoted to the First Ladies' gowns. Additionally, no statue of woman was installed in U.S. Capitol Rotunda until 1997. Consequently, the arguments undertaken by NWHM to claim a space for women's history in the National Mall challenge ideological assumptions related both to sacred political space as well as the legitimacy of women to enter into these realms.

3. *Generative argument*

The theoretical frame defining "generative argument" that is employed in this analysis of the Museum's early arguments is derived from several linguistic and rhetorical theories. The "generative" most commonly is defined as capable of production/reproduction, from the Latin *generare*, to beget. A specific usage of the "generative" concept comes from generative linguistics that is related to the application of finite rules to produce all items generated from a specific starting point, formulated by Noam Chomsky (1965) to emphasize the association between deep structures and surface structures. This idea of generative as related to structures that are produced from root concepts provides a useful frame for thinking about the function of generative arguments.

A second useful conceptualization comes Kenneth Burke from his book *Counter-Statement* where he discusses the function of the symbol as a generating principle. Burke states:

As the symbol is ramified, Symbols within Symbols will arise, many of these secondary Symbols with no direct bearing upon the pattern of experience behind the key Symbol. These secondary or ramifying Symbols can be said to bear upon the underlying pattern of experience only in so far as they contribute to the workings of the key Symbol. In essence, the foundational symbol generates others, but always within a range that is limited by the meanings in this root symbol. (1968, p. 157)

Considering how, in particular, generative argument functions in relation to questions of gender and identity politics, the key symbol or principle can be powerful if grounded in gender experience, but also limited by the cultural definitions associated with it. This makes appeals to gender as a root inherently

evocative but also constrained. Gender, therefore can be a paradoxical root symbol, as generative symbolic action provides a means to identification and difference; its invocation as symbolic root also limits and defines rhetorical action. As Burke notes,

Symbols will be subtilized in ways not contributory to the pattern. The weak King cannot be too weak, the manly Peasant cannot be too manly—thus we find the Poet “defending” to an extent the very character whom he would denigrate, and detracting from the character who is to triumph. Such considerations arise with the adoption of the Symbol, which is the conversion of an experiential pattern into a formula for affecting an audience. (1968, p. 157)

For the generative arguments grounded in gender identities and experiences, this means that the discursive case generated from the root cannot stray too far from cultural roles and categories that are familiar to audiences; following Burke, the case for women’s history cannot be too radical and cannot deviate too far from the cultural meanings embedded in the symbol itself. Hence, the NWHM finds itself bound by the very symbols that they must employ to argue the case for the importance of women’s history and the need for such a commemoration in the National sacred spaces of Washington, D.C.

4. NWHM’S generative symbols

The NWHM encountered multiple debates over sacred terrain that emerged just after its founding. First, the Museum continues to meet with opposition from the U.S. Congress over its desire to locate its permanent building in the National Mall area. Second, the first campaign undertaken by NWHM regarded the relocation of a statue commemorating three women suffrage advocates from a basement room to the precious civic real estate of the U.S. Capitol Rotunda. NWHM hoped to use the relocation of the statue, known as the “Portrait Monument,” as a way to establish legitimacy within political and philanthropic realms. Significant symbolic choices made by NWHM in relation to both public campaigns are found in the organization’s early documents that make the case for women’s history, where the root principles of the arguments emerge. The key generative root symbols are the definition of “woman” and “women’s history.”

Quite significantly, the Museum chose for its initial logo a visual representation of a sculpture of a woman. The figure is labelled on its base as being from 2500-4500 B.C., and is a very abstract representation, conveying a universal and

ancient grounding for women's history. The image often formed the left border on the letterhead initially used by the NWHM and also was reproduced in other publications as a small logo next to the Museum's name. The Museum's early brochures also evoke symbols and descriptions that use an inclusive and universalizing narrative to define the key ideas of "woman" and "women's history"

First, the definition of woman reflects traditional cultural dictates. For example, an early brochure from 1996 states that: "The Museum's exhibits will showcase the specific achievements women have made in every area of human endeavour and celebrate their contributions as wife, mother, sister, daughter, healer, teacher, scientist, artist, entrepreneur, and leader" (NWHM, 1996a). Notably absent from this list is any specific reference to political activity. Moreover, the term "contributions" functions to foreground women as always defined in relation to what they do for others.

The case that the Museum makes for what constitutes women's history and the practice of commemoration also is broadly defined, apolitical, and celebratory. An early brochure states: "The Museum enjoys strong, nonpartisan support from congressional officials, women's groups, political and business clubs, corporations, and individuals who share the vision for an institution that showcases women's achievements" (NWHM, 1996b). Here, the word "showcases" indicates that women's history is to be celebrated and seen, but not that it is an active dynamic force of change.

The Museum likewise depicted its supporters and its mission in similarly broad, yet circumscribed ways. One of its brochures claims that women's groups "of all racial, ethnic, and political backgrounds support a museum that values women's contributions in the home, work place, classroom, laboratory, and hospital - indeed, all places where women serve the nation on the earth, under, the sea, and in outer space." (NWHM, 1996b). Certainly, the NWHM cast its definition of 'women' and 'women's history' quite wide, but notably absent from these early statements is any direct mention of arenas related to political change, social protest, social justice, and cultural transformation.

Rather, the Museum's traditional sense that women are mothers, wives, sisters, and healers, but not politicians, agitators, or legislators, reveals the way that the subsequent symbols generated from the initial symbolic invocation of "woman" in

a universal sense served to limit the Museum's articulation of scope and purpose. Hence, early brochures promote the Museum with the slogan, "Sharing Women's Rich Cultural Heritage with Current and Future Generations" as opposed to "confronting, correcting, or repudiating." An early fundraising letter also articulates what the Museum will do to address the need to recognize women's history. In this set of statements, the generalized, yet also limiting, definition of "woman" and "women's history" is implied in the actions that it will undertake: "exploring and celebrating the *contributions* women have made to community and civilization in their many roles such as mother, wife, sister, daughter, healer, teacher, and leader" (NWHM, 1996c).

In all, the Museum's early promotional statements reflect a positive and nonpartisan rhetoric of "celebration" and "valuing" rather than correction or accusation. Both the promise and the pitfalls of the symbols generated from the root definition of woman can be seen in the debate over the suffrage monument. In becoming involved in the campaign to raise the suffrage statue and install it in the "sacred" spaces of the Capitol rotunda, NWHM found itself engaged in two different disputes over the question of who belonged in those hallowed halls.

5. *Women enter the rotunda*

The 1920 Portrait Monument sculpture was commissioned by the National Women's Party to commemorate the passage of the 19th Amendment to the U.S. Constitution that gave women the right to vote. The 13-ton sculpture, which bears the likenesses of suffrage advocates Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott, was completed by Adelaide Johnson and given to Congress in 1921, which first refused it, then yielded to pressure from women's groups and brought it into the Rotunda, held a gala for 5000 people, then banished it to a basement closet. Later it was installed in the Capitol Crypt, a passageway in the basement, and finally available to public view in 1963. Four previous attempts to move the statue to the rotunda had failed ("Adelaide Johnson," 2014; "Portrait Monument," 2014).

After the NWHM initiated its campaign to move the statue, debate ensued over whether it "deserved" a place among the other all male statues in the sacred space of the Capitol rotunda. *Washington Post* columnist George Will, for example, stated: "Unfortunately the supply of greatness is, it seems, infinite, and the supply of choice Washington spots for homage to greatness is not. The supply of greatness long ago exceeded the supply of space for statues in the rotunda"

(Will, 1997, p. C7). As Blair, Jeppeson, and Pucci (1991) in their study of the Vietnam Veterans Memorial noted, such places are not closed texts: “these structures are not only symbolic of the conflict over appropriate commemoration; they constitute the actual historic residue of that conflict” (p. 277). In NWHM’s drive to move the Portrait Monument, deep cultural rifts regarding gender and race became visible.

The first dispute regarded making the claim for women’s place in the Capitol Rotunda. As anticipated, there was significant opposition to the legislative efforts to relocate the statue both within the Congress and in the press. As a marker of things to come in the persistent resistance it would encounter in its legislative campaigns to garner the necessary approval to locate the Museum on the National Mall, both houses of the U.S. Congress had to approve a bill that allowed for the suffrage statue to be moved to the Rotunda of the Capitol. An additional barrier the statue advocates encountered was the increased costs for the actual raising resulting from a delay in this Congressional approval process. Still, by September 1996, the U.S. Congress had approved moving the statue, as long as the coalition of women’s groups paid for the costs of the move.

This fundraising effort is where the National Museum of Women’s History played a central role. By becoming involved in the campaign to raise the suffrage statue, the Museum hoped that it would generate interest and establish a base of support for its efforts, as later explained in a letter to members: “We chose the project to see if we could assemble a group of individuals who could not only move the statue and correct that piece of history, but also bring together people who would make possible a national Museum celebrating all of women’s history, both nationally and internationally, from the dawn of time” (Staser, 1997). The universalizing language here indicates an optimistic, sweeping vision for the Museum’s scope and definition of “women’s history”. Such broad strokes created a generative paradox for the Museum when a second, more focused controversy emerged during their drive to raise the suffrage statue. The mission statements and early case made for the museum is not overtly political, nor does it feature race, class or other distinctions. Hence, when a dispute emerged that brought the issue of race into sharp relief, it exposed the inherent problems in the rhetoric that the Museum had adopted.

When the Museum first entered into collaboration with other historical and Women’s organizations to raise the statue, the effort encountered little opposition

from these constituencies; in fact, universalized language of “woman” served to bind these groups in their efforts to allow the suffrage statue serve as the symbol for women in the prime political territory of the Capitol Rotunda. Much to the surprise of the Museum’s board members, however, the most significant and sustained challenge to their Raise the Statue campaign came from another women’s group, the National Political Congress of Black Women [NPCBW]. The group’s president, C. DeLores Tucker, began circulating letters in October, 1996 that opposed moving the statue, arguing that any monument in the Capitol that commemorates women’s suffrage must include a likeness of Sojourner Truth. Tucker’s group proposed that the unfinished portion of the suffrage monument should be carved with Truth’s likeness.

Tucker’s insistence on Truth as the symbolic carrier of black women’s history, requires a brief background. Truth, named Isabella, was born a slave in upstate New York, 1797; after she was freed, she lectured in east and Midwest regions, speaking at forums with other abolition and women’s rights advocates. Truth frequently is invoked as a symbol for contemporary black feminists to depict their exclusion, especially the angry Sojourner Truth who reportedly interrogated her audience of White women with the question “ain’t I a woman?” Although now widely disputed, this characterization comes from Frances Gage’s 1863 account of a speech given by Truth in 1851. According to this report, Truth faced a hostile audience of women who did not want her to speak because they feared that the cause of women’s rights would be harmed if mixed up with the issue of black rights (Gage, 1867, p. 4). This image of the angry Sojourner is the most widely known, having been anthologized in collections of speeches and frequently referenced by historians. It is the one most likely to be adopted by contemporary rhetors in search of an image of defiance (Mandziuk & Fitch, 2001). Hence, deeply embedded identity politics are at play between white and African American feminists.

The Museum board members who served as spokeswomen for the coalition to raise the statue were caught in the generalities of the universalizing rhetoric they had adopted, and consequently had little specific grounds from which to respond to the challenge from Tucker’s group. As Museum Vice President Joan Meacham stated, “it has been very surprising that all of these problems have come up. It’s just amazing” (Merida, 1997, p. A1). The Museum worked diligently both publicly and behind the scenes to resolve the conflict, but Tucker remained unmoved from

her resolute stand, founded on a rhetoric of difference and defiance, for which the discourse of inclusion had no answer. Tucker's initial letter from October 18, 1996 sharply critiqued the politics of exclusion that marked the history of white and black women. After two pages in which she argues for Truth's historical importance and recounts how African American women were asked to defer their interests and made invisible by white women, she states: "when you raise the Woman Suffrage statue, we want to stand tall and proud with our children so that they will not receive a distorted and divisive image of history. But that will not be if Sojourner Truth is not sculpted into the space that is so rightfully hers" (Tucker, 1996a). Tucker ends the letter with a strong critique of the universalizing rhetoric that the Museum espouses: "There is the adage 'those who do not know their history are doomed to repeat it.' Likewise, women who do not know their history are doomed to repeat it, too" (Tucker, 1996a).

In her letter responding to Tucker's missive detailing the NPCBW protest, the Museum's president, Karen Staser, first argued from circumstance: The contracts were signed, the Congress was in recess, and no evidence, as Tucker had claimed, existed that the unfinished portion was intended by the sculptor to be filled in with an African American woman's likeness. Instead, Staser offers the idea that "a similar campaign to raise public awareness of the injustice suffered by Sojourner Truth should be undertaken" in the next congressional session (Staser, 1996). Second, Staser summoned the universalized sense of women's history and echoed the positive tone of the early documents when she stated: "The one immutable fact that ties all women together is our history. Regardless of our rich and diverse causes, we all share the common need to bring that history to light" (Staser, 1996).

Despite some behind the scenes meetings with Tucker and the NPCBW, no resolution was reached; in fact, opposition to the raising of the statue accelerated even as the Museum and other advocates made plans for a June 1997 dedication. Tucker addressed a second letter directly to Sen. John Warner, chair of the Senate Rules and Administration Committee, under whose jurisdiction the statue legislation resided, in March 1997, in which she emphatically wrote: "when schoolchildren come to the Capitol Rotunda to see the statue....We do not want them to wonder why SOJOURNER TRUTH was not a part of the statue when she was a *leading* voice of the movement" (Tucker, 1997a). Interestingly, this account of history is itself a reconstruction of Truth's importance that many historians

would dispute, yet constitutes a recasting of the Truth narrative that white women excluded her and were hostile to her. Tucker ends with an emphatic statement: “We fully support the idea of the statue being raised, but only if it includes SOJOURNER TRUTH. OUR FIRM POSITION IS THAT NO STATUE SHOULD BE PLACED IN THE ROTUNDA WITHOUT SOJOURNER TRUTH!!!” (Tucker, 1997a).

As the conflict progressed, *Washington Post* reporter Kevin Merida noted in April 1997 that the dispute “is so vigorous it is beginning to divide women who normally are allies” (1997, p. A1). Merida’s article quotes Staser as stating, “This is a mess.... We are trying to heal our country and bring people together, and I am just heartsick over it.” In the same article, Tucker is quoted as responding to this unification language with an insistence on difference: “We just feel that the bottom line is that it does not represent the suffragette movement....It’s wrong and we are going to do everything we can do to stop it. We have been left out of history too much and we are not going to going to be left out any more” (Merida, 1997, p. A1). By May, the NPCBW was circulating a list of over 100 organizations that endorsed its efforts to block the statue. Even into June, as invitations had been issued and the statue was prepared for its relocation, The NPCBW protest continued; a June 6 memo contains a call for a meeting about the “Sojourner Truth issue” in which Tucker rejects the idea of a separate statue of Truth as akin to a re-enactment of the *Plessy v. Ferguson* separate but equal doctrine (Tucker, 1997b).

Clearly, the Museum and the NPCBW stances were irreconcilable because they were generated from two different root principles. For the National Museum of Women’s History, honoring Truth separately or later fit easily within its universalizing definition of “woman.” However, because Tucker and the NPCBW started from difference and discrimination as root principles, there was no meeting point that would not leave them feeling demeaned. The opposition to the Museum’s efforts exposed the contradictions in the notion of women’s history and the difficult politics of race. As Dickinson, Blair, and Ott note, public memory debates are not necessarily comprised of pre-constituted opposing constituencies; rather, “publics emerge in relationship to discourses, events, objects, and practices” (2010, p. 15).

Ultimately the Portrait Monument was dedicated on June 26, 1997, and still resides in The Capitol Rotunda. In 2009, a bust of Sojourner Truth was installed

in the Capitol Visitors Center, the culmination of the efforts begun by Tucker. Consequently, Truth does reside in the Capitol, but in arguably a less prominent “neighborhood”. Somewhat ironically, the Museum obtained a bust of Truth in 1998 that it had planned to travel to different states as part of their commemorative efforts; the husband of one of its board members was the sculptor. Clearly this effort to showcase Truth was a response to the Tucker conflict, but the plan ultimately gained little traction, perhaps because the Museum’s ownership of the bust was not quite absolute. After the bust travelled to the state Capitol in Georgia, and resided briefly in a few Congresswomen’s offices, it was revoked by the artist and resides in his home.

6. Conclusion

Overarching this dispute over the Portrait Monument and the role of the NWHM loomed the larger issue of commemoration in the sacred space, and questions about who deserved to be granted entry into that realm. Clearly, when the NWHM encountered a challenge to its universalizing definition of women and its inclusive view of history, it had difficulty responding to a specific challenge based in race and difference. Currently, the Museum, now known as the National Women’s History Museum, continues its efforts on the second battle to bring women into the sacred space of the National Mall by building a permanent museum. Their legislation has been introduced during every session since 1996, but has yet to be passed by both legislative branches. As of September 2014 the NWHM legislation was approved by the U.S. House of Representatives, with the remainder of the year to mount a successful vote in the U.S. Senate. If approved, this legislation would establish a commission to study the need for the museum and an appropriate site.

The history of women may yet come to Washington, D.C., but the symbolic outlines of that history remain to be determined. The early arguments set out by the NWHM indicate how powerfully constraining the initial root concepts chosen can be for later rhetorical appeals. Given the generative constraints set out by its initial definitions and symbols, and their problematic generality, it is evident that the NWHM’s rhetorical challenges will continue.

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ISSA Proceedings 2014 - An Epistemic Theory Of Argumentation For Intercultural Argumentative Dialogues

Abstract: In scenarios of legal pluralism, adjudicators cannot always generalize their cognitive standards because some of the reasons put forward only make sense in a cultural context. How can the adjudicators assess arguments that make sense in a culturally different worldview? The answer for this should include a method for the evaluation of the culturally-dependent arguments. I will evaluate the main theories of epistemic justification looking for the most compelling answer for this question.

Keywords: Epistemological theories of argumentation, legal pluralism, argumentation in intercultural scenarios, theories of justification, adjudication

1. Introduction

I believe that scenarios of legal pluralism pose certain question to theories of argumentation. Broadly speaking, scenarios of legal pluralism are either legal communities where the cultural diversity of their populations is legally recognized and protected such as Australia (Mabo and Others v. Queensland 1992) Canada (Canadian Multicultural Act 1985) or Colombia (Const. 1991), or international tribunals where legal agents (e.g., judges, juries, prosecutors, defendants, witnesses, and so on) belong to culturally differentiated groups (Cryer 2007; Kelsall 2009). In scenarios of legal pluralism, some of the conflicts involve members of culturally differentiated groups who justify their allegations with arguments that only make sense in the culture to which they belong. If the

adjudicator does not share the same cultural worldview as the parties under litigation, how can he/she come to make a decision determining the parties' rights and obligations?

A simple picture of adjudication illustrates my point. It is commonly accepted that the resolution of legal disputes requires the application of the law in accordance with the facts alleged by the parties. Consequently, adjudication implies epistemological evaluations. To be sure, adjudicators assess litigant's factual reconstructions determining whether or not their beliefs are justified. If a legal dispute takes place in a culturally unified scenario, the adjudicator becomes an archetypal epistemic agent. This means that he/she confers or denies justification based on the assumption that he/she and the parties are experientially and doxastically alike. Therefore, if he/she were undergoing the experiences alleged by the parties, and he/she would be justified in his/her beliefs, then the parties would be justified, too. In scenarios of legal pluralism, alternatively, adjudicators cannot generalize their cognitive standards because the alleged facts are reconstructed from culturally different views. That is to say that although the adjudicator and the parties are experientially alike, they are doxastically different.

If my diagnosis is accurate, how can the adjudicators determine the justificatory status of a belief inferred from a radically differentiated cultural view? The main theories of epistemic justification (i.e., foundationalism, coherentism and reliabilism) offer competing answers for this question. I will evaluate these accounts defending that reliabilism provides the best response. With this in mind, I will complete the following agenda. First, I will formulate the issue more carefully. In doing this, I will use some legal cases decided by the Colombian Constitutional Court. Second, I will reconstruct the three alternative answers provided for the theories of epistemic justification, and I will evaluate these competing accounts.

2. The problem

As I take it, the problem of determining the justificatory status of a belief held from a culturally differentiated group emerges from intercultural argumentative dialogues where the positions under debate are a product of radically different worldviews. To clarify, the trigger of an argumentative dialogue is a difference of opinions between two arguers. The radical difference of the intercultural argumentative dialogues under scrutiny comes from the fact that the participants in these dialogues do not do have unified doxastic states because of their

differentiated cultural perspectives. This is illustrated in the following case decided by the Colombian Constitutional Court.

Case 1

(Argumentative Dialogues Arising from Radically Differentiated Cultural Views):

In 1997, the Colombian indigenous community, called Paes, was reported to the Colombian Constitutional Court by one of its members. A man was found guilty of the murder of another member of his community, and he was sentenced to sixty lashes by the Paes judicial authorities. He said this punishment was torture, and it was illegal because under the Constitution of Colombia (Art. 12) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Art. 2), the cruel and inhumane punishments were banned. The Paes judicial authorities said this punishment was not torture; it was an act of purification. The Paes believed when one of them was lashed, a “ray touched them.” This magic touch produces two effects. First, the indigenous person’s crime is purified by the ray’s touch. Second, he/she can return peacefully to his/her community. As a result, the lashes are a ray that purifies and allows pacific coexistence in their community. (Colombian Constitutional Court 1997, T-523)

The epistemological evaluation to be made is whether or not the indigenous community is justified in believing that the aforementioned lashes are a “ray’s touch.” If this is the case, the punishment is not illegal. If it is not the case, the indigenous community is acting beyond its constitutional rights, and its actions ought to be stopped. To recall, the adjudicator is not supposed to confer or deny justification based on the assumption that he/she and the parties are experientially and doxastically alike. In fact, the adjudicator is expected to take the cultural differences seriously and evaluate the parties’ doxastic states in accordance with the cultural contexts to which they belong. However, how can such evaluation be done if, *ex hypothesi*, the adjudicator does not share the same cultural view with the parties? I will determine a specific methodology of work before answering this question below.

3. The methodology

The evaluation to be done in this paper requires the specification of the conditions that foundationalism, coherentism and reliabilism have to fulfill in answering the issue under account. If any of these theories do not accomplish these conditions, the theory should be either corrected or abandoned. Since the idea is to evaluate

an adjudicator's assessment of justificatory status in contexts of legal pluralism, I will adopt the method suggested by Alvin Goldman (2003) to evaluate inferences in procedures of adjudication. Avoiding unnecessary complexities, I will quote the steps of such method. After the passage, some comments and adaptations will be made.

Step 1 - Select the inference procedure, R, as a target of analysis.

Step 2 - Posit an aim, or set of aims, A, of the legal adjudication system - for example, truth, or rectitude, of decision.

Step 3 - Determine how well the procedure R, would promote aim A.

Step 4 - If R would be ineffective or deficient in promoting A, identify some remedies that would make R perform better. (215)

Following Step 1, I am going to analyze three inference procedures (R). Each of them will be differentiated by the epistemological principle that is used in its evaluation. Specifically, R_f will adopt the tenet suggested by foundationalism, R_c by coherentism and R_r by reliabilism.

Step 2, above, requires some clarification. For Goldman, theories of legal proceedings can take two forms— - either they are pluralistic or unified (2005, 163-164). Pluralistic accounts hold that legal processes have different aims, no one of which is prior to the other (e.g., justice, impartiality, allowing coexistence, seeking the truth, protection of civil rights, etc.). Unified theories, in contrast, explain proceedings with reference to one main end. They do not hold that legal proceedings actually achieve the selected goal; better yet, they use it as an explanatory resource to clarify the main activities performed in legal proceedings. Within this second alternative, one can find pure unified theories and impure unified theories. Pure unified theories state that the legal practices taken into account are subsumable in one exclusive desideratum. Impure unified theories defend that although the aim of legal procedures is such an exclusive aim, it is possible to recognize alternative goals coexisting with the dominant rationale. To illustrate, Goldman himself adopts an impure unified theory of legal procedures. This allows him to defend that even though the main goal of the law is not the determination of the truth; it is truth-oriented. These are his words:

The aim [of legal procedures] is securing *substantively just* treatment of individuals. This depends on (1) the content of the law and (2) the genuine, or true, facts concerning the actions they (and others) performed and the

circumstances of those actions. Thus, determining the truth about a person's actions is a crucial *means* to just treatment. (Goldman 2005, 164)

In the same way, I believe processes of adjudication in contexts of legal pluralism have one main aim (A), namely, to promote the coexistence between people who belong to different cultures. In achieving this goal, alternative aims have to be attained. First of all, the relevant laws have to be applied, (A1). Secondly, the alleged facts should be determined (A2). Thirdly, the different cultures have to be preserved (A3). Finally, the understanding of the cultures that constitute a political community might increase (A4). Given that A1 and A2 are common goals for all legal proceedings, my analysis will focus on A3 and A4.

To conclude, Step 3 is the goal-promoting evaluation of the reasoning under consideration (i.e., Rf, Rc and Rr). To recall, if some of these accounts do not promote the constellation of aims that they should supposedly promote (i.e., from A1 to A4), it has to be either reformed or ruled out.

4. *Three alternative answers*

Theories of justification are accounts that specify the conditions under which a person is justified in believing (Goldman 1976, 3). Following the standard pattern, a theory of justification adopts the next structure:

Individual Epistemic Justification

S is justified in believing that p if and only if (iff):

C1, C2 ..., Cn

Where S stands for a cognitive agent, p is for propositional knowledge, and C1 ... Cn are the conditions that transfer positive justificatory status. In Case 1 above, S is the Paes judicial authorities and p is "when a man receives lashes, he is being touched by a ray." Therefore, the ultimate proposition is:

The Paes judicial authorities are justified in believing that when a man receives lashes, he is being touched by a ray.

I believe that foundationalism, coherentism and reliabilism suggest different conditions for the justificatory status of this proposition. A detailed reconstruction of these theories is beyond the specific goal of this paper. Better yet, I will make cautious generalizations showing how Rf, Rc and Rr could be used in processes of adjudication in scenarios of legal pluralism.

4.1 *Foundationalism*

The main idea of foundationalism can be captured by the standard pattern as follows:

Individual Epistemic Justification 1 (Foundationalism):

S is justified in believing that p iff:

C1: p is derived from a basic belief, or,

C2: p is derived from a proposition which is, directly or indirectly, derived from a basic belief.

Two expressions need clarification, namely, “basic beliefs” and “directly or indirectly.” I will start with the last one. Foundationalism suggests that the justification of a belief depends upon the propositional relation between it and other propositions that confer justification. Hence, p is justified if it is inferred from another justified proposition, p1. Similarly, p1 is justified if it is drawn from the justified proposition, p2. Equally, p2 acquires its justified status from another justified proposition, p3. Thus, the evaluation of the justificatory status of a proposition implies following the path of propositions in which the ultimate belief relies on. Since this tracking of justification cannot be done ad infinitum, foundationalism determines a point in which the chain of justification is anchored. In other words, these are the foundations of justification, or the basic beliefs. These are propositions with the salient feature that they confer justification, but they need not be justified by other propositions because they are justified themselves. In the history of philosophy, several alternatives have been suggested as basic beliefs: clear and distinct ideas, mathematical or logical truths, spontaneous formed beliefs, and so on. Contemporary epistemology suggests that perception is a basic belief. To justify this, they propose the following principle:

Seeming Principle

If it seems to S that p, then S is prima facie justified in believing that p.

Practically, I believe that there is a computer screen in front of me because it seems visually to me that that is the case. Given that I do not need a justificatory proposition when it seems to me that I am looking at a computer screen, the belief that I am looking at a computer screen is basic. Furthermore, since this belief depends upon the external world, it yields knowledge.

Putting all this together in Case 1, if the constitutional judge had used the Rf model to evaluate the justificatory status of the belief held by the Paes judicial authorities, the following structure would have been obtained:

Inference Procedure 1 (Rf):

The Paes judicial authorities are justified in believing that when a man receives lashes, he is being touched by a ray iff:

C1: "When a man receives lashes, he is being touched by a ray" is derived from something we perceive, or,

C2: "When a man receives lashes, he is being touched by a ray" is derived from a proposition which is, directly or indirectly, derived from something we perceive.

Based on this structure, the constitutional judge would deny the justificatory status of the ultimate proposition. The reason for this verdict is that this adjudicator, in normal conditions, cannot verify whether or not the Paes judicial authorities derived their belief from some perception. From the judge's view, what is perceived is a man who is receiving lashes from another man, but not a ray. The Paes judicial authorities interpret the perceiving lashing ritual as if a ray touches the man, but it is not derived, directly or indirectly, from any sensorial experience. Therefore, the Paes judicial authorities are not epistemically justified in believing that when a man receives lashes, he is being touched by a ray.

I believe Rf does not promote the aims of adjudication in contexts of legal pluralism. Specifically, it does not promote A3 because the requirement of sensorial experience limits the Paes culture to the sensorial experiences of the judge. Using the Seeming Principle, given that for the constitutional judge, it does not seem that a ray is touching a person when that person receives lashes, the judge does not have any reason to think that Paes judicial authorities are justified in such a belief. Consequently, Rf does not promote the coexistence between people who belong to different cultures because it reduces one culture to the other. Apparently, coherentism could offer a better alternative because it does not focus on sense experiences, but on systems of beliefs. This alternative has to be evaluated carefully.

4.2 *Coherentism*

Coherentists, unlike founderentists, claim that epistemic justification is not linear, but holistic. That is, epistemic justification does not go back from the ultimate proposition to be justified to the previous justificatory propositions. Instead, epistemic justification has to do with holistic relations of systems of information. In other words, coherentism is the view that holds the following formula for epistemic justification:

Individual Epistemic Justification 2 (Coherentism):

S is justified in believing that p iff:

C1: p belongs to a coherent set of beliefs.

In this model, the justificatory status of the ultimate proposition is conferred by the coherence relations it has with the system of beliefs it belongs to. That is, S's system of beliefs. The main issue for coherentism is to explain the nature of coherence relations. Old fashioned coherentism used to require that a particular belief should cohere with the whole doxastic system of the individual whose belief was being evaluated. However, contemporary coherentists realized that this requirement was too strong because any incompatible belief would make the whole system incoherent. That is why contemporary coherentists adopt a moderate position claiming that coherence is predicated of a specific sub-system of beliefs, and not from the whole system of them. This allows to compartmentalize systems of beliefs preserving their coherence against particular inconsistent beliefs (Kvanvig 2012b).

How can an adjudicator evaluate the coherence of a belief inferred from a radically differentiated cultural view? I am not offering substantial answer for these question here. For the present purposes, it suffices to imagine two situations which outline a possible answer. To begin, in Case 1, the judge could determine, with the help of an expert anthropologist, the core of the Paes's beliefs system. Secondly, performing some basic logical (or probabilistic) operations, the adjudicator could verify if the p coheres with this system of beliefs. These ideas constitute Rc, as follows:

Inference Procedure 2 (Rc):

The Paes judicial authorities are justified in believing that when a man receives lashes, he is being touched by a ray iff:

C1: "When a man receives lashes, he is being touched by a ray" is coherent with the Paes judicial authorities' set of beliefs.

Coherentism has been traditionally criticized with the isolation argument. Broadly speaking, since the mere coherence between propositions confers justificatory status, the external world does not matter. However, the isolation problem does not necessarily weaken coherentism as such. Instead, it is a threat for coherentists' theories that do not include perception within their concept of system of beliefs (Kvanvig 2012a, 63). I claim, however, that the isolation problem

represents a threat for coherentism in scenarios of legal pluralism. To recall, the failure of R_f is that it is too strong. That is, since it demands perceptual experience for all justified beliefs, then A3 is not promoted. With the mere coherence requirement, this problem seems to be overcome because perception does not play a strong role in epistemic evaluation. The problem is that now A4 is not promoted. To clarify, if there are not external standards for justification, the understanding between cultures is impossible. R_c , therefore, does not only lead to the isolation from the external world, but also creates epistemic bubbles.

4.3 Reliabilism

As a first approximation, reliabilism suggests that:

Individual Epistemic Justification 3 (Reliabilism):

S is justified in believing that p iff:

C1: p results from a reliable cognitive process.

Two concepts need to be clarified, namely, “reliable” and “cognitive process.” Goldman defines cognitive process as a function with inputs that have beliefs as outputs (1976, 13). Two types of processes are important here. First, the belief-dependent processes have other beliefs as inputs. Second, the belief-independent processes do not have other beliefs as inputs. While perception is a good example of the latter, memory or inference are good instantiations of the former. Following this terminology, Goldman introduces more distinctions. There are two kinds of beliefs. A belief-independent belief is the output of a belief-independent process. A belief-dependent belief is the result of a belief dependent process (13-14). Consequently, perceptual beliefs are instantiations of belief-independent beliefs, and the conclusion of a deductive argument is an example of a belief-dependent belief. Finally, reliability is “the tendency of a process to produce beliefs that are true rather than false” (16). While in belief-dependent processes reliability depends on the truth of the inputs, in belief-independent processes, reliability is categorical. From these distinctions, reliabilism suggests two forms for evaluating justificatory status.

First,

Individual Epistemic Justification 3 (Reliabilism 1):

S is justified in believing that p iff:

C1: p is a belief-independent belief, and

C2: p is the result of a categorically reliable process.

Second,

Individual Epistemic Justification 3 (Reliabilism 2):

S is justified in believing that p iff:

C1: p is a belief-dependent belief, and

C2: p is the result of a conditional reliable process.

According to this second form, *Rr* adopts the following structure:

Inference Procedure 3 (*Rr*):

The Paes judicial authorities are justified in believing that when a man receives lashes, he is being touched by a ray iff:

C1: "When a man receives lashes, he is being touched by a ray" is a belief-dependent belief, and

C2: "When a man receives lashes, he is being touched by a ray" is the result of a conditional reliable process.

C1 is correct because, as I pointed out previously, the ultimate belief in this case is no product of direct perception, but of a cultural interpretation. That is, the Paes judicial authorities' belief that "when a man receives lashes, he is being touched by a ray" depends on the beliefs of the Paes community. The constitutional judge, therefore, has to evaluate C2. For instance, he/she has to appraise the process of reasoning used by the Paes judicial authorities, or the memory that they have of their traditions. Due to the fact that this sort of evaluation is not perception-dependent, the constitutional tribunal does not have to rule out the Paes judicial authorities' ultimate beliefs. Even if the Constitutional judge does not share the input beliefs of the Paes culture, this adjudicator can evaluate the process of reasoning done by the Paes judicial authorities. Now, there is an epistemic achievement when cognitive agents reason properly or recall memories in an accurate way (Lyons 2012, 8). By the same token, assuming that the Paes judicial authorities got their inferences right, or recalled their traditions in the right way, the constitutional judge can attribute a positive epistemic status to their belief-dependent beliefs.

5. *Conclusion*

If my analysis is correct, reliabilism offers the best answer for the problem of the evaluation of justificatory status of beliefs in multicultural scenarios. On one hand, Foundationalism does not preserve cultural differences. On the other hand, Coherentism leads to epistemological relativism. With Reliabilism, on the

contrary, it is possible to achieve A3 and A4. To be sure, with Rr it is possible to achieve A3. For one thing, the Paes judicial authorities are not reduced to the seemings of the Constitutional Court. For another, the adjudicator is not reduced to the Paes culture either. Rather, the point is that the Constitutional Court should reason contrafactually. In other words, the question the adjudicator should ask is: if I were undergoing the experiences of the Paes judicial authorities, would the belief that “when a man receives lashes, he is being touched by a ray” be justified? *Ex hypothesi*, the constitutional judge is not a member of the Paes community, but given the psychological similarities between him/her and the members of that indigenous community (e.g., the two of them reason, have intuitions, make inferences, and the like), if the constitutional judge were conditionally justified, then the Paes judicial authorities would be conditionally justified, too. With Rr it is also possible to achieve A4. Some epistemologists claim that understanding is not factive. That is, the value of understanding is not in the truth of the propositions understood, but in the grasping of the explanatory connections of those propositions (Kvanavig 2003, 200). Given that Rr allows for conditional justification, the truth of the beliefs of culturally differentiated groups is not an obstacle for the intercultural understanding.

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ISSA Proceedings 2014 - Argumentation In Bulgarian Political Virtual Forums And Social Networks

Abstract: This study examines specific features of the argumentation in virtual political forums and social networks. The subjects of research are political forums and Facebook groups as a part of the civil protests in Bulgaria over the period of two years (2012-2013). The main goal is investigation on arguments used by Bulgarian citizens in virtual dialogues, appropriateness and effectiveness of argumentation. The second goal includes survey of specific verbal, visual and multi-modal arguments used in the social networks.

Keywords: argumentation, visual and multi-modal arguments, political virtual forums, social networks

1. Introduction

The new Bulgarian state has reached 135 years of independent history and form of government since 1879. From 1945 to 1991 (during socialism) the form of

government was a specific kind of republic (the People's Republic of Bulgaria). The Constitution from July 1991 states that Bulgaria is a parliamentary representative democratic republic. The multi-party system was established after 45 years of socialist and totalitarian government. A transition towards a pluralistic and democratic society is taking place.

Bulgarian political communication plays a role in the civil society; it continues to be a function of the state institutions and political parties. Political and civil rhetoric practices and influence have immensely grown during the Bulgarian civil protests and demonstrations (1989, 1990, 1996-1997). Political communication has transformed since 2010 and Bulgarian citizens voice their demands in more definite forms combining direct, media and virtual channels. Bulgarian citizens largely use the Internet as a tool for increased social activities in the civil society. The participants in the *protests* in Bulgaria (2012-2013) use Facebook as an instrument of civic activity and acceleration of the protests. The protesters use Facebook as virtual tribune and Internet forums as virtual discussions where they raise topics and conduct dialogues.

2. Hypothesis and research questions

The hypothesis initiating the present search is that the argumentation in the Bulgarian political forums and social networks during the protests from 2010 to 2013 goes through different transformations as a result of technical, technological and social factors. In addition, the traditional kinds of arguments are transformed; virtual communication includes verbal, visual and multi-modal arguments and has achieved new forms of display. The manners and modes of presenting the ideas have changed as a result of the changes in the attitudes of the e-communicators and protesters. Bulgarian virtual civil communication has diverse forms of manifestation and characteristics.

The aim of the current study is to try to give answer the following research questions:

- * What was the significance of virtual forums and social networks during the protests?
- * Which are the main features of virtual forums?
- * Which rhetorical figures, arguments and tools did the protesters use purposefully to convey their main messages, influence the public conscience of the citizens and mobilise them to support their ideas?

* How verbal, visual and multi-modal arguments create opportunities to persuade Bulgarians to participate more actively in the civil society events?

3. *Theoretical frame*

Aristotle has fundamental contribution to rhetoric and argumentation: *Rhetoric* (Aristotle, 1986) and *The Topics* (Aristotle, 1998) and the focus is on verbal manifestations of the arguments. Studies of rhetoric and argumentation have been conducted throughout the centuries and they have undergone a kind of renaissance in the 20th and 21st century. Stephen Toulmin published the book *The uses of argument* in 1958; Chaim Perelman and Lucie Olbrechts-Tyteca announce their position to give a new meaning to the rhetorical heritage in the book *The new rhetoric: A treatise on argumentation* (Perelman & Olbrechts-Tyteca, 1969). Frans van Eemeren and Rob Grootendorst presented their standpoint concerning the argumentation in the book *A Systematic Theory of Argumentation. The Pragma-dialectical Approach* (Eemeren & Grootendorst, 2006). We will also draw on the basic definitions of the arguments and in particular the terms *Pro Homine*, *Ad Populum Arguments*, *Arguments from Authority*, *Arguments against Authority* explained by Leo Groarke and Christopher Tindale in the chapter "Ethotic Schemes" of the book *Good Reasoning Matters! A Constructive Approach to Critical Thinking* (Groarke & Tindale, 2012: pp. 307-340).

The studies of the arguments and argumentation have intensified in the latest two decades and scientists start to investigate visual arguments. Antony Blair published the article *The Possibility and Actuality of Visual Arguments* in 1996. The author continued developing the research on this topic and he published the article *The Rhetoric of Visual Arguments* in 2004. Other scientists have displayed their individual positions on visual arguments in a series of quality papers: *Outlines of a Theory of Visual Argument* (Birdsell & Groarke, 2008: pp. 103-113), *Iconicity in Visual and Verbal Argumentation* (Hoven, 2011, pp. 831-834) etc. Leo Groarke reconceptualises Toulmin's position and he expresses his position in the article *Five theses on Toulmin and visual argument* (Groarke, 2009: pp. 229-239). Leo Groarke and Christopher Tindale give a definition of visual arguments in the dictionary of the book *Good Reasoning Matters! A Constructive Approach to Critical Thinking: Visual arguments are arguments that convey premises and conclusions with non-verbal images one finds in drawing, photographs, films, videos, sculptures natural objects, and so on. In most cases they combine visual*

and verbal cues that can be understood as argument. (Groarke & Tindale, 2012: p. 455). We are in agreement with the above definition, especially with the position that verbal and visual cues are combined to support the process of understanding the arguments and we will use it as a part of the theoretical background of this study. Other researchers have announced the results of researches on visual arguments. George Roque focuses on the political rhetoric in visual images (Roque, 2008: pp. 185-193). Jos van den Broek, Willam Koetsenruijter, Jaap de Jong, Letitia Smit write about the functions of the visual language (Broek et al., 2012: pp. 32-39). Jens Kjeldsen applies a cognitive, contextual, and reception-oriented approach analyzing the visual argumentation in Scandinavian political advertising (Kjeldsen, 2007: pp. 124-132) and he investigates the roles of visual tropes and figures as a way of creating visual argumentation again on the field of the advertising (Kjeldsen, 2012: pp. 239-255). All of them have their singular contributions to the theory of visual argument and the methodology of its research.

Following the principle of terminological clarity we will outline the concept 'multi-modal argument' as it is applied here in the terms of Leo Groarke who says that:

The fundamental reason for accepting multi-modal arguments is the root notion that an argument is an attempt to support a conclusion by presenting evidence for it - something that can clearly be done in ways that extend beyond premises and conclusions understood as declarative sentences. To take only a few examples, I may try to convince you of some claim by presenting photographs, drawing a map, pointing to something, telling a story (fiction or non-fiction), showing a film, painting a picture, and so on and so forth. Our lives are replete with situations in which evidence for some point of view is presented in these and other ways that do not neatly correspond to the verbal paradigm that was always stressed in traditional accounts of argument (Groarke, 2013: p. 34).

The author explains that:

At a time when the development of digital communication is making it easier to transmit images, sounds, and even physical sensations, it is not surprising that arguments increasingly incorporate non-verbal elements that can be communicated in this way. Especially in such a context, recognizing multi-modal arguments is one way to broaden the scope of our general account of argument, taking us one step further in the development of a thick theory (Groarke, 2013: p.

36).

For the purposes of this study will also give brief information about the other kinds of argumentation. Marcin Lewiński introduces and explains the terms 'argumentation design' and '*computer-mediated design*'. He presents in the table 3.1 the three different computer-mediated argumentation designs (de Moor & Aakhu, 2006: p. 97): *issue networking*, *funnelling*, and *reputation* (Lewiński, 2010: p. 38). The pattern 'provide quote or link' exists to use hyper-linking which is "a simple technological affordance that has become a vital part of online culture" and adds that this "entry level online-specific mode of attacking the propositional content of argumentation" (Lewiński, 2010: pp. 140-141).

We are in agreement with these statements and we will use these terms adapted to the aim of the current research.

4. *Research design*

My empirical sources for the present study are selected out of 4 sub-corpora including the topic 'protests': Facebooks groups „Occupy Bulgaria”, Протестна мрежа - Protestna Mreja - Protest network; sites 'Dance with me' <http://www.danswithme.com/>’, 'No Oresharski' <http://noresharski.com/>; 'Solidarnost' <http://solidarnost.tv/public/life/goriva/>; forums <http://forum.clubpolitika.com/>; <http://www.investor.bg/forum/forumdisplay.php?f=11>; hash tags #Оставка (#Retirement), #протест (#protest), #България (#Bulgaria), #Идвайте (#Come along).

The study is based on a grounded analysis of 200 posts and 200 posters, photos, parodies, caricatures from these sites selected from the period between January 2012 and December 2013 from 4 protests: against high prices and the national protest against outrage, against the monopolists of energy - December 2012 - January - April 2013, against the nomination of Peyveski for the position of director of the State Agency of National Security (SANS) - 14 June 2013.

The specific features of virtual discussion, the behaviour of e-participants and the factors that determine the dialogues are outlined in the beginning of this study. After that the focus is on the sources of arguments, kinds of arguments and their specific uses in virtual forums and Facebook groups. The research includes analysis of five kinds of arguments - Argumentum ad Hominem, Pro Homine,

Argument of Authority, Argument against Authority and Argumentum ad Populum on verbal, visual and multi-modal levels in virtual environments.

5. *Factors, sources and kinds of arguments*

In general social networks are the result of a couple of circumstances such as: developing and improving technological opportunities for communication; access to new ideas, web-based information, electronic resources and database serving millions of people the world over. This is valid for social networks used by Bulgarian citizens. The protesters broadcast the appeals and civil demands to virtual audiences and they try to persuade them for civic action using different kinds of arguments. Bulgarian virtual political forums contains posts, dialogues between e-communicators, and mix of rhetorical figures, verbal, visual and multi-modal arguments. Argumentation design and computer-mediated argumentation have changed, and words, terms and short sentences have been gradually mixed with visual and multi-modal arguments. The forms of the political communication of protesters found in the virtual environment are heterogeneous. The social networks and virtual forums play a significant role during the protests against the politicians, governing classes, and the government itself; Bulgarians have moved from passive behaviour to active citizenship; from recipients of political messages to participants in the different formats of virtual communication. The virtual forums are transformed to a mixed format and it contains personal positions and critical discussions. In their turn, discussions between members the virtual political forums include some sub-dialogues on such topics as: government, political parties, political system, monopolists, oligarchy, connections between government and monopolists, law system, prices, ecology etc.

The analysis shows that most of the debaters prefer the reputation model which every participant in virtual forums is committed to follow while vowing their proposals and arguments, and thus has a personal stake in the process of argumentation. This argumentative design presupposes the frequent uses of personal civil experience and explicit defence of the main thesis based on one or two items of proof.

We can generalize that the participants of the forums did not use too many and too different arguments. They preferred the following sources: dictionaries, history, statistics, blogs, media and in particular online media, social networks, legal documents, and personal experience. The *netizens* explained the origin of the proofs. The pattern 'provide quote or link' is generally applied and shows

clearly the source of arguments. E-debaters use this pattern as an ethotic argument and they demonstrate the credibility of the proof. Some of the participants have adopted their argumentative and digital competence in the forums. Bulgarian netizens as participants in the Facebook groups prefer short sentences, and verbal expressions are typical features of the appeals; they consist of negative connotations, polar evaluations of the state institutions, political leaders, big corporations which are monopolists in Bulgarian business spheres and market. From argumentative standpoint the telegraphic style is appropriate during the virtual discussions; the e-communicators posted short messages on the walls of Facebook groups because they understand that the Bulgarian citizens avoid complicated argumentation. Written and visual arguments on the wall of Facebook groups are displayed in front of hundreds or thousands of people in Bulgaria and Bulgarians the world over. Some of the arguments are created spontaneously by protesters; most of them are selected from personal experience and they are acceptable for most citizens who avoid the sophisticated argumentation style of the Bulgarian politicians. The topics of virtual forums are initiated by netizens and the communication is carried out on horizontal level. The positions are presented by netizens who accept the Facebook groups as virtual tribune and they combine the arguments according the situation and concrete aims. The freedom of speech, the digital competence and the active citizens' behaviour establish new opportunities for virtual civil communication in Bulgaria after 2012.

6. *Verbal arguments*

The protesters in Bulgaria accept the Internet as an instrument of mobilisation and organisation; they post messages, publish about events and call up activities on the wall of Facebook groups and in the virtual forums. During the summer protests in 2013 e-citizens started to use hash tag # and some of these groups were #Оставка (#Retirement), #протест (#protest), #България (#Bulgaria), #Идвайте (#Come along). Virtual civil oratory includes clear words, short sentences and the leaders of the protests avoid sophisticated verbal style. The protesters include new terms in their messages, most protesters are anonymous authors in the social networks but they identify themselves in the virtual forums. Most protesters have argumentative skills and digital competence.

Verbal Pro Homine Argument has relatively new application in virtual civil communication in Bulgaria. The protesters see themselves as moral, competent

and active citizens. From their point of view civil society could develop better and more effectively if the politicians and state institutions accept their idea for: *civil participation in the decision making process, institutionalization of the civil participation, and civil control over state institutions*. The protesters demonstrate maturity and they focus on some suggestions in connection with the elections concerning their transparency and outlining a modern way to organise the national election campaign. The e-communicators present in the virtual forms the arguments supporting their civil demands: *equal access to media during election campaigns, new organization of the elections including new kind of voter lists and new electoral rolls; transparency with regard to the connection between parties, institutions and corporations, two mandates as a member of the Parliament, new Constitution, etc.* These arguments are not a part of the sophisticated ideological communication; they are proofs of a process of growing conscious activities of the civil society in Bulgaria.

Other kinds of verbal arguments are found on the posters and they are posted on the Facebooks walls by Bulgarians who live and study abroad. E-communicators used a combination of Argument from Authority and the Ad Populum Argument. They accept themselves as Bulgarian citizens and they support the protesters: *We are away but we support you. We are with you. From Spain*, *“Students from Manchester are with you”*. They have arrived at the conclusion that they are netizens and that the frontiers and barriers are past because social networks create good opportunities to express their positions as Bulgarian citizens. The sense of belonging is effect of this persuasion. Virtual civil citizenship is a new phenomenon in the contemporary Bulgarian political life. Verbal argumentation related to it reveals in new circumstances.

Verbal Argument against Authority is preferred by the protesters when they want to express their disappointment with Bulgarian politicians. For example they write on their Facebook wall: *„You are not sufficiently intelligent to manage us”, „Go voluntarily! You have a choice now! Next we shall use force!”*. Some of these verbal arguments were created during the street protests, the messages and arguments were shared very rapidly across social networks. Other slogans and arguments were written online and e-communicators broadcast them to protesters. It is possible to conclude that there are two ways to share the arguments: from street to social networks and from social networks to square demonstrations. We can go to the assumption that it is a relatively new

manifestation of *argumentation design* and *computer-mediated design*.

Most of the protesters have profiles in social networks, so they create virtual groups. Digital Bulgarian citizens publish posts, photos, video clips; they share and broadcast them across the social networks. The dialogue takes up three different levels: real, virtual and a combination between the two. For example, an expert in psychology who is a member of the Bulgarian Socialist Party (BSP) evaluates the e-citizens as '*internet vagabonds*', '*internet lumpens*' and he abuses them. The Argumentum ad Hominem activates the protesters who write on the posters and on the wall of the social network Facebook the following slogans: "*I am not an Internet lumpen!*". The protesters combine Argumentum ad Hominem with analogy and they compare the politicians from BSP with politicians from Egypt, Turkey and China who limit the access to the Internet and appreciate the social networks as tools for mobilising citizens during the protests. The Bulgarian protesters understand that the social networks create broad opportunities for them to be active digital citizens yet at the same time they insult the psychologist named him "psycho", "red rubbish" etc. The Argumentum ad Hominem is used by the politician against virtual groups which are fluid but the protesters prefer personalization and they direct the Argumentum ad Hominem against one man.

Summarising, we can draw the conclusion that different kinds of verbal arguments created by the protesters have wide application in virtual space and the argumentative skills developed offline are shifted and transferred online.

7. *Visual arguments*

Visual Argument *Pro Homine* is not used by the protesters very often but it has proven very effective. The portrait of Vassil Levski, one of the celebrated historical figures of Bulgaria, is preferable to construct argument *Pro Homine*. The charisma of Levski as a leader from the Bulgarian Revival (and to be more precise from the late 19th century) is a solid argument and it persuades Bulgarians to be more active citizens and netizens. On the poster published on the Facebook wall the title "National protest against outrages" is combined with the portrait of Vassil Levski and Levski's appeal "Трябва да се жертва всичко, па и себе си" ("Everybody should sacrifice everything, even himself").

The scheme of Argument *Pro Homine* is presented by Leo Groarke and Christopher Tindale:

Promise 1: X says y.

Promise 2: X is knowledgeable, trustworthy, and free of bias.

Conclusion: y should be accepted.” (Groarke & Tindale 2012: 308).

The scheme of the visual argument presented on the Facebook wall is the same:

Promise 1: Levski says that we should sacrifice everything in the name of our freedom.

Promise 2. Levski is knowledgeable Bulgarian hero, notable and moral man.

Conclusion: The appeal to sacrifice in the favour of Bulgaria should be acceptable.

The second poster includes the same type of argument and the protesters use the portrait of Ivan Vazov who is a famous Bulgarian writer and poet from the 20th century. The portrait is used to help reach the conclusion that the protest will change the situation in Bulgaria in the second decade of the 21st century.

When the aim is to consolidate and reinforce the persuasive effect, the protesters combine two portraits constructing Visual Argument Pro Homine and combine it with analogy. The protesters use the portraits of political leader Levski and patriotic writer Vazov and they add the verbal messages: *Bulgaria for Bulgarians. Levski and Vazov are heroes. Go and support them!*

To take another example, the octopus is a preferable visual proof to persuade virtual audience that the oligarchy and mafia control the economy in Bulgaria. This visual sign has the role of an *Argument against Authority*. E-protesters use the faces of politicians and they combine them with the octopus. The memory about the Italian movie “Octopus” (*La Piovra*), which is very popular in Bulgaria, supports the persuasive effect.

One and the same visual element can have different argumentative uses depending on the virtual communicator’s aim. For example a map of Bulgaria is used both as an *Argument from Authority* and as an *Argument against Authority*. In the case when the protesters has positive attitudes as Bulgarian citizens they use the coloured map or combine the map with the official flag or with the state emblem. They try to persuade Bulgarians that we can be proud of our country and that the official sings express that we are citizens of an independent state. On the contrary when the protesters prefer to express negative connotation and to reveal the lack of morality and ethics of Bulgarian politicians, they use the map painted only in black and white. Additionally they transform the picture of the map using

Photoshop and they give it the form of a sheep combining it with the written words and figures of politicians, banks, monopolists who milk the state visually presented as a sheep.

Another preferred symbol used as visual *Argumentum ad Hominem* is a hat. The hats used as visual elements fall into three groups: the first one is typical for a soldier of the Soviet Army and Sergey Stanishev as leader of the Bulgarian Socialistic Party is wearing it, Volen Siderov as a leader of the nationalistic party is wearing a hat typical for Nazi soldiers and Lyutvi Mestan as a leader of the ethnic party of the Turkish minority has a red fez.

Summarising, we can say that visual arguments have persuasive effect and Bulgarians accept them as an interesting manner to lay civil demands in front of hundreds of citizens.

8. *Multi-modal arguments*

The persuasive power of multi-modal arguments posted during the protests on Facebook walls or in virtual forums is great.

In the beginning of our study of multi-modal arguments we selected 3 posters from the corpora which contain the element 'index finger' used as a combination of Argument from Authority and the Ad Populum Argument. The application of two arguments is an appeal for mobilisation, taking an active position and participation in the political processes.

In the first poster the visual element 'index finger' is combined with the verbal appeal „Спрете да се оплаквате от държавата! Променете я! Защото вие сте държавата!“ (Stop complaining about the state! Change it! Because you are the state!“). The sentences look like a paraphrase of Kennedy's appeal "Ask not what your country can do for you. Ask what you can do for your country".

E-protesters use index finger which directs to active position combining well-known visual element and figures from a different age, state and political system. In the second and third posters the protesters have paraphrased the celebrated posters from the USA and the Soviet Union and they are used too but in Bulgarian political and virtual contexts. Uncle Sam encourages them to take part in the street protests or to paint monuments from the socialism as a way to express their position against the manipulation by the government of the Bulgarian Socialist Party which is a part of the government (June 2013-August 2014): „Ти истински

демократ ли си или не? Боядиса ли днес паметник?" ("Are you a true democrat or not? Have you painted a monument today"). A young soldier from the Red Soviet Army pointed towards the viewer and said in English "What do you occupy?"

Parallel and analogy support persuasion because the multi-modal arguments are decoded easily and fast, despite the mixture of historical periods. The multi-modal arguments combine Argument of Authority and Argument Ad Populum and the digital competence and display skills of the protesters and netizens make the argumentation more impressive and persuasive. The E-protesters have digital and IT competences and they prefer to paraphrase and adapt the posters from famous USA movies creating new kind of argument. The combinations of politicians' faces are different and the creators of the posters express negative attitudes while they use multi-modal variants of Argumentum ad Hominem against the political leaders.

One of them is based on the movie "Miserable". The faces are of Oresharski - prime-minister, Ahmed Dogan - former leader of the Movement for rights and freedom, Volen Siderov - nationalistic party leader, and socialist leader Sergey Stanishev. A second poster displays the faces of 10 political leaders, two Bulgarian presidents and state men in the place of the heroes of the movie „Ocean's Eleven". The multi-modal Argument ad Hominem is not against one politician but against the politicians from all parties, and it is a specific manifestation of attitude in the context of the protests because Bulgarians are disappointed with the political elite and accept that socio political manipulation of the broad public is a result of the lobby activities of certain leaders, and that Bulgarian politicians have stopped working on the common ideals coming into reality. This multi-modal Argumentum ad Hominem has had powerful effect on the protesters.

Argumentum ad Hominem has some other manifestation on the multi-modal level of application. A particular explication of this argument is directed against political leaders and the posters published online present the waltz dance of the political leaders Sergey Stanishev (the Bulgarian Socialist Party - BSP), Volen Siderov (Nationalistic party 'Ataka') and Lyutvi Mestan (the Movement of Rights and Freedom - MRF - ethnic party), Boyko Borosov (Citizens for European Development of Bulgaria - CEDB). The political context is that lobbyism, lacking in transparency and coulisse negotiations and stipulations make the dialogue

between politicians and citizens difficult. The visual image is enlarged; it combines with verbal Argument ad Populum „*Dance with me to the end of BSP, MRF, Ataka, CEDB*”.

Multi-modal argument has been used quite recently in virtual civic communication, digitalisation and new kind of behaviour of the social networks accelerating its manifestations.

9. Conclusion

Most Bulgarian protesters are citizens in the traditional sense, and at the same time they are netizens who accept virtual forums and Facebook groups as a place where they discuss the topics initiated by them. Most participants in the virtual forums have digital competences and they combine them with good argumentative skills applicable in virtual environments. They follow the good practices of the computer-mediated design; they prefer the pattern ‘provide quote or link’ because it is a way to confirm that they use correctly the sources of arguments because credibility is an important factor to persuade virtual audiences.

The netizens avoid verbosity and prefer a combination of two or three arguments. The virtual debaters in the forums often use Argumentum ad Hominem, Argumentum ad Populum, Argument against Authority. It is reasonable because the protesters want to persuade hundreds of people of Bulgaria that the politicians do not follow moral principles and they have stopped working in favour of the citizens and the country. The protesters use Pro Homine Argument and Argument for Authority picturing themselves as moral people, active citizens and members of the civil society in Bulgaria. The virtual audience easily decodes and understands the sense; the ethotic arguments have strong persuasive effect.

Bulgarian citizens gradually improve their argumentative skills and take part in the political virtual forums; they mix verbal and visual arguments and create multi-modal arguments. The protesters appreciate virtual forums as *virtual agora* or *e-agora* as some researchers prefer to call it avoiding etymological ambiguity based on the meaning of virtue (Apostolova 2014: 71), the dialogue is semi-formal, and the argumentation is simple. The freedom of speech and new technological circumstances determine a new model of behaviour, new attitudes to write, prepare, design, share and broadcast very easily and fast the information and argumentation across the social networks.

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ISSA Proceedings 2014 - The Role Of “Ethos” In Presidential Argument By Definition

Abstract: This paper examines “ethos” in conjunction with an orator’s use of argument by definition. Scant research exists regarding the use of definition in an oratorical situation by a notable figure holding a position of power. This paper argues that the American president’s position and institution are additional elements of ethos that may enhance or detract from his ability to successfully employ a definition of “x.”

Keywords: ethos, American president, argumentation, persuasion, definition, argument by definition

1. Introduction

Ragsdale & Theis III (1997, p. 1281) point out that research on the American presidency as an institution embraces a long-standing position that the “key

feature of the office is the president” and that these studies often focus on “how presidents differ – in personality, leadership, and decision-making.” This paper shifts the focus toward the Office and Institution of the American Presidency as an extension of how presidents employ *argument by definition* and its subsequent implications for the concept of *ethos*.

Substantial literature exists about the role of ethos in the fields of argumentation and rhetoric, political science, history, and philosophy, among others, but scant research exists regarding the use of definition in an oratorical situation by a notable figure holding a noteworthy, powerful position of leadership. This paper rectifies that oversight by examining definitional usage based from the perspective of the office, or the daily job, and institution, or the storied, gloried executive branch, of the American presidency.

This paper confects ideas, theories, and positions from the communication studies, political science, political theology, philosophy and comparative literature disciplines, particularly the works of Lee Sigelman, Ruth Amossy, and David Zarefsky, to examine how presidents extend beyond defining “x” via their personal ethos, to the American presidency’s office and institution as additional definitional means in order to obtain their intended objective. It begins with a review of the difference between argument from definition and argument by definition. It then summarizes what is known about the President as a definer before examining argument by definition from the office and institutional standpoints. The paper concludes with positive and negative implications when definitions of these types are engaged.

2. *Argument from definition and argument by definition*

This paper is a follow-up to my 2010 ISSA paper presentation discerning between *argument from definition* and *argument by definition* (see Minielli, 2011), using the American presidency as the interlocutor example. The previous paper argued that argument *from* definition places the intellectual locus on the definition itself whereas argument *by* definition shifts the locus to the orator or user of the definition. The previous paper claims that “Individuals who define (create) or redefine (modify) a word or phrase when engaging in argument by definition often garner significant power and control that could become problematic if left unchecked” (p. 1299)

A section of my previous paper argued that institutional legitimacy, or the power

of institutions to advance definitions, is well noted in argumentation scholarship. Referencing competing definitions of “X,” Schwarze (2002, 139) argues that, in addition to persuasion and coercion, “in the realm of public policy, the empowerment of a definition is dependent on the legitimacy of the institution authorized to define the term” and that “institutional arguments justify the acceptance or rejection of a particular definition” (p. 143). Titsworth (1999, p. 183) notes the power resulting from public institutional definitions “‘privilege[s] the perspectives of those in power,’ resulting in not only a legitimization of those perspectives, but also becomes a ‘mechanism of hegemony where institutional power over the individual [is] expanded.’” But scant research in presidential rhetoric exists. Institutional legitimacy has been addressed in presidential crisis literature, including power (Windt, 1973; Young, 1992), institutional failure (Zagacki, 1992; Brummert, 1975), and presidential personalization of and blending with institution (see Gonchar and Hahn, 1971, 1973; Gibson and Felkins, 1974). This paper adds to what remains an understudied area.

3. The American president as definer and his occupational roles

The American president enjoys some level of privilege when it comes to advancing definitions. Jamieson (1988, p. 240) points out that “in some settings the ethos of a speaker is sufficient to sustain a case,” meaning his ability to define is accepted based on the man serving as president and nothing more. Neustadt (1990, p. 11) famously recognized the importance of presidential ethos when he claimed that “Presidential power is the power to persuade.” Zarefsky (1986, p. 1) extends Neustadt by arguing that when it comes to presidents, “the power to persuade is, in large measure, the power to define.”

The paper posits that advances of technology coupled with a no-holds-barred media approach analyzing every aspect of the contemporary American presidency has transformed the definitional nature of the American presidency and has expanded from the “person” occupying the office to include the office and its institutional nature. Hart (1987, p. 202) states that “because rhetorical skills have been highlighted so often during the last forty years, they have changed how people view the executive branch of government itself.” One reason why it has changed is the heightened visibility and public awareness of the President’s different roles.

3.1 Presidential roles

The president’s traditional roles are largely known. For example, the president is

the *Commander-in-Chief*, or head of America's military. From a rhetorical perspective, Zarefsky (2004, p. 616) suggests that when a president defines a situation as a "crisis," the ensuing supportive response by Congress and the public is immediate, and thus allows the president to take on "the persona of the commander-in-chief."

The president is also known as *Chief Executive* or the *Head of State*. Bose and Greenstein (2002, p. 186) state that "As head of state, the American president is a symbol of unity. Like a constitutional monarch, he is expected to be a noncontroversial representative of the entire nation." They (2002, pp. 186-187) also refer to the president as the *Nation's Chief Political Leader*, arguing that

As the nation's chief political leader, however, he must engage in the intrinsically divisive prime ministerial tasks of political problem solving. The tendency of presidents to sully their public images by conspicuous displays of politicking may be one reason why their public support often erodes in the course of their presidencies.

Coe & Neumann (2011, p. 142) state that the American president "is the reference point - among journalists and citizens alike - for much of America's international conduct."

The president is also known as the *Constitutional Leader*, as identified by Caesar, Thurow, Tulis, and Dessette, among others (Dorsey, 2002, pp. 5-6), although that role may not be as well known. Zarefsky (1997, p. 6), referencing Basso (1994), states that "'constitutionality' has a strong effect in determining what kinds of problems are and are not considered within government's legitimate scope...." Subsequently there have been several studies examining the president's Constitutional role and its gradual expansion, most notably Schlesinger's 1973 book *The Imperial Presidency*.

A related but lesser known role is what I call *Civic Duties*, based on Goodnight (2002, p. 201). Goodnight argues that

all presidential leadership is a civic art constituted by public enactments of the presidency. Civic performances distinguish each administration as the executive deploys inherent and implied powers within the federal arenas of shared and separated authority. Individual presidential actions constitute individual interpretations of Constitutional text, original intent, and historical practice in

light of contemporary governmental and political constraints and opportunities. Collectively, administration performances achieve the shape and significance by virtue of the public arguments among all those whose prerogatives and responsibilities are affected by the policies and fortunes of a presidency."

He continues, arguing that

it is fair to say that the signature of a specific rhetorical presidency is constituted in the ongoing emphasis, interpretation, and enactment of a democratically elected candidate within and against the expected roles of chief executive, legislative leader, opinion/party leader, commander in chief, chief diplomat, and member of the first family of the United States - as these performances unfold to meet and cross the elite and public expectations of an era (2002, p. 204).

Beyond these traditional roles, scholars have identified additional ones. Older ones include Lowi's *The Personal President* (1986) and Stuckey's *Interpreter-in-Chief* (1991), and newer ones highlight Nelson's *Evolving Presidency* (2007), Edward's *Strategic President* (2009), Beschloss's *Presidential Courage* (2008) and the latest edition of Greenstein's *Presidential Difference* (2009).

In addition to heightened awareness of presidential roles is increasing scrutiny of presidential oratory as it is often viewed as a means of exerting presidential power and leadership.

3.2 Presidential oratory

A president's definitional usage is also contingent on the rhetorical events he is participating. His definition of "x" depends largely upon the traditional characteristics of rhetorical criticism: the situation, the speaker, and the audience. A fourth characteristic, the media, is also examined as it now contributes to definitional usage and degrees of acceptance.

3.2.1 The situation, the speaker, and the audience

Sigelman (2001, p. 11) suggests that there are three types of presidential addresses: ceremonial occasions, international issues, and domestic issues. Referencing Campbell & Jamieson (1990), he notes that presidential addresses vary widely in substance and style. Inaugural addresses, for example, constitute a rhetorical genre quite distinct from war messages. He argues that presidential addresses have a common goal of unifying the nation behind the president, but different circumstances may lead a president to pursue different means of

achieving that goal” (p. 10) In other words, the “oratorical” situation itself carries with it pre-established presidential ethos, like the Inaugural or State of the Union addresses. Sigelman (2001, p. 4) does warn that “major addresses are subject to a number of generic expectations (Campbell & Jamieson, 1990), but these are so bound up in the situated identities of the presidents who deliver the addresses that the two cannot be really separated.”

The speaker is a second traditional analysis element of rhetorical criticism. Sigelman (2001, p. 4) identifies what he calls the *presidential persona*, and states that it is found in occasions where presidents were most highly motivated to exercise special care in self-presentation. Rice (2010, p. 9) points out that “it is the language of the speaker that is used to establish his character.” Citing Leary (1995), Sigelman (2001, p. 2) states that “the incentive to make the ‘right’ impression varies as a function of the publicness of the performance and the perceived importance of the role.” Referencing Schlenker (1986 p. 27), Sigelman further states that “those who are publicly performing a highly salient role tend to be especially aware that they are presenting ‘evidence for others to contemplate, evaluate, and respond’”

Sigelman’s observation highlights a third traditional element of rhetorical criticism, namely the audience. He argues that “in the era of the ‘public relations presidency’ (Brace & Hinckey, 1993, p. 382), when presidential leadership increasingly consists of ‘going public’ in a full-dress campaign mode to maintain public support (Kernell, 1986), impression management becomes an ever more vital governance tool” (2001, p. 16). He also also states that “as Schlenker and Weigold (1992, p. 155) remind us, what is ‘as important, if not more important, than the public or private nature of a performance is the audience that is salient to the actor at the time of the performance.’”

3.2.2 *The media*

Sigelman (2001 p. 18) introduces the element of the media when he points out that there are “degrees of publicness” with regards to a president’s oratory: “differences between, say, a televised speech to the nation and a briefing session with reporters, or between an informal work session with trusted advisors and a scheduled meeting with a delegation of dignitaries.”

Zarefsky (1997, pp. 6-7) states that there are several ways one definition can be more effective than another. One way would be for the definition to be associated

with a dramatic event that generates a “new frame of reference.” Predominantly, Zarefsky points out, “what determines the acceptability of a frame is a more prosaic series of questions that relate to its political acceptability, comprehensiveness, and authoritative grounding.” He continues by arguing that “These factors not only determine the definition of an event as a public problem but answer the question of who ‘owns’ the problem.” Referencing Rochefort and Cobb (1994) and Portz (1994), Zarefsky points out that “Problem ownership means domination of the way a concept or social concern is thought of and acted upon.”

As such, due to the advent of heightened role knowledge and greater access and awareness of him through the media, a leader like the American president may no longer be able to rely solely on his own personal ethos for definitional usage. Increasingly American presidents are extending or borrowing credibility from other related areas like the *office* and *institution* of the presidency. The rest of the paper addresses the “how” they are doing this and its ramifications, based on the work of Ruth Amossy.

4. *Amossy and institutional ethos*

Ruth Amossy, in her 2001 essay entitled “*Ethos at the Crossroads of Disciplines: Rhetoric, Pragmatics, Sociology,*” examines ethos from the orator and institutional perspectives. Amossy argues that the orator’s prior ethos and the ethos created through the oratorical act “are related to the authority derived from an exterior institutional status” (p. 9).

Amossy (2001, p. 20) states that “the construction of an ethos in the discourse often aims to displace or modify the prior image of the speaker. In some cases, the speaker can heavily rely on the prior ethos; the speaker only has to confirm a preexisting image he or she sees as appropriate to persuasion goals. In other cases, the speaker has to erase dimensions of his or her person that are not altogether clear to the public.” In this sense, an orator like a president may borrow from institutional ethos if his prior ethos is not strong enough to support his goals. In some instances the institutional ethos can be used to replace a less than satisfactory prior ethos as well. Amossy (2001, p. 21) states that “the status enjoyed by orators, together with their public images, delimit their authority at the moment they take the floor. Yet the construction of the image of self within the discourse has, in turn, the capacity to modify the prior representations and to confer credibility and authority upon the speaker,” meaning oratory does have the

power to alter a speaker's ethos. Amossy (2001, p. 21) argues further that "it contributes to the production of new images and helps to transform positions in the field while participating in the field's dynamic" and "the discursive ethos thus produced seeks to procure for the speaker a long-term benefit which could well make a difference."

While Amossy points out several benefits associated with institutional ethos, it would be foolish to believe that some negative effects do not exist when a president extends beyond his "self" when employing and justifying definitions. The next section examines how a president uses the office and the institution of the presidency to enhance his definitional attempts of "x" beyond personal ethos.

5. The "office" and "institution" of the American presidency as additional defining entities

For purposes of this paper, I am differentiating between the office of the presidency and the institution of the presidency. When I refer to the office, I am referencing the "job." This includes the daily activities of the president in the White House like staff meetings, policy work, and decision-making. We'll call this the "job persona." When I refer to the institution, I am referencing the "symbolic" nature of the presidency, including its Constitutional designation and often rhetorical references to its history, its stature, prestige and prominence, as well as its domestic and international placement in the political world. Ragsdale & Theis (1997, p. 1282) support this position when they state that "as an organization achieves stability and value, it becomes an institution."

5.1 The office of the American presidency

Little research exists on the daily job of the president from a definitional standpoint. Tulis (1987, p. 7) points out that many political scientists see the evolution of the "modern executive" to include "the regular active initiation and supervision of a legislative program, the use of the veto to oppose legislation as a matter of partisan policy rather than of constitutional propriety; the development and 'institutionalization' of a large White House staff; and the development and use of 'unilateral' powers, such as executive agreements in place of treaties, or the withholding of documents from Congress under the doctrines of 'executive privilege,'" although Tulis sees these developments as a more of a "maturation" than an evolution of the institution (p. 8). Media reporting of the "job persona" has served to increase public awareness of "the job" as well as the president's various roles. In addition, the widespread use of the Internet now allows

interested parties access to the President's daily events through the President's Daily Schedule available online at whitehouse.gov (see "White House Schedule - September 15, 2014). In many ways the "job" portion of the Presidency has become more transparent and accessible.

Zarefsky (2004, p. 611) claims that "because of his prominent political position and his access to the means of communication, the president, by defining a situation, might be able to shape the context in which events or proposals are viewed by the public." He also states that "If, as Hargrove (1998, p. vii) suggests, the president's job is to teach reality through rhetoric, then the president emerges as the chief national definer of situations" (2002, p. 35). In other words, the *office* becomes an additional source for presidential definitions beyond the individual. Increasing awareness and access translates into a better informed audience that may gain definitional understanding due to the amount of explanatory information available to provide readers with context and heightened understanding. Substantially more literature exists addressing the *institutional* part of the presidency, or what Hart (1987, p. 6) calls the "institutional persona."

5.2 *The institution of the American presidency*

It is here where I think presidential definitions that focus on rights and responsibilities of the executive branch over the legislative and judicial branches resides as presidents often invoke the symbolic nature and historical legacy of the presidency as support for their definitions in their public communication. It also here at this level where many scholarly works examining presidential actions within and beyond the Constitution take place, like Aberbach, Peterson, & Quirk's 2007 essay discussing their theory of "the unitary Executive," based on George W. Bush's presidency, which argues "sweeping constitutional and policy-making prerogatives to the chief executive" instead of executive agencies and "without congressional or judicial interference and contrary to prevailing scholarly conventions about checks and balances in the separation-of-powers system" (p. 516).

Tulis (1987, p. 13) argues that presidential rhetorical practices are "reflections and elaborations of underlying doctrines of governance." Ragsdale and Theis's (1997, p. 1314) study concludes that the American presidency "emerged as an institution in the late 1970s" from its organizational roots. Schlesinger (1973) details the institutional emergence in his 1973 book entitled *The Imperial Presidency* as part of his indictment of the Nixon administration's overreaching

interpretations of presidential power. Hart (1987, p. 100) points out that one aspect of Nixon's essential communication theory was to "speak for the institution, not oneself."

Zarefsky, (2002, p. 22), referencing Skowronek (1993 p. 20), claims that "Successful leaders, while responding to their situation, are those who can 'control the political definition of their actions, the terms in which their places in history are understood.'" Zarefsky argues that from this view, "leadership is the control of meaning or interpretation given to actions." Tulis (1987, p. 13) argues that presidential rhetorical practices are "reflections and elaborations of underlying doctrines of governance."

As Zarefsky (2002) reiterates his claim that "the power to speak is the power to define" in his discussion of the ambiguous "Puritan's conception of Americans as the chosen people" and the Monroe Doctrine (p. 32), he argues it is the power to have others listen and respond to a leader of another nation. That power shapes not only our foreign policy but America's relationships with other countries. It establishes parameters and levels of isolation as well as involvement. It illustrates the power of framing, defining that frame, and responding in the manner that the President deems as most appropriate for that frame. As Zarefsky indicates, "Blessed with moral superiority, established as the 'beacon on the western shore,' we have the mission of persuading others by precept and example. And, because of our unique position, other nations will listen to us. By proclaiming what we wish to achieve, we have the power to make it so" (p. 33).

Hart (1987, p. 208) also notes a stronger, independent executive branch due to the rise of the media. He points out that the presidential institution is less interdependent with the other two governmental branches. He states that in the past, "

the president needed the other institutions of governance in part because they controlled the rhetorical forums. He needed a political party for his convention speech, the Congress for his budget messages, state caucuses for his campaign speeches, the press for his news conferences. With the rise of television and, more important, with the president's growing sense that he is in control of what he says as well as of why, when, and where he says it, the chief executive has become considerably less interdependent.

6. *Implication of presidential definition from the office and the institution of the American presidency*

The changing landscape of access and information of the American presidency suggests that scholarly examination of the executive branch needs to evolve and expand as well. Many of the advantages of a president defining from the ethos of *office* or the *institution* are the same for definitions employed from ethos as a *person*. All three are used to draw attention to, highlight its importance, or enhance the credibility of definition of “x” as well as elevate “x’s” status, importance, or prestige.

Scholars have noted several additional advantages. Hart (1987, p. 53) points out that in the case of Lyndon B. Johnson, “legislation was action, the best sort of action - accomplished action. And Lyndon Johnson likes action.” As a result, Hart (p. 52) claims Johnson knew that “no matter who authored a bill and no matter who pushed it through congressional committees, it was the speechmaker who would receive credit for the legislation heralded” and that “a new piece of legislation had to be ‘performed’ for the mass media,” in a ceremonial oratorical situation, “so as to give that piece of legislation a fair chance at being successful.” In addition, Hart (p. 87) points out that the American presidency is “a respected institution in the United States.” When a president suffers from poor credibility, he can refer to and borrow from the institutional stature for needed ethos.

Other advantages include imparting vision (Holmes, 2007, p. 418; Andrews, 2002, p. 1236), exerting power (Hart, 1987, p. 110), obtaining goals (Zarefsky in Dorsey, 2002, pp. 20- 24; Hart, 1987, p. 81; Cummins, 2010, p. 192), manipulate history and legacy (Zarefsky, 2002, p. 37), unifying the nation (Andrews, 2002, p. 124), and identity shaping (Coe and Neumann, 2011, p. 140; Andrews, 2002, pp. 131-141).

Rice (2010, p. 10) argues that a subset of presidential ethos is a “wielding” one, which is “the use of ethos as a persuasive tool for some other goal.” He further argues that “there are certain modes of persuasion that rely more heavily (or entirely) on the pre-existing symbolic store of leadership ethos to accomplish their persuasive ends” (p. 30). Rice claims that one way “wielding” ethos is present and used in through the nature of the presidential office. Such examples of “wielding” include “going public” and working the “bully pulpit” in different ways to define the terms the audience uses to define a political or social reality - and thereby the nature of their views of that reality” (pp. 30-31). As such it is possible that

presidents who are suffering from low public opinion poll numbers or support will invoke the *office* or the *institution* as additional methods of drawing attention to or gaining acceptance and support for the president's definition of "x."

My 2010 ISSA paper generated three critical observations. First, the mythical power of the office of the presidency as an institution substantially contributes to presidential pressure. Zagacki (1992, p. 53) claims that "institutions are so molded by underlying myths of American superiority, presidents cannot handle failure for it would imply they are incapable of reconciling the nation to its ultimate historical purpose." Second, personal presidential perspective of "x" is important. Brummert (1975, p. 256) argues that former president Richard Nixon's institutional definitional approach of deflecting criticism and personal attacks depicted the president seeing himself as reacting to evil and not part of the evil family. Third, Kiewe (1994, p. xxxiii) notes that the presidency, as an institution, typically ignores the long term impacts of the occupant's crisis rhetoric, preferring its enactment to garner immediate image considerations and to secure quick policy goals. If Zagacki is correct, it can be argued that presidential failure whether rhetorical or otherwise is a paramount concern which may contribute to a president's preference for short-term gains over long-term goals, as Kiewe suggests. It may also explain why presidents are expanding beyond the self when defining "x." There are several negative effects to expanding that definitional base. Zarefsky (1997, p. 5) accurately points out that

definition of terms is a key step in the presentation of argument, and yet this critical step is taken by making moves that are not themselves argumentative at all. They are not claims supported by reasons and intended to justify adherence by critical listeners. Instead they are simply proclaimed as if they were indisputable facts.

In other words, presidents often define without proffering evidence or some type of factual or statistical support to back up their assertions. The past personal and institutional personas have afforded the American president with the means of speaking as an unchecked authoritative figure whose information is regarded as factual, accurate, and truthful. But as technology has rapidly increased the speed of information dissemination as well as broader public access, presidents need to be more cautious about what they say, the language they employ, and the evidence they use to support their definition of "x."

A second negative effect is the widening playing field for argumentation and criticism. Instead of two traditional areas to attack, namely the personal and institutional personas, a third one now exists. As such, the media, public, and other concerned individuals have more territory to scrutinize and attack. Subsequently, by providing a wider definitional base, presidents now need to defend that widening base and refute arguments or counter positions. As any debater knows, the more material presented means more material subject to questioning, refutation, and attack. This could prevent a president from achieving his goals, attempts at domestic or international unity, or exerting power.

A third negative effect is a change in advantages. For example, a widening base for a definition of “x” does not necessarily mean an improved presidential stature or increased favorability. For example, Dorsey (2002 p. 17) argues that “While the executive office obviously bestows the status of leader and voice of the nation on whoever holds the office, simply occupying the position does not necessarily mean that successful leadership will follow.” Along the same vein, heightened awareness and more instantaneous access to information suggests it has become harder for a president to forge, shape, or manipulate his identity, image, historical standing, and overall legacy. Collectively, these observations suggest that further analysis of the office’s role in definitional argument as well as the changing institutional role is necessary.

7. Conclusion

Goodnight (2002, p. 205) argues that “Debates over what the president did, could, should, or will do constitute legitimization disputes over the uses of power and thus inevitably shape and reshape the domestic and foreign policy landscapes of democratic policies. These rhetorical efforts constitute the public argument of an American presidency.” As presidents continue to define words or events using language that invites wide public support, they have become increasingly confronted with unprecedented information knowledge and access that could alter their definitional approach.

By expanding on a previous ISSA paper analyzing the difference between argument from definition and argument by definition, this paper examines how presidents are widening their definitional bases from *personal* or *institutional* personas to include what I call the *job* persona as a means of providing additional reasons or forms of support when they define “x.” Ruth Amossy’s argument that rhetoric allows a president to transform or modify a pre-existing image supports

this paper's position that a widening presidential definitional base is being employed to help a president substantiate his vision of "x" toward others. This expansion carries with it both positive advantages and negative effects. As we become more firmly entrenched in the 21st century, it appears that the contemporary American president is broadening his definitional base to compensate for eroding traditional definitional base that has been diminished by technological advances and quicker information dissemination.

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