ISSA Proceedings 2014 – Mitt Romney And Ideological Enthymeme In Denver: "Obamacare" And Its Functions

Abstract: This paper argues that surface-level analysis of political argument fails to explain the effectiveness of ideological enthymemes, particularly within the context of presidential debates. The choice of a terminological system limits and shapes the argumentative choices afforded the candidate. Presidential debates provide a unique context within which to examine the interaction of ideological constraints and argument due to their relatively committed and ideologically homogenous audiences.

Keywords: argument, Barack Obama, enthymeme, ideology, Mitt Romney, Obamacare, presidential debates, terminology

1. *Introduction*

On October 3, 2012 Mitt Romney and Barack Obama took the stage at Magness Arena at the University of Denver and participated in the first of three debates prior to the general election. Heading into the Denver debate, Romney was suffering a slow bleed of independents and moderate conservative voters (John F. Kennedy School of Government, 2013, p. 210). Whether due to the now-infamous 47% comment at a fundraiser in Florida, the near-calamity of the GOP convention, or Romney's persistent vagueness in regards to his tax policies, one aspect of the race was abundantly clear; the challenger's campaign needed a significant boost to remain competitive in the last month of the election. As a result, the Romney campaign entered the debate in Denver with a lower threshold of expectations than President Obama.

Reactions after the debate did not match the expectations established prior to the encounter. Rather than being the "knock down, drag-out fight" described in *US News* and *World Report*, the first matchup between Mitt Romney and Barack Obama was, as described by one writer at *Politico,* "relatively sleepy" with "no fireworks or big 'moments' to speak of" and "unusually civilized" (Metzler, 2012;

Haberman, 2012; Mariucci and Farofoli, 2012). Expectations were on the Obama's side by a 2 to 1 margin among voters, with the belief firmly in the minds of the electorate that Obama would win because of his experience (Milbank, 2012, p. A02). However, pundits agreed that the biggest difference between expectations and results was the lacklustre performance of the president (Medved, 2012; McAskill, 2012; Ingold, 2012).

Romney's performance was surprising but should not have been unexpected, as eighteen months of practice against twelve other potential GOP nominees provided him with ample opportunity to hone his performance and strategy. Following the debate, polls and pundits agreed that Romney had closed the gap between himself and the President and was in a much better position after Denver than before (Stelter, 2012, p. A22; Milbank, p. A02). David Axelrod, senior advisor to the Obama campaign, speaks about the result of the debate: "I think what he did was, in one night, he got back those Republican-leaning Independents. I think he improved enthusiasm among his base. I think the race snapped back to where it was essentially before the convention" (John F. Kennedy School of Government, p. 218).

The debate at Magness Arena provides scholars with a particularly vexing problem. Despite the media consensus that Romney won the debate in Denver, Robert Rowland's analysis reveals the superiority of Obama performance at the argumentative and evidentiary level, leading him to conclude "that something other than the arguments must have been the operative force moving public opinion" (Rowland, 2013, p. 537). In what follows, I argue that the strategic argumentative choices of Romney and his campaign played a crucial role in influencing public opinion. Mitt Romney uses a particular configuration of terms to overcome the substantive and evidentiary barriers facing him. Rather than articulating a set of policies clearly and defending them with supporting materials and evidence, Romney utilizes three specific strategies to avoid direct confrontation and outflank the Obama team.

First, Romney rejects the definition of the debate as a contest of ideas. Instead, by challenging the unspoken decorum and unenforceable rules of the presidential debate, Romney eschews the norms for a form of ideological combat. He exchanged a contest of ideas for what the *New York Times* called a "clash of philosophies" (Baker, 2012, p. A0). Descriptions of the debate such as Metzler's, calling for a "knock down, drag-out fight" is indicative of the media's preference

for such a sport. Focusing primarily on attacking the president and abandoning the rules enables Romney to fulfill the gladiatorial role perfectly (Dionne, 2012, p.A23). Second, Romney redefines evidence as something not based on widely accepted standards of reason, only ideology. By challenging the evidence and reasoning of the president, Romney makes it impossible to engage in a reasoned discussion about policy issues. Freed from the burden of proof, Romney becomes nearly indefatigable. Obama's ability to refute the claims of his challenger was undermined by this strategy, preventing any real gains on the part of the president. A final strategy employed by Romney is a particularly effective enthymeme – a title of titles – that relies on the ideological commitments of the audience. In *Grammar of Motives*, Kenneth Burke talks about how symbolic equations can be reduced to representative anecdotes that contain the entire order of symbolic equations (selection, reflection, deflection) within their structure (1969, p. 59). Romney goes a step further and develops an anecdote that refers to all other issues in play. By deploying "Obamacare" as an enthymeme in a variety of contexts and arguments, including some wildly outside the scope of the Affordable Care Act, Obama's policy successes are re-characterized as failures. Each iteration of the anecdote contains the entire symbolic equation of the previous versions and allows Romney to chain out the Obamacare enthymeme in a way that "sums up" his evaluation of the entire administration. In what follows, I develop these positions and show how Romney used them to create an ideological worldview without speaking to the specific policies required by his own ideological commitments (Burke, 1974, p. 84).

2. *Strategic considerations*

Before examining the debate itself, it is necessary to examine some of the key strategic choices made by the campaigns prior to the debate. First, both election teams understood both the opportunity and necessity of the first debate. Beth Meyers, senior advisor to Romney, indicates that "people would want to see it on the line" and that "whatever was happening in the campaign" they would need a "winning jolt" (John F. Kennedy School of Government, p. 208). David Axelrod indicated that the Obama campaign understood the historical significance of the first debate and admitted the team was too focused on the debate as a problem area and "over-prepared" the president with "too much material" (p. 210). Clearly, the Magness Arena debate offered significant dangers and opportunities for each candidate.

Next, the preparation strategies indicate that the campaigns were focused on two separate engagements. On the one hand, the Romney campaign arrived in Denver ready for a direct confrontation, Beth Meyers describes this strategy: "On every issue, …we were very focused on finding an attack – a place to attack President Obama on every issue… that's what we did so that when Mitt came on that stage at the first debate, he was loaded for bear on every issue" (p. 210). Mitt Romney's campaign devised an offensively focused strategy, and targeted specific policies of the president in an attempt to place Barack Obama on the defensive.

On the other hand, Axelrod describes how the Obama campaign approached the debate as a discussion, focusing mainly on the policies and content preparation, which limited the President's ability to adapt to the situation of televised debating (p. 211). In Axelrod's words, the Obama team "had a strategy of limited engagement" that the president then took to an "illogical extreme" in the moment of the debate (p. 214). The result of the interaction of these two strategic approaches was that the debate "didn't do much to the president's image… It's more of what it did for Mitt Romney" (p. 220). David Simas, director of opinion research for the Romney campaign, reflects on the impact of the strategic choices made by the campaign and their effect on the election:

What we saw after twenty-four hours was a consolidation back to Governor Romney. It accelerated in the second twenty-four hour period…What we saw is, by the third day, as David said, the race had settled back to preconvention levels. When we analyzed who it was that moved, it was precisely those voters from our perspective who had peeled off during the 47, so that's on the quantitative side… in the qualitative, it opened up the door for Governor Romney. It corrected with a whole bunch of voters the problem that he had… for the first time we saw his very favorable numbers among the Republicans rivaling numbers that we had seen in 2008. (p. 218-9)

Axelrod agrees with this sentiment and argues that Obama's numbers "didn't suffer" but Romney "definitely improved" his standing in the race (p. 218). The debate in Denver offered the Romney campaign with a significant opportunity to reset the election and the former governor certainly surpassed expectations.

The debate

In the debate at Magness Arena, Romney used three argumentative strategies to capitalize on his strategic opportunities. The results of the debate prove that the

particular strategies adopted by Romney were successful, at least in the short term. First, Romney approached the debate as an engagement in ideological combat, rather than a debate about ideas and policies. Some audiences who watched the debate were expecting and desired a "knock down" fight, and a fight is exactly what Romney produced for bring the audience. Burke describes this strategy as "appetite fulfilment" and argues for its supreme psychological effectiveness (Burke, 1957, p. 31). The appetite, however, did not need to be created by Romney in this case, for the expectations of the audience had already been established beforehand by the framing of the media. Outlets like *US News* and *World Report* and the *Denver Post* characterized the debate as a "fight" and "duel" respectively (Metzler, 2012; Crummy, 2012, p. A2S). Polling data prior to the debate also indicated that one of the two main foci of the electorate during the debate was going to be Romney's adherence to conservative principles (NBC News, 2012, p. 11). The conditions were prime for the Romney campaign to approach the debate as an ideological fight.

In contrast to voters expecting a duel, a full one in five likely voters felt that Romney "flip flops and changes his mind too much on issues" and "is too wealthy to understand the day-to-day concerns of most Americans" (*NBC News*, p. 11). The electorate's demand for consistency from Romney represented a significant barrier to his success in the debate. Burke, however, indicates that the fulfilment of audience expectations only requires the maintenance "of a principle under new guises. It is the restatement of the same thing in different ways" (Burke, 1957, p. 125). For Burke, fulfilling psychological expectations can supplement and sometimes exceed the effectiveness of the content. Independent and moderate Republicans had an appetite for a particular type of confrontation heading into the Denver debate, and Romney provided them with exactly what they wanted.

For example, at the end of the first segment on the economy, Mitt Romney undermined the norms on speaking order, decorum about who speaks first and who gets the last word. First, Romney appealed to Jim Lehrer, demanding that he get the final word in the segment. "Jim, the president began this segment, so I think I get the last word, so I'm going to take it. All right? (Chuckles)" (NPR.org, 2012).**[i]** Romney aggressively claimed the response time, then asked for permission as an afterthought. Lehrer objected briefly, but the President provided Romney the opening he needed to really shape the debate, "He can – you can have it." "That's not how it works," replied Lehrer, and despite stringent

objections, the terms of rebuttal order and the time limits on those refutations were discarded by both candidates, leaving Lehrer with little room to re-establish the original parameters.

A second example of Romney's ability to control the debate's overall structure is an exchange over the issue of Medicare and the impact of the Affordable Care Act on current and upcoming retirees. After a section where Obama attempted to pivot back to the macro-level health care issue, Romney objected:

Mr. Romney: That's — that's a big topic. Could we — could we stay on Medicare?
President obama: Is that a — is that a separate topic? I'm sorry.
Mr. Lehrer: Yeah, we're going to — yeah. I want to get to it, but all I want to do is very quickly —
Mr. Romney: Let's get back to Medicare.
MR. LEHRER: — before we leave the economy —
Mr. Romney: Let's get back to Medicare.
Mr. Lehrer: No, no, no, no —
Mr. Romney: The president said that the government can provide the service at lower —
Mr. Lehrer: No.
Mr. Romney: — cost and without a profit.
Mr. Lehrer: All right.
Mr. Romney: if that's the case, then it will always be the best product that people can purchase. But my experience —
Mr. Lehrer: wait a minute, governor.
Mr. Romney: my experience is the private sector typically is able to provide a better product at a lower cost.
Mr. Lehrer: can we — can the two of you agree that the voters have a choice, a clear choice between the two of you —
Mr. Romney: absolutely.
President obama: yes.
Mr. Lehrer: — on medicare?
Mr. Romney: Absolutely.

In this extended exchange, Romney argued with Lehrer in an attempt to keep the discussion away from the larger health care issues and focus instead on the relationship between Medicare and the Affordable Care Act. Romney, even after repeated objections from Lehrer, continued to change the topic until he succeeds.

Rather than complete the discussion, Lehrer attempted to end the segment as quickly as possible. Instead of asking for an articulation of the differences between the two candidates, Lehrer satisfied himself with merely establishing that one exists.

The shift away from predetermined norms about the debate provided Romney with two direct strategic benefits: (1) he can stay on the attack throughout the debate by always demanding the last word in any given segment and (2) he can extend the discussion in areas where he is strongest and avoid defending his own positions. When Jim Lehrer interrupts the candidates to let them know that "—we're way over our first 15 minutes" Romney says "It's fun, isn't it?" Fun? Perhaps. Strategic? Certainly. By the end of the debate, Romney has so thoroughly succeeded in shattering the time limits, Jim Lehrer is forced to scrap an entire segment of the debate. Romney undermined the parameters of the debate from the outset and one consequence of that is by forcing Obama on to the defensive and avoiding the expectation to rebut Obama's arguments.

The second strategy adopted by Romney undermined a key pillar in Obama's argumentative approach – the use and usefulness of evidence. Romney consistently challenged the president's statistics and use of studies throughout the debate, establishing an unequal balance in the burden of proof. In one of the more memorable exchanges, Romney indicted the use of studies to challenge the president's attack on his tax plan.

"Now, you cite a study," Romney said, "There are six other studies that looked at the study you describe and say it's completely wrong. I saw a study that came out today that said you're going to raise taxes by $3,000 to $4,000 on middle-income families. There are all these studies out there." Romney employed four particular strategies to undermine the use of evidence within this single statement. First, Romney challenged the authority of Obama's evidence with a quantitative advantage. Romney used a ratio of six to one to offer the audience with a clear distinction between the two candidates. Second, Romney attacked the qualitative advantage of Obama's study, arguing that the studies he cited are macro-level evaluations of Obama's evidence. Romney can now make the claim that he provided a more comprehensive view of the situation, both quantitatively and qualitatively. Third, Romney cited a study that he read earlier in the day to challenge the recency of the president's evidence. In citing the most recent study, Romney offered new evidence that undermined the relevance of Obama's study to

the status quo. Finally, Romney discarded the idea of comparing studies to determine truth altogether. “There are all these studies out there,” he said, implying that any attempt to discern truth from scientific study is futile.

The entire purpose of this exchange revolves around one of Romney’s key goals in the debate – creating as much distance as possible between himself and the tax cuts called for in the Ryan Budget. In the short term, the tactic worked, and Romney’s success in the first debate is clear. Nine days after the debate in Denver, *The Atlantic* published an article calling into question the validity of the studies and their usefulness as support for Romney’s tax plan (O’Brien, 2012). Articles challenging Romney’s “six studies” appeared in most major newspapers shortly thereafter, and the gains Romney achieved in Denver swiftly evaporated (Khimm, 2012; Schlesinger, 2012). In the long run, the media and eventually the public found Romney’s evidence wanting. During and after the debate, though, the strategy worked to Romney’s immediate advantage. Despite the fact that the “studies” he cited were largely produced by ideologically suspect organizations, the limits of the debate, and the dismal state of public reason made it almost impossible for Obama to effectively make this point clear during the debate.

Third, Mitt Romney developed the term “Obamacare” as an encapsulation of all Obama’s policy positions and cast universal aspersions upon them. It functioned primarily as an enthymeme designed to resonate with far-right, moderate conservative, and independent voters. The term Obamacare has long been a subject of immense definitional confrontation by both political parties (Cox et. Al., 2012, p. A12). Mitt Romney, coincidentally, was the first politician on record to use the term. In 2007, he spoke at a campaign speech in Iowa, “The path of Europe is not the way to go. Socialized medicine. Hillarycare. Obamacare.” This simple equation developed in 2007 in Iowa would be repeated again and again by Romney throughout his two presidential campaigns (Sarlin, 2012; Goldman & Talev, 2012). Fundamentally, the argument can be summed up as – the Affordable Care Act is a form of socialized medicine which puts the nation on a slippery slope towards socialism, this, being the fundamental problem with the European Union, meaning that the Affordable Care Act dooms America to financial ruin. The rhetorical and argumentative effectiveness of this anecdote relies on three interrelated arguments that operate together to engage multiple audiences with contradictory expectations of the candidate.

First, Romney used the name itself – Obamacare – to shape the terms of the

debate. Viewers of the debate literally see this happen. Romney used "Obamacare" first in Denver, and tells the president that he uses "that term with all respect." Obama quickly responded by saying "I like it" and later in the same segment he said "I have become fond of this term." Jim Lehrer also bought into using Obamacare to describe the president's health care policies when transitioning into the segment of the debate on health care. "Now let's move to health care," he said, "where I know there is a clear difference – (laughter) – and that has to do with the Affordable Care Act… 'Obamacare'." Rather than using the name of the legislation and correcting the candidates, Lehrer used Romney's terminology consistently for the rest of the debate. When Lehrer says to Romney, "tell the president directly why you think what he just said is wrong about 'Obamacare'" the name rolls off Lehrer's tongue as easily as it does Romney's.

For Romney, Obamacare is a *title of titles*, it "sums up (that is, literally contains) all the particulars of things and ideas" that the audience should dislike about the president (Rueckert, 1983, p. 256). A title of titles contains the "perfect essence" of an idea and encourages audiences to associate the kernel of the idea with all of its derivations. "One goes up, arrives at the title of titles… and comes back down through all the levels… bringing (borrowing) back what one discovered at the top, following the reversible logic that is everywhere at work in these analogies" (Reuckert, 1983, p.256). Romney made meta-level arguments about the problems with Obamacare, and after having established their credibility with the audience, carried them back down to other policies, and condemn the whole lot with a single idea. If Obamacare is a bad policy, all of the administration's policies are bad policy. If Obamacare is socialized medicine, all of Obama's policies are socialized policy.

Next, the use of the "path" metaphor allows Mitt Romney to talk about the Affordable Care Act in what Kenneth Burke calls the "end of the line" mode, or the principle of entelechy (Burke, 1974, p. 84). The end of the line mode utilizes "principles of entitlement and entelechy," in which "everything human is being driven toward the perfection of itself, to the end of its line" (Reuckert, 1994, p. 9). The principle of entitlement, or the titling of situation, names the situation, creates a set of conditions for behaving in that situation. Romney asks the audience to take the implications of Obama's health care policies to the end of the line. Rather than just being a typical slippery slope fallacy, Romney's reliance on entelechy develops the Obamacare anecdote as the first stage of socialism leading

to economic and social ruin. The argument does not hinge on the actual effectiveness of the president's health care policy, but rather relies on the audience's conception of the "path" down which the policy takes the nation.

During the debate, Romney used this strategy to attract fiscally undecided moderates, some of whom may have been unsure about the arithmetic behind his tax policies. Romney connected wasteful spending of the Affordable Care Act with the budget deficits to our economic competitor, China. "Is the program so critical it's worth borrowing money from China to pay for it? … 'Obamacare' is on my list." Romney connects the spectre of big government with budget deficits, and argues that those deficits put us in the same position as Europe's faltering economies. "I don't want to go down the path to Spain," he says only a few moments later, "I want to go down the path of growth that puts Americans to work." Differentiating between the "path to Europe" or "path to Spain" and the "path to growth" sets up a dichotomy between (successful) capitalist economies and (failing) socialist economies. Romney previewed this in his opening statements of the debate when he said "it's going to take a different path, not the one we've been on, not the one the president describes as a top-down, cut taxes for the rich." The path metaphor helped Romney to make the debate about ideology, not policy. The strategy allowed Romney to take one set of arguments about the policy and carry them over to other policies and issues that have little to nothing to do with health care.

Finally, Romney casted the choice between himself and the president as a moral issue and used the "clash of philosophies" expectation to elevate the election to that of an existential crisis for the American way of life. Romney applied this logic to a variety of issues throughout the debate. When speaking about Medicaid during the debate, Romney argued that the entire situation is a states-rights issue, and suggested that the entire nation "craft a plan at the state level" rather than implement a single federal mandate. Rather than addressing the technicalities or providing a nuanced response, Romney cased the issue into the state-rights/federal-authority divide and asserts that a state-level policy would be superior. Shifting to the economy, Romney argued that Obama care has "killed jobs" and even implied that the president is personally responsible for the failed recovery:

I just don't know how the president could have come into office, facing 23 million people out of work, rising unemployment, an economic crisis at the — at the

kitchen table and spent his energy and passion for two years fighting for "Obamacare" instead of fighting for jobs for the American people.

Romney directly blames the president for making a choice to enact health care at the cost of the recovery, and rather than addressing the difficulty of dealing with two crises simultaneously, Romney argued that Obama bungled both. In addition to killing jobs, the administration raised taxes "by a trillion dollars" under Obamacare. In fact, the characterization of Obamacare as a tax by the Supreme Court earlier in June probably helped Romney argumentatively more than Obama. Few things are more essential to core American political mythology than the issue of taxation. The grievance of "taxation without representation" written in American founding documents exhibits the centrality of the topic in American political mythology. Calling health care reform a tax casts a positive term "reform" within the ideologically charged realm of "taxes."

Obamacare also destroyed the bipartisan spirit in Washington according to Romney, driving both sides into their respective corners, from which they have yet to emerge. Republicans didn't want Obama's version of health care reform, but "you pushed it through anyway" Romney tells the president "without a single Republican vote." In Romney's version of events, Obama, "pushed through something that" he, "Nancy Pelosi and Harry Reid thought was the best answer and drove it through." Romney himself is the counter-example to Obama's partisanship: "I like the fact that in my state, we had Republicans and Democrats come together and work together." The genius of this move is that it undercuts Obama's ability to attack Congress while simultaneously placing the blame on Obama for the failure of the recovery and bipartisanship. Romney also charges the president with taking away a public good. The health care reforms, he says, "put people in a position where they're going to lose the insurance they had and they wanted." Romney is targeting voters who already have health insurance, people for whom the fear of losing one's health insurance operates far more effectively as a bogeyman than does the promise of a more efficiently run system. Finally, if voters have any doubt about the consequential nature of this election, Romney casts the choice in near biblical proportions – "If the president's re-elected, 'Obamacare' will be fully installed. In my view, that's going to mean a whole different way of life for people." At its fully realized extension, Romney wants the Obamacare enthymeme to present an ideological choice to the audience. Choose the incumbent, head down the path to Spain and socialism, and

inevitably national social and financial ruin; or, pick the challenger and head down the "Path to Prosperity."

4. *Conclusion*

Mitt Romney's three strategies in Denver were relatively successful in the short term. Neil Newhouse, polling director for the Romney campaign explains the effect of the debate on the race:

… these voters saw Mitt Romney, and they watched the debate. They're impressed… And the image that had been portrayed of him, painted of him, had begun to kind of wash away a little bit… 47 percent kind of went away… it was all good for us. It gave us perceived momentum. Not just that our numbers were moving… but we began to see some erosion and some softening of Obama support. The information flow numbers, everything, began to kind of trend our way a little bit so that you got a sense there was a wind at our back. (John F. Kennedy School of Government, 2013, p. 219)

Romney eschewed the norms of presidential debates and was successful in keeping both Barack Obama and Jim Lehrer off balance throughout the debate. He also diminished the utility of supporting evidence for both candidates, and due to his lack of reliance on it, ended up benefiting more from this condition than the president. These two strategies enabled Romney to control both the arguments within the debate, but the conditions under which those arguments were perceived by the viewing public.

As an enthymeme, Obamacare was useful for arguing for multiple audiences. Romney fluidly shifted between one attack and another in Denver, using the flexibility provided him by the anecdote and preventing the president from going on the offensive. Romney manipulates the ideological coordinates of the audience to create "clusters" of arguments that obviate the need for independent supporting evidence for each argument. Using particular terms in particular configurations, Romney can guide the audience toward the conclusion that the president has failed in his first term, and use the ideological content of "Obamacare" to malign other policy. While speaking of health care reform, Romney can smoothly introduce topics of taxation, states-rights, the economy, bipartisanship, public opinion, and so on. Obamacare operates as the central cluster or hub anecdote around which all other political arguments are arranged. The demands of televised debates, the format, the state of public reason, and the

partisanship on both sides of the political spectrum are all conditions under which these types of ideological enthymemes operate with maximum effectiveness on television. However, they take little to no time to use in a debate, have relatively few downsides, and feed all the worst habits of the American electorate (sensationalism over substance, attack over defence, and effervescence over evidence).

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NOTE
i. All quotations from the debate were taken from the NPR transcript and audio recording of the debate.

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ISSA Proceedings 2014 – Fine Arts As Visual Argument: Optical Argument In Discourse, Technology And Paintings*

Abstract: This essay performatively critiques seventeenth-century Dutch visual culture to offer an alternative way of understanding visual argument. The formation of optical discourse is rhetorically analyzed, and a focus is given to how the relationships among paintings, knowledge and technology are rhetorically subverted, transformed and maintained along with a pre-text of optical controversy. As visuality is historically and culturally constituted, its constitution is practiced in and by argumentative discourse of optics and technology.

Keywords: camera obscura, controversy, excess, extramission theory, iconophobia, intromission theory, Johannes Kepler, optics, retinal image, seventeenth-century Dutch visual culture.

1. *Introduction*

Recent scholarship on visual argument in the field of argumentation theory has produced some fruitful areas to explore in order to re-conceptualize the relationship between verbal texts and visual images. George Roque's argument offers a promising starting point. Roque (2010) argues that it is time for visual argumentation to self-reflect this emerging field and to start conferring a thorough definition, after having grounded a legitimacy of its scholarship by collective demonstrations of numerous cases for visual arguments ever since its incipient recognition of the field. Specifically, he points out the disciplinary problem in which the visual is singled out as a means of communication to display the contents of argument, and accordingly, in which visual aspects become considered neutral and transparent, and hence subservient to the verbal (Roque, 2010, p.1723).

The points he raised – revealing a political bias of the epistemological ground for communication technology and its praxis – show the ideological problem of current scholarship.**[i]** Indeed, the unconscious hierarchy putting the verbal over the visual underpins the iconophobic attitudes embedded in the tradition of argumentation – that which Roque (2009) identifies as "linguistic imperialism," having borrowed the term from W. J. T. Mitchell's *Iconology*.

Following Roque's critical spirit with the proposition against this disciplinary problem – and deconstructing the field of visual argument – this essay addresses the visuality of visual argumentation, and the possibility of how to locate this visuality in the history of argument. This essay argues for an argumentative history of visual images that accounts for images in history as well as images as history. Drawing from the case of seventeenth century visual culture, this approach is different in that it seeks to demonstrate how the historian of argumentation might possibly engage the visual by examining its background in scientific controversies over optics and its technology.**[ii]**

2. *Cultural approach to the study of visual argument*

This essay approaches visual argument by extending one of the three theoretical orientations of the field classified by Bruce Gronbeck (2007). Gronbeck observes that the three theoretical orientations in current scholarship on visual argumentation approaches the visual as:

1. evidence in arguments to give us lively experience through its information

gathered in our sights;
2. cultural assumptions that enthymematically justify epistemological claim of propositional contents in an inferential process; and
3. self-contained semiotic systems that operationally code signifying activity of representations within a broader realm of culture. This essay extends the third orientation of the visual, as an independent code in a semiotic system of cultural formations.**[iii]** Along with the critical approach by W. J. T. Mitchell's iconology, it offers another way of understanding visual argument when focusing on the visuality of a particular historical period.**[iv]**

As foci of this approach, the formation of discourse becomes one location of the visual. Gronbeck maintains that "visual culture inevitably reflects the dynamics of power," and is "contextualized in on-going controversies" as a way of seeing public life (Gronbeck, 2007, p.294). The relationship between verbal (argumentative) discourse and visual material is historically established as a cultural, and thus unconscious, semiotic association comprehended in a particular space and time. The discourse becomes a context, or vice versa, of the visual through which its cultural meaning becomes recognized.

Yet, analysis of this controversy offers more than a simple verbal exchange of propositional arguments as a context of visual material. An analysis of controversy does not offer a state of mixture between verbal text and visual images, simply blurring the line between the different categories. Rather, following Mitchell's critique of iconophobia and linguistic imperialism, I intend to trace "what is at stake in the incorporation of one medium by another, [and] what values are being served by transgressions or observances of text-image boundaries" (Mitchell, 1986, p.156). A controversy does not linearly proceed by interchangeably replacing text to images or vice versa, and it shows a subtle process of transgression. The relationship of representations among paintings, knowledge and technology change along with controversies between different theories of vision. In the process of argument, the relationships are rhetorically subverted, transformed, maintained and re-delineated for the sake of visuality. The line between text and images is transgressed so that "visualization evoke whole arguments" (Gronbeck, 2007, p.294) as a site of struggle to determine what is true to be seen. For an extension of the semiotic understanding of the visual argument, this essay focuses on the cultural constitution of the visual as a historical and cultural epistemology of vision.

This essay applies such a notion of iconology to transform the relationship to be established as association in a specific cultural space that includes fine arts. Analyses on visual argument in the fine arts are limited.**[v]** I argue that the visuality of fine arts is not (and certainly should not be) taken for granted as ocular visibility innate to human physiology. Visuality is historically and culturally constituted, and I believe such constitution is conducted through argumentative discourse of optics and its technology. Visuality of a particular picture, then, could be changed in accordance with different sorts of discourse constituting how to see the world.

3. *The visuality of the seventeenth century*
Visuality in the seventeenth century is historically overdetermined by multiple layers of cultural representations. Here, the following three aspects of cultural representations are analyzed.

3.1 *Controversy about the state of lights in the optics*
Ideas about vision have been historically a controversial subject of critique among Western theorists and philosophers as well as scientists ever since the classical Greek period. The controversy, the argumentative exchange of ideas among theorists, about the model of vision, happens around a long traditional conflict over two different modes of theory before the seventeenth century. The space of this paper, however, is limited and cannot exhaustively trace the changes in visual theory since the Greek period; rather, I would like to briefly summarize the history of the controversy, arguments and issues in two different theoretical positions.**[vi]**

The history of visual theory has witnessed frequent clashes between so called "extramission theory" and "intromission theory." In extramission theory (or emission theory), vision depends on light that streams out of the eye and by means of the beam from the eyes, detects surrounding objects. This idea originally came from pre-Socratic Alcmaeon of Croton (ca. 450 BCE), who is said to be the first to advocate the brain as the seat of sensation and cognition and to dissect parts of the visual system. He observed fire flashing in his eye as visual gleaming, presumably when he bumped his head. This idea of vision, "fire in the eye" was extended by Plato. In *Timaeus,* Plato argues that visual fire streams out of the eye and combines with daylight to form a body as an instrument for detecting visual objects:

Such fire as has the property, not of burning, but of yielding a gentle light, they [the Gods] contrived should become the proper body of each day. For the pure fire within us is akin to this, and they caused it to flow through the eyes. . . . Accordingly, whenever there is daylight round about, the visual current issues forth, like to like, and coalesces with the daylight and is formed into a single homogenous body in a direct line with the eyes, in whatever quarter the stream issuing from within strikes upon any object it encounters outside. So the whole . . . is similarly affected and passes on the motions of anything it comes in contact with . . . throughout the whole body, to the soul, and thus causes the sensation we call seeing. (Plato, Timaeus, 45b-d)

Following Plato, great mathematician, Euclid (ca. 300 BCE), in his *Optika*, developed geometric extramission theory.

Rectilinear rays proceeding from the eye diverge infinitely [and] those things are seen upon which the visual rays fall and those things are not seen upon which the visual rays do not fall . . . (Euclid, 1948, p.257)

Euclid's idea of extramission theory was further extended by Ptolemy (127-148) in combination with Galen's (129-199) work on the anatomy of the eye. Ptolemy argues that the visual rays formed a cone or bundle of lights. The Emission of light created by fire in the eye becomes a tool to search for the object, seen in the form of cone, which suggests the perspectival cone of vision.

On the other hand, intromission theory explains vision as something entering the eye from the object seen. This class of theory forms the basis of the argument among many Greek natural philosophers for vision perceived into the eye. Democritus (ca. 420) and Epicurus (ca. 341-270) are the first intromission theorists, who believed an isomorphic image (or *eidora*) streamed off of objects and entered the eye, where they were sensed. Epicurus puts it in his "Letter to Herodtus",

For particles are continually streaming off from the surface of bodies through no diminution of bodies is observed. . . . And those given off maintain their position and arrangement . . . it is by the entrance of something coming from external objects that we see shapes and think of them. (Epicurus, 1925, 10. 48-49)

A similar view was later also held by atomist poet Lucretius (ca. 60 BCE), who called the images coming from objects *simulacra*.

Aristotle develops a detailed discussion of vision in intromission theory. He rejected the atomist view for the following ground. If objects put out copies of themselves, these would be objects themselves; but this is impossible because the copies would overlap on their way to the eye and two objects cannot be in the same place at the same time. Aristotle also argues against Alcmaeon-Plato's extramission view for its inadequacy:

In general it is unreasonable to suppose that seeing occurs by something issuing from the eye; that the ray of vision reaches as far as the stars, or it goes to a certain point and there coalesces with the object as some [Plato] think. (Aristotle, De Sensu 2, 438a26-438b2)

In so arguing, Aristotle developed a complicated intromission theory. He assumed a transparent medium necessary for vision, something like the modern ether, which could be found in air and water. Light is the state of this transparent medium. According to Aristotle, the eye can sense movement in this medium, which is continuous between the object and the eye, and this movement yields visual sensation.

The dialectic between these theories of vision originating in the Greek period frames later discussion of vision that emerge in various forms of arguments. After the death of Ptolemy and Galen, scientific inquiry shifted to Islamic centers of learning, first in Baghdad and then Cairo and Cordoba. Many Greek scientific works were translated into Arabic in the eighth century, and their achievements were actively discussed and extended in Islamic science. The nature of vision and light was of great interest for them. Among them, Al-Kindi (d. 866) defended and expanded Euclid's extramission theory. Avicenna (980-1037) assaulted extramission and reconstructed Aristotle's theories of vision. Alhazen was the most prominent figure of synthesizing the two strains in his *Book of Optics* (*De Aspectibus*), which indeed dominated physiological optics in Europe for two hundred years until Kepler.

Alhazen's contribution was to introduce a new type of intromission theory incorporating both Euclid's rays and the visual cone of Ptolemy's extramission theory. He argues that while visible objects give off light in every direction, only one ray from a visible object falls on the eye perpendicularly. Only the rays from objects that fall perpendicular to the surface of crystalline humor (our lens) are sensed. The other rays fall obliquely, and are refracted and weakened virtually to

ineffectiveness. The sensitive part of the eye like the crystalline humor or lens, following Galen, responds only to the perpendicular rays, and these form a cone with the visual field as the base and the center of the eye as the vertex.

The theoretical scheme of the new intromission theory Alhazen built incorporates the geometric ideas of Euclid and Ptolemy and the anatomico-physiological ideas of Galen. Alhazen's intromission theory of vision combines elements of earlier intromission and extramission theories. His theory became "enormously influential," and the basis of most of the subsequent work in optics in Europe between thirteenth and seventeenth centuries (Lindberg, 1976, p.86). Indeed, Kepler's (1571-1630) theory of the retinal image in the reverse form (1604), which had found modern visual science, was influenced by this Alhazen's idea.

At first glance, Alhazen seems to elucidate the valid visual mechanism. On closer examination, it still holds a crucial problem in his weak explanation of the selective process of refracted light rays. Kepler offers the answer to this problem Alhazen could not resolve.

Even if Alhazen succeeded in synthesizing intromission and extramission theories, there was still a crucial deficiency of discerning lights in his theoretical scheme. Countless rays of lights emitted from the vertex of the visual cone to be presented in front of the eye, it in turn comes in while being refracted into the eye by lens of the eye. In this theory, one must hold a means to discern the appropriate ray of vision from other light rays coming to pass through the center of the lens in a set of visual cone at the vertex. For this purpose, for instance, a hypothesis that power of refracted rays of light is weaker and the eye catches the strongest ray was introduced. However, there is no way, even in this case, that the light from the vertex comes to penetrate into the eye. If vision is established by discerning one light among a myriad of lights emanating from the vertex of the cone in the liquid of vitreous humor right behind the glacial humor or the lens, it is extremely difficult to prove as a true process of human vision. As long as Alhazen is concerned, facing this significant trouble, it is almost impossible to resolve this problem.

It was Kepler who offered a solution to this problem with his knowledge of optics and anatomy of eyes. Kepler's solution was to posit a reverse retinal image to be converged through a lens. By being refracted through the lens, light rays emitted from an object converge at one point in the portion of the retina within the eye.

Rays of light, considered by Alhazen as the subject of exclusion in the selection of weaker rays irrelevant to vision, have been allocated to their appropriate role and rescued in the discussion of Kepler. In this way, the retinal image was discovered. Yet, it is rather the image portrayed in the pyramid of vision; it was the inverted image of the left-right reversal. Kepler states when he discusses the establishment of the retinal image that if the picture on the retina were fixed for a moment, then the one who sees it would see a precise miniature of the hemispherical world deployed in front of the eye. He elucidates the mechanism to establish the vision with his optical idea of convergence in a reversed image. At this point, he stops analyzing the manner in which this reversed retinal image forms our natural vision. He then lefts the question to the hands of natural philosophers about how the (natural, not upside down) retinal image of the both eyes is established. This unanswered question about the reversal of retinal image opens a discursive space of modern optics after Descartes and until nineteenth century.

3.2 *Camera obscura as visual apparatus for the intromission theory*
In seventeenth Dutch paintings, lays of light held a special status as a part of its visual culture. Dutch paintings during the seventeenth century are uniquely characterized by their realistic depiction. Dutch paintings may hold a passive attitude to remain just to be seen, unlike the Italian paintings that come to speak to the audience and ask to be actively read. Unlike major paintings of the Southern Renaissance, Dutch paintings often describe what is seen as real without a narrative. For instance, one of the genres of Dutch paintings established is still life, in which images are so real that things depicted hold its verisimilitude to our eyes by the use of light and color. The real image of things on tableau is so natural to our eyes, with a bright and dark contrast of lights and beautiful colors appealing to our vision.**[vii]**

Lights (and shadows) flowing into the visible space are one of the distinctive traits of the seventeenth century Dutch paintings.**[viii]** Johannes Vermeer is also reputed for his magic with light. Jonathan Crary analyzes two pictures by Vermeer, *The Astronomer* (1668) and *The Geographer* (1668-69) as descriptions of the subjective interior:

Each of the thinkers, in a rapt stillness, ponders that crucial feature of the world, its extension, so mysteriously unlike the unextended immediacy of their own thoughts yet rendered intelligible to mind by the clarity of these representations,

by their magnitudinal relations. Rather than opposed by the objects of their study, the earth and the heavens, the geographer and the astronomer engage in a common enterprise of observing aspects of a single indivisible world. Both of them (and it may well be the same man in each painting) are figures for a primal and sovereign inwardness, for the autonomous individual ego that has appropriated to itself the capacity for intellectually mastering the infinite existence of bodies in space. (Crary, 1992, pp.46-47)

Both figures show the inwardness of the individual subject who masters and observes the world. They observe the world in the room, and in the beam of light from the window, scrutinize maps, the miniatures of the world itself to represent. These rooms filled with lights are paradoxically extensions of the world into the inner space, and at the same time outer space that immediacy are evinced in the subjective mind. Light from the outside indicate one strong aspect of visuality in seventeenth century Dutch painting, and its subjective feature suggests the important knowledge to be produced in the context of visuality and the intromission theory.

One important source of this epistemological assumption to establish optical knowledge and vision can be derived from the camera obscura, the most famous visual technology in this period. The possibility that Johannes Vermeer used the camera obscura as a device to draw his paintings has been often pointed out among art historians since the nineteenth century.**[ix]** Aside from whether Vermeer actually used the camera obscura, there is no doubt that it was re-invented in the discourse of intromission theory as an optical apparatus of the seventeenth century. In the camera obscura, like the retinal image of the eyes, an image appears reversed – upside down and right-left – on the interior wall of a darkroom. As an epistemology of vision, this visual technology was a dominant metaphor through which people could comprehend vision in the seventeenth century (Crary, 1992). The important question one must ask, then, is not how painters used these optical devices, but how the images in the camera obscura were understood and received as the paradigmatic knowledge of vision in the cultural space of fine arts. This question probes the constitution of visuality in the seventeenth-century Dutch culture. What constitutes an image in camera obscura leads to the question of how images in paintings are understood against the backdrop of this optical apparatus.**[x]**

It was the fifteenth century when a camera obscura came to be utilized among

artists as a device to draw a picture.**[xi]** It is said that Johannes Kepler is the first person to coin the phrase camera obscura in 1604. In 1609, he further suggested the use of a lens to improve the image projected by a camera obscura. The pictorial image in the camera obscura indeed shows a similarity with the retinal image.

Here, Svetlana Alpers' analysis on the seventeenth-century Dutch paintings in terms of visual culture merits our attention for the sake of visual argument. Alpers (1983) demonstrates that the relationship between Kepler and seventeenth-century Dutch paintings should be understood in the background of the emergence of visual culture derived from the new technology of optics. The reception of Kepler confers enormous impact on Dutch visual culture, and it merges with a latest technological development of lens. Kepler, although he lived in Vienna, was actively welcomed by the Dutch *homo fabers* and intellectuals, and became the ideological ground of visuality. His discovery that the retinal image is not a mere optical subject of anatomy and vision; it confers a new way to see the world with a new status of human eyes.

Kepler became an important figure, not merely because he was an optical theorist who resolved the issue of the direction of light, but also because he described the eyes as the most fundamental instrument of observation by an optical mechanism of a lens with focusing properties. He argues for the importance of understanding an instrument to view, which inherently holds distortions or errors. His accounts of distortions in sight come from the retinal image, which is (regarded as) by nature distorted and reversed.

However, according to Alpers, this new vision emerged out of Kepler's performative act of scrutinizing optics. He does not try to prove the epistemological correctness of vision; rather he is interested in deception or artifice of vision, which escapes from the right recognition of the world. This parallels Dutch enthusiasm on technology including lens. There are distortions in the retinal image; this fact was known – and rather than ignoring or eliminating it – Dutch painters recreated the retinal image itself in their pictures.

Vermeer's paintings, according to Alpers, are indeed extractions of an optical lens. She construes that *View of Delft* (1660/61), Vermeer's premier painting, displays a notion of artifice, and "this picture is at the meeting-place of the world seen and the world pictured" (Alpers, 1983, p.35). For instance, white dots seen

in tonnage at a barge right side of the screen are similar to the residual distortion of the circular single lens produces. This pictorial painting is a site of struggle between nature and artifice.

Alpers testifies that seventeenth-century Dutch culture was in a unique ambience of "empirical interests of what is commonly referred to as the age of observation" (Alpers, 1983, p.32). In the empirical observation, confidence on technology is highly placed, and strangely enough, when lens are trusted as visual technology, this retinal distortion is also granted as a matter of fact, simply because it is the representation of the observed. We can only see the representational picture in the lens, and the lens prevents our seeing of the object. "Its images and those engendered by it [lens] take their place beside the images of art, which are also, of course, representations. The artifice of the image is embraced along with its immediacy" (Alpers, 1983, pp.32-33). Because the presence of pictorial image in and by lens is observable, it is paradoxically true with such a distortion.

This conclusion is drawn only from the epistemological assumption that "there is no escape from representation" (Alpers, 1983, p.35). This recognition – which Michel Foucault calls the episteme of the Classical age – is taken for granted as the epistemological condition in a given culture, and hence not a problem of moral view. A picture is a representation; because of its representativeness, its image is not the real object itself, and the presence of image is possible only within the epistemological ground of the vision, which is always distorted on the concave surface of retina.**[xii]**

This epistemological ground of the distorted picture, the nature of representation independent from the human subject, crystallizes a certain series of Dutch paintings in the seventeenth-century. Distinguishing the curvilinear perspective of the Northern Renaissance from linear perspective of the Southern Italian Renaissance, Alpers understands the perspective itself creates the distortions of a pictorial image. In curvilinear perspective, the image appeared on the retina of the eye is itself spherical, while the traditional linear perspective uses straight lines. Therefore, the image gets very strangely distorted at the edges, like a picture taken by a fish eye lens, as is found in Carel Fabritius' *A View of Delft, with a Musical Instrument Vendor's Stall* (1652) and Gerard Houckgeest's *Ambulatory of the New Church in Delft with the Tomb of William the Silent* (1651). Based on the appearance of wide angle or fisheye lenses, the image showed in curved lines is projected into a flat surface of paintings and therefore

seems to validate the curviness of visual space. The seventeenth-century argument was that the eye is an internally convex surface, and this must cause the curvature in lines projected onto it.

3.3 *Textual politics of intellectual discourse on the optical controversy*
Kepler's influence to the philosophical discourse was immense. As the powerful metaphor of vision, the camera obscura also offers a concrete explanation of the visuality in philosophical discourse. It is clear that the intromission theory was certainly deployed in extending Kepler, when we see a figure in Descartes' *Dioptric*. In the illustration of his theory of the retinal image, Descartes succeeds Kepler and incorporates the idea of the retinal image where lights coming from the outside converge on the eyeground in crossing through the lens. The retinal image in a reverse form of picture is seen by the person in a dark space behind the retina, whose location is analogically the dark room of the camera obscura, a dark room of its inward separated from the outside filled with lights.

Kepler's discovery of the retinal image was indeed a statement of the intromission theory, and this statement then became a site of struggle to form a discourse of optics.

Yet, Kepler's influence to a discursive formation of optics is not a simple effect of his reception and succession of his ideas in the scheme of the intromission theory. It rather produced unintended consequences from his discussion of the retinal image or *pictura.* It is easy to understand that the metaphor of camera obscura had become dominated against the backdrop of the victory of the intromission theory over the emission theory, and explained the reverse picture of the back wall by the inflow of light into a darkroom as its mechanism. However, this metaphor with a tacit cultural knowledge of lights on the intromission produces an excess of its own precisely because it backgrounds the controversy as a discursive formation.

Since Kepler's intromission theory was granted legitimacy as a scientific account by anatomy and physiology, the argumentative battle between the theories of intromission and extramission was theoretically and physiologically resolved. But, at the same time, because of this resolution, the emission theory become foreclosed, and produced as an excess of the truth, i.e., intromission theory. The counter position in the controversy taken by the extramission theory then becomes an excess of intromission, and creates a space of agency wherein a new

way of thinking about vision can be produced.

The foreclosure indicated by this resolution produces a new discursive formation of vision, and makes a shift of discourse to a space of philosophical (or metaphysical) discussion of vision, while the extramission theory retreats from the academic issues in optics. Catherine Wilson (1999) points out a strange revival of emission theory as a matter of mind that is capable of observation. As she states:

One accomplishment of this [Kepler's] portrayal of perception as a passive rather than an active process is that, in epistemological discourse, an active mind or intellectual faculty takes up many of the metaphors with which vision was formerly dressed. The mind rather than eye is portrayed as a searchlight, a source of illumination, which can be turned and held steadily on material, which is thereby made perspicuous. (Wilson, 1999, p.129)

Scientifically understanding the mechanism of the eyes, philosophers cannot help but posit the subject/mind that emits lights, with a metaphor of searchlight. Although the structure of eyes, isolated from the body, forecloses the emission theory, that theory constitutes a new discursive formation under the topic of subject and mind.

In reading Descartes' *Rules for the Direction of the Mind*, Wilson specifically points out the paradox that the mind becomes active in contradistinction to the passive eye. As Wilson points out, "if the vision of the eye is passive, that of the mind is active" (Wilson, 1999, p.129). In so saying, Descartes posits the mind as active subject and a source of vision. Wilson subsequently quotes the following Descartes: "The whole method consists entirely in ordering and arranging the objects on which we must concentrate our mind's eye if we are to discover some truth" (Wilson, 1999, p.129). This mind's eye, achieved by philosophical training, holds a faculty to connect one segment of perception to another in a long chain of being, when one sees the link by an intellectual mastery of inference.**[xiii]**

Human eyes eventually become an instrument of the mind as an active subject with a rational frame of geometry. The active subject becomes a source of light emitted through eyes to search for the object within a geometrical matrix of the perspective seen from the top of visual cone.**[xiv]** A gaze of mind, a source of light coming out of eyes, paradoxically holds power to observe with the means of

geometric frame set in the eyes. At this stage, the camera obscura took the same structure of preceding the visual model of emission theory in the form of perspective, and at the same time all visual information (or rays of lights) are converged on the retinal image that establishes a visual field projecting a reversed picture.**[xv]** After all, the metaphor of the emission of light as a beam survived in philosophical discourse.**[xvi]**

4. *Conclusion*

I have analyzed visuality of the seventeenth-century by means of the controversy as a pre-text of argument. In this analysis, I tried to illuminate how the forms of painting argue performatively. The form itself argues in a pre-text of controversy of optics, when the visual merges with text. In the controversy, the relationships among paintings, knowledge and technology are rhetorically subverted, transformed, maintained and delineated. Visuality is constituted in such a controversy, and argumentation theory can contribute to reveal such a process.

NOTES

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i. This problem holds two disadvantages, at least, for our present theorization of visual argumentation. First, it is an ideological problem that makes visual argumentation scholars difficult to understand the nature and functions of the visual itself. The visual is so taken for granted that it is always regarded from the view of verbal structure. Visual arguments are acknowledged only as an imitation of verbal arguments, and may or may not be identified as different phenomena with the same verbal (and propositional) structure. Second, observing the visual as noticeably modern phenomena, one fails to recognize the historicity of visuality that predates modern technology. Even before the modern invention of visual technology, visual materials like pictorial paintings along with the knowledge of optics must have been subjects of inquiry for human vision in the epistemological culture of ocularcentrism or "scopic regime" (Jay, 1991). Over emphasizing the modern innovation of visual technology ignores the historicity of pre-modern vision that were supposed to be constituted by the epistemological arguments and controversy manifesting the epistemological bias toward the visuality at that time.

ii. The problem of current scholarship is ideologically found as the essentialism of

argumentation over and against visual argument. This essentialism easily manifests when visual argument is defined as a product—a proper noun, if you will—that names a category of argumentative discourse that relies on something other than words or text for the construction of its meaning. Many works that call "visual argument" collapse the idea of "visual" into "image," framing visual argument as a genre category. Subsequently, visual argument is always destined to be visual argument, while verbal argument, often with a propositional message by verbal texts, gets to be just argument. This shows the unconscious hierarchy between the verbal and the visual that discourages an analysis of the visual all along, privileging texts over the visual. In this iconophobic dominance of the text over the visual, visual argument becomes forever subordinate to the traditional artifacts of verbal argument. This is precisely the essentialism of verbal argumentation, and hence its subjection to ideological critique—yet, for my part, in the different way to critique it apart from the practice of traditional argumentation.

iii. Unlike the current efforts in visual argumentation that analyze different forms of argument in visual objects and material, here, instead of conceptualizing visual argument as product, I would like to consider it a "project of inquiry," (Finnegan, 2004b, p.235) defined as a critical and theoretical orientation that makes issues of visuality relevant to argumentation theory. I borrow the idea of visual argument as a project of inquiry from the current effort of visual rhetoric by Finnegan (2004a, 2004b) who advances the field along with Mitchell's iconology and Barbara Stafford's (1996, 1998, 2001) "imagism," which attempts to articulate different categories by means of rhetorical analogy. The critique of iconophobia is not a simple task that easily counters essentialism as a false idea. Rather, it should be performatively conducted in and as scholar's project to self-reflexively critically inquire one's historicity of the present ideology and doxa. As a project of critical inquiry, a visual argument can be considered an effort to urge us to explore our understandings of visual culture in light of the question of argumentation theory, and encourage us to reflexively (re-)examine own aspects of argumentation theory.

iv. Against the iconophobia and the subsequent ideology of linguistic imperialism within the field of argumentation, Roque (2009) refutes its propositions one by one. Whereas the critique of linguistic imperialism is significant, critiquing it by means of verbal refutation, which is highly regarded as the traditional means of argumentation, in turn performatively endorses the linguistic imperialism.

v. Two exceptions are Groark's (1996) analysis of fine arts and Blair's (1996)

sharp contrast of fine arts to contemporary mixed media like magazines. While Groark's analysis of fine arts as a visual form of argument, along with the messages transmitted by painters as propositional contents may be valuable within a traditional understanding of fine arts as a manifestation of narratives and anecdotes, this essay instead avoids analysis of visual contents and sidesteps the analyses of narrative as argument embedded in art works.

vi. This summary of the history of optics and visual theories is based upon David Lindberg's Theories of Vision from Al-Kindi to Kepler (1976).

vii. For example, Pieter Claes' painting of Still Life (1634) illustrates a silver drinking cup, a goblet of wine and a cup with a lid along with plates with a peeled lemon. Light from the top illuminates those objects, and are shining in the water. The light comes into the frame of the canvas, emphasizing the wall behind the objects, which separates the illuminated interior from exterior world. This separation is more noticeable in vanitas paintings such as Willem Claes Heda and Jan Davidszoon de Heem.

viii. Rembrandt's fame is highly regarded for his mastery of light from the top to dramatize the pictorial scene with a moment of light, typically seen in his A Man Seated Reading at a Table in a Lofty Room (1628-1630).

ix. One of the most comprehensive analyses of Vermeer's possible use of this visual device is Philip Steadman's Vermeer's Camera (2002).

x. Technologically speaking, the history of camera obscura starts from Aristotle, who referred to the notion of pinhole projection around 330 BC, and to Alhazen, who presumably invented the optical device, or pinhole camera, around 1000 AD. In the thirteenth century, Roger Bacon observed the phenomena of an eclipse with a camera obscura. His figure is said to be the first illustration of its mechanism in the human history.

xi. Leonardo da Vinci, for instance, depicted a camera obscura in Atlantico Manuscript (Codex Atlanticus). Giovanni Battista della Porta, Neapolitan savant, often identified as one of its inventors, in Magia Naturalis or Natural Magic of 1558 explains the use of a concave speculum to insure that the projected image is not inverted on the wall. In the second edition of 1589, he details how a concave lens can be placed in the aperture of the camera to produce a finer image. Lens and mirrors were often used in camera obscura in the sixteenth century, and the development of a portable camera obscura was also started. By the seventeenth century, the precision of lenses had remarkably progressed such that optical devices like the telescope and microscope could be invented.

xii. Wilson (1999) points out the contradictory attitude of rationalists in

metaphysics toward the camera obscura metaphor. She argues that rationalist philosophers like Descartes, Lock, Malebranche, and Libniz "believe that the sensory world we experience is wholly different from the mental world that gives rise to it, our perceptions do not mirror nature at all. The visual mechanisms, processes, and results are explicitly held by seventeenth-century theorists of the visual who reject visual species theory to be disanalogous to this kind of copying from exterior to interior" (Wilson, 1999, p.122).

xiii. This mind's eye also leads to the ideas of human wisdom seen in such a metaphor of sunrise (Wilson, 1999, p.129).

xiv. By viewing the eye as the most basic instrument of observation, Kepler isolates human eyes from a site of vision and its mind or psychological aspects. Alpers' (1983) argument for this isolation comes from his trust of visual technology and the optical lens that distorts site of vision can be eventually understood within this new discursive formation of the subject as the source of searchlight. Kepler stops arguing no further than the mechanism of eyes: "I leave it to natural philosophers to discuss the way in which this image on picture [pictura] is put together by the spiritual principles of vision residing in the retina and in the nerves, and whether it is made to appear before the soul or tribunal of the faculty of vision by a spirit within the cerebral cavities, or the faculty of vision. . . (qtd. Alpers, 1983, p.36). The space of question to inquire how the retinal image is viewed remains unanswered by Kepler and then this open space is filled with arguments by philosophers. By stopping the inquiry, Kepler himself opens to discuss the way in which image is put together in retina and leaves it to the question for human spirit of vision. The discursive space Kepler opened for discussion behind his conclusion of the intromission theory engenders another argument to solve the problem of distrusted perception and sensation. Alpers thus concludes: "It was the power of Kepler's invention, then, to split apart the hitherto unified human field. His strategy was to separate the physical problem of the formation of retinal images (the world seen) from the psychological problems of perception and sensation. The study of optics so defined starts with the eye receiving the light and ceases with the formation of the picture on the retina. What happens before and after—how the picture so formed, upside down and reversed, was perceived by the observer—troubled Kepler but was of no concern to him" (Alpers, 1983, pp.35-36).

xv. The metaphor of emission theory crystallizes in the apparatus of the magic lantern. In extramission theory, the idea of emission, lights coming out of the eyes, is in tandem with a projection of a beam, leading toward the object to be

seen, and reaching beyond the screen of what can be seen as the virtual space of gazing back from the behind. This visual excess is more than a simple reversal of lights flowing in the intromission theory. The light beams are rather supposed to be emissions from a magic lantern, which exceeds supposedly the original picture in retina, emissions coming out of the projection apparatus of magic lantern. With emissions of light, an excess of intromission, molded in the optical structure of camera obscura, projects a slide on a flat screen or smoke in a dark room by magic lantern. It is not an accident that the description of which camera obscura should be used as a projection apparatus in setting up a candle inside of the device is given by della Porta, and the topic of this book, the most famous book that describes the uses of camera obscura, is Magia Naturalis or Natural Magic (1558).

xvi. The metaphor of emission, light stemming out of the eye, has still persisted in our beliefs about the evil eye and the power of the love's gaze (Gross, 1999). The famous ads of the 1997 negative campaign against Tony Blair by the Conservative Party used a picture of him, replacing his eyes a pair of demon eyes with a caption of "New Labor, New Danger." This picture is precisely embedded in the metaphor of the emission theory and comes to be a proof of the persistence power of this discourse.

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ISSA Proceedings 2014 – A Strategic Maneuvering Analysis Of The Japan's First Internet Election In 2013

Abstract: In 2013, Japan experienced its first Internet election campaign in history. This essay attempts to analyze political moves in the campaign within the framework of strategic maneuvering developed by Frans H. van Eemeren. Different approaches were found between major and minor parties. An opposition party increased its seats with the effective use of the Internet. With the analysis, the authors hope to indicate the future direction of the Internet election of Japan.

Keywords: Internet Election Campaign, Japanese Political Parties, Strategic Maneuvering

1. *Introduction*

This essay is aimed at clarifying the strategic maneuvers provided by the ruling coalition parties and by a minor one in the 2013 Japanese Upper House election from the pragma-dialectical perspective. In the year's summer Japan experienced its first Internet election campaign in history, which was designed to provide a new form of argumentation. Until then, the previous versions of Public Offices Election Act had restricted the use of web tools in elections. But with blogs and social networking services (SNS), such as Facebook, LINE and Twitter permeating as convenient communication media among individuals, the prohibition of online election campaign became apparently obsolete.

Originally, the election Act had limited the amount of printed materials available for each candidate to call for support in consideration for fairness of public relations chance. Thus the original purpose of this restriction was designed for fairness against the freedom of expression. Needless to say, it is significant to reconcile both values. There is no wonder that the Internet campaigning on one

hand would contribute to the freedom of expression with its accessibility, but on the other hand would raise the necessity to carefully design rules to deter false information or fallacious argument from erupting to confuse the electorate. The less restrictive the rule becomes, the more rhetorical argument would be. In such a case argumentative moves likely derail from the rules of critical discussion in "the pragma-dialectical" sense (Eemeren and Grootendorst, 2004).

In the tension between fairness and freedom of expression, how strategically did political parties and candidates maneuver their argumentative moves? How did the new Internet platform help to deter fallacious arguments or suppress sound arguments? In answer to these questions, this essay attempts to analyze political moves in the campaign within the framework of strategic maneuvering developed by Frans H. van Eemeren (Eemeren, 2010). Specifically, it intends to do the following: (1) examining argumentative approaches by the involved parties, and (2) evaluating the reconstructed argumentative moves with theoretically possible moves.

2. *Context*

In 2010, moves toward lifting of restrictions on the Internet use for election faded out on the verge of realization in the midst of political confusion on the resignation of then Prime Minister Yukio Hatoyama (Motomiya, 2012). The former bill at that time had not included currently available online tools such as Facebook, LINE, Twitter, blogs, and the like (Kiyohara and Maeshima, 2013). In 2012, the movement for Internet election campaigns rekindled over online and real forums joined by citizens, intellectuals, and politicians with the next general election upcoming. Yet, this move was in the process of finalization when the Lower House election was held in December 2012. Under the conventional election rule, the Liberal Democratic Party (LDP) led by Shinzo Abe came back to power. As soon as being chosen Prime Minister in the Diet, Abe revealed his intention to liberalize the use of the Internet ('Netto-senkyo' rainen-no, 2012). Not only the LDP but also other parties agreed with the idea of opening online campaigning.

Eventually, on April 19, 2013, Public Offices Election Act was revised to liberalize the Internet election campaigning. But there were still some restrictions as only parties and candidates were allowed to send emails to enlist voters' support for fear of impersonation, while there was no limitation on campaigns to blackball election candidates (Kiyohara and Maeshima, 2013). In this new framework, the

official campaign season of the Upper House election began on July 4 and ended one day before the election day, July 21. For the 17 days, different approaches were found between major and minor parties. For example, the ruling coalition parties the LDP and New Komeito held different views on various issues, such as revision of the Constitution. But they jointly devised an agreeable standpoint. On the other hand, one of the opposition parties, the Japan Communist Party began with target audience and topics. Among these approaches were there some tactics which made contributions to the election winning, although the use of the Internet seemingly did not raise the voting rate, which was 52.61%, dropped 5.31% from the previous election, the 3rd lowest under the postwar political system (Saninsen tohyoritsu 52.61%, 2013). Besides, only 10.2% referred to online information on the election according to an exit survey conducted by Kyodo News (Netto-senkyo yukensha hiyayaka, 2013).

The National Diet of Japan is bicameral, consisting of the Upper House and the Lower House. It is the Lower House that is superior in designation of Prime Minister who is authorized to appoint Cabinet ministers. The total number of the seats in the Upper House is 242, half of which become at stake in the voting every three years. In summer 2013 held was an Upper House election in which the 121 seats close to the expiration of six-year term were contested. Seven months earlier, the LDP and New Komeito had beaten the then-dominant Democratic Party of Japan (DPJ) by a wide margin, forming a coalition government. With this momentum, the ruling coalition parties aimed to increase their seats to dislodge the DPJ again from the dominant position in the Upper House. In fact, the LDP gained 65 seats up from pre-election 34, and New Komeito gained 11 seats on target. The joint parties won the majority with the total 135 seats including uncontested 59 seats (Saninsen 2013 tokusyu, 2013), thus dominating both Houses.

Behind the ruling's victorious campaigns, minor candidates targeted a particular group of voters who were discontent with the major parties' mitigation approach. In the Tokyo constituency of five seats, two fresh candidates beat incumbents. One was former actor Taro Yamamoto, ranked the 4rth, who was the only new independent elected in the nation-wide. The other in the Tokyo district was the 3rd ranked victory of Yoshiko Kira young female candidate from the Communist Party, which became the party's first seat of the district in the past 12 years. Including Kira's seat, the Communist Party as a whole nearly doubled its seats

from 6 to 11 (Saninsen 2013 tokusyu, 2013). These two first-time candidates, independent Yamamoto and Communist Kira newly attracted a support base in their election campaigns especially with effective Internet strategic maneuvers.

3. *Theory*

The institutional point of political communication is to contribute to democracy in general. Deliberation is a conventionally diversified genre of interactional activity in which the participants are motivated to critically examine the acceptability of a standpoint. Communicative activity types as the genre of deliberation in the domain of political argumentation provide wide varieties of opportunities for "collective decision-making for the public good" (Zarefsky, 2009, p. 115). Specifically, election should serve to deepen our knowledge and discussion about social issues in order to eventually make a public decision through a legitimate resolution process of different opinions.

Domains of communicative activity: political communication
Genres of communicative activity: deliberation
Communicative activity types [Concrete speech events]:
– Presidential debate [1960 Nixon-Kennedy television debate],
– General debate in parliament,
– Prime Minister's question time,
– *Election campaign [2013 Election Campaign for Upper House of Japan]*
(Eemeren, 2010, p. 139; *Italics* added)

In the principle of popular representation, however, the critical testing procedure of standpoints becomes complex since in many types of speech events interaction between protagonists and antagonists are exposed to the public through various media. Thus with the Internet use, the intertextuality of argumentative moves becomes even more complex because reconstruction of argumentative moves fragmented over the Internet media is painstaking. On the other hand, the difficulty of reconstructing argumentation simultaneously proves worthy of pragma-dialectical approach because the election otherwise would be considered dependently from the rhetorical perspective in the narrow sense and thus lack the institutional point to serve democracy. Also, it should be noted that there is a limitation on this study as critics' reconstruction of arguments is not fully reflected by the reality of what has happened, but instead focuses on the argumentative aspects.

Therefore, challenging is application of the pragma-dialectical approach to the Internet election campaign. The Internet tools provide nonverbal message such as audio/visual information so that online verbal information can be extensive in meaning. It is difficult to convert all nonverbal arguments into verbal ones for pragma-dialectical analysis. That is why it is difficult to reconstruct Internet-based argumentative moves in a verbal diagram, or logic tree which suffices to cover the condition of analysis. To counter possible criticism of picky reconstruction, there are two justifications. First, it is significant to extract verbal messages to form a corresponding logic tree for the purpose of synchronically and diachronically checking consistency of arguments. This verbal analysis would pressure discussants from excessively pursuing effectiveness so that they are expected to be fair in the online platform. The other is that pragma-dialectical analysis functions as critical theory. Its evaluation compares reconstructed argumentation either with the normative rules for critical discussion or with rhetorical techniques for effective persuasion (Eemeren, 2010). As far as pragma-dialectical analysis serves to find points of derailment from any of the critical rules in a way that the findings otherwise would be unnoticed, such a research project is worthy of academic attention even though the reconstruction is not sufficiently expositive for the broad discourse.

On this point, it should be noted that any actual speech act cannot be perfectly free from fallaciousness if normative discussion rules are rigidly applied in a dialectical sense. Therefore, it is important for the rules to "specify in which cases the performance of certain speech acts contribute to the resolution of the difference of opinion" (Eemeren and Grootendorst, 2004, p. 135) with the assumption that there are some cases the principle of argumentation cannot be applied to. Ideally, a pragma-dialectical analysis should serve to improve a derailed case toward the normative rules of critical discussion, although it falls short by nature. In this sense, "to improve" does not mean absolute solution, but instead the concept of reasonableness in pragma-dialectical approach is expected to realize a better one. Also, it is necessary to understand the quality of fallaciousness not as 'all or nothing' in terms of its presence, but as linear in terms of its significance. In short, the tolerability of fallaciousness in pragma-dialectical evaluation depends on context or activity type. It is thus possible that the same type of move could be admissible in a commercial domain but could be fallacious in a legal one. This is exactly what strategic maneuvering approach should take into consideration.

The aspects of the strategic maneuvering in the election campaign as an activity type of political communication requires discussants to be reasonable and effective (Eemeren, 2010). In light of the institutional point of political communication, being reasonable as a protagonist in an election campaign means that argumentation should be clear for the audience to critically examine for the public opinion forming and decision-making from the dialectical perspective. A candidate should clearly present the topical content and the supporting reasoning in a recognizably hierarchically ordered form so that a wide range of the audience can understand as well as critically look at the logical relation of standpoints and supporting materials. From the rhetorical point of view, a protagonist aims to be effective by exemplifying the arguments in an optimally plausible manner so that the candidate or the party can win trust and vote.

On the other hand, an antagonist in the campaign needs to be reasonable by making criticisms to relevantly test the protagonist's logical relation of standpoints and supporting materials so that argumentation to resolve a difference of opinion in a target topic will lead to a better course of action. Yet, in an election, the primary concern of candidates is to gain votes. From the rhetorical perspective, an antagonist aims to be effective to cast doubts on every aspect of the protagonist's standpoints and arguments as much as possible. Doing so might function to hurt the credibility of rival candidates and increase the possibility of one's own winning in the voting.

4. *Analysis*

This section is twofold. First, argumentative moves of the ruling coalition parties are reconstructed into a diagram and, second, those of the Japanese Communist Party one of the opposition parties are examined in the same manner but with more focus on its Internet use.

The coalition parties went by an orthodox approach. The LDP focused on economic policy, emphasizing positive impacts of an unprecedented economic package coined "Abenomics." In the manifesto of the LDP, the party leader Abe declares the following:

Last December we faced the challenge of "taking back Japan." It is a battle to take back Japan as "growing," "strongly recovering," and "protecting its territorial land, sea, air." For the first six months of the current government, the bold and unprecedented economic package "three arrows" drastically changed

dark and gloomy atmosphere over Japan. […] "Politics of decision" gradually made LDP's pledges certain to result. Yet there is much work to do in economy, education, reconstruction, livelihood, diplomacy and security. Rectifying "the twisted Diet" will realize "political stabilization." Therefore, we cannot lose. Japan has eventually woken to a new dawn. Let us regain our confidence and Japanese pride now. Let us join forces to renew Japan. (Sangiin senkyo koyaku 2013, 2013; translated by author)

New Komeito declares "Stability is hope" for the election (Saninsen juten seisaku). It is stated in the party's pledges that Japan needs political stabilization which could be achieved by rectifying the twisted Diet in which the Upper and Lower houses were controlled by opposing parties. The resolution will make the following possible:

(1) to speedily resolve the problems facing Japan;
(2) to powerfully promote the recovery of national powers, such as economic and diplomatic powers;
(3) to improve people's lives into comfortable and reliable ones, enabling each citizen to feel hopeful about the future. (Saninsen juten seisaku, translated by author)

In general, it is an all-too-common attitude to insist that political stabilization is important to swiftly tackle urgent issues. Particularly in this argumentative move, however, political stabilization is depicted as equal to the resolution of the divided Diet, which is presented as the main cause of social problems. This abstraction functions to evade careful observation of actual problems of future Japan and major differences of the ruling bloc the LDP and New Komeito. In topical selection, New Komeito together with the LDP rhetorically established the standpoint that Japan should resolve the twisted Diet as the foundation on which they could base further argument without discussing significant issues in dialectical terms. Strategic avoidance of an important issue is apparent in the attitudes of major parties on the issue of social welfare.

The LDP, New Komeito and the DPJ's pledges do not mention an increase in the financial burden of health care on senior citizens, a decrease in pension benefits, the raising of the pensionable age or other proposals that would be disadvantageous to elderly voters. ("Editorial: Parties failed" 2013)

Thus, they avoided offering difficult opinions to the elderly, the main electoral segment and, instead, simplified the cause of the problems as the coalition's limited number of seats in the Upper House. If the main cause of any social problems were the twisted Diet, then it would be the only solution that the LDP-New Komeito bloc wins the majority in the Upper House since the Lower was dominated by the joint parties. This would sound convincing when people felt highly frustrated with the previous government's inability to make a timely political decision. The following is a logic tree of the coalition parties' main standpoint.

Standpoint: *The twisted Diet should be rectified to stabilize politics.*

1. Argument: The twisted Diet is undesirable for its inability to make effective political decisions.
2.1 Unexpressed Premise: Japan needs speedy political decision-making to cope with difficult economic condition.
2.2 Argument: The coalition parties are capable of providing effective economic policies.
3. Unexpressed Premise: Economy which needs speedy political decision-making is the top priority now.

The ruling coalition parties, the LDP and New Komeito, succeeded in rhetorically creating a common ground to appeal to the public although they had conflicting policies which should have been dialectically examined. The common ground was to rectify "the twisted Diet," in which the coalition parties had been dominant in the Lower House while not in the Upper House. To begin with, the word "twisted" has connotation that it needs to be fixed. In reality, the coalition parties emphasized the twisted condition as the main cause of the problems of Japanese society. In the coalition's manifestos, because of the twisted condition, Japan cannot implement even necessary policies at the right timing. Thus, the coalition parties aimed to make the public focus on the correction of the twisted Diet.

Presenting the issue of rectifying the twisted Diet at the higher level of abstraction is highly rhetorical. If one agreed with the abstracted issue, there was no other way but to vote for either the LDP or New Komeito as mentioned earlier. In the past seven months of the current coalition government since regaining power in the last Lower House election, the power-shared government provided bold and unprecedented economic package, which was favorably perceived in the

general public.

From the dialectical perspective, the argumentation derailed from the Rule 10 (Eemeren, 2010). The argumentation abstracted the detailed issues into one simplified issue. According to the pragma-dialectical rules for critical discussion, this is fallacious because the argumentative formation is unclear for its institutional point of the election campaign.

Next, the Japanese Communist Party is focused. The Communist Party set off a total confrontation with the LDP. The Party's standpoint was that in this election the confrontation between the LDP and the Communist Party was the true confrontational axis (2013nen saninsenkyo seisaku). This was the continuation of what the JCP had aggressively campaigned. Thus, the JCP had formed a revolutionary image. But the difference lied in the JCP's attitude. Yoshiko Kira, often referred to as young female in the media was a very symbolic candidate of the Japan Communist Party that targeted at the electorate who felt discontent with the dominant LDP's policies. The JCP developed a soft attitude by positioning Kira in the party's leading figure in order to grant adherence by the general public. The following is a logic tree of the JCP's main standpoint.

Standpoint: *The true confrontational axis is the battle between the LDP and the Japan Communist Party*

1.1 Reckless Abe's regime is dangerously fraying at the edges toward collapse.
1.1.a The LDP's time has expired and its politics is getting rotten at base
1.1.b The LDP's three distortions are "centering around the business community," "mindlessly following the United States" and "turning back the tide of history."
1.2 The Japan Communist Party is the only party that can remove these distortions with a scalpel.

As for audience adaption, the J-Communist Party focused on widely sympathetic issues. In this way, the J-communist Party adopted strategic maneuvers to be effective for vote-getting. The JCP could have committed to communist ideology that denied the current economic and social security system. Instead, the conforming Communist Party emphasized two issues. One is criticism against black companies. The other is anti-nuclear energy. These issues gained a great deal of attention in the Internet as well as traditional media. In her Facebook page, young communist Kira frequently updated her activities so that visitors can

access new and previous information about her campaign (Yoshiko Kira Official Facebook). In this page where movies are viewable, it is easy to find candidate Kira's commitment to anti-nuclear and anti-black company activities. These two issues are opposed to the LDP's economic policy, aimed to appeal to the young electorate who were not able to receive concrete benefit from the current economic policy. Naming of "black company" is intended to criticize a company that exploits the young people with low salary for long hours.

Dialectically, the argumentative fallaciousness did not exceed the tolerability in the context. In the first place, shedding the revolutionary image might function as diverting the public attention from the party's other policies. But consistently the JCP clarified its stance on 46 detailed topics covering the general policy areas in its webpage (2013nen saninsenkyo seisaku) so that more concerned viewers can selectively access them.

5. *Conclusion*

Pragma-dialectical reconstruction of the argumentation is useful to clarify strategic maneuvers in the election argumentative discourse. The Internet use in the election can function as delineating detailed issues to serve the dialectical institutional point of critical policy examination, while it also provides rhetorical opportunities to create one's new image as in the case of the young communist Kira's fresh one.

Positive aspects of the Internet campaign include the creation of public space in which participants can get relevant information as well as expressing their opinions. In fact, citizens with strong awareness on a particular issue such as the Constitution amendment, energy policy, economic policy, social welfare, or the like can easily compare political parties' and candidates' opinion or stance on the issues. Citizens can be active in the virtual that is related to the reality through the voting.

However, there is much room of the Internet potential to be cultivated. It is the 3rd lowest voting rate in the postwar Upper House election that shows ineffectiveness in terms of the general public's consciousness-raising toward politics. With the technical use of the Internet, political parties and politicians can respond not only to the existing issues but also find possibly interest-attracting issues to bring more people to the public forum. Citizens are not just consumers of information, but can be participants of argumentative interaction. In this

regard, the strategic maneuvering perspective is one of the keys to develop the better framework of the Internet election campaign for the future.

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ISSA Proceedings 2014 – Political Argument And The Affective Relations Of Democracy: Recovering Vaclav Havel's Theory Of Associated Living

Abstract: This essay approaches Vaclav Havel's first and second presidential addresses as artifacts of democratization theory. We propose that Havel's speeches contribute to an affective theory of argumentation that can capture the lived, immersive quality of political phenomena such as the collective emotional experience of the post-communist transition. Specifically, we suggest that Havel's observations illustrate the function of arguments as attuning devices that connect, orient, and sometimes disconnect subjects within the affective atmospheres of common life.

Keywords: affect, affective atmosphere, democratization, post-communism

1. *Introduction*

Post-communism was more than a period of political and economic transformation. It was also an emotional period of hope, uncertainty and affective dislocation. It was not unusual early on for observers to claim that the post-communist transitions in Eastern Europe brought forth an "identity in crisis" or even an "existential revolution" (Matustik, 1993, p. 187). On both sides of the crumbling Berlin wall there was a tendency to imagine the impact of the political

and social developments in the region in dramatic emotional terms. Suddenly everyone was "dizzy with democracy" (Jowitt, 1996). In his first presidential address in former Czechoslovakia, capturing the sudden and seemingly inexplicable shift in the public mood, Vaclav Havel referred to the last six weeks of the country's peaceful revolution as evidence that "society is a very mysterious creature" (par. 10). He also wondered about the atmospheric forces that seemingly overnight reconstituted the fabric of society: "Where did the young people who never knew another system get their desire for truth, their love of free thought, their political ideas, their civic culture and civic prudence? How did it happen that their parents – the very generation that had been considered lost – joined them? How is it that so many people immediately knew what to do and none needed any advice or instruction?" (par.10).

We take Havel's questions as a point of departure into a theoretical conundrum that has haunted argumentation theory for centuries. Namely, we inquire into the role that public arguments play in creating what we can call collective feeling or affect. Right away we face a certain terminological obstacle: We certainly have a range of concepts – emotion, feeling, sentiment, pathos, affect – that could potentially help us unravel this phenomenon of mass scale, where people who were strangers to each other, often disconnected in a physical as well as socio-cultural sense, could nonetheless experience a range of emotions collectively. However, each of these terms brings along theoretical legacies and trajectories that are often at odds with each other and they frequently fail to grasp or tend to ignore the political character and potential of the embodied, spatial dimensions of collective emotional experiences. And so, after a brief foray into the available theoretical perspectives on the affective social dimensions of argument, we turn our attention to Vaclav Havel's first and second presidential addresses, which we approach as artifacts of democratization theory. We propose that Havel's speeches contribute to an affective theory of argumentation that can capture the lived, immersive quality of political phenomena such as the collective emotional experience of the post-communist transition. Specifically, we suggest that Havel's observations illustrate the function of arguments as *attuning devices* that connect, orient, and sometimes disconnect subjects within the "affective atmospheres" (Anderson, 2009; Stewart, 2011; Rickert, 2013) of common life.

2. *The place of emotion in argumentation theory*

Argumentation theory has long been a bit ambivalent on the subject of feeling,

even if a large and diverse literature has been dedicated to it. Recently Raphael Micheli (2010) noted the somewhat irreconcilable historical division between normative and descriptive approaches to emotional appeals, leading him to suggest that emotion appears as "the poor relation of argumentation studies" (p. 1). This "second class" status of emotion is rooted simultaneously in normative theories' preference for rational and reasonable argumentation, an issue that has been widely discussed and often condemned (McGee, 1998), and in descriptive theories' minimization of emotional appeals' role as either add-on strategies that can still be evaluated through formal standards of reasonableness (Manolescu, 2006) or as what Micheli refers to as "adjuvants" or enhancers of argumentation.

In either tradition emotion figures simply as a feature of arguments, rarely as a social or material dimension of discourse. Yet, when emotional appeals are "flattened" into text, argumentation theory ceases to behave as a social theory. Contexts become epiphenomenal to argumentative practice, discourse becomes disembodied, and the capacity of arguments to bring along political structuration is left undefined and unexplained. Furthermore, the place of emotion becomes a subject of debate. Is emotion a feature of speakers? Is it a feature of language itself? Or is it a latent capacity in people that we expect arguments to awaken? These questions not only put at odds humanistic with postmodern theories, and these days, we would add, neo-materialist, neurobiological theories of affect; they also seem to strain the borders of argumentation studies. As our various subfields develop their own tools and theoretical models, ironically, our capacity to capture the "worlding" (to borrow Heidegger's 1962 term) function of argumentation is diminished. Rhetorical models, abandoning Aristotle's roots, often rely on instrumental models of emotional argumentation with forceful appeals and passive audiences. While pragma-dialectics, with its focus on the formal features of discourse, often loses sight of the humans altogether.

Against this complicated background, we still would like to reclaim argumentation theory as a social theory proper, albeit we do so in an emergent model, heeding Heidegger's (1962) reminder that Aristotle's study of "the different modes of state-of-mind and the ways in which they are interconnected… must be taken as the first systematic hermeneutic of the everydayness of Being with one another" (p. 178). As Greene (1993) has pointed out, "the subjectivity of social actors is constituted by argumentative practices" (p. 124). Moreover, argumentation forges the social "relations of coexistence" (Olbrechts-Tyteca, 1969, pp. 293-331). Not

the least, as Keremidchieva (2014, p. 60) has argued, along with their media platforms, arguments work as agents of institutional contextualization, thus materializing the structures, routines, and horizons of social organization. To appreciate arguments in an emergent manner, in other words, is to recognize their role in assembling the social, the individual, and the material realm. In this vein, to the extent that they are an inevitable dimension of argumentative practice, it makes sense to think of emotions too as interstitial, social phenomena that emerge at the intersection of arguments, audiences, and material conditions. Or, as Rickert (2013) points out, "rhetoric impacts the senses, circulates in waves of affect, and communes to join and disjoin people. It gathers and is gathered by things not as a denial of the social but as an essential complement to it" (p. x).

Our desire to re-examine the role that arguments played in constituting the affective dimensions of the post-communist transition is motivated by our own recollections of the common emotional intensity of those times as well as by the uncanny degree to which Havel's remarks are in tune with some valuable insights from the emergent interdisciplinary field of affect studies. We approach Havel's first and second New Year's presidential speeches as constitutive acts and artifacts of an indigenous, living democratic theory. Namely, we argue that Havel captures the affective threads of sociality that allowed individuals to move and be moved as a social organism at the point of the transition. To follow Havel in that trans-personal dimension, however, we need to shed the vocabulary of emotion that so often haunts argument analysis due to its easy psychologism and trade it for the concept of affect. The benefit of that shift, we believe, is that it would allow us to capture the complex interconnectedness between human and nonhuman agency, between public discourse and the material spaces of everyday life. In this sense, affect is a concept that can re-establish the access of argumentation studies to the structures, objects, and language that make collective lived experience possible. It allows us to attend to "collective affects that are not reducible to the individual bodies that they emerge from" (Ben Anderson, 2009, p. 80).

3. *Vaclav Havel and the affective atmosphere of post-communism*

We turn specifically to Ben Anderson's (2009) concept of "affective atmosphere" as a way to capture how public discourse bridges the "prepersonal and transpersonal dimensions of affective life and everyday existence" (p. 77). Like Havel, Anderson begins his analysis with a speech in a time of revolution, with

Karl Marx's remarks on one other "revolutionary atmosphere enveloping and pressing [European society] from all sides" (in Anderson, 2009, p. 77). Marx's observations of the 1848 revolutions lead Anderson into the notion that "affective atmospheres" are "impersonal in that they belong to collective situations and yet can be felt as intensely personal" (p. 80). And so was the affective atmosphere at the time when Havel spoke for the first time as president.

Despite the excitement and euphoria of the Velvet Revolution, at the time of Havel's first presidential address, the public was in the grips of a profound sense of uncertainty. What had just happened? What did it mean? What would happen from then on? Along with disrupting the routines and upkeep of the governmental infrastructure, the fall of communism certainly disintegrated the ideological frames supporting Czechoslovakia's national identity. From within the ruins of the old narrative regime and from its material landscapes, the blueprint of the new society would have to be created. In addressing the nation on New Year's eve in 1990, Havel acknowledged the role of the favorable conditions in the sphere of international politics. Indeed, at least from the outside, the Czechoslovak revolution was just one more piece moving in the domino-like collapse of communism in Central and Eastern Europe. For the people in the midst of that event, however, the turn toward democracy felt profoundly intimate. As Havel emphasized, the revolution came from within, as a collective psychic surge in search of its object of desire.

What would democracy look like? For many in Havel's audience the notion of democracy was derived from images of shiny Western product packages and full store shelves, from images of conspicuous consumption in Western films and glossy magazine covers, from novels and other literary texts that figured subjects free to roam the world and explore their social settings. Was that what democracy was all about? What would it take for Czechoslovak society to move closer to a democratic future? Those were among the many questions that abounded in the aftermath of the revolution. These questions, we suggest, figured the immediate aftermath of the Velvet revolution as a profoundly theoretical moment, an intense opportunity for competing imaginations and experiences to take form and come together.

In this context Vaclav Havel emerged as a distinctive voice that not only responded to the ambiguities of the occasion but also put together a coherent vision for what democracy could mean and do for the Czechoslovak people and

what it would take for them to bring democracy about. Havel was certainly not speaking in a vacuum. Democracy was not a concept that he invented. Democracy was indeed a foreign word, one whose roots could be traced to core Western liberal philosophies. Yet, bringing democracy to Czechoslovakia or any other country in the former Soviet block was not a simple matter of translation (Bruner & Marin, 2007; Keremidchieva, 2009). As we aim to demonstrate, Havel articulated an original understanding and blueprint of democratization, one that deviated in significant ways from the dominant western models of transition which privileged structural political reform (Verdery, 1996; Anderson, Fish, Hanson & Roeder, 2001). In our analysis of Havel's speeches, therefore, we do not attempt to offer a comprehensive reconstruction of his rhetorical response to the challenges of the transition. Our task is more narrow. It is to recover and highlight those aspects of Havel's democratization theory that hold the potential of enriching our theoretical understanding of the affective dynamics propelling societies in transition.

In his first New Year's address Havel laid out the public sentiment as the foundation for the post-communist transition. He quickly located the source of social and political instability in the breakdown of society's moral and affective terminology. As he argued, "concepts such as love, friendship, compassion, humility or forgiveness lost their depth and dimension, and for many of us they represented only psychological peculiarities" (para. 5). He associated the environment of "moral contamination" with a tendency to disassociate the individual from the collective structures of affect so as they "learned not to believe in anything, to ignore one another, to care only of ourselves" (para. 5). In his argument such processes of individuation and affective alienation were precisely the reason why the communist regimes were able to assemble their "totalitarian machinery" (par. 7). Such assemblages were inhumane, according to Havel, precisely because they were impersonal and affectively distant.

"Freedom and democracy," on the other hand, "include participation and, therefore, responsibility from all of us" (par. 8), according to Havel. Importantly, his notion of participation is not limited to showing up; rather it is measured by a sense of distance from the cynicism and "enforced mask of apathy" (par. 10) that marked the previous regime. It is defined in affective terms as a manifestation of "human, moral and spiritual potential" (par. 72). Herewith lies Havel's most profound statement as a democratic theorist who situates certain affective

inflections as the foundational conditions for democratic society. As he argues, "First of all, people are never just a product of the external world; they are also able to relate themselves to something superior, however systematically the external world tries to kills that ability in them. Secondly, the humanistic and democratic traditions about which there had been so much idle talk did after all slumber in the unconsciousness of our nations and ethnic minorities, and were inconspicuously passed from one generation to another, so that each of us could discover them at the right time and transform them into deeds" (par 11). In this formulation, a democratic disposition appears at the intersection of spiritual and material forces and, importantly, it does not remain static. On the contrary, it operates on the principle of affective contagion which, as Nigel Thrift (2008) suggests, spreads and multiplies affect most especially through imitation (p. 223).

The affective contagion via imitation thesis might make sense in view of Havel's observation of how different generations joined forces in enacting the Velvet revolution; however, we believe that Havel offers an additional insight regarding what sets off the phenomenon of affective contagion. Specifically, he points to a principle of affective identification or empathy as the glue that keeps society together when he claims that "all human suffering concerns every other human being" (par 13). Moreover, such identification appears as a source of confidence that can allow affective contagion to cascade up and down the scales of sociality from interpersonal to international relations and back. As Havel asserts, "Let us try to introduce this kind of self-confidence into the life of our community and, as nations, into our behavior on the international stage. Only thus can we restore our self-respect and our respect for one another as well as the respect of other nations" (par. 74).

And so in Havel's first New Year's address as president, the project of the Velvet revolution is defined in profoundly affective terms that transcend the state of mind of individuals, but instead form the terrain of politics. The project of democratization is one of attuning society to certain affective moral registers that are meant to be circulated and disseminated. In Havel's words, "Our country, if that is what we want, cannot permanently radiate love, understanding, the power of the spirit and of ideas. It is precisely this glow that we can offer as out specific contribution to international politics" (par. 17). Politics, for Havel, "should be an expression of a desire to contribute to the happiness of the community rather than of a need to cheat or rape that community." Politics, he adds, "can also be

the art of the impossible, that is the art of improving ourselves and the world" (par. 18).

Despite its strong embrace of the role of positive affect as the foundation of democratic society, Havel's first New Year's address does not fully reveal how central that concept is to his argument. We now turn our attention to his second New Year's address because by that time the public mood had changed dramatically. Gone was "the joyful atmosphere of those first weeks of freedom" (par. 80) and in were "all the pleasant surprises of the past year" (par. 80). Four decades of communist rule had left deep traces in the collective spiritual landscape; hence any effort at an alternative political environment had to address the affective condition of the society. In response, Havel presented democratization as a process of what Kathleen Stewart (2011) calls "atmospheric attunement," a process of re-negotiating people's interactions and relationships with each other and their environment.

In the 1991 address, Havel repeatedly referred to a house-themed metaphor in order to illustrate the affective infrastructure needed for a democratic transition. During the weeks following the Velvet Revolution, the fall of communism had sparked a country-wide euphoria that allowed little space for assessing the scope of the communist legacy and its impact on establishing an alternative. A year into his presidency, Havel captured the common feeling of disillusionment that was now setting in: "We knew that the house we inherited was not in good shape. The stucco was falling off in places, the roof looked rather dubious, and we had doubts about some other things as well. After a year of examination, we have discovered to our distress that all the piping is rusted, the beams are rotten, the wiring is badly damaged" (par. 5). If the house metaphor was meant to stand in for the structure of society itself, then it highlighted two dimensions of democratic transition – an exterior and an interior one. The exterior one referred to easily identifiable flaws in the material environment. The interior dimension, on the other hand, described the affective communicative practices through which society inhabited its environment and made sense of it.

In tune with the materialist orientations of affect theory, Havel's 1991 speech suggested that the interior and exterior dimensions of political transformation cannot be separated. The first post-communist year revealed the degree of infrastructural damage, environmental, and juridical degradation inherited from the previous regime. As Havel put it, "We have discovered that what a year ago

seemed to be a neglected house is essentially a ruin" (par. 6). More significant, however, was the affective degradation that had set in society: "In an atmosphere of general impatience, nervousness, disappointment, and doubt," Havel warned, "elements of malice, suspicion, mistrust, and mutual accusation are insinuating themselves into public life" (par. 8). Amidst this situation, Havel recognized a feature of affective atmospheres that Ben Anderson finds as well: "an atmosphere holds a series of opposites – presence and absence, materiality and ideality, definite and indefinite, singularity and generality – in a relation of tension" (Anderson, 2009, p. 80). Havel identified such tension at the heart of his people's inability to move forward on the eve of 1991. For him, the "suffocating atmosphere" (par. 82) at the end of 1990 was due to some tension in the affective atmosphere: "hope for a better future is ever more obviously intermingled with the opposite feeling: fear of the future" (par. 7).

More significantly, such atmospheric tension would create the conditions for further affective attunement and displacements. As Kathleen Steward (2011) finds,

an atmosphere is not an inert context but a force field in which people find themselves…It is an attunement of the senses, of labors, and imaginaries to potential ways of living in or living through things. A living through that shows up in the generative precarity of ordinary sensibilities of not knowing what compels, not being able to sit still, being exhausted, being left behind or being ahead of the curve, being in love with some form or life that comes along, being ready for something – anything – to happen, or orienting yourself to the sole goal of making sure that nothing (more) will happen (p. 452).

Affective attunements, however, do not come out of nowhere; affect invariably mobilizes its objects. On the eve of 1991, Havel discovered, "we have defeated the monolithic, visible, and obvious enemy and now – driven by our dissatisfaction and by the need to find a living culprit – we are searching for enemies in each other" (par. 8). Society, he declared, was in a state of "shock," immobilized by the absence of material referents and signposts to all that was meant to come. Such "subliminal uncertainty" (par. 82) marked by "the feeling that the horizon of the new order is distant, dim, and indefinite" meant for Havel that "many of us cling to partial and substitute horizons, forgetting that the welfare of individuals or groups is possible only against the background of the general welfare" (par. 82). To establish an atmosphere of democracy, would require a sense of shared

ownership that finds space for all of humanity under the roof of Havel's proverbial house.

4. *Conclusion*

Havel's house analogy figured the project of democratization as more than a systems change, but as a process of building a new affective space that required certain affective investments. A sense of ownership transforms a house into a home. As Havel reminded his fellow citizens, "[R]egardless of how badly the house was damaged during the long years of [communist] rule, the house now belongs to us, and it is entirely up to us how we rebuild it." Such investment, however, would not materialize out of thin air.

Herewith, we believe, lies Havel's and affective theory's contribution to argumentation studies. Public arguments do more than give form and assign culturally specific words to the affective intensities which, as Anderson (2009) points out, are only imperfectly housed in the proper names we give to emotions. Rather, public arguments assemble, re-shape, and channel the fragments of feeling that otherwise would float disparately, failing to form cohesive society. Furthermore, public arguments harness and house these fragments, serving as the archives and museums of social character, whose displays both narrate and manage the culture's mood. It is not surprising, therefore, that Havel's own solution to the affective immobilization of his people was to redirect their attention to some other elements of their environment, so as to reconstitute the affective atmosphere. As he pointed out, "we are all inclined to forget the several great and positive surprises of the first year following our rebellion against the totalitarian regime. I think it is my duty today to remind you as well of the good things that have happened, accomplishments that a year ago we could scarcely could have imagined" (par. 82).

However, public argument should not be reduced to an instrument of collective emotional management because it is always already embedded in a given affective atmosphere. Rather, we perceive it as an *attuning device* that shapes the quality and intensity of the connections that allow disparate bodies, objects, and affects to appear in formation. In this way, we believe, public argument serves a political function as it gathers the elements that make up the society. This "worlding" function of public argument would not have been possible, however, had public argument not been immersed in the ebbs and flows of affect, which as Seigworth and Gregg (2010) suggest, "arises in the midst of *in-between-ness;* in

the capacities to act and be acted upon… in those intensities that pass body to body (human, non-human, part-body, and otherwise)" (p. 1). With such an emergent model of affective discourse it is easier to see why democratization in the aftermath of communism couldn't be just a product of institutional re-design; it has rather been a process, fueled by feeling and desire, of finding each other, albeit on other terms, once again, in common.

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ISSA Proceedings 2014 – The Role Of Prosodic Features In The Analysis Of Multimodal Argumentation

Abstract: This paper aims to contribute to our understanding of multi-modal argumentation by examining the role of prosodic features in persuasive messages. Standard analyses of advertisements already assign a key role to visuals in understanding, reconstructing and assessing the argument. I present reconstructions of TV commercials that take into account verbal, visual and prosodic components. Because prosodic features are here especially relevant to reinforcing the argumentation, they should not be neglected in argumentation analysis.

Keywords: argumentation, multimodal discourse, nonverbal communication, prosodic features.

1. *Introduction*

Contemporary studies on argumentation broaden the scope of argumentation research beyond verbal and include analyzing the role of images (Birdsell &

Groarke 1996; Birdsell & Groarke 2007; Groarke, 1996; Groarke & Tindale 2013….), music (Branigan 1992), gesture (Gelang & Kjeldsen, 2010) and other nonverbal elements in argumentation discourse. The need to deal with other than merely verbal elements in the argumentation process is perhaps most obvious especially in view of technological developments that alter our means of communication (and argumentation), as well as the ever present influences of the media and advertising industry in shaping public opinion, values, interests, and incitements to action. Groarke (1996, p.10) points out the perhaps plainest reason to develop an account of visual arguments that are in some cases crucial to persuade an audience: "Visual appeals are especially pervasive in everyday discourse, in which visual images propound a point of view in magazines, advertising, film, television, multi-media, and the World Wide Web".

Multimodality expands research to other modes of argument besides visuals which could equally be persuasive, and may be used by arguers in everyday discourse as a sole means of argumentation, or consist in the simultaneous use of several such modes. Film or television commercials, for instance, combine verbal and visual mode but also music, framing, prosodic features such as voice quality, intonation, etc. However, the multimodality of argumentation constitutes a challenge to argumentation analysis because decoding and analyzing non-verbal argument importantly differs from more traditional, verbal argumentation analysis. Differences in analysis have resulted in a dispute among argumentation scholars on whether non-verbal elements, for instance images, could ever be considered as arguments (Fleming 1996; Blair 1996…). Over the recent two or so decades it has become more accepted (through far from being accepted widely, or beyond doubt) that arguing without words is possible (Groarke 2002; Kjeldsen 2012; Lake & Pickering 1998). Gilbert (1994), who has given analyses of argumentation in everyday discourse, suggested another view on multi-modality in argumentation that includes logical, emotional, visceral and kisceral arguments. He states that these modes may sometimes merely 'strengthen' or 'repeat' each other", but also that kissing, touching, or feeling could be considered as argument provided it is being used to convince or persuade.

Gelang & Kjeldsen (2010) state that argumentation can occur in a host of different forms of expression, including speech, pictures and nonverbal behavior. Authors who investigate the role of nonverbal communication in argumentation, especially the use of gestures and facial expression, claim that nonverbal

elements can function as arguments contributing to the speaker's ethos, in their case politicians, because "recipients of a message in a rhetorical situation create their perception of the speaker through a holistic perspective" Gelang & Kjeldsen (2010, p. 567)

In summary, the analysis of argumentation in every rhetorical situation thus has to be multi-modal, because messages by which speakers intend to persuade audiences consist not only of a verbal part, but also feature nonverbal elements that can contribute to the strength of argument, or may even stand as arguments themselves. In this paper, we shall particularly deal with the ways in which non-verbal elements known as prosodic features may contribute to argumentation discourse.

2. *Prosodic features and nonverbal communication*

Prosodic features refer to both voice and speech cues of the speaker. They include features such as pitch, temporal structure, loudness and voice quality, emphasis and accentuation, but also (non)fluencies of the speaker. An extensive literature on nonverbal communication research has generally strengthened the view that such features have an important communicative role. For instance, Vroomen, Collier & Mozziconacci (1993, p. 577) write:

A speaker may indicate, through prosodic means, to which information the listener should pay particular attention (accentuation, emphasis), and he may provide cues about the syntactic organization of the utterance (phrasing). The communicative function of prosody is most readily associated with the expression of emotion and attitude.

Besides a correlation between prosodic features and emotions (Davitz, 1964; Scheerer, 1993; Vroomen, Collier & Mozziconacci 1993; Neuman & Strack, 2000), prosodic features are connected to the perception of a speaker's personality, credibility, in short his *ethos* (Kramer, 1977, 1978; Berry 1990, 1992; Kimble & Seidel, 1991; Zuckerman & Miyake, 1993; Hickson, Stacks & Moore, 2004; Zuckerman & Sinicropi, 2011). Past research has particularly confirmed that prosodic features (among other elements of nonverbal behavior) are associated with persuasiveness of the speaker and changing of attitudes (Burgoon, Birk & Pfau, 1990; Knapp 2002). For instance, fluency, variations in pitch, higher intensity (i.e. louder speech) and faster tempo are connected with greater persuasiveness.

Although the connection between prosodic features and perceived qualities of a speaker are based mostly on stereotypes, numerous researches have suggested that such findings likely hold in real-world situations. For instance, Levin & Hall (1985), Knight and Alpert (1985) support a connection between the pathologies of a person and his prosodic features. To give another example, clinically depressed people tend to exhibit a lower speech rate, owed also particularly long pauses in their speech. Acoustic measurements, moreover, confirm that patients can change their vocal characteristics after undergoing therapy (Ostwald, 1961). The presence of stereotypical vocal characteristics is consistent with extant research which shows both female and male speakers to regularly perceive themselves in fairly stereotypically ways (Kramer, 1977, 1978; Berry 1992; Knapp 2002).

Based on this as well as similar empirical research (e.g., Smith et al.1975; Surawski & Ossof, 2006; Bartsch, 2009 etc.), one can conclude that a lower vocal pitch, a faster speech rate, and a relative absence of non-fluencies generally goes along with higher ratings for speaker's competence and dominance. Zuckerman and Driver's (1989) research on vocal attractiveness proposed that, similar to attractive faces, attractive voices may also elicit a more positive interpersonal impression. They found that professional judges, for instance, were able to agree on whether voices are attractive or not and that more attractive voices were associated with more favorable impressions of personality. As mentioned earlier, attractive voices include lower pitch, absence of nasality and extreme harshness. Subsequent work has largely replicated such results, showing that vocal attractiveness can be compared to effects of physical attractiveness (e.g., Berry 1990, 1992; Zuckerman et al. 1990; Zuckerman & Hodgins 1993). Speakers with more attractive voices are thus more favorably perceived by others. These insights are, of course, regularly sought to be exploited in public sphere communication such as advertising, radio and television, business communication (telephone announcements, customer service), and politics, among others.

Here, nasality makes for a vocal characteristic considered to be particular undesirable in public speaking. As Bloom, Zajac & Titus (1999, p. 279) state:

Highly nasal voices were rated as being lower in "status" (occupation, ambitious, intelligent, educated, influential), lower in social solidarity (friendly, sympathetic, likeable, trustworthy, helpful), and were negatively correlated with perceptions of persuasiveness.

Prosodic features have thus clearly been shown to be of importance for the assessment of a speaker's personality and her persuasiveness, but also for the recognition of speakers' emotional states. One of the early researches in nonverbal communication, Davitz (1964, p. 13) found that "regardless of technique in experiment, all research confirms that emotional state of a person can be recognized on the basis of vocal nonverbal expression," a claim being supported in recent studies (Scherer, 1993; Neuman & Strack, 2000). Scherer (1986) has even hypothesized about a universality of vocal expression of emotions, the most important cues for emotion recognition being variations in tempo and pitch such that, for instance, happiness goes along with high pitch (higher frequency), variability in frequency changes, higher intensity (loudness) and greater tempo – sadness being associated with the polar opposite. How might such insights be used in rhetoric and argumentation research?

3. *Prosodic features and argumentation*

Prosodic features are readily connected to a speaker's ethos (credibility, trustworthiness, honesty, benevolence) which has since antiquity been central to the process of persuasion. The Aristotelian Rhetoric (1.2. 1356a, 1991, p. 38), for instance, states:

There is persuasion through the character whenever the speech is spoken in such a way as to make the speaker worthy of credence; for we believe fair-minded people to a greater extent and more quickly [than we do others] on all subjects in general and completely so in cases where there is not exact knowledge but room for doubt.

The credibility of the speaker is thus important whenever there is intent to persuade, and most importantly so for testimonial claims. As Govier (1993, p. 93) explains:

Testimonial claims are especially important for a variety of reasons. Human knowledge is utterly dependent upon our acceptance, much of the time, of what other people tell us. Only thus can we learn language and pass on knowledge from generation to generation; only thus have we access to times, places, and cultures we do not and cannot experience ourselves.

Although testimonial claims also feature in judicial or political discourse, advertising contrasts as almost fully relying on testimonies of those who

experience a certain product or are involved in its development. Discussing importance of the speaker's credibility in testimonial claims, Govier distinguishes normative credibility, which depends on a person's sincerity, honesty, and reliability, from her rhetorical credibility, which depends on the impression a speaker gives "the extent to which one is *regarded as* believable, and is believed, by others." And she (1993, p. 94) characterizes such rhetorical credibility in exemplary fashion when stating:

People who are white and male, who dress well, look professional, appear middle class or upper middle class, speak without an accent in a deep or low-toned voice, and seem unemotional, rational and articulate, tend in many contexts to have more rhetorical credibility than others. Often those who lack such qualities are, in effect, rhetorically disadvantaged.

On this view, the manner of speaking as well as performance in general (clothing, body movements, body space etc.) are epistemically irrelevant, but rhetorically relevant. But could prosodic features or nonverbal elements be argumentatively relevant *in general?*

Gelang & Kjeldsen (2010, pp. 567 – 571) have recently claimed that nonverbal communication performs an argumentative function, or purpose, by contributing to speaker`s *ethos.* They provide examples drawn from the analysis of political discourse, where politicians are perceived in a certain manner as based on nonverbal signs, they suggest that, in some cases, such nonverbal behavior can be taken as a premise:

Moderate physical movement can in some circumstances be taken as a premise for the claim that a person is suitable as president; because it signals that the speaker is in control, where other people would be steered by their emotions.

We now pursue this idea, and wish to suggest that prosodic features can likewise be taken as a premise in specific argumentative situations. As will be illustrated with several examples of television commercials, prosodic features can, in certain cases, either contribute to the strength of argument, or else function as their crucial part.

3.1 *Prosodic features as contributors to the strength of an argument*

Prosodic features generally make some additional, broadly situated contribution to what, in abstraction thereof, is some non-situated argument-content. For

instance, higher pitch of the verbal massage and faster tempo may illustrate the speaker's happiness; lower pitch, quiet and slow speech may indicate depression, or sadness; staccato rhythm may see a speaker be perceived as strict, bossy, dominant and representing an authority, etc. Prosodic features are frequently used in television commercials to stress certain selling-points, or to establish one.

3.1.1 *Always liners*

One example of this is provided by a TV commercial for female hygiene products,**[i]** include a commercial for Always liners which, incidentally being in Polish, perfectly shows to non-Polish speakers that the verbal part of the message is irrelevant towards grasping the claim, and the reasons offered in support. As is well common knowledge, women tend not feel good during the menstruation period, lack energy, be tired, and feel uncomfortable, sometimes even anxious. But, or so the commercial suggests vividly, using the Always product, women may do what they please and nevertheless feel clean, comfortable – as shown by using visuals – but also happy, enthusiastic, energetic, vibrant – as presented through prosodic features connected with happiness such as high pitch, high intonation endings, wide pitch ranges, faster tempo. The chain of reasoning one might thus associate to this commercial is roughly this: Although menstruating, you feel good and vibrant when using Always liners. So, if you want as much, buy Always.

Besides pitch, intonation, tempo and pitch range, several other features can contribute to the strength of an argument. Word emphasis, rhythm and intensity (or loudness) can also be very important. Word emphasis often serves the purpose of identifying the most important word in a sentence, reveals new information, and generally differentiates parts of the speech according to communicative importance. Verbal message, for instance, can be presented in *staccato* rhythm (speech with pauses between words or even between syllables characterized with tense articulation), which is specific for giving orders in a strict manner that indicates dominance, and establishes authority, or in *legato* rhythm with smooth transition between syllables and lax articulation. Loudness and intensity may also serve a function as louder speech is frequently perceived as more persuasive.

3.1.2 *Depression*

A rather good example for the usage of these features is a commercial that advertises services for people who deal with depression.**[ii]** Its main intention is to raise awareness of depression, stating it to be a disease-like condition that can be cured if approached in a right way. The final claim is: If you suffer from

depression, you need to get help. How do prosodic features contribute to this message? The female voice over, reading the message, displays a specific voice quality (a whispery voice suggesting empathy, compassion, and gentleness) and intonation (asking questions and giving answers). Content-wise, the message points to personal insights on depression. For instance, “Did you know that you can also feel it physically?”

Word emphasis is crucial in revealing new information when stating: “you KNOW you can feel it emotionally” – thus suggesting this is common knowledge – “But did you know you can ALSO feel it physically?” The function of emphasis, here, is to point out that depression has more than one symptom, besides emotional consequences (being widely known), pain can also be physical. The ad continues: “There ARE treatments that work on both emotional and unpleasant physical symptoms,” emphasizing ways to deal with this pain. An additional prosodic feature in this commercial is the speech pause, used in a stylistic function to stress the part of the message preceding the pause. For instance, “Where does depression hurt? (pause) EVERYWHERE. Who does depression hurt? EVERYONE.” By stressing the words “everywhere” and “everyone” the problem of depression receives emphasis; there is no need to explain it further. “Everywhere” here indicates that it is indeed a serious and complex condition for which a patient needs expert help. It is not a simple headache which can be cured with a right pill. And who does depression hurt?

By stressing “everyone” there is no need to explain that the whole family is suffering, that patient`s children, spouses, friends and coworkers feel it too. Everyone is affected by someone’s depression. This effectively yields another reason why those suffering from depression should seek expert help, as they can help not only themselves but everyone around them.

3.1.3 *Evian*

Unlike the two previous examples, the third one, a commercial for Evian water**[iii]** , is based on the testimony of the product itself. The chain of reasoning is simple: if a product looks clean and healthy, if it sounds clean and healthy, then it is healthy. The commercial combines the verbal mode, explaining where the sources of the water are from (the cleanest water sources in untouched nature), the visual mode (scenes of mountain tops covered with snow), music (instrumental), but also the prosodic features typical of a female speaker with very attractive voice quality, a whispery phonation type, and slower tempo. Her

speech is being characterized by enhanced pronunciation of the consonant [s], her speech resembles the sound of flowing water and wind.

3.1.4 *Comparison*
The argumentation in the commercial on depression is based on the simultaneous use of verbal and visual modes, while prosodic features, music and framing so to speak "straighten" the argument. This is an example of the use of prosodic features where, were one to remove or somehow alter these, the argument-content would remain the same, but it's the argument would overall be a weaker one.

The argumentation in the *Always* example was based on the testimony of the product user stating something like: If you want to be like me or feel like me, use this product. Argumentation in the depression example is based on the argument from authority: a person who knows more gives advice. In addition, this person is empathic, gentle and truly wants to help (information conveyed by specific prosodic features). Similarly working in combination, different modes of argument combine in supporting the claim that Evian water is clean and healthy, and therefore should be purchased. In all three commercials prosodic features work in combination with other modes of argument in a multimodal discourse giving an additional strength to the argument. An easy test to determine situations where prosodic features are crucial is to ask whether their absence, or modification, can change the argument-content. If this is the case, such features are in fact essential for the argument-content.

3.2 *Prosodic features as an essential part of an argument*
In certain situations prosodic features may function as more than just additional elements strengthening the argument; rather, they can be key for understanding the overall message, but also crucial parts of an argument. An example is provided by a Volkswagen television commercial.**[iv]**

Here, a specific lifestyle, or an attitude to life, is connected to a specific accent of a speaker. The main character speaks English with a recognizably Jamaican accent, stereotypically connected with a particular life-philosophy that values being relaxed, easygoing, carefree, and happy. Other people in this commercial, being his colleagues, are depicted as being frustrated, in a bad mood, frowning, while the protagonist spreads joy wherever he goes (in an elevator, by the coffee machine, at the meeting, etc.), constantly reminding others to look at the bright

side of life. At one of the important moments in this commercial, his colleagues ask whether he isn't in fact from Minnesota, something he confirms. So why does a white American from Minnesota speak his native language with a Jamaican accent? Answer: because he is happy, carefree, and easygoing. Why so? Because he drives Volkswagen, or so the viewer learns when his moody co-workers, after having taken a drive in his Volkswagen car, return in a much better mood, smiling, and also speaking with a Jamaican accent. Jamaican English is here presented not only through vowel pronunciation, but also through its specific syntax. In this commercial, then, the manner of speaking is more important than the verbal message.

The argumentation in this commercial can be reconstructed, Toulmin-style, as follows:

Ground: Happy person in a firm speaks with Jamaican accent (but is not from Jamaica).
Warrant: People with Jamaican accents are perceived as happy
Claim: Volkswagen auto bring happiness to people
Final claim: Buy Volkswagen auto

The second example, an Amnesty International commercial on violence against women, also makes use of accent and pronunciation as a crucial part of an argument.**[v]** It intends to raise awareness of both the perpetrators and the victims of violence, particularly by countering the stereotypical view according to which perpetrators are generally of low social status, lack education, and come from rural areas and – similarly, that female victims are weak, poor, uneducated, and unintelligent. Its main message is: Everybody can be a perpetrator, and everybody can become a victim. Do not judge people based on their appearance alone.

This message is predominantly communicated through prosodic features, while the commercial itself instantiates an argument from example, in turn based on the findings of sociolinguistic research on language attitudes showing people with some accents to be perceived as more sophisticated, educated, and as belonging to a higher social stratum. Both the male and the female speaker use Received Pronunciation (RP) British English, being a strong signal of their socioeconomic position, at least for native British English audiences (see, e.g., Trudgill 1995; Coupland & Bishop, 2007; Andersson & Trudgill, 1990; Giles, Scholes &Young

1983). Although the most extensive research on language attitudes has occurred for British English, similar findings for many different languages regularly demonstrate the important not only of what has been said, but also how, e.g., Labov (1966, 1972), Lippie-Green (1997) for American English, Hawkings (1993) for French, Kontra (2003) for Hungarian, Pomerantz (2002) for Spanish, Bezoojien (2002) for Dutch, Kišiček (2012) for Croatian. Invariably, accent is connected with the perception of speakers' status, occupation, intelligence, economic situation and prestige.

The commercial makes uses of these insights, in order to launch an argument, as the commercial presents what in effect is an "audition for the best perpetrator." During the audition, however, the viewer cannot see the candidates, merely their fists. This body part then is a nonverbal metonymy. The audition is conducted by a female, who the audience can only hear speak, with all the qualities that representing her as an educated, strong, intelligent women with authority and dominance. She even chuckles the moment that the perpetrator displays his aggressiveness by growling. Not intimidated, however, she does not take the obviously aggressive "candidates" seriously. This changes, however, when she faces the third candidate who speaks in perfect RP English with an attractive voice quality. Initially, his tempo is reduced, showing him to be under control, calm but dominant; then his manner of speaking changes, and towards the end he is annoyed because the female speaker interrupted him. These prosodic features typically reveal aggressiveness: louder speech (yelling), modulation (staccato rhythm), determined, dominant, giving orders. Also the female speaker changes features of her speech toward the end, as she begins to stutter, and speaks quietly, being on the verge of tears. Whether this argument is strong or weak may perhaps be discussed, but prosodic features remain a crucial part of it. By removing or changing the specific accent from the argumentation, the message would no longer be clear, nor would the claim be the same.

4. *Conclusion*

This paper has briefly discussed the importance of prosodic features in multimodal argumentative discourse. The term "prosodic features" covers all aspects of the manner of speech, including voice quality, accent and pronunciation (e.g., of vowel and consonants), tempo, rhythm, intensity, intonation, word emphasis, and (non)fluencies. Based on several examples of TV commercials, it was shown that not only what is being said, but also how it is said

can contribute, positively as well as negatively, to the strength of an argument. Prosodic features, however, can sometimes take on an even more important role. Being more than mere contributing factors in these cases, they can be essential for successful making an argument.

Although this paper deals with TV commercials, rather than real-life argumentative situations, one may tentatively conclude that one's manner of speaking influences one's persuasive abilities. Thus, features of speech can identify the speaker as being a certain type of human being – determined or weak, cleaver and educated, or not, etc. These identifications, in turn, can be used as premises in specific situations.

21st century public discourse is multimodal, and there is a need to recognize more than a mere verbal, or propositional, mode of argument, something that currently challenges analysts who seek to identity different modes of argumentation. As van den Hoven & Yang (2013, p. 422) conclude:

The argumentative reconstruction of multimodal public discourse is a necessary element of advanced media-literacy in a world in which multimodality is the standard and a critical attitude of experts is desirable.

The argumentative reconstruction of multimodal public discourse should take prosodic features into account; the appeal to ear, as it were, should not be disregarded and its role in argumentative discourse properly analyzed.

NOTES

i. http://www.youtube.com/watch?v=jdyKqbnW7YU
ii. http://www.youtube.com/watch?v=9EyXUY8ubc8
iii. http://www.youtube.com/watch?v=EWFuGTACz-8
iv. https://www.youtube.com/watch?v=gDovzhqwS7g (3:12 – 4:16)
v. http://www.youtube.com/watch?v=FzOZey7ZGMk

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ISSA Proceedings 2014 – Institutional Constraints Of Topical Strategic Maneuvering In Legal Argumentation. The Case Of 'Insulting'.

Abstract: Strategic maneuvering refers to the efforts parties make to reconcile rhetorical effectiveness with dialectical standards of reasonableness. It manifests itself in topical selection, audience-directed framing and presentational devices. In analyzing strategic maneuvering one category of parameters to be considered are the constraints of the institutional context. In this paper I explore the institutional constraints for topical selection for the legal argumentative activity type insulting. I will make a distinction between statutory constraints, constraints developed in case law and constraints regarding language use and the logic of conversational implicatures

Keywords: conversational implicatures, insulting, legal argumentation, speech act theory,

1. *Introduction*

Frans van Eemeren explains in *Strategic Maneuvering in Argumentative Discourse* (2010, p. 40) how the theoretical reconstruction of argumentation should incorporate *strategic maneuvering* of parties in a discussion. Strategic

maneuvering refers to the efforts parties make to reconcile rhetorical effectiveness with dialectical standards of reasonableness. It manifests itself *topical selection*, the *audience-directed framing* of the argumentative moves, and in the purposive use of *presentational devices.* In analyzing strategic maneuvering the following parameters must be considered:

(a) the results that can be achieved,
(b) the routes that can be taken to achieve these results,
(c) the constraints of the institutional context and
(d) the mutual commitments defining the argumentative situation (Van Eemeren 2010, p. 163).

In chapter 10 of his study – 'Setting up an agenda for further research' – Van Eemeren proposes further research to the theoretical exploration of these four parameters for specific argumentative activity types. In this paper I want to do this for a specific legal argumentative activity type: the discussions about the accusation of *insulting*. In these discussions there is often disagreement because language users can opt for *indirect insulting*. The problem of indirect insulting is that there is a difference between sentence- and speaker meaning. This difference results in problems regarding the interpretation and reconstruction of the argumentation for and against the accusation of insulting. This aspect of insulting has received little attention in legal research and it is my aim in this contribution to solve some of these problems by providing a theoretical framework for the analysis of strategic maneuvering in legal discussions about insulting, using the parameters distinguished by Van Eemeren. I will focus on topical selection and the parameter institutional constraints by giving a specification of the argumentative activity type *adjudication in cases about insulting* and an analysis of the constraints of this activity type. I will make a distinction between statutory constraints, constraints developed in case law and constraints regarding language use and the logic of conversational implicatures.

2. *The statutory constraints of the institutional context*
In order to shed some light on the constraints of the institutional context let us first take an example of an accusation of insulting, taken from Dutch case law. 10 March 2009 the Supreme Court of the Netherlands ruled in a case about the accusation of insulting. The case was about article 137c of the Criminal Code, which makes insulting statements about a group of people a crime. The Supreme Court acquitted a man who stuck a poster in his window with the text 'Stop the

cancer called Islam' of insulting Muslims. According to the district court and the court of appeal, this statement was insulting for a group of people due to their religion, considering the strong connection between Islam and its believers. But the Supreme Court argued that criticizing a religion, is not automatically also insulting its followers. According to the Supreme Court the appeal court gave too wide an interpretation of the expression 'a group of people according to their religion' in Article 137c. People expressing themselves offensively about a religion are not automatically guilty of insulting its followers, even if the followers feel insulted. The Supreme Court ruled that 'the statement must unmistakably refer to a certain group of people who differentiate themselves from others by their religion'. While people may not insult believers, they can insult their religion. The sole circumstance of offensive statements about a religion also insulting its followers is not sufficient to speak of insulting a group of people due to their religion.

Discussions about the accusation of insulting can be analysed as species of the argumentative *activity type adjudication.* Van Eemeren argues that argumentative discourse in practice takes place in different kinds of activity types, which are to a greater or lesser degree institutionalized, so that certain practices have become conventionalized. Activity types and the speech events that are associated with them can be identified on the basis of careful empirical observation of argumentative practice.**[i]** One of the activity types Van Eemeren (2010, p. 147) distinguishes is *adjudication:*

Adjudication aims for the termination of a dispute by a third party rather than the resolution of a difference of opinion by the parties themselves. It is commonly understood as taking a dispute to a public court, where a judge, after having heard both sides, will make a reasoned decision in favor of either one of the parties. The judge determines who is wrong and who is right according to a set of rules. Most of these rules are tantamount to specifications of rules for critical discussion aimed at promoting that the dispute be terminated in a reasonable way.

Now how is the practice of discussions about insulting conventionalized? Which institutional rules and constraints are relevant? In the following I will make a distinction between three types of rules: *statutory* rules, rules from case law and rules regarding language use. In the first place there are statutory rules about this criminal act in the penal code. The relevant statutory rule in the example

‘Stop the cancer called Islam’ is Article 137c of the Dutch Penal Code:

Article 137c
He who publicly, verbally or in writing or image, deliberately expresses himself in a way insulting of a group of people because of their race, their religion or belief, or their hetero- or homosexual nature or their physical, mental, or intellectual disabilities, will be punished with a prison sentence of at the most one year or a fine of third category.

This rule contains the following partially complex necessary conditions for the application: (1) there is an act of insulting of (2) a group of people, (3) there is an intention to insult, (3) the insult is in public, (4) verbally or in writing or image, (5) because of race, religion or belief, or hetero- or homosexual nature or physical, mental, or intellectual disabilities. This structure implies that a successful defence of the standpoint that someone is guilty of the criminal act insulting contains a coordinative argumentation of five arguments based on the five necessary conditions in the norm. A successful attack of this standpoint results in single or multiple argumentation, based on a refutation of one or more of the five necessary conditions.

3. *Constraints developed in case law and linguistic constraints*
In the second place there are rules developed in case law. These rules refine and specify the five necessary conditions, but the *case law* about 137c also resulted in a new condition for the application. According to the rules from case law about the application of article 137c three questions should be answered. The first question is whether or not an utterance is an insult and whether or not the other conditions of 137c are fulfilled. If the utterance is an insult and the other conditions are fulfilled, the next question is whether or not the utterance is part of a public debate. And if the insult is an utterance in a public debate the third question is whether or not the utterance is unnecessary offensive.

Let us now focus on the first question: is the utterance insulting? Here the relevant rules are not legal, but *linguistic* in nature. This third category of rules are conventionalized *semantic* and *pragmatic* rules. In answering the question about the insulting nature of the utterance a distinction has to be made between *direct* and indirect insulting. In order the qualify an utterance as a direct insult the words themselves and semantic rules may often suffice, but often one may require the *context* to understand the actual meaning of the words. It could be

clear, for instance, that the tone of the entire text is ironic. Those few words which in isolation may be construed as insulting, would then in their totality, in conjunction, be ironic and hence have an entirely different meaning.

As I have shown in Kloosterhuis (2012) the cases of *indirect* insulting are often more complicated to analyse. In these cases semantic rules are not sufficient as basis for the qualifications that an utterance is an insult. Here we need *pragmatic* rules. Let us look at some examples. According to Dutch case law the following utterances count as insult Kloosterhuis (2012):

1. Calling a police-officer a 'homo'.
2. Greeting a police-officer with 'Heil Hitler'.
3. Saying 'I am gonna fuck you' to a police-officer.
4. Having a tattoo or a bomberjack with the text '1312' or 'ACAB' (All Cops Are Bastards).
5. Referring to a passage in the Bible where Pilatus washes his hands.
6. Saying or implicating that the Holocaust did not happen

These utterances are less clear than direct insults. This vagueness often results in discussions about meanings, between parties, between parties and judges and between judges. In example 1 for instance – Calling a police-officer a 'homo' – the judge of the district court ruled that the utterance 'homo' is not insulting, but a neutral term. In contrast with this decision the court of appeal decided that this utterance 'in context' had to be considered as an insult. Another form of defence to the accusation of insulting in these case is that there was no intention to insult. And sometimes the meaning – or to be more precise the propositional content – of a word is disputed. One of the counterarguments against the accusation of an insult in the ACAB-cases (example 4) was that ACAB does not mean 'All Cops Are Bastards' but 'Acht Cola Acht Bier' ('Eight Cola Eight Beer').

4. *Constraints related to the logic of conversational implicatures*

The interesting problem with the examples like 'I am gonna fuck you' is that there is a (possible) difference between the sentence meaning and the speaker meaning. According to Grices theory about conversational implicatures a speaker or writer can use utterances as 'I am gonna fuck you' and defend that there was no insult meant. To explain this logic of the conversational implicatures in cases of indirect insulting, we should first give a precise definition of the *speech act insulting*. In the analysis of speech act theory, language users performing speech

acts have illocutionary and perlocutionary purposes. The successful and performance of an illocutionary act will always result in the effect that the hearer understands of the utterance produced by the speaker. But in addition to the illocutionary effect of understanding, utterances normally produce and are often intend to produce, further perlocutionary effects on the feelings, attitudes and subsequent behaviour of the hearers. An assertive speech act as asserting or argumentation may result in the perlocutionary effect of convincing or persuasion and a commisseve speech act as a promise may create expectations. Searle (1971) claims that there are five and only five types of illocutionary acts:

1. *assertive* illocutionary acts that commit a speaker to the truth or acceptability of the expressed proposition, for example making a statement.
2. *directive* illocutionary acts that are to cause the hearer to take a particular action, for example requests, commands and advice.
3. *commissive* illocutionary acts that commit a speaker to some future action, for example promises and oaths.
4. *expressive* illocutionary acts that express the speaker's attitudes and emotions towards the proposition, for example congratulations, excuses and thanks.
5. *declarative* illocutionary acts that change the reality in accord with the proposition of the declaration, for example baptisms, pronouncing someone guilty or pronouncing someone husband and wife.

The successful performance of illocutionary acts is dependent on the fulfillment of different conditions (Searle 1971, p. 47; van Eemeren & Grootendorst 1984, p. 21). A successful performance of a speech act results in a perlocutionary effect, for example being convinced in case of the illocutionary act argumentation. Within the framework of speech act theory we are now able to give a more precise definition of the effect '*being insulted': being insulted is a perlocutionary effect that is intended by the speaker or writer and that is based on rational considerations on the part of the addressee*.**[ii]**

The next question now is how the perlocutionary effect of being insulted is related to the five types of illocutionary acts in cases of indirect insulting. How, in other words, is a language user capable of inferring an 'insult' from an assertion, a promise, a question, a compliment or a declaration? According to Van Eemeren and Grootendorst the associated perlocutions are connected to the essential condition or illocutionary point of the illocutionary act.**[iii]** There are five and only five illocutionary points.

(1) The assertive point is to say how things are.
(2) The directive point is to try to get other people to do things.
(3) The commissive point is to commit the speaker to doing something.
(4) The declarative point is to change the world by saying so.
(5) The expressive point is to express feelings and attitudes.

Now it is clear from these illocutionary points that none of the five illocutionary acts is related in a direct conventional way with the perlocution 'being insulted'. Calling a police officer a homo or comparing an employer with Pontius Pilatus are assertive illocutionary acts, in which a proposition is presented as representing a state of affairs, with an associated perlocution as accepting a description or being convinced, but not being insulted. Saying 'I am gonna fuck you' to a police-officer is a commissive illocutionary act – a promise or a threat – in which the speaker commits himself to carrying out an action. The associated perlocutionary effects of commissives are accepting the promise or being intimidated, but not being insulted. Greeting a police-officer with 'Heil Hitler' is an expressive illocutionary act with an associated perlocution as accepting the greeting but again – not being insulted.

So, the question now is: how is it possible to derive the perlocutionary effect 'being insulted' from illocutionary acts whose associated perlocutionary effects is primary a different one. The key to an answer to this question is treating the examples as forms *conversational implicatures* as analyzed by Grice. In order to analyze the difference between sentence meaning and speaker meaning, Grice (1975, pp 26–30) postulated a general Cooperative Principle and four maxims specifying how to be cooperative:

* *Cooperative Principle*. Contribute what is required by the accepted purpose of the conversation.
* *Maxim of Quality*. Make your contribution true; so do not convey what you believe false or unjustified.
* *Maxim of Quantity*. Make your contribution as informative as is required for the current purposes of the exchange. Do not make your contribution more informative than is required.
* *Maxim of Relation*. Be relevant.
* *Maxim of Manner.* Be perspicuous; so avoid obscurity and ambiguity, and strive for brevity and order.

According to Grice it is common knowledge that people generally follow these rules for efficient communication and, so long as there are no indications to the contrary, assume that others also adhere to the maxims. Cases in which the speaker leaves certain elements implicit, yet the listener still understands what he means over and above what he 'literally' says, can then be explained by assuming that, in combination with the cooperative principle, these maxims enable the language users to convey conversational implicatures. So, if a speaker is able to adhere to the maxims, yet deliberately and openly violates one of the maxims, even though there is no reason to suppose that he has completely abandoned the cooperative principle, then it is possible to derive a conversational implicature.

In order to give a more precise description of inferring conversational implicatures Van Eemeren and Grootendorst (1984) propose to combine the maximes of Grice with Searles conditions for the performance of illocutionary acts. For the performance of an assertive the preparatory conditions are that the speaker has reasons for acceptance the truth of the propositional content and the sincerity condition is belief. For the performance of a commissive the propositional content condition is that the propositional content represents a future course of action of the speaker, the preparatory condition is that the speaker is able to perform this course of action and the sincerity condition is intention. For the performance of a directive the propositional content condition is that the propositional content represents a future course of action of the hearer, the preparatory condition is that the hearer is able to perform this course of action and the sincerity condition is desire. For the performance of a declarative there are no special propositional content conditions, the preparatory condition is that the speaker is capable of bringing about the state of affairs represented in the propositional content solely in virtue of the performance of the speech act and the sincerity conditions are belief and desire. For the performance of an expressive there are no general propositional content, preparatory and sincerity conditions. But most expressives have propositional content conditions (you cannot apologize for the law of *modus ponens*), the preparatory condition that the propositional content is true and the sincerity condition about a state of affairs that the speaker presupposes to obtain.

These conditions presuppose Grice's Cooperation Principle and can be viewed as specifications of the four maxims. Let us now try to explain how a hearer is able to derive an insult in our examples. The line of reasoning of the public prosecution

defending the standpoint that an utterance counts as an insult would be s follows.

Someone who calls a police-officer a homo implicates an insult by openly violating one of the maxims. When the assertive is not true, the speaker violates the maxime of quality, or in terms of the conditions for performing an assertive, the speaker infringes the preparatory and sincerity conditions. When the assertive is true the speaker violates the maxime of relevance, or in terms of the conditions for performing an assertive, the speaker violates the essential rule, because there is no sense or point.

The fired employee who compares his employer with Pontius Pilatus does not say that his dismissal is like the condemnation of Jesus, but he is implicating it by openly violating the maxime of quality, or more precise the preparatory and sincerity conditions for an assertive illocutionary act.

Someone who greets a police-officer with 'Heil Hitler' implicates an insult by openly violating the maxime of relation, or more precise the sincerity conditions for performing an expressive illocutionary act. Someone who promises or threats a police-officer to fuck him implicates an insult by openly violating the maxime of quality of relation, or more precise the preparatory and sincerity conditions for performing a commissive illocutionary act.

Saying or implicating that the Holocaust did not happen counts as an insult because it is (or counts as) a violation of the maxime of quality. In terms of the conditions for performing the assertive illocutionary act this utterance can be analyzed as a violation of the preparatory and maybe also the sincerity conditions for performing an assertive illocutionary act.

5. *Conclusion: the constraints of topoical strategic maneuvering in cases of indirect insulting*

The analyses of insulting shows that there are three kinds of institutional constraints of strategic maneuvering: statutory constraints, constraints developed in case law and constraints regarding language. In cases of indirect insulting the rules of conversational implicatures are highly relevant constraints for the analysis of topical strategic maneuvering. The examples of indirect insulting illustrate two important characteristics of conversational implicatures. The first is that the presence of the implicature must be capable of being worked out for even if it can in fact be intuitively grasped, unless the intuition is replaceable by an

argument, the implicature (if present at all) will not count as a conversational implicature. The second characteristic is that a conversational implicature is always *contextually cancellable* if one can find situations in which the utterance would simply not carry the implicature (Grice 1989:44). In other words, in using an 'indirect insult' there is *plausible deniability*. These two characteristics are the explanation for the *topical space* in discussions about the accusation of an indirect insult. The party who claims that a certain illocutionary act carries the implicature 'insulting' and the perlocutionary effect 'being insulted' claims that there are good arguments for this standpoint, given the conventional meaning of the utterance and the conventional rules for conversations. Because of the plausible deniability the accused can argue that there was no insult at all. In the examples mentioned this was precise one of the types of argumentation to defend the standpoint that there was no insult.

Let us to illustrate this point take a closer look to the argumentation in the case 'Stop the Cancer called Islam' Is it possible to analyze this utterance as implicating an insult because the writer openly violates one of the maxims or conditions for performing a directive illocutionary act? The analysis of the utterance as an open violation of the maxime of quality and the sincerity conditions for the performance of an assertive – Islam is not a cancer – can easily be countered with the argument that it was meant metaphorically. The analysis of the utterance as a violation of the maxime of relation and the essential condition for an assertive, can be countered by arguing that this utterance was part of a public debate. This was in fact the point the defence made in this case.

NOTES

i. Unlike theoretical constructs such as a critical discussion and other ideal models based on analytic considerations regarding the most pertinent presentation of the constitutive parts of a problem-valid procedure for carrying out a particular kind of discursive task (Van Eemeren 2010, p. 145).

ii. In other to make clear what this perlocutionary effect involves Van Eemeren (2010, p. 37) makes the following distinctions. First, he distinguishes between effects of the speech act that are intended by the speaker or writer and consequences that are brought about accidentally. Van Eemeren reserves the term act, in contradistinction with 'mere behavior', for conscious, purposive activities based on rational considerations for which the actor can be held accountable. As a result, bringing about completely unintended consequences

cannot be regarded as acting, so in such cases there can be no question of the performance of perlocutionary acts. According to Van Eemeren a rough and ready criterion for distinguishing between the performance of perlocutionary acts and the bringing about of unintended consequences is whether the speaker can reasonably be asked to provide his/her reasons for causing the consequences in question. Second, Van Eemeren distinguishes between consequences of speech acts whose occurrence may be regarded to be based on rational considerations on the part of the addressee and consequences that are divorced from reasonable decision-making, like being startled when someone shouts boo.

iii. Van Eemeren en Grootendorst (1984, p. 53) are of the opinion that there is a conventional relation between illocutionary acts and associated perlocutionary effects. They describe the associated perlocution as 'something like the rationale' for performing the illocution; it is, as it were, in the nature of the illocution to bring about the perlocution. Central in their analysis is the relation between the essential condition or illocutionary point of the illocutionary act and its rationale. They explain that the relation between the illocution argumentation and the perlocution convincing can be characterized as 'conventional' in Lewis (1977) sense of regularity, normativity and mutual expectations

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