

ISSA Proceedings 1998 - Satisfying The Argumentative Requirements For Self Advocacy



1. Introduction

Recent advances in treatments for individuals with a Human Immunodeficiency Virus (HIV) infection or Acquired Immune Deficiency Syndrome (AIDS) have generated hope for renewed life for many who believed they would die prematurely from the disease, but have also created much confusion and uncertainty for those individuals and their physicians (Brashers, Neidig, Cardillo, Dobbs, Russell, & Haas, in press). Treatments are not equally effective for all individuals, the long-term efficacy and safety of many drugs are unknown, antiviral drugs and treatments can be used in many different combinations, and the selection of some drugs can lead to difficult lifestyle accommodations (e.g., drug regimens with large numbers of pills taken each day, rigid eating schedules, and uncontrollable patterns of diarrhea and nausea). These and many other factors must be considered when making decisions about treatment options.

Many individuals with HIV or AIDS have taken to educating themselves about treatments, reading scientific reports and engaging in activities such as journal clubs and discussion groups, so that they may make informed treatment decisions (Brashers, Haas, Klinge, & Neidig, 1998). These activities provide the basis for patients to argue for preferred treatments in discussions with their physicians. Yet, despite their increased knowledge about treatment options, many patients have difficulties in the process of advocating for themselves.

Why is advocating for oneself problematic? Argumentation often is seen as a circumstance which calls for objective reasoning. Individuals who need to promote their own interests (i.e., self-advocacy) in what might be taken as an argumentative context (e.g., requests for medications or treatments from a physician, letters of application for employment, or other requests for actions that benefit the advocate) often appear too interested in the outcome to remain sufficiently objective. Self-advocacy is a form of argumentation which can create

unique requirements, including how to promote one's self-interest while providing evidence and reasoning will be free from personal biases.

The requirements for self-advocacy argumentation are a function of norms and circumstances that vary across situations. In this paper, we explore the argumentative requirements of self-advocacy in the context of individuals with a Human Immunodeficiency Virus (HIV) infection or Acquired Immune Deficiency Syndrome (AIDS) and their interactions with health care providers. Literature on activism and self-advocacy will be reviewed as background. Data from a larger project on AIDS activism and self-advocacy is used to examine specific argumentative strategies reported by individuals to promote their interests in interactions with health care workers. The analysis will be used to explore claims about the unique argumentative burdens of self-advocacy, as well as to demonstrate how supporting self-advocacy claims may lead to perceptions of fallacious moves in the discussion (e.g., playing on the opponent's compassion or providing a personal guarantee of the correctness of the claim, see van Eemeren & Grootendorst, 1992).

2. AIDS Activism and Self-Advocacy

Despite repeated calls for establishing greater equality in the physician-patient relationship (see Ballard-Reisch, 1990; Frederickson, 1993; Hyde, 1987; Ratzan, 1993), research indicates that the typical physician-patient interaction is one in which the physician is dominant and the patient is submissive. After reviewing the literature on physician-patient communication, Brashers et al. (1998: 10) argue that:

The asymmetrical position of authority afforded physicians is a process that is both encouraged and sustained by behaviors of physician and patient. On one hand, although patients often desire to participate more in health-care interactions (perhaps to become more participative in decisions made about their health care), frequently they do not assert this desire. On the other hand, physicians are trained and often conduct the medical interview in a way that discourages, rather than encourages, patient input.

In addition to understanding the physician-patient relationship as imbalanced, most researchers of physician-patient communication assume compliance-gaining and persuasion efforts move in one direction. The physician is thought to be the persuader and the patient is the one to be the target. Physicians often are charged with getting people to do things they will not want to do (or might not

naturally do) -modifying diet, exercising, stopping smoking or drinking, or taking medications. Even within most “participative” decision-making models (e.g., see Ballard-Reisch, 1990), the patient’s role is perceived to be twofold:

- a. providing information about their personal circumstances and
- b. accepting or rejecting treatments from among a set of alternatives supplied by the physician.

In practice, physicians often enact the role of persuader by adopting an authoritarian or a paternalistic style of communication. In addition to that, the patient, as the persuadee, often is thought to have social and psychological barriers to action, such as bad habits (e.g., smoking or drinking) or difficult life circumstances (e.g., inadequate income or psychological disturbances).

One group of individuals that has been particularly aggressive in challenging this “traditional” medical model of health care is comprised of AIDS activists, who have targeted changes at the social, political, and individual levels. Their targets have included changes in drug testing procedures, elimination of discriminatory policies, promotion of health care availability. Activists use a combination of symbolic protest strategies (e.g., marches and demonstrations) and persuasive efforts (e.g., meetings with high level governmental officials) to affect these changes. These collective practices have helped to shape a community of individuals infected with HIV, along with their friends, families, and colleagues. Fabj and Sobnosky (1995) contend that:

AIDS activism demonstrates that the strategies of redefinition and translation provide activists with the authority and the tools to publicize issues surrounding AIDS. As well as enlarging the scope of discussion in the public sphere, these strategies are important for the AIDS community, in that they allow people with AIDS to take control of the discourse surrounding the disease, and thus to define themselves as a community.

Brashers et al. (1998) argue that AIDS activists’ communication behaviors at a collective level (political or social activism) mirror communication behaviors at the individual level (personal self-advocacy). While collective-level activism is aimed at changing policies and institutions, individual self-advocacy aims at reforming interactional patterns to provide optimal care for persons living with HIV or AIDS. For example, the ACT UP chapter in Paris proposes that a:

First general conclusion in the fight against the epidemic is accompanied by a whole new way of looking at certain givens: [for example], calling into question

the medical authorities and the doctor/patient relationship. Fighting AIDS is about teaching AIDS patients to regain the upper hand and establish a dialogue with doctors as equals, to give them a chance to choose their treatments and decide their own future. (see Brashers et al., 1998)

Because these behaviors are a challenge to traditional power structures in health care, they have the potential to alter physician-patient communication patterns. In their analysis of collective activism and individual self-advocacy, Brashers et al. (1998) found that some patients reported that their physicians responded positively to their attempts at self-advocacy, whereas some patients reported negative reactions from their physicians. Positive responses included efforts at “partnership building” and explicit recognition of the patient’s contributions to the decision-making process. Negative responses to attempts at self-advocacy were characterized by downward spirals, in which physicians responded to the assertive behaviors of patients by engaging in controlling behaviors, which often frustrated patients and led them to increase their assertiveness, which influenced the physician’s behavior, and so on.

Other findings indicate the activists and those with a self-advocacy orientation have unique behavioral and psychological characteristics. In a separate report, Brashers, Haas, and Neidig (in press) found that activists were more likely to report that they educate themselves about HIV illness and its treatments, behave more assertively in health-care interactions, and are more willing to be mindfully nonadherent than were nonactivist persons living with HIV/AIDS or the members of the general population. In addition, patient self-advocacy was correlated positively with Desire for Control, Desire for Autonomy in Health Care, and Preference for Involvement and Information in Health Care and correlated negatively with External Locus of Control (i.e., when individuals believe that circumstances are under the control of external forces, they are less likely to be self advocates), suggesting that those high in self-advocacy behaviors share a more general psychosocial orientation toward issues of control. Brashers, Haas, and Neidig (1996) also demonstrated that, in comparison to nonactivists, activists:

- a. used more problem-focused coping strategies,
- b. used fewer emotion-focused strategies,
- c. were more likely to communicate with their physician, and
- d. were more likely to perceive communication with their physician as rewarding.

Brashers, Haas, and Neidig (1998) found that activist and those with higher scores on self-advocacy reported familiarity with more information sources.

3. Argumentative Requirements of Self-Advocacy in the Physician-Patient Context

Self-advocacy is a unique form of critical discussion which includes features of argumentation, as well as requests and possibly other types of speech acts. People engaged in self-advocacy must address two levels of argumentation. At the first level, the facts of the case must be established (“Is the medication safe and effective?” “Are there side effects that could make taking the medication difficult or impossible?” “Can the patient make the lifestyle changes needed to take the medication?”). These are the normal expectations of pro-argumentation: the speaker must establish the grounds for accepting a standpoint.

At a second level, the self advocacy requires that the patient address the circumstances of the argument (“Is the patient competent to make a decision about treatments?” “Are political concerns preventing a fair and accurate representation of the data?”). These second level requirements of self-advocacy can be derived from an idealization of discussion procedures.

Van Eemeren, Grootendorst, Jackson, and Jacobs (1993) provide an ideal model of critical discussion (or argumentation) for “reconstructing argumentative discourse” which includes “higher-order conditions” needed to achieve resolution. *First-order conditions* form the basis for resolution-oriented discussion and include rules of the discussion (e.g., “Parties must not prevent each other from advancing standpoints or casting doubt on standpoints;” see van Eemeren and Grootendorst, 1992: 208).

Second-order conditions correspond, roughly, to the psychological makeup of the arguer” (van Eemeren et al., 1993: 32). Second-order conditions include conditions such that the participants:

- a. are disinterested in the outcome (i.e., willing to change positions),
- b. are able to offer valid reasoning and to account for multiple lines of argument, and
- c. are skilled and competent in the subject matter under discussion.

Third order conditions “stress the importance of political ideals such as nonviolence, freedom of speech, and intellectual Pluralism as well as practical constraints and resources for empowering critical discussion” (van Eemeren et al., 1993: 33).

Realizing these higher-order conditions in actual practice are difficult (van Eemeren et al., 1993). In the physician-patient interactions, social and personal barriers to normative discussion exist. Physicians and patients may have

motivations other than resolution seeking (e.g., maintaining or challenging existing power structures). Patients who are motivated to persuade their physicians about some treatment are not likely to be “disinterested” in the outcome, particularly if they come to the interaction with a personal decision made. Patients may lack the “expertise” (or be perceived to lack the expertise) in the subject matter (i.e., medicine, virology, etc.) needed to debate issues. Patients may feel pressured to reach a decision quickly due to the severity of the consequences of not finding an effective treatment. Physician-patient relationships often are asymmetrical in power, time constraints of the medical interview can decrease the patient’s ability to develop arguments, and patients may choose to discontinue relationships with their physicians rather than continue debate.

Rising from these deviations from the ideal model of critical discussion, several requirements for patient self-advocacy seem reasonable. *That is, the deviations from the ideal provide a starting point for examining the unique argumentative requirements of patient self-advocacy.* If there are real (or imagined) violations of the ideal model, discussants need to deal with them explicitly. For example, self-advocating patients must establish self-interest without appearing selfish. By this, we mean that the patient needs to be willing to develop arguments that advance a position other than “desire” (i.e., “I want this medication” is insufficient argumentation). Although some claim that all behavior is self-interested (Elster, 1990), some interests obviously are more self-serving than others. Self-advocacy also requires establishing sufficient competence to advance a position. Competence includes expertise in the subject matter, ability to argue effectively, and mental competence (e.g., freedom from emotional duress). Finally, self-advocacy may require “impartiality.” Evidence may need to be externally verifiable, to prevent the patient from being perceived as his or her own witness. In the following sections, a study of individuals living with HIV or AIDS is described as an initial attempt to verify and extend these predictions.

4. Method

Data were collected from an open-ended question included in a survey of 174 adults with HIV or AIDS. Participants were obtained from two AIDS service organizations ($n = 33$), ten AIDS activist organizations from throughout the United States ($n = 31$), and an AIDS clinical trials unit at a large midwestern teaching hospital ($n = 110$). Participants in this sample self-identified as being HIV-positive ($n = 79$, 45.4%) or as having AIDS ($n = 92$, 52.9%). (Percents do not

add to 100 due to missing data.) The mean time since diagnosis was 57 months (range = 1 month to 156 months, $sd = 40.59$ months). The sample was composed of 155 males (89.1 %) and 16 females (9.2%). Of those, 30 reported membership in an AIDS activist organization (17.2%) and 68 described themselves as “an AIDS activist” (39.1 %). All participants were asked to read and to respond to a brief scenario. The scenario stated: You recently heard of a new treatment that is not widely available. The treatment is still experimental, but you would like to obtain more information about it.

Participants then were asked to list all of the information sources they could imagine that they might use and to rate those on the likelihood that they would actually use that source of information. These data were analyzed for a previous paper. After participants completed the listing of information sources, additional instructions were given:

Based on the situation described on the previous page, please imagine that you have obtained information on the treatment and found that it was available on a limited basis if your physician recommends it. Now you would like to have your physician prescribe it for you. In the past, your physician has been reluctant to try new medications or therapies. What would you say to your physician to convince him or her to prescribe the treatment for you?

Results of this portion of the survey were analyzed for the present study. Themes which represented argumentative strategies were extracted from the data. These themes, along with concrete examples of the strategies, are presented in the following section.

5. Results and Discussion

Analysis of the open-ended responses led to ten general themes of self-advocacy strategies for persons living with HIV or AIDS, when they attempt to persuade a physician to prescribe an experimental treatment. These themes were:

- a. establish facts,
- b. establish expertise,
- c. make conditional threats,
- d. establish obligation,
- e. describe other benefits,
- f. accept responsibility,
- g. describe severity of consequences,
- h. establish self-interest,

- i. promise to exercise caution, and
- j. elicit counterarguments.

Together, these themes function to preserve the norms of ideal discussion and to persuade the physician to prescribe the medications. Clusters of themes indicate that rights, responsibilities, and expertise are important to the self-advocacy of patients with HIV or AIDS. Each theme and corresponding strategies are described in brief below.

Establish Facts. A primary task represented in the data was to establish the facts of the case. Establishing facts addresses the first level of argumentation by justifying the standpoint (i.e., building a case for the claim). Participants reported that they would share information and arguments that they had discovered as part of their “fact finding” (e.g., reading journals, talking to others with the disease).

As shown in Example (1), participants described a general strategy of sharing evidence to establish the facts:

1. “I would offer all available information on the drug to my physician and ask that he recommend it for me.”

Establish Expertise. A second strategy noted in the participants’ responses was the explicit acknowledgment of the patients’ expertise. A major barrier to effective discussion in a technical field such as medicine is the need to comprehend and apply complex subject matter. Often patients are not prepared to discuss the technical details of their care. Participants thus saw the need to establish expertise explicitly. An example of a comment from our participants intended to establish expertise is given in (2).

2. “I would let my physician know that I have taken the time to research the treatment.”

In some instances, such as Example (3), participants suggested that they would present the text of the material (i.e., they would bring in the research articles and other evidence for the physician to examine).

3. “I would show him the information that I had received, so he could examine it. I would say, “This treatment has recently been brought to my attention. I’d like for you to look over this article, and tell me what you know about this treatment, because I’m interested in trying it out.””

This is perhaps a strategy designed to enhance the credibility of the information. It demonstrates that the validity of evidence is not subject to the memory of the patient and that it is derived from qualified experts.

Make Conditional Threats. Many of the responses of the participants contained conditional threats. These acts function to warn the physician that the patient will seek treatment elsewhere if the request is not granted. Examples of conditional threats in the data from individuals with HIV or AIDS include:

4. "If you don't [prescribe the medication], I'll go somewhere else!!"
5. "I'm going to insist that you enroll me in this treatment. If you cannot in good conscience do so, I understand, but I will find another physician who will."
6. "I will change doctors to somebody who will prescribe it."

These conditional threats were used in combination with other strategies that established the importance of prescribing the medication. It also was interesting to note that a number of participants said that they would change physicians without even making the request given the physician's past reluctance to try new therapies, as was suggested in the scenario.

Establish Obligation. Participants also reported the strategy of establishing that the physician had an obligation to the patient because of the "commercial" nature of the relationship. Examples of this strategy included:

7. "I hire my doctor to provide services for me. If they want to remain my employee they will read on my disease."
8. "You are working for, paid by, employed by, me."

Establishing obligation may be a strategy designed to diminish the effects of power and authority usually ascribed to the physician. One patient said he would preface his statement with "I hate to pull rank on you," which reverses the typical pattern of domination in the interaction.

Describe Other Benefits. This strategy involves acknowledging the altruistic potential of using experimental medications. Examples of this strategy include:

9. "There would be benefits to your practice."
10. "Even if the medication doesn't help me, it might help someone else."
11. "It is better to have tried than not to have tried at all. My life should be used to help prolong the lives of others in the future. This is the importance of experimental drugs."

Altruism demonstrates that the patient is not motivated solely by self-interest, which may help establish justification for engaging in critical discussion. Altruistic

motivation may seem to shift the argument from self-advocacy to more objective discussion.

Accept Responsibility. Participants also felt the need to accept responsibility for the consequences of the decision. Uncertainty surrounds the use of experimental treatments because of a lack of information on their safety and side effects (see Brashers, Neidig, Cardillo, Dobbs, Russell, & Haas, in press), which means that the decision must be made based on probabilistic thinking. Because issues like “long term safety and efficacy” cannot be resolved as part of the discussion, participants must address the concerns.

12. “I understand the benefits and the risks.”

13. “I am willing to take responsibility for the outcome.”

14. “I realize that experimental treatments are no guarantee and may be harmful, rather than the desired effect, but I am willing to take responsibility for my health care.”

15. “If the treatment has a negative effect on my health, I am ready for this and hold myself responsible (not the physician) for the effects.”

Accepting responsibility also increases the meaning of participation of the patient - emphasizing that the patient is ultimately responsible for his or her own well-being.

Describe Severity of Consequences. Another strategy for persuading the physician to prescribe medications was to argue for the severity of the consequences for the patient. Some individuals have tried other medications with no success. Individuals with a terminal illness may prefer experimental therapy over inaction.

16. “Dr. Smith, this is a matter of life and death. I don’t have other choices at this point and I am prepared to take the risk if this new therapy can help slow down the progression of this disease - I’m going to die anyway without this medication, so why not take a chance?”

17. “I think I have the right to choose experimental treatments because of my prognosis.”

Establish Self-Interest. Despite the need to establish that they were not solely motivated by self-interest, some participants used the strategy of establishing self-interest as a reason for prescribing the medication. This strategy often was invoked with notions of “rights,” as in Example (18).

18. “Dear Doctor, I want to try this new treatment! It is my decision and my body.

I think I should have the right to decide what treatments I want to try experimentally.”

Promise to Exercise Caution. To alleviate fears of unknown consequences, participants used the strategy of promising to monitor their progress with their medications.

19. “I might argue that, since I monitor my own health closely and try to stick to my treatment regimens, I would be a good candidate to obtain information about the effectiveness of this treatment.”

As shown in Examples 20 and 21, this strategy also can be used to invite participation of the physician, which serves to acknowledge the control of the physician, and invites continued participation on his or her part.

20. “I would tell him I would like to have it prescribed, and that I’m willing to take the responsibility for the treatment, with his monitoring it.”

21. “I am willing to take responsibility for this treatment with you monitoring the progress.”

This strategy may indicate a willingness to continue discussion, and reverse the decision to take the medication if new information becomes available (e.g., if safety issues arise).

Elicit Counterarguments. Participants also noted the need to elicit counterarguments from the physician. This provided the patient with the ability to examine the arguments of the physician and to refute or respond to them. It also can serve to acknowledge the legitimacy of the physician’s objections. Examples of this strategy include:

22. “First I would want to know why he would be so reluctant to prescribe the medication in the first place.”

23. “I would explain my reasons for wanting to try the medication. I would listen to the doctor’s reasons for not wanting to try the medication.”

This strategy seems to encourage the physician to advance and defend standpoints, and thus encourages further critical discussion.

6. Conclusion

This study advances our understanding of self-advocacy in the physician-patient context. Self-advocacy is a form of argumentation which is guided in part by social conventions, has unique argumentative requirements, and requires explicit attention to the standards of ideal discussion. People engaged in self-advocacy

must address two levels of argumentation: the facts of the case must be established and circumstances of the argument must be addressed. Advocating for oneself may include demonstrating sufficient expertise to engage in technical debate, and negotiating when an issue may seem to be an intractable disagreement given the personal interests of at least one party in the discussion (see van Eemeren et al., 1993).

It is evident from this study that some individuals do give explicit attention to the requirements of self-advocacy. Participants dealt with issues of self-advocacy by invoking notions of rights, responsibilities, and expertise. For example, several participants detailed plans to demonstrate their expertise about medical issues. Elsewhere, Brashers and Jackson (1991) argued that AIDS activists penetrated the technical sphere by developing expertise in areas in which they might be thought to be nonexpert (e.g., virology and experimental methodology). Fabj and Sobnosky (1995: 182) contend that AIDS activists "blur the lines between the private, public, and technical spheres." The strategy of developing the competence needed to engage in public and technical debate may be used at the individual level to advocate for oneself with a physician.

Some strategies noted in this study, however, actually serve to move a discussion further from the ideal model. Asserting self-interest may serve to forestall discussion, and thus may violate rules of critical discussion (e.g., preventing others from advancing standpoints). Describing the severity of consequences may be a method for preventing an opponent from casting doubt on a standpoint. Other strategies, such as establishing obligation, simply may serve to reverse the power structure without regard to the effects of the strategy on the discussion.

To date, self-advocacy research predominately has focused on developmentally disabled or profoundly handicapped populations. These may be populations in which fear of "being taken advantage of" is great and the need to assert independence is valued. However, social and cultural barriers to self-advocacy exist in the general population, as well as in populations with chronic or life-threatening illnesses. These natural barriers cause deviations from the ideal model which must be accounted for in practice. As Janoff-Bulman and Wade (1996: 144) argue, "there are costs associated with advocating for the self." When patients are more participative, or do attempt persuasive efforts of their own, often it meets with negative results. Cerling (1989: 94) cites a study published in the *American Journal of Medicine*, in which "it was found that when an individual patient refused any particular medical treatment, the patient's very refusal was seen as evidence of the patient's incompetence to make a decision." Patients may

be less likely to violate norms of asymmetrical power distribution because of the force of those norms within society. As noted by Brashers et al. (1998), one participant in this study remarked: Sometimes I feel a little shy - do not want to make them [physicians] feel stupid or lacking information. I usually try to let them know that I respect them and follow their instructions, let them feel that they are in charge.

Future research should further develop and elaborate the strategies seen here into more general implications for analysis of message design. For example, the themes we developed here might help us to determine logics of message design. In O'Keefe's theory of message design logics, an expressive logic "reflects a view of communication as a process of expressing and receiving encoded thoughts and feelings" without particular attention to "the service of achieving effects" (O'Keefe & McCornack, 1987: 71). Expressions of self-interest may be diagnostic of an expressive design logic in the situation of patient self-advocacy. Conventional design logic "is based on a view of communication as game played cooperatively, according to socially conventional rules and procedures" (O'Keefe & McCornack, 1987: 71). Contingent threats, because of their emphasis on the consequence of rule violations may represent conventional strategies. Finally, rhetorical design logics reflect "a view of communication as the creation and negotiation of social selves and situations" where "meaning is a matter of social negotiation" (O'Keefe & McCornack, 1987: 72). Because of their sensitivity to context and negotiation of self, promising caution and eliciting counterarguments may be rhetorically-oriented. Although these distinctions are preliminary, future research that more clearly illuminates these links will provide valuable insight into the nature of self-advocacy.

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ISSA Proceedings 1998 - How To Lose An Argument



Arguments are like families: the happy ones all resemble one another, but each unhappy one is unhappy in its own way. Like families, no one wants to be part of a dysfunctional one. Like families again, as a general rule of thumb, it is the unhappy arguments that are the most interesting for argumentation theorists and the most fun for non-participant spectators. There is a notable exception to this, an unhappy argument that loses its appeal to spectators rather quickly - the interminable filibuster. And yet, while filibusters may be uninteresting to spectators, they should be quite interesting for argumentation theorists.

There are many ways of conceptualizing arguments (Cohen 1995). Two stand out in particular because they are individually so common and so compelling yet they embody completely different criteria for success and failure. For many, the first thing that comes to mind when we speak of arguments is the idea of some sort of verbal warfare. This is the “adversarial” paradigm for arguments, the subject of rhetoric. Two arguers are each trying to persuade the other of something, or to do something, while simultaneously trying to resist all of the other’s attempts at persuasion. This is the notion of arguments that is enshrined in what Robert Nozick has called “coercive philosophy” - making people believe things whether they want to or not (Nozick 1981: 4). It is also manifest in the militaristic language we use to talk about arguments. Good arguments are “strong” or “knockdown;” they are “right on target” with “lots of punch,” while bad arguments are “weak,” “vulnerable to counterattack,” and easily “shot down.” And like warfare, argumentation is an art. Success can be achieved in many ways,

so ready arguers should have a well stocked *arsenal* at their disposal, one whose *weapons* include the *brute force* of reason, the carefully constructed *ambush*, the verbal *jujitsu* of Socratic elenchus, the *captivating* analogy, the *deadly barbs* of satire, or perhaps even the *bombshell* of a surprise revelation (Lakoff and Johnson 1980: Ch. 1). Filibusters lay siege.

The result of a successful argument, according to the adversarial paradigm, is the end of resistance and a victory over the now converted opposition who henceforth will believe or act in accordance with the dictates of the winner. From the other side, this means that unsuccessful arguments suffer a particularly ignominious kind of failure: *losing*. But isn't there something wrong with this picture? If someone has successfully constructed an argument leading us to a true, or at least now-warranted, conclusion, why should we feel that we have *lost* rather than *gained* something? Why are we resentful rather than grateful? The discomfort arises because there is a second way to conceptualize arguments that also appeals to us as arguers and holds sway in our thoughts. An argument is an extended chain of reasoning - a sequence of elements, propositions or speech acts, say - in which acceptance of the starting points, the premises, leads or commits one, in some logical sense, to accepting the final element, the conclusion. We subject ourselves to the less arbitrary and more benevolent "dictates of reason" rather than to those of any lesser master. This is the "argument as proof" paradigm, the subject of logic. It is the ideal of reasoning that is embodied (we like to think) in the pages of academic journals of mathematics and symbolic logic. Whether the absolute objectivity inherent in this conception is taken as transcendental proof that we are more than the sum of this mortal coil or dismissed as the incoherent by-product of hypostatizing linguistic convention, there is a normative force to this ideal that is integral to our evaluations of arguments.

As it has been characterized, the argument-as-proof paradigm is not limited to propositions or indicative sentences. As in arguments-as-war, nothing rules out arguments ending in imperatives, questions, promises, or metaphors. Since we do speak of the "logic of a situation" when considering historical circumstances and dramatic narratives, perhaps even non-linguistic acts can be seen as logical conclusions from antecedent "reasons." **[i]** What this paradigm does suppose is an irresistible path to its conclusion. Success for arguments-as-proofs, therefore, is achieved when the path has been constructed or followed to that conclusion. This

concept of success allows for several different ways to fail at arguments-as-proofs: a chain of reasoning can fall short of reaching its conclusion, it can reach the wrong conclusion, or it can reach the right conclusion in the wrong way, e.g., by an illicit shortcut. That is, arguments as proofs are flawed when they exhibit any of those old familiars, the *fallacies*.

As embarrassing as it may be to lose one's way in an argument, it is still better than the indignity of losing an argument. Indeed, losing an argument is possible only within the adversarial model. You can not *lose* an argument-as-proof argument! We do speak of someone's having been "defeated" by a tough proof, so after a fashion, there is a way to "lose" a proof, but this is hardly the same phenomenon as losing an argument-as-war argument. It presupposes the personification of logic, mathematics, or whatever body of knowledge presented the challenge, but that personification does not have to be made. The conceptual challenges that present themselves to us need not be seen as having been presented to us by anyone.

The failures that beset arguments-as-proof are peculiar to that paradigm. They do not really apply to arguments-as-war. An arguer can lose her way, reach the wrong conclusion, or make illicit inferences in adversarial arguments, but these are failures only insofar as they "weaken" the argument and thereby contribute to defeat.

Since, as a matter of empirical fact, red herrings, hasty generalizations, and other classical fallacies often do succeed in convincing the audience, they can actually help to win arguments - which is to say that they can *strengthen* arguments-as-war even as they *weaken* arguments-as-proof. A fallacy is an illicit form of argument, but all is fair in love and war. Thus, in a very real sense: There are no fallacies in argument-as-war arguments.

I take it that this is what is meant by the provocative claim, "The axiom of all rhetoric is the principle of insufficient reason" (Blumenberg 1987: 447). The thing to worry about is contingently unsuccessful rhetorical strategies. Necessarily invalid logical fallacies are worrisome only insofar as they might be recognized as such, thereby disarmed, and rendered ineffective.

Focusing on the differences separating these two paradigms does an injustice to the class of arguments as a whole, however, if it means ignoring their kinship. There are similarities and affinities to be respected between the two kinds of arguments - more than just the empirical, psychological facts about humans (we

hope!) that the arguments that are most persuasive happen to be the logically valid ones and vice-versa, and conversely, that egregiously fallacious arguments tend not to be persuasive - although with a distressingly smaller correlation.

Recall the common charge against the Sophists, that they make the worse argument seem better, a charge often raised by Plato but raised just as often against philosophers themselves. It appears to endorse the dichotomy between the logical and adversarial paradigms, and the coordinate systems that measure good or bad *arguments* on the one hand and successful or unsuccessful *arguers* on the other. This tacitly identifies rhetorical skill with argumentative effectiveness, but they are not the same thing. It is easy enough to let the difference go unrecognized because they are so often congruent, but what happens when we are confronted with either an argument that is both *sound* and *well-argued* that still *loses*, or an argument that is both *fallacious* and *poorly argued* yet manages to *win*? Neither of these should be possible on this scheme, but both do occur. There is some uncharted territory between the adversarial and logical regions on our map of arguments.

Plato's charge seems to involve two elements, the arguers who are skillful and their arguments which misleadingly appear to be good. A third party is implicated, however, because apparently good arguments can only be apparently good when there is someone for them to appear to - an opponent or a jury or a witness - in sum, an *audience*. No one accuses either Sophists or Philosophers of deliberately trying to pull the wool over their own eyes. They have to have a target audience. Once the audience has been given its place, the odd phenomena of well-presented, valid, losing arguments and poorly presented, fallacious, but winning arguments can be explained.

There is a model for arguments that explicitly accommodates the audience, one that is midway between the extremes of the solitary logician's crystalline proofs and the obstinant contrarian's disputatious bickering. It is the classical model of argument-as-performance, and the arguer as rhetor whose arguments were public *performances*. **[ii]** Argumentation, we know, is an art, like warfare. There is an art to choosing one's weapons - and to choosing one's arguments. Audiences, like enemies, respond differently to different strategies. Just as a naval blockade might succeed against some seaports, but not those with easy overland access, so too, satire might work well before some audiences but not others. At a political rally, lampooning the opposition is always good sport; before the Justices of a High Court, it might not be so wise.

Classical rhetors would recognize the lawyer *making his case* before a jury, a politician *rallying her audience*, and activists *exhorting their listeners* as their modern-day counterparts. In each case, there is an obvious performative element in *presenting* the argument. To evaluate and even just to understand public arguments like these, the performative dimension has to be distinguished from the question of efficacy and then accorded its own theoretical prominence. We need to focus for a moment on making the case, rather than on the case itself or its effects, i.e., on the oratorical aspects rather than the logical or rhetorical ones. (The performative dimension to argument is not limited to the spoken word, so the use of the term “oratorical” is unfortunate if it is taken to exclude viewing the pontifications of editorial columnists or the polemics of other print media propagandists through the arguments-as-performance lens. They are open to many of the same sorts of performative successes and failures as orally presented arguments.)

Arguments-as-performances share features with both arguments-as-proofs and arguments-as-war. Like proofs, presented arguments largely escape the give-and-take of dialogue that characterizes arguments-as-war. *Thus*, the rhetor making a case has the option of totally ignoring any and all opponents and adopting the form and trappings of an argument-as-proof - including such rhetorically powerful linguistic markers as “thus,” “hence,” and “therefore” that are characteristic of proofs (and conference presentations). Like adversarial arguments, however, presented arguments have a target audience to persuade, so the rhetor has the option of ignoring the canons of deductive reasoning and using all the emotionally compelling appeals and techniques of adversarial arguments - including demonizing or ridiculing those nonexistent opponents. Absent opponents are still opponents, and no less a rallying point for their absence. Indeed, their silence just makes the argument that much easier to pursue. For the determined rhetor, the inconvenient lack of opponents can always be remedied by imagined ones. Even just the potential opposition of residual internal doubts serves to focus - as well as justify - preaching to the converted.

When arguments are viewed as performances, they become subject to evaluation by new criteria - in addition to the criteria used for evaluating proofs and disputes. To be fully successful, arguments-as-performances must be *well-presented*. Even an argument that passes both logical and rhetorical muster, reaching its conclusion both *validly* and *persuasively* can be counted a failure of a sort if it does not do it *artfully* as well. Naturally, additional criteria for success

implicate additional ways to go wrong. Arguments fail as performances when they are boring, offensive, unimaginative, inelegant, inappropriate, etc. Most of these failures are already recognizable as rhetorical failings and so might be included in the argument-as-war paradigm – but not all. Boring, offensive, unimaginative, inelegant, and inappropriate arguments may yet be persuasive.

Presenting a good argument can, of course, be a factor in presenting an argument well, so the performative paradigm for arguments is not independent of the logical one. And since many of the things that make the presentation of an argument a good presentation also serve to make it an effective one, the adversarial and performance paradigms are also intimately connected. For example, one obvious way of presenting an argument well is to do so with wit. The fact that wit is an effective argumentative weapon, i.e., a good strategy to use in arguments-as-war, has been recognized by writers on rhetoric from Aristotle and Cicero to the present day. Of course, the wittier arguer need not be the one who wins the argument, so the categories do diverge. In a similar vein, an argument can be “unconvincing” in two ways. It can fail to convince the listener to accept its conclusion, which is an argumentative failure, but it can also fail to convince the listener that the arguer himself sincerely accepts the conclusion, which is a performative failure on par with an “unconvincing” dramatic performance. All combinations are possible. Artful and valid arguments are not always persuasive, artful and persuasive arguments are often invalid, and valid and persuasive arguments need not be artful.

The two troublesome possibilities mentioned above – sound, well-argued but ultimately unpersuasive arguments and fallacious, poorly argued but persuasive ones – can now be broached. Under what conditions can unsuccessful arguers claim that they both had the better argument and were the better arguers? Somehow, the cards must have been stacked against them. What if they were stuck having to argue a losing proposition from the outset? Even the most accomplished lawyers sometimes have to yield to the evidence. But in that case, they cannot really claim to have had the better arguments. If an argument really is a good one and the arguer really did present it well, wouldn't it be *unfair* to deny her her rightful victory?

Her case and what she makes of it may be in her control, but there is that third element which is not: the audience. Even the most artful arguer, armed with the most cogent arguments, will not always win if he is not given a fair hearing, say,

or the audience was prejudiced against his position, or the audience was incapable of recognizing the excellence of his argument. A fair hearing requires an attentive, impartial, and competent audience. Unfortunately, very often the only audience for our arguments is the opposing disputant, so the ideal conditions for a fair hearing are as rarely met in ordinary argumentation as a deductively valid argument.

Notice how the language of morals has inexorably worked itself into the discourse: *rightful* victory will come with a *fair* hearing from an *impartial* audience. Good arguers with good arguments *should* win. The same thing occurs in the contrary case, winning arguments that are neither good nor well-presented. Bad arguers with bad arguments *should not* win. It is not just logically offensive; it is aesthetically offensive; it is morally offensive.

This could have been expected. When arguments are viewed as acts, they are subject to judgment as acts, and moral judgments are the most important judgments we make of acts. Thus, in assessing arguments-as-performances, one of the ways we can consider them as failures is when they fall short *ethically*. For example, even a well-reasoned and successfully persuasive argument can be counted as a kind of failure if by the use of certain language it is inappropriate or offensive. Similarly, winning an argument but losing a friend is more loss than victory, more of a tragedy than a success story. Arguments-as-performances fail in their own ways.

It might be countered that these ethical, aesthetic, and larger-context failures are largely irrelevant for argumentation theorists because they are not really *argumentative* failures. Offensive arguments fail not as arguments but as interpersonal actions more generally. Not all flaws that arguments are heir to are argumentative flaws. An argument that has grammatical flaws, for example, may be no less successful as an argument on that account. There are, however, some performative failures, that are indeed relevant for evaluating arguments qua arguments - and I think that the filibusters mentioned above provide a case in point.

Over the years, the United States Senate has given logicians more good examples of bad arguments-as-proofs than are really needed. The Senate has also been most generous in filling rhetoricians' needs for good examples of bad arguments-as-war. As chance would have it, even some good examples of good arguments have managed to emerge from that august institution. Yet curiously, neither

logicians nor rhetoricians have had much to say about the filibuster, the Senate's most infamous contribution to the history of arguments, and what distinguishes it from most of the other parliaments and legislatures around the world that have been such noteworthy contributors to humanity's store of bad arguments. Filibustering is the art of endlessly prolonging the debate to prevent any decisive action on the issue at hand. If defeat is imminent, but there are no time limits on what can be said, then the argument can be prolonged indefinitely - and defeat can be postponed indefinitely, with the delaying tactics of the filibuster ending only when the opposition gives in from sheer exhaustion. They are the height of obstructionism - and unsurprisingly frustrating.

For all the abuse that can be directed against them, the fact remains that filibusters can be very *effective*. They make no pretensions to logical *validity*, nor do they have any aspirations to *oratorical excellence*. As would-be proofs, they may be abject failures.

Randomly reading from the telephone book has very little relevance for just about any issue that could conceivably come before the Senate for consideration. As performances, they may be utterly artless and so equally abject. A few weeks seasoning will turn even the most melodious drawl of the grandest Senate oratory into a mind-numbing drone. There is no record that the poems that have been entered into the Congressional record in the course of filibusters were read with any great feeling or that Senatorial colleagues have ever been moved by readings from the day's newspapers. And yet, filibusters' effectiveness within the context of political debate remains unquestioned. Castigating them as ineloquent or fallacious misses their point. Their measure has to be taken with a different yardstick.

From one perspective, filibusters can be classed under the category of the fallacious appeal to force, *Argumentum ad Baculum*. The threat is that unless the opposition yields, the filibuster will continue. But remember, there are no fallacies in arguments-as-war. Any parent of an insistent 5-year old can attest to the effectiveness of ceaseless entreaties: "Please, Daddy, Can I? Please? Please? Please? Please? Can I? Can I? Can I?..." "All right already!" Filibusters can be so successfully debilitating to a deliberative body that Senators use the mere threat of filibusters as often as actual filibusters to obstruct the passage of undesired bills. (There is something irresistible about the juxtaposition of whiny 5-year-old children and cranky 95-year-old Senators.) But does wresting an exhausted or exasperated "All right already!" count as winning an argument? Since the issue

was never really engaged, the practical or political concessions were not really “won” in argument so much as they were exacted as tribute. But isn’t effective persuasion what the adversarial model for arguments is all about? Being insistent is just one more time-tested argumentative strategy, for children and Senators alike, one that is reinforced by a history of success. In that respect, it is like *ad Hominem* ridicule, *ad Misericordiam* tears, or *ad Populum* flag-waving: logical fallacies but rhetorical tactics. There is an important difference, though. None of the classical fallacies work when they are done artlessly but artfulness is wasted in filibusters: it is just not necessary.

There is another perspective for evaluating filibusters, however, according to which they are neither fallacies nor tactics within structured arguments. Instead, they are external attacks on the very possibility of argument. Sometimes what filibusters do is *stop* debate rather than *win* debate. They do not *beg* the question; they *prevent* the question. That sort of obstructionism has more in common with *walking away* from an argument than it does with anything that goes on within the argument. One way not to *lose* an argument is not to *have* the argument, and one way not to have an argument is to *prevent* it. If I do not wish to engage in debate with you, I can simply avoid you. Alternatively, I can shut my ears so I do not hear what you have to say – or I can shut your mouth so you do not have the chance to say it! I can shout you down or shut you down. Filibusterers effectively shut their opponents’ mouths.**[iii]** In J. L. Austin’s language for describing performative failures, filibustering as a way to win an argument would be an “abuse,” while filibustering to avoid argument would have to be some sort of “misfire.”**[iv]** The distinction between using a filibuster to win an argument and using it to prevent an argument is not always clear, but it is clear enough of the time to be a useful distinction. The same is true of walking away from an argument. It can be a way to avoid an argument, a way to avoid *losing* an argument, or, if it is a case of quitting while your ahead, even a way of winning an argument.

The argument-as-performance model for arguments provides a framework for both accommodating this distinction and evaluating the different cases, as well as recognizing the importance of the audience and the relevance of the ethics of argumentation. Poor performance and non-performance are kinds of performative failure, but they are not the same kind. Criticism of a performance need not be criticism of the performer, but such criticism perforce requires a performance.

People cannot be taken to task for arguing fallaciously or ineffectively when they have not argued at all, but there are indeed times when they can be taken to task for not arguing at all. This includes those occasions when the failure of the performance *as act* is an ethical failure for which the (non-)performer is the responsible agent. An analogy is provided by some theological terminology: failing to argue may be an argumentative sin of omission rather than a sin of commission. To sin by commission, we must argue badly.

One immediately recognizable example of a flawed argument-as-act is the rhetor who presents an inappropriately offensive argument - successful or not. Suppose a lawyer wins her case but in doing so managed to alienate the jury, the judge, and her client. That would not bode well for her career in the long run. The argument was a success, but certainly not an *unqualified* success. The qualifications are the issue at hand. Similarly, a politician might convince you to vote for him by a dirty, negative campaign directed against his opponent. Again, the success is not altogether unqualified. There may be negative consequence in future elections down the road - e.g., an increasingly cynical and alienated electorate. But even if there are no such negative consequences, the presented arguments should be seen as flawed arguments. In each case, the rhetor can be said to have sinned. Unlike fallacies, however, these are not sins against a logical god, but sins against our fellow humans, viz., the audience.

Arguments as proofs may be regarded as merely formalist achievements, but as performances and as adversarial moments in discourse, arguments are inherently social phenomena. The inclination to see them as proofs is, in part, an attempt to forget about that social dimension. It is when we recognize and pay attention to it that we feel the urge to resort to ethical discourse in characterizing arguments. Perhaps there is a temptation to classify cases like these as wholly a matter of ethical failure rather than argumentative failure, as if argumentation theorists could leave them to the moralists. It is not that easy, however. Not all performative failures are necessarily ethical failures. Some performative failures in argument are indeed relevant for evaluating arguments as arguments. It is not hard to conceive circumstances in which walking away from an argument would be exactly the *right* thing to do from a larger ethical standpoint, but it would still count as a performative failure from the argumentation theorist's standpoint. Argumentation theory needs to say something about its shortcomings.

Sometimes, filibusters are the argumentation counterpart to sins of omission, and they are similarly blameworthy. Their failure is not in the arguments they present

- there might not *be* any argument presented at all - but in their failure to present an argument and their failure to listen to argument. Sometimes there is an *obligation to engage* in argument, and when there is, then walking away, covering one's ears, obstructing debate, or anything else that compromises a fair hearing is a violation, by either omission or commission, of the ethics of argument. It is the audience who is, as it were, the sinned-against party.

All of this leaves completely open the questions of *when* we have an obligation to engage in argument and the *nature* of our obligations, but it does raise those questions. Moreover, it identifies the objects of our argumentative obligations: audiences. It is the audience, after all, is who is offended by our inappropriately offensive arguments, who is silenced by our filibusters, and who is denied a fair hearing when we walk away from debate.

Arguments as proofs may be regarded as merely formalist achievements, but as performances and as adversarial moments in discourse, arguments are inherently social phenomena. The inclination to see them as proofs is, in part, an attempt to forget about that social dimension. It is when we recognize and pay attention to it that we feel the urge to resort to ethical discourse in characterizing arguments. Perhaps there is a temptation to classify cases like these as wholly a matter of ethical failure rather than argumentative failure, as if argumentation theorists could leave them to the moralists.

It is not that easy, however. Not all performative failures are necessarily ethical failures. Some performative failures in argument are indeed relevant for evaluating arguments as arguments. It is not hard to conceive circumstances in which walking away from an argument would be exactly the *right* thing to do from a larger ethical standpoint, but it would still count as a performative failure from the argumentation theorist's standpoint. Argumentation theory needs to say something about its shortcomings.

But, if what you really want to do is *lose* an argument, there are different strategies. You still have to engage in argument; you cannot walk away. Once engaged, you can present a very bad argument. Sometimes that is enough. If you have too much logical integrity to resort to blatant Sophistry, you can present a good argument very badly. If, however, what you have your heart set on is losing with a good argument and doing it with style, then your options are more limited but they are still not yet closed off entirely. You can simply choose a bad audience, one that will give you a hearing, but neither a fair hearing nor a competent hearing. (The APA is full of such audiences; mercifully, the ISSA is

not.)

NOTES

i. The equivocation between reasons as premises and reasons as causes - e.g., between what causes our beliefs and what justifies them - can have rather large philosophical consequences. The sixth, seventh, and eighth essays in Rorty 1991 provide several good discussions of this.

ii. Quintilian, 1921, Bk. V. ch. 10, offers a comparison between orators and musicians to make these points. Leff, 1998, contains a brief but helpful discussion of how the performative and interpretive elements of argument are related.

iii. In the 19th century, there were constitutionally mandated adjournment dates for Congress, so preventing debate was easily accomplished. See Congressional Quarterly's Guide to the Congress of the United States: Origins, History and Procedure .

iv. In Austin's terminology, this would presumably would be a "misexecution" rather than a "misinvocation". See Austin 1975 p. 18.

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ISSA Proceedings 1998 - Acts Of Argumentation: Beyond Spoken Dialog



1. Introduction: four approaches to argumentation

Theories, or treatments or conceptions of argumentation form three large classes which I will call the formal-logical, the dialectical and the rhetorical.

Formal-logical treatments take argumentation to be a structure of propositions whose truth relations are the only concern of a disembodied Pure Reason. The formal-logical approach to argumentation consists in classifying forms of argument as valid or invalid, assuming that every argument has a readily determined form and declaring each argument valid if it has a valid form, invalid otherwise. That is all you do. Ten zillion logic texts exemplify this approach. But it is true that some inferences are invalid and this can be good to know.

Dialectical accounts, pioneered by Hamblin (1970), take argumentation to be a rule-governed two-party game with claims, in which the aim of one or both parties is to secure the acceptance by the other of some specific claim. The dialectical approach to argumentation improves on the formal-logical approach in recognising argumentation to be action. The recent book of Van Eemeren, Grootendorst, Jackson and Jacobs (1993) illustrated how the concept of speech act helps us understand argumentative norms other than truth conditions.

The leading concept in a rhetorical approach is the audience. Rhetorical

conceptions take argumentation as attempts at rational persuasion of various audiences. In realistically highlighting the persuasive rationale for argumentation and the multifariousness of real examples, rhetorical approaches tend to be open to platonic charges of being concerned with success, not cogency. Crosswhite (1996) is a recent example of this approach.

I will argue for a still more realistic approach to studying argumentation, in two specific respects. My main point is that something more than a shift to rhetorical accounts is needed, specifically, we need more fully pragmatic accounts which observe the material realities introduced into argumentation by writing; that is, we need to take account of the fact that much important argumentation is necessarily written. My secondary point is that a pragmatic perspective demands recognising that much important real argumentation is multi-party - it involves many more participants than two. I will sketch an argument for these two rather general claims via a discussion of ad hominem argument.

2. Are ad hominem arguments fallacious?

Consider the following letters to the editor of *The Age*, a Melbourne newspaper, one day in February this year:

1.
Pardon?
John Howard states that Kim Beazley is a failed Finance Minister and a failed Employment Minister. Is Australia's worst Prime Minister the most appropriate person to make such an assessment?

Colin Cleary, Epsom

2.
What makes an expert?
The loss of Walter Mikac's family was tragic beyond words, but it is sheer emotionalism to imply this gives him technical expertise in the field of effective firearms regulations.

Chris Armstrong, Ringwood North

These are examples of what is commonly called the fallacy of ad hominem argument, or attacking the person. It is common in politics. More weighty examples can readily be given, if less crisply: some discussions of Heidegger's alleged nazism, much discussion of Bill Clinton's alleged sex life, the marxist idea of ideology which has it that the claims of capitalists can be rejected at once since they merely express their economic interests.

Text-book treatments of fallacy are pretty much agreed that ad hominem argument consists in attacking the person instead of their claims; that ad hominem is a fallacy of relevance, although there are exceptional cases where it is not; and that we should distinguish two main kinds, the so-called circumstantial and abusive ad hominem, and sometimes in addition the tu quoque and poisoning the well. None of this is very satisfactory, but some better discussions have been given recently outside the textbooks.

In a recent anthology which overviews the current state of debate in fallacy theory (Hansen and Pinto 1995) there is not one but two definitive treatments of ad hominem. They come to apparently different conclusions:

“It is a legitimate form of argument and is logically acceptable in many, perhaps most, of its actual occurrences. ” (Brinton 1995 : 222) “... a personal attack is always a violation of the first rule for critical discussion. It is therefore, without any exception, a fallacy” (Van Eemeren and Grootendoorst 1995 : 226).

Brinton allows that some examples given are clearly very bad arguments, though he thinks generally these are logicians’ inventions. But he denies that ad hominem is a fallacy at all. Van Eemeren and Grootendoorst declare that it is always fallacious. But there is no real disagreement here, despite appearances. The Dutch authors allow that there is a use of the term ‘ad hominem argument’ for personal attacks which may or may not be incorrect, and that it may be a legitimate countermove against misuse of appeal to authority. But these are not exceptions to their claim, because they have defined fallacy to mean breach of a rule of “critical discussion”, and contexts in which discussions are aimed toward victory do not count as critical discussions in their technical sense. Brinton says that uses of ad hominem are most commonly to be found in deliberative contexts, which following Aristotle he takes to be concerned with public oratory about what to do, not what to believe.

May we split the difference then, and say that there is one class of argumentative contexts - Brinton’s deliberative contexts - in which ad hominem is not a fallacy and is generally a good move, though, as he convincingly shows, this is a matter of degree; and another class of argumentative contexts - Dutch critical discussions - in which it is always a fallacy ? I do not think so. I think a closer examination of what ad hominem argument consists in will lead us to agree with Brinton, to suggest that the pragma-dialectical model of argument should be regarded as of very limited applicability, and that its attempt to redefine ‘fallacy’ should be rejected.

3. Ad hominem argument is not dialog

We have ad hominem argument when one person, the Proponent, makes some Claim, and someone else objects by adumbrating some consideration about the Proponent. I will call this second person the Adhominiser. In example (1), Howard makes a claim and Cleary objects that Howard is Australia's worst prime minister. In example (2), Mikac advocates certain gun laws and Armstrong suggests that Mikac's only claim to attention is victimhood.. Brinton correctly makes the fundamental point that what is under attack in such cases, is really neither the Proponent nor the claim made but the Proponent's advocacy of that claim. The issue raised by such a move is whether the Proponent should be regarded as authoritative about matters such as the claim. This is quite clear for both my real life examples. Cleary questions Howard's authority over claims about ministerial capacity, Armstrong questions Mikac's authority over claims about gun control. Cases where the Adhominiser takes their point about the Proponent to refute the claim are rare and would indeed be examples of the fallacy of ignoratio elenchi. In my case (2) this might consist in Armstrong's claiming that the laws which Mikac supports must be bad because he is no expert. Brinton dismisses such arguments as logicians' inventions, so crudely stupid as to virtually never occur in reality, though perhaps he exaggerates a little here. Of course, even properly directed attacks can be bad - because the consideration is not correct, or because it is irrelevant: but it is its irrelevance to the Proponent's advocacy of the claim, not to its acceptability, that counts, and that can be a matter of degree.

Van Eemeren and Grootendoorst say that ad hominem breaches the very first rule of critical discussions, which is that "Parties must not prevent each other from advancing standpoints or casting doubt on standpoints" (Van Eemeren and Grootendoorst 1995 : 224). But, they say, ad hominem violates this rule and attempts to "rule out [the subject of attack] as a serious discussion partner" (ibid 225). It is not fallacious because it is irrelevant, as the text-books say, but because always "it hinders, or sometimes even prevents, the resolution of a difference of opinion" (ibid 228).

Now I agree with Van Eemeren and Grootendoorst that in critical discussion in their sense, ad hominem argument, if used, would generally hinder, or sometimes even prevent, the resolution of a difference of opinion. In fact this is true in a wider class of two-party argumentative contexts. Although many amicable two party critical discussions, in the ordinary sense of the words, are cases where at least one party is trying to convince the other, so that these are not critical

discussions in the technical sense, yet even in such cases, ad hominem argument is usually a bad move. But that is not because it breaches a rule. It is a bad move because cases where the Proponent will resile from a previously advocated claim, just because the Adhominiser points out to the Proponent some other claim about the Proponent, are rather rare. Generally, the Proponent is well aware of the second claim (when it is true) and sees it as no reason not to advocate the first claim - or else would not have already done so! And even then, we can find cases where it might be a valuable and even accepted move - for example, where the Adhominiser reminds the Proponent of having a poor memory for details of the kind assumed in the initial claim.

In such a case, the Adhominiser is treating the proponent as a discussion "partner"; for other considerations about the Proponent this might seem not to hold, if the Proponent thought it false or hurtful. But Brinton's analysis shows that to be mistaken because what is generally attacked is the Proponent's advocacy of the specific claim made. This is different from dismissing the Proponent as a serious discussion partner in two ways. First, it is much more specific - is the Proponent in a position to claim what was claimed? Moreover, this gloss of rule 1 - dismiss as a discussion partner - substitutes something vaguer for the term "prevent" in the rule as given - the Adhominiser has not prevented the Proponent from claiming what was already claimed, and need not by this move prevent the Proponent from advancing other claims. Second, it is directed not to the Proponent but to someone else: what the Adhominiser is doing is trying to get third parties to ignore some of the Proponent's claims.

In neither of my examples does the Adhominiser address the Proponent, but the same third party that the Proponent did - in both these cases, the Australian public, or rather an Australian public. This seems to me to be typical of ad hominem arguments. I don't deny that there are genuine cases of ad hominem moves in two party discussions, but I see no reason to think them typical. The question raised is partly an empirical one: how many contexts of ad hominem are Dutch-style two-party critical discussions? Some certainly are. Many philosophical conversations are. But most argumentation is not. In fact it seems to me that the Dutch idealisation of argumentation into critical discussion makes it inapplicable to almost all argumentative contexts. It is not obviously an ideal to which we should unfavorably compare argumentation in other contexts. Why should I not try to convince you I am right? Is that irrational? Yet if I do, I am not conducting a critical discussion and most of my actions become fallacies. Van Eemeren and

Grootendorst themselves allow that something called attacking the person goes on elsewhere and may or may not be acceptable. But we need the concept of fallacy for all those contexts elsewhere too, such as Brinton's deliberative ones. In any case, are genuine two-party critical discussions, animated by a co-operative spirit not an agonistic one, bound by rules at all? Is it a rule I observe in not attacking the person with whom I am discussing, rather than debating, some philosophical point? I think not. There certainly are argumentative contexts of the kind which Van Eemeren and Grootendorst want to model, but they seem to me to be precisely those situations where no rules apply.

Be that as it may, the essential point is that the typical ad hominem argument is directed by its maker not to the Proponent whom it characterises, but to a third party, generally the same party that the Proponent originally addressed. This third party is generally a public – an indefinitely large aggregate of possible Respondents, of which the Adhominiser may or may not have been a member. Howard's remark about Beazley was to the Australian public via Parliament and hence only incidentally addressed to Cleary; Cleary's response is not directed to Howard at all but to Australian voters – specifically, those who read the letters in *The Age*. Such third parties are usually called an audience, but as we shall see in a moment this is a misleading term for them and I will call them 'Respondents'.

4. Ad hominem argument is essentially third party, and adhomination is fourth party and up

So, ad hominem is not a fallacy, and the Dutch argument that it is fails, because it ignores the multi-party nature of the typical ad hominem. So far then, the case of argument ad hominem supports the case of a rhetorical treatment of argumentation in preference to the dialectical. The role of "audience" is an essential ingredient in such argumentation. Dialectical argumentation models neglect that essential element. For ad hominem argument to occur we typically need a minimum of three participants, Proponent, Adhominiser and Respondent(s). But charging someone with arguing in this way need not be, and typically is not, part of what is involved in adhominising itself. In order to emphasise that charging someone with arguing ad hominem need not be a response by a Proponent of an original claim to ad hominem argument by an Adhominiser, but may be made by yet another party, perhaps we need the term 'adhomination' for the action of charging someone with arguing ad hominem. Its similarity to 'abominate' suits the conventional abhorrence of adhominising, which is term I and others have already used for arguing ad hominem.

The structure of such discussions as our own then is this: a logically aware fourth party, or Adhominator, adhominate the move made by the second party, an Adhominiser, which was to adhominate the first party, a Proponent, who has made some initial claim to some Respondents, the third party - and this adhomination is probably to a different set of Respondents at that. Of course there are cases where the Proponent can play Adhominator to an Adhominiser - but to no point, if to no Respondents.

Proponent Claim Respondents

Adhominiser Claim about Proponent Respondents

Adhominator Claim about Adhominiser Respondents

5. Ad hominem is a kind of argument that presupposes writing

My first point about argumentation, that adhominate is typically multi-vocal, comes from considering the nature of such arguments. If we now consider briefly what makes such an argument good or not, we can learn something further. Ad hominem is the counterpart of argument from authority. Since appealing to authority is typically dependent on writing, at least when the authority is based on expertise, so therefore is contesting it. A second lesson from analysis of ad hominem then is this: it is a kind of argument that presupposes writing.

The essential idea in ad hominem argument is to question the Proponent's being in a position to make the initial claim. There are a number of different ways whereby the Proponent can be in a suitable position, so there are different ways to question it. The central cases, cases where the Proponents's authority position is a matter of expertise, are clearly writing-dependent. The expertise relevant in argumentative situations is generally dependent on writing, because such expertise is a capacity for contribution to public discussion. In modern times any contribution to public discussion is dependent on and must extend the existing written archives.

Consider again example (1). The adhominate author implies that Howard is Australia's worst Prime minister. If true, this might well undermine Howard's credibility as a judge of success in ministers more generally, and so weaken his authority for making a judgment about Beazley as a minister. Is it true? Well, I don't know - because I don't know what 'worst' means for prime ministers. I have little expertise in this matter. Is it sufficiently relevant to the Howard claim? I don't know that either, because I don't know much about what makes a successful finance minister. Should I accept Cleary's claim? Who is in a position to judge

whether a minister is good? Is Cleary? The only people who are, must have a serious grasp of much detailed political history, which is clearly dependent on acquaintance with and mastery of significant archives. It requires extensive knowledge about ministers there have been, their actions, the contexts in which they acted, the problems they faced and so on. Most of them are dead and most of the relevant events far in the past. Very few people were personally acquainted with any significant fraction of the relevant evidence. A pre-requisite for a worthwhile judgment must be a sufficient grasp of the historical evidence and of what good socio-political discussion of Australia's political history there is, which, such as it is, is mostly written down. Clearly this requires an extensive engagement with a great deal of written argumentation.

Similarly, with regard to example (2), who does have expertise, who is worth listening to, on the subject of gun control laws? Surely it must depend on extensive comparative knowledge of a wide variety of social situations, legal regimes, gun technologies and the like. All this is obviously grounded in much historical and technical documentation of various kinds. To have been the victim of gun atrocities, as has Mr Mikac, is surely not itself a sufficient qualification. Armstrong is clearly right then, and his ad hominem argument should be accepted; but Cleary's is not good - I have less reason to think that he or I can judge properly of prime ministers, than I have to think that Howard can judge properly of finance ministers. But my main point here is not which arguments are good or which opinions should be adopted (after all, we may well still support those gun laws which Mikac advocates though for other reasons), but simply that what makes typical ad hominem arguments good or not is their connections with archive-based expertises.

6. Argumentation in general is writing-dependent, and therefore multi-party

Of course, the particular reason I have given for thinking ad hominem argument to be writing-dependent does not generalise to an argument for thinking all kinds of argumentation to be writing-dependent. But there are related arguments for that conclusion.

Philosophical argumentation is writing-dependent. Consider the logical-formalist thesis that every argument has a form. What forms are there? In order to say, it is necessary to give examples. Since the point is that two different arguments can have the same form, it is necessary to have both arguments before one to compare them. One can listen to only one argument at a time. To have two

arguments given to one verbally will not suffice to satisfy oneself that they have the same form because one has to be able to attend to them both together until one is satisfied. Even if some logical genius can do this for any two verbal arguments, for us to argue about the merits of formalism, I have to make such judgments. But I assure you that I can only make such judgments if I can see the arguments written down. (Even then I have my doubts.) So at the least, arguments with me about formalism require writing. The fact that I often have “purely” verbal discussions with people about philosophical topics, even the topic of form, does not show that this possibility does not essentially derive from my acquiring understanding of the term ‘form’ and many others through reading. This case is special, but central and typical; in fact all philosophical arguments rely on the corpus of philosophical texts which provide the meanings of the terms used, the detailed texts which are frequently under discussion, and fine details of the arguments which only the most stringent scrutiny can discern.

The writing-dependence of philosophical argumentation has been consolidated by the discourse of mathematics. We must of course repudiate the mathematical models of logic and rationality which have been so long over-generalised into universal characterisations for argumentation; but we must not throw out the baby with the bath water - mathematical argumentation is utterly central to our thinking about giving reasons, and all our important concepts, practices and material culture are inseparable from its pervasive influence. And mathematical argumentation is paradigmatically writing-dependent. Many other kinds of argumentation are also essentially dependent on writing, which, as in the philosophy case, does not exclude some such argumentation sometimes going on in spoken form. The most obvious example is legal argument. Scientific argument is another; in fact all the serious intellectual enterprises of our societies are in this same boat. Even everyday conversational public debate, which you might say is only reflected in the popular press, takes much of its meaning from more evidently literate contexts.

Consequently, there is little important argumentation which is not in some ways affected by writing. It thereby becomes inherently multi-party. All writing is inherently available to many readers. Public discourse is already multi-party, being directed to social action; so writing amplifies and sediments this.

7. Acts of argumentation are not speech acts

The basic claim about argumentation I make then is that it is not really a complex

speech act, but a writing-dependent language act. By 'language acts' I mean utterances which are not necessarily speech acts but may be, for example statements and questions can be spoken or written. Written versions of speech acts may be importantly changed from the spoken counterparts which long pre-existed them, as with promises becoming contracts, while some written uses of language are quite novel, like novels. Indeed, some uses of language are impossible in speech. You cannot speak a cheque, or your will, or a roadside warning sign. You can say the words, but that is not the same as effecting the action, and it does not.

To say argumentation is a writing-dependent kind of language act means that virtually all acts of argumentation derive their force from paradigm language acts, which are, in fact, written; and although some individual paradigm acts of argumentation can be spoken, this could not be generally so, and some of them simply have no genuine spoken instances. The most obvious cases are in mathematics - calculations, proofs and the like.

Written utterances have a more complex structure than speech acts: it is possible to separate the uttering from the uttered. There are two consequent properties of written language acts which have allowed argumentation to be developed from its simpler verbal origins in mere disputes. The first is that the typical endurance of the utterance, in the sense of a record of what was uttered, permits its repeated scrutiny; the second is that the detachment of the utterance from the uttering permits that scrutiny to be dispersed. Acts of argumentation are utterances which propose reasons for the acceptance of claims; claims, like all language acts, require both utterance and uptake; in speech acts, these are simultaneous: the hearer understands what is spoken as it is being spoken, as does the speaker. But if a Proponent makes claims in writing, we can distinguish the Proponent's claiming that A - that is, the uttering of the claim, from the Proponent's claim that A - the uttered claim. The act of argumentation involves the claiming that A, which is a transient event; but the claim that A becomes a material subsistent, the written words.

With written language acts, moreover, uttering divides into expression - the initial act of argumentation, and dissemination, the presentation of the written argument to readers. For a Proponent is not really arguing unless the claims made are registered by some intended target. Utterances must be matched by uptakes. With spoken argumentation this question arises at the place and time of utterance; but with written argumentation it arises at other times and various

places. The Proponent can write it down today and present it to you, or some larger group of Respondents, tomorrow or in a thousand years, or all the above, by various kinds of publishing.

This division provides lots of new ways for argumentation to go wrong: by the time you read it the Proponent may no longer believe it. So it can't be just "the Proponent's intentions" that dictate the success of the act-intentions at the time of expression may conflict present ones. Writing can separate uptake from expression so much that your understanding of the claims made may have no access to the Proponent's intentions - for example, we simply have very little information about the intentions behind Plato's *Phaedrus*. As Socrates is made to say in that text, writings just stand there dumbly and make no answers to questions.

But writing also improves argumentation, because uptakes need not be in real time. More considered, and careful, and detailed responses are possible when one can pore over a text. Many charges about argumentation refer to this: ignoring sections of the text, or quoting out of context, or inaccurate citation, or conflating different texts or simply, and most critically, getting the argument slightly wrong. These charges all allege deficiencies, but their possibility indicates the thoroughness with which someone's argumentation can be received. No extended argumentation given only in speech can be so treated - it's rapidly forgotten, it's hard to keep widely separated parts in view together, and so on. Everyone knows how hard it can be, in responding to a paper read out, to argue at the same level at which it was written. So the detachment and the dispersal of uptake from utterance lead to other and more severe criteria being applied in the evaluation of argumentation once it is written. And this in turn leads to new norms governing the construction of written utterances, because they are increasingly framed with a view to meeting criteria of that kind.

8. Conclusion: the difference writing makes to ad hominem argument

Coming back to ad hominem once more, reconsider the idea of attacking the person rather than their claim. If a Proponent makes claims in speech, we can and do nowadays make the distinction between the person and their claims. But what are we doing when we do that? I suggest we are projecting onto speech a distinction which has only become possible through writing. Recall the constant refrain in the *Odyssey*: "these were his words". And Socrates repeatedly asks his interlocutors "do you say that..." In a non-literate culture we could distinguish, of course, a person and their speaking, but this is not to say that we could

distinguish a person and their speech. It is not so simple to distinguish a person and their speech as it is to distinguish between a person and their speaking. Distinguishing the person and their speech is only really possible if it is written down, or in a context where we take for granted being able to write it down. To deal with the speech not the person, when the person is still around and the spoken words are gone, is not a real option, since to discuss the speech we have to be able to re-use it and only the very simplest of speeches can be verbally perused; but with writing dominant, we are more often in the reverse situation of being better able to deal with the speech than the person.

It is the two features of writing I have pointed to which have made this possible. Because a written speech remains for later and more careful scrutiny, we can attend to it while ignoring or even being unaware of the existence of its author. And because uptake is commonly dispersed and delayed for written texts, we may have to do that simply because we are prevented from any access to the author. In a culture where speeches without speakers are readily available and commonly scrutinised, the concept of “the argument” can be developed – and, I suggest, only in such a culture. Of course, in every culture persons have tried to nullify the urgings of others by calumniating them to third parties – but only where a specific and complex notion of argumentation exists might this be taken as bearing on the truth of what was urged, so that the idea of fallacy could be coupled to it.

In summary, using ad hominising as an illustration I have argued that argumentation is essentially writing-dependent and multi-party, that we must therefore distinguish argumentative expression, dissemination and uptake, and that only by making use of the differences which writing introduces in these can we understand specific strengths and weakness in particular kinds of argumentation.

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ISSA Proceedings 1998 - The Power And Perceived Truthfulness Of Visual Arguments In U.S. Political Campaign Biofilms



A relatively new, and certainly significant, controversy about the nature of argument revolves around whether it is possible to argue visually or whether argumentation is solely a linguistic phenomenon. Fleming (1996) offers a succinct review of advocates both for and against the extension of argument to visual images. Scholars who reject the extension of argument to visual messages assume a priority of verbal over non-verbal means of communication. Language, they argue, offers reasons for belief; linguistic reason-giving is the necessary characteristic of argument and, without language, argument cannot exist (van Eemeren & Grootendorst 1984, Balthrop 1980, Toulmin, Rieke, & Janik 1979, Kneupper 1978). Fleming explains the rejection of non-linguistic forms of argument by contending that argument must both assert and prove, which in the case of pictures is impossible because one cannot differentiate between these two necessary elements. Fleming writes, "To say that a picture can be an argument is to leave individuals with the impression that they have argued for something when they have merely placed it in someone else's field of vision" (1996: 13).

Although Fleming writes that “argument requires a structure in which conceptually-distinct ideas can be sequentially linked” (14), which verbal arguments are capable of achieving, the characterization of arguments as linear (Hintikka & Bachman 1991, Andrews, Costello & Clark 1993, Postman 1985) is limiting and short-sighted. We contend, as others who support the extension of argument to visual images, that neither verbal nor visual arguments are always linear and that pictures can be visual messages that argue enthymematically when they evoke a shared cultural claim and offer proof of that claim (Willard 1989, Hesse 1992, Fisher 1988, Fisher & Filloy 1982, Medhurst & DeSousa 1981).

Like verbal messages, visual messages are not absolute, but they nonetheless make the proposition that what is depicted is real or truthful. In political persuasion, anything that leads an audience to say “this is real,” or “this is truth,” is a powerful component of the rhetorical process meriting further attention. As Shelley (1996) writes, “in the case of rhetorical visual arguments, the individual elements of a picture evoke a pattern of verbal and emotional associations in the mind of the viewer” (67). The message is not just placed in someone’s field of vision; by careful association an enthymematic appeal is made. Of course, the visual message can reinforce a linguistic message, but we contend that even without the verbal claim, the argument can be completed by the viewer. There is no guarantee that all viewers will interpret the visual message in the same manner, but there is similarly no guarantee that an audience will interpret a verbal message in the same manner.

What needs to be perceived as real or truth by the voting public about a candidate running for the President of the United States is that the candidate is the embodiment of the national story: his or her roots must intertwine with the nation’s idealized past; the vision for the future must capture the hopes of the nation; his or her experience must reflect the values, patterns of behavior, or iconic acts that the national story identifies as constitutive of the ideal American president. Presidential campaign biographical films (biofilms) that air at U.S. nominating conventions right before the nominee’s acceptance speech are one rhetorical device for accomplishing this end. These films define American cultural political identity as they argue the appropriateness of a candidate. The visual as well as verbal narratives of the biofilm must achieve the above stated goals, but as Hayden White argues, visual images serve as a - principal medium of discursive representation. . . to direct attention to, specify, and emphasize a

meaning conveyable by visual means alone” (1988: 1194). What cannot be said may be effectively argued through visual representations accompanying or substituting for the verbal narrative described.

1. Visual Argument in Presidential Biofilms

In this paper we contend that visual argument has the potential for making premises more real to the viewer by evoking emotions more powerfully than a verbal message alone. Blair argues that they “can bring us as close to actual experiential knowledge as it is possible to get, short of living the experience” (1996: 37). We will refer to this as a phenomenal experience. Barbatsis (1996) identifies an additional advantage, contending that visual arguments are not only perceived as more real and hence convincing, but they are also accepted as more truthful because they include both direct address and narrative structure in pictorial terms. When the viewer forgets the “as if” feature of the argument, he or she loses “sight of the authoring voice” and is “deluded into thinking that the textual discourse is” one’s “own” (Barbatsis 1996: 79). Visual argument, then may be perceived as more truthful than verbal argument. As such, visual argument has the potential of being more powerful in involving the audience in the interpretive process of political discourse and overcoming the audience’s skepticism. This paper explores how images in biofilms lead the viewer to experience carefully authored messages as if they were the phenomenal experience of the viewer. It focuses on the context for visual arguments and the representative function they provide and contends that visual images argue enthymematically to link the candidate with the viewer’s conception of an ideal president.

The following four questions are addressed as we explore presidential biofilms from 1984 (Reagan), 1988 (Bush and Dukakis), 1992 (Bush and Clinton), and 1996 (Clinton and Dole): 1) Is the visual message independent or does it merely reinforce the verbal message?

2) Do the visuals make the verbal message more truthful by masking the intentionality of visual manipulation? We address this question by utilizing Messaris’ (1994) three principles of visual manipulation – the paraproxemic principle, false continuity, and associational juxtaposition, and through an additional technique that we have labeled blurring genres.

3) Do the visual messages make the argument more vivid and compelling? In part, this question is addressed through three elements of visual arguments – color, scale, and movement.

4) What can we discover theoretically about the nature of visual argument?

2. Visual images as independent arguments

Throughout the presidential biofilms, visual images are used to reinforce the verbal arguments but they also serve as the primary mode of argument. Independent visual arguments are prevalent in Reagan's 1984 film and less successfully employed in other biofilms where the candidate is associated with symbolic icons of the American success story: the walk on the moon, Martin Luther King's "I Have a Dream" speech, the Berlin Wall coming down, the Statue of Liberty, the Iwo Jima monument, Ellis Island, 4th of July fireworks, farmers plowing the fields, soldiers welcomed home from war, small children saluting the American flag, etc. A different montage that functions similarly is one that includes images of past presidents and symbolic sites in Washington, D.C.: the capitol, oval office, Washington monument, Lincoln and Jefferson Memorials, and the White House. In both cases the images have emotional resonances and evoke the American story and the central place of the president in that story. The visual images do not require verbal explanation as they are symbolic of the national monomyth. The voting public knows the story, participates in its telling, and, if the visual argument is compelling, enthymematically places the candidate as the dominant character. If the film fails to make this visual argument, i.e. Dukakis 1988 and Dole 1996, the viewer is not likely to understand how this contender is necessary to the continuation of the nation's story. Biofilms and campaign rhetoric in general must argue that the candidate will do something to continue the national success story. Visual images argue much as a shared cultural narrative argues.

3. Visual Arguments: Enhancing the perception of truthfulness

Visual images encourage us to participate in message making as they simplify, set the mood, are more emotional, and urge the viewers to think that what they are feeling is their own experience, rather than someone's crafted emotional appeal; in essence, the visual message becomes phenomenal for each viewer by masking intentionality (Langsdorf 1996). This phenomenal experience can be used as confirmation or refutation of a claim. Consider Clinton's 1996 biofilm that refutes the accusations that he was a womanizer and thus lacked presidential character. He is visually depicted as a family man and loving husband. Clinton's strategists chose twelve photographs - both color and black and white - in which the viewer sees the couple gazing at one another, embracing, dancing, and laughing. The

overwhelming consistency of the photographs invite the viewer to believe what he or she sees is a harmonious relationship and stand as proof of Hillary's belief in her husband and thus refutation of the claims of infidelity. The audience is urged to see the visuals as a truthful rendering of their marital relationship and forget that the image montage is crafted carefully. A visual argument is, despite appearances of spontaneity, in fact being made - by an unacknowledged argument partner, for less than evident purposes, and culminating in other than obvious conclusions" (Langsdorf 1996: 50).

The images are emotionally loaded proof of a harmonious marriage precisely because the audience believes that these emotions are difficult to manufacture. Obviously, if the viewer is strongly anti-Clinton, the visuals may be read as contrived. Messaris (1994) suggests three means of visual manipulation that further explain why visual images become phenomenal for the viewer; these include paraproxemics, false continuity, and associational juxtaposition. We have added a fourth form of visual manipulation, which we label blurring narrative genres, that creates an illusion of objectivity and truthfulness.

3a. Enhancing truthfulness through the paraproxemic principle

The paraproxemic principle encourages sympathy, identification, and involvement by helping the audience to adopt the candidate's or camera's point of view. The Dukakis biofilm uses this principle in a very technical sense. Verbally, the film adopts a first person narrative stance with Olympia Dukakis inviting the viewer into the life of Michael Dukakis. Visually, the paraproxemic principle places the viewer in the front seat of the car looking over at Olympia and through her window at the important landmarks in Dukakis's life. The hand-held camera wavers as if it is the viewer, himself or herself, who can feel the car turning, slowing down or speeding up. At times, Olympia invites the viewer to step out of the car and take a closer look at the Dukakis's backyard or the inside of the high school gymnasium. This visual manipulation does not allow the viewer to remain objective or witness the candidate or his campaign from a broader perspective. The interaction is one-on-one and immediate - the viewer becomes like a close personal friend of Olympia and, therefore, Michael, himself.

When the paraproxemic principle is used it should result in a strong visual narrative - a more truthful and real account of the personal life of the candidate. In the Dukakis film, however, the technique fails because what Olympia shows the audience is not compelling; the images do little to establish Dukakis's character

or values, nor are they representative of significant cultural places, values, or occasions. Because the scenes are all personal to Dukakis, it is difficult for the viewer to reflect on Dukakis's life as representative of the life of the nation. For example, when we see a picture of a farmer plowing his field in the Reagan film we do not feel that it is just the farmer's field, through the use of color, light, and rapid pace, this becomes a snapshot of America's agrarian experience. What was effective in Reagan's biofilm and should have been effective in the Dukakis film, becomes, instead, boring and incapable of inviting the viewer into Dukakis's life or the symbolic life of the nation. If the paraproxemic principle evokes truthfulness, the truth of Dukakis's life is that he is not mythic enough to become president.

3b. Enhancing truthfulness through false continuity

False continuity occurs when "two shots joined together in the context of a broader narrative are 'read' by the viewer as being part of a coherent stream of space, time, and action, even if the shots were in fact taken at widely separate times and places or if the actions within them were completely unrelated in reality" (Messaris 1994:35). Presented with edited visuals, the viewer makes connections between events or individuals that may not have existed. The films try to make the audience believe that the presidential contender is responsible for some historical event, is more admired and respected than he might be, or that America's history is accurately represented by the selection of only those events that make the nation appear successful and righteous.

Bush's 1988 film provides an example of how false continuity creates the illusion of truthfulness. Those familiar with the American political process know that vice presidents are primarily relegated to participating in symbolic actions, greeting foreign dignitaries, attending lesser state funerals, and appearing at fund raising events. The biofilm argues visually and verbally that Bush, as Vice President, played a significant role in securing peace in the Middle East and bringing democracy to Poland. This argument is visually made through film clips of Bush meeting with Lech Walesa, visiting the Middle East, and conferring with other world leaders. Verbally the link is reinforced with Reagan's contention that Bush is capable of leading the nation into the next century. In his second biofilm, Bush is attributed with ending the cold war through visual images of Bush and Yeltsin standing together and Eastern Europeans celebrating peace. The accompanying verbal message proclaims, ". . . because of America's leadership more of the world enjoys the sweet taste of peace than ever before."

Another example is found toward the end of Clinton's 1992 biofilm where he creates the impression that he was raised in Hope, Arkansas – the prototypic rural American small town. He begins the section by arguing that he is the product of a place and time that epitomizes American values. The audience is shown video clips of Hope's main street, children coming out of a school, and a boy swimming at the local watering hole. This last image fades to Chelsea fishing at a similar spot and dancing in an old house that the audience also assumes is in Hope. The film shifts to the present with images of Clinton surrounded by supporters or dancing with Hillary. The final images are of the infamous footage of Clinton shaking hands with Kennedy during Clinton's Boys' Nation trip to Washington, D.C, and then a slow fade to the Hope train station. Together, these images argue that Clinton is a product of Hope and the values that this small town represents. The false continuity here is that Clinton did not grow up in Hope; his mother moved him to Hot Springs, Arkansas, when he was a toddler. Hot Springs' image is captured by the locals' reference to it as "Sin City". The illusion that he spent his formative years in Hope becomes an important argument for Clinton's qualifications to become president.

The use of false continuity can be extremely powerful as it adds an element of truthfulness to events and situations that are rhetorically constructed. It might seem that this particular technique can backfire; however, as Messaris points out, "Visual manipulation of this sort is very hard to detect on first viewing" (1994: 36). False continuity forefronts the narrative while obscuring the construction of that narrative. "The tendency to succumb to the illusion of false continuity appears to be very strong" because "the devices in question are anchored in the principles of human perception and are not simply arbitrary conventions. In fact, the tendency to see separate images as a continuous event may even operate in cases in which we know that the images have been put together to make a certain editorial point" (Messaris 1994: 36). False continuity is a powerful means of arguing the truthfulness of a candidate's claim that he or she could be the textbook president.

3c. Enhancing truthfulness through associational juxtaposition

The truthfulness of visual images can be created through associational juxtaposition. Messaris argues that "this kind of visual device aims. . . to transfer the viewer's (presumably positive) response from the background image to the image of the product [candidate]. The goal of the ad [film] is to create an association in the viewer's mind between the product [candidate] and the image it

is paired with" (1994: 36-37). In this case, the product is the presidential contender and the image can be anything from the statue of liberty that equates with freedom, or the oval office that equates with power.

In both of Clinton's biofilms there is a clear effort to link Clinton with John Kennedy's legacy. Both films show the Kennedy-Clinton handshake. In the second, the scene is condensed and modified to symbolically represent the transfer of position and ideological ground from Kennedy to Clinton and implicitly from Clinton to future generations, specifically as he shakes the hand of a black youth. In both films, Clinton becomes Kennedy through visual rather than verbal argument.

The same kind of link between the candidate and America's future is frequently made by positioning the candidate with children, either his own, his grandchildren, or possibly with America's most challenged youth (the physically impaired or minorities). This important link is successfully argued in Bush and Clinton's biofilms through both the sheer volume of these associational images and the interaction of the candidates with children. Bush plays with his grandchildren and in one repeated scene holds his granddaughter above his head so that she is bathed in sunlight while the narrator talks about Bush's hopes for the future. In the two Clinton films, we witness Chelsea's maturation through her father's eyes and see the linking of the dreams for his child to all children. In contrast, the association between the candidate and future generations is not well constructed in Dole's 1996 film. The few images of children, one of children in an integrated swimming pool and two others of children on sports teams, are not well linked with Dole and he does not appear in the pictures nor is his link with them made explicit in verbal commentary.

3d. Enhancing truthfulness by blurring narrative genres

Viewers associate truthfulness with some genres of narratives over others. For example, viewers may assume that a news report or a documentary is more truthful than a fictionalized or personalized account. What the candidates have discovered is that by blurring genres - moving between the documentary or news account, personal testimony, and the created image - the audience is less aware of the manipulation and, hence, less critical of the judgment that is being privileged.

In Reagan's 1984 biofilm, the audience sees newspaper headlines, what appears to be television news footage, and dramatic scenes that are carefully crafted to appear to be documentary images. Specifically, a Reagan supporter is interviewed

saying that the economy is better now than it has ever been, newspaper headlines that read, "A Break In Interest Rates" and "Here Comes the Recovery," and video of construction workers and a family moving out of a house with a "sold" sign out front, are all interwoven.

These images are selected to create the impression that the economy is on the upturn. Morreale (1991) argues that "by merging forms and genres of televisual discourse, messages conventionally interpreted to be real or true (such as news. . .), along with more explicitly symbolic representations, together become framed as 'authentic' simulations of reality" (25). Newspaper headlines about the state of the economy are a more factual or objective form of proof than the candidate assuring the audience that the economy is better.

In another example, Bush makes a compelling argument that as Vice President he was a heartbeat away from the presidency when he uses footage of the assassination attempt on President Reagan. The scene begins with Reagan telling the viewer that he chose Bush as his Vice President because he was confident that Bush would be a great leader should anything happen to him. This comment cuts to Bush taking the vice-presidential oath of office and fades to the news video of the assassination attempt. The news footage, Reagan's comments, and Bush's inauguration, become blurred in the viewer's mind thereby making the entire scenario of Bush as presidential material more real to the viewer. Once the film establishes the cinema verte' feeling, the reality of that footage can be transferred to all other footage, real or not. Mixing the real with the artificially created images makes it more difficult for the viewer to question the truthfulness of the event they have just witnessed.

4. Visual Arguments: Vivid and compelling

The veracity of visual argument is not constructed in the same way it is in verbal argument. Color, movement, and scale - what one scholar terms the dispreferred structures of visual images - influence the way viewers process visual messages. These visual structures add vivacity to a message, making it more compelling than a verbal message alone. For example, in the Dukakis biofilm the verbal message had the potential for making a compelling case for his embodiment of the immigrant success story. To do so, the narrative needed to be reinforced with powerful visual images which it was not. The verbal narrative alone would have been more compelling; heard, the verbal message would have evoked mental images of Ellis Island, and of families struggling to become the American success story. In this instance, a poorly conceived visual component weakened the verbal

arguments. Color and light, movement, and scale structure visual images; in the Dukakis film, they needed to be to be more effectively managed.

4a. Color and light

Dondis (1989) argues that: "Color is, in fact, loaded with information and is one of the most pervasive visual experiences we all have in common. It is, therefore, an unvaluable source for visual communicators" (50). Reagan's 1984 biofilm is a masterpiece in the use of color and light to add vivacity to a verbal message. The film is bathed in sunlight - numerous sunrises over the farmland and the Capitol, sunlight shines not only on Reagan, but on all types of Americans from cowboys to blue-collar workers to students and business executives. It is not just the sunlight but the saturation of color throughout the film that creates warmth and a sense that all is right with the nation. The film clearly reaffirms Reagan's assertion that Americans are better off in 1984 than they were a few short years before.

In a similar way, the use of color and light had a significant impact on the audience's perception of Hillary in Clinton's 1992 film. Hillary was often viewed as hard, opinionated, and an ardent feminist; in the film, she comes across as gracious, friendly, and supportive of her husband. While this was achieved through her personal testimony, it was also achieved through the filming of this testimony. Hillary was shown bathed in a soft light, and the dark green foliage in the background contrasted nicely with her pink sweater and bobbed blond hair. At a most basic level, the soft-focus of the camera contributed to a softening of Hillary's personality.

An audience's preference for color does not preclude the use of black and white photography/video, which can be very powerful when juxtaposed with color. But when a film consistently uses black and white visuals over color without a compelling strategic reason (e.g. to give the illusion of historic documentary film), the film loses the emotional appeal that color evokes. Surprisingly, many of the biofilms employ a large number of black and white photos or video. One would expect old family snapshots to play a role in a biographical film, but Dole's 1996 film, for example, illustrates an over-reliance on a colorless montage. Students viewing the visual track alone responded to Dole's age and lack of a contemporary perspective. The visual message of Reagan's 1984 biofilm, drenched in color, evoked the opposite response even though both candidates were old from the student's perspective. Reagan's candidacy was seen as active, forward-thinking, and Dole's as passive, tied too closely to the past. Color and light, then, create emotional tones for the viewer that can shape the way a

candidate is perceived.

Finally, in its most basic form, colors are associated with feelings. In the American political arena, the use of red, white and blue traditionally evokes feelings of patriotism. The use of the flag is the most obvious, but the colors can also be utilized in backdrops, balloons, banners, etc. It should be intuitive that a political biofilm would use color symbolism to enhance its message, and many do, most notably Reagan's 1984, Bush's 1988, and Clinton's 1996. Those films that do not use this type of color symbolism stand in stark contrast, most notably Dukakis and Dole's.

4b. Movement

Dondis (1989) writes, that "the visual element of movement. . . is more often implied in the visual mode than actually expressed. Yet, movement is probably one of the most dominant visual forces in human experience" (64). Zooming in or out, rapid cuts, use of montages, and the use of video or film instead of still pictures, are examples of how a sense of movement can be achieved. Movement makes the audience member feel more a part of the experience and helps the audience believe that the candidate is able to move in time, meaning he can be both a historical figure and a contemporary figure. These techniques help the audience identify the candidate with those events or people that are iconic for the voting public.

Lacking in color, Dole's 1996 biofilm also lacks effective movement. It relies on static or artificially posed pictures as opposed to glimpses of people engaged in various activities. As audience members, we are drawn to activity, and a picture can imply activity even though it is but one image of the act. In contrast to early photographs that tried to replicate portraiture paintings where there was no movement, basic photography now asserts that a good picture implies movement. Dole's biography introduces his family life with 13 photographs intercut with a video interview with Dole. The snapshots are all staged photographs in which none of the family members, Dole included, are active. In contrast, Clinton's first biofilm is also a scrapbook of his life, but his memories are captured mostly through film, specifically home video, along with a few photographs that are activity oriented, for example, Clinton kissing Chelsea as a baby. When portraits are employed, they are enlivened through camera manipulation; for example, on a photograph of Clinton as a baby, the camera pans out from the twinkle in the baby's eye to the whole baby. Home video is especially moving as Clinton is shown creating a loving family - dancing and playing baseball with Chelsea and

swinging in a hammock with both Hillary and Chelsea.

Another example of the dichotomy between movement and a lack of movement is seen in Bush and Dole's portrayal of their respective war experiences. Dole's war is captured through four simple pictures: his unit, the Western Union cable that informed his parents of his war injuries, Dole in the hospital - looking thin, and Dole standing outside by some work-out pulleys. In contrast, Bush's experience comes to life through a variety of home videos and war footage. Dole's war heroism could have been the most dynamic, visually compelling argument of his film - much like Bush's - but it fails to make Dole's experience real. The audience is told that Dole is a war hero, but they do not feel that. Told rather than shown, Dole's war experience is unlikely to become a phenomenal experience for the viewer.

A final example is found in the historical montage at the end of Clinton's 1996 and Reagan's 1984 video. In those sequences the visuals are complex, fragmented, and lacking in balance. The viewer is encouraged to read the American experience as active, energized, moving forward. A series of images of iconic events are implicitly argued as precursors to the exciting future awaiting the nation. Dondis explains, "the visual elements are manipulated with shifting emphasis. . . The most dynamic of the visual techniques is contrast, which exists on a polarity with its opposite technique of harmony. . . . The techniques are the agents in the visual communication process; it is through their energy that the character of a visual solution takes form" (1989: 16). Movement invites the audience to become involved in the candidate's message and demonstrates that the candidate possesses the American cultural value of activity. The audience believes that this candidate will accomplish his goals.

4c. Scale

Visual images are structured by the principles of scale. Dondis explains: "All visual elements have the capacity to modify and define each other. . . there can be no large without small, but even when large is established through small, the entire scale can be changed with the addition of another visual modification. Scale can be established not only through the relative size of visual clues, but also through the relationships to the field or environment" (1989: 56-57). Scale is interestingly employed in Reagan's 1984 biofilm through a series of images of the flag. The first image is a long shot of children and their leader at camp watching an American flag being raised; the second shot is a close-up of the children's faces looking up in awe; the final shot pans out from the flag atop the Capitol to a

long shot of the Capitol. The move from long shot to closeup elevates the height of the flag and, in turn, its importance.

Through similar visual logic the flag (as symbolic of our political values) becomes larger and more important as it is seen against the backdrop of the Capitol. A simple symbolic act in which children participate promises the preservation of our political ideals. A second sequence of photographs makes the same basic argument, but links the childhood participation with the agrarian myth. Three shots structure the message: a farmer is plowing his fields in the early morning sunrise; this fades into a close-up of the flag, which cuts to a close-up of a small boy saluting the flag - the flag is larger than the boy or the man on his tractor. The scale of the flag is symbolic of the importance the viewer should place on political values. This message is, perhaps, best captured in a shot of Reagan with a wall of flags behind him. Pictures of people and flags give the flag an importance that, if explained verbally, might sound trite, but the image of patriotism evokes the emotion without the rational distancing that our verbal norms prefer.

We have argued then, that the characteristics of visual images - color, scale, and movement - all make the visual argument more vivid and compelling for the viewer and that visual argument privileges a particular reading of the candidate's qualifications for office. The audience wants a president who is active, charismatic, and larger than life.

5. Visual Arguments: Theoretical Implications

Political biofilms clearly illustrate the conclusion of previous research that visual messages reinforce verbal messages. However, we have shown that visual messages can stand alone as an argumentative form. Specifically, our research has demonstrated that the visual messages in biofilms argue for the acceptability or liability of a particular candidate for the presidency by evoking culturally ingrained narratives. Once evoked, the audience is able to enthymematically complete the argument that the candidate meets the role expectations within a particular cultural narrative. Having established that visual arguments can be independent of verbal arguments, we further explored why visual messages appear to represent truth, and how the vivid and compelling nature of visual arguments can make this form of argument so powerful. We demonstrated how a perception of truth is achieved through the manipulation of images, specifically through techniques like paraproxemics, false continuity, associational juxtaposition, and blurring of genres. These techniques invite the viewer to

participate in the creation of meaning, but that meaning is not as open to audience interpretation as one might assume. Through the images that are presented, the viewer begins to think about the candidate as the filmmaker desires. Visual manipulation privileges a certain reading of the candidate and his role in the future of America. The ability to create a phenomenal experience for the viewer is more pronounced with visual rather than verbal messages because the viewer does not question its validity.

Once a link has been established, e.g. between Bush and war, visual arguments are often difficult to refute or resist. Breaking the link between the visual image and the audience is what Perelman and Olbrechts-Tyteca call dissociation. They make a distinction between dissociation and a simple breaking of argumentative links; the latter “consists in affirming that elements which should remain separate and independent have been improperly associated. Dissociation, on the other hand, assumes the original unity of elements comprised within a single conception and designated by a single notion” (1969: 411-412). Because visual arguments can privilege a misconception in the audience that the linkage is properly constructed, attempts to refute visual arguments demand dissociational efforts and are, therefore, harder to refute than verbal arguments. Resisting dissociational visual argument is more difficult because audiences are less adept at analyzing this form and, because as Olbrechts-Tyteca argue, this is a more difficult argumentative link to break. When an argument, whether verbal or visual, rests on what the audience views as an essential link, e.g. war heroes make good presidents, the linkage is difficult to break.

What has not been explored is what happens when visual and verbal messages are in conflict and both have essential links, compete. Consider Clinton’s reoccurring problems regarding infidelity. These charges call into question his qualifications for president because culturally there is an essential link between morality and the presidency. The preponderance of verbal messages forged a link between Clinton and infidelity that was seemingly impossible to break. The 1996 biofilm, however, utilized visual arguments with an essential link – Clinton as loving husband – that is similarly a prerequisite for the presidency. These two arguments represent a clear case of irreconcilable essential links and the competition between visual and verbal proof. What is at stake is the power of these two forms of argument and the necessary strategies for breaking essential links. Resolution of this conflict demands dissociational refutation. In Clinton’s case, the producers of his biofilm recognized the power of the visual over the verbal and were hoping that the visual link between Clinton and Hillary would be

stronger than the verbal link between Clinton and other women. More research needs to be conducted on the competition between visual and verbal arguments when both contain essential links.

In conclusion, we believe argumentation scholars must further attend to the role of visual messages. Our focus has been on one aspect of political discourse, but our observations lead us to believe that similar visual argumentation occurs in other realms of public discourse. We have discovered that visual arguments employ many of the same principles as verbal arguments. For example, both can manipulate as they select and organize proof, both can reason fallaciously as they forge links, and both can evoke powerful cultural narratives as they argue enthymematically. Due to years of scholarship, audience's have become more skillful in assessing and responding to verbal arguments and, because this is a visual age, the same kind of attention and training must be given to visual argumentation.

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Renaissance Roots Of Perelman's Rhetoric



Everyone here, I dare say, is aware of the stature of *The New Rhetoric* (as the *Traité de l'argumentation* came to be known in its English incarnation) has these days in the field of argumentation theory, of the elegance of Perelman's critique of cartesian formalism, of his repositioning of the question of what constitutes reasonability, and of the consequent enhancement - perhaps the rehabilitation - of a discipline that many found suspect: rhetoric. You are all no doubt aware as well of the sorts of reservations Perelman's ideas have elicited, chiefly in the area of his notion of the "universal audience" or, indeed, of his radical audience-orientation in general. Of these I shall have nothing to say because my concern is a rather different one from those expressed in the vast majority of critical response to Perelman.

Nothing I have seen in the critical literature pays much attention to two important subjects treated by Perelman in the *Traité*: *loci* and figures. I do not know why this is so. It may be that his interpreters of record understand these things better than I do. But it is nevertheless exceedingly strange that they should ignore them, since they constitute by far the greatest part of Perelman's discussion. On the very face of it, therefore, a look at Perelman's treatment of *loci* and figures seems very much in order. His book, he tells us in the very first pages, was to be a study of the discursive methods of "securing adherence", methods that extend beyond the "perfectly unjustified and unwarranted limitation of the domain of action of our faculty of reasoning and proving" imposed by logic (p.3). His rhetoric is accordingly a method both of inquiry and of the means by which we can articulate the reasons for our decisions. The study of these discursive means centers on the *loci* of preference (NR pp.83-114/ TA 112-153) and *schèmes argumentatifs* (187-450/251-609) based on the *loci* (p.190/254f.), and on the verbal devices of eloquence in all its forms, devices ordinarily relegated to the realm of ornamentation and devalued as mere device (pp.167ff., 450f./ 225ff., 597f.). The primary subjects of the *Traité* are in short invention (not judgement, as so many want to claim) and expression.

Since time is short (and the argument is long), I will restrict myself to a brief

examination of the resemblances between Perelman's treatment of loci and Renaissance "place-logics" - particularly the place logic in the *De inventione dialectica* of the great Renaissance humanist, Rudolph Agricola.

Let me begin with a sketch of Perelman. A locus, Perelman tells us, is "a premiss of a general nature"; the sum of all loci constitutes a storehouse or *arsenal* "on which a person wishing to persuade another will have to draw, whether he likes it or not" (84/113). Perelman treats of two sets of loci: loci of the preferable (amplifying on those in Aristotle *Rhetoric* 1.7) and loci which enable one to establish *liaisons* between facts. Loci of the preferable break up into two large "families": those centering on "quantity" (the whole is preferable to a part, the common to the rare, etc.) and those centering on "quality" (the unique is preferable to the normal, etc.). Loci for establishing liaisons between facts Perelman divides into associative loci and dissociative loci. Associative loci include what he calls quasi-logical "schemes" (tautology, transitivity, etc.) and another set centering on relations of succession (cause/effect, means/ end, etc.) and of coexistence (act and person, symbolic relations, all of which are derived from the "structure of the real"); and those loci which enable one to "establish the structure of the real" (example, analogy, etc.). Dissociative loci turn on stipulations as to the character of facts as real or apparent, as latent or manifest, as constructed or given, etc., which enable one to counter or transcend arguments based on associative loci. Association and dissociation are always mutually interactive.

Since Perelman calls these loci "premisses" and "argumentative schemes", one might be tempted to equate them, respectively, with "premisses" in syllogisms or enthymemes (or perhaps with Toulmin's "warrants") and with something like inferential schemata in logic. No doubt, a *locus* of preference which one might express as "the whole is preferable to the part" could be so construed, and it is easy to fabricate a syllogism using that locus as a major premiss or as a warrant. But that is not what Perelman is up to. To begin with, Perelman has little if any interest in syllogisms. At best, they might be seen as a sub-set of one of his "quasi-logical" loci, namely, transitivity. In reality, a syllogism (or enthymeme) is probably just one way, of many, of arranging an argument. Moreover, it is difficult to see how arguments from analogy, comparison, example, division, etc., could be transformed into syllogisms without doing great violence to what Perelman has in mind. An idea of just what that was can, I think, be gathered from the comparison

with Agricola I suggested before.

Agricola, who died young in 1485, is important in the history of rhetoric because he was the chief conspirator in a “semantic revolution” which re-inaugurated the classical Ciceronian view of invention as fundamentally rhetorical, breaking with the scholastic tradition beginning with Boethius which restricted commonplaces (as distinguished from particular places) to dialectic. Boethian dialectic, it will be remembered, was conceived as a universal verbal art whose application was restricted to specifically verbal acts – statements and arguments. Invention in Boethian dialectic discovered and provided the “maxims” (*maximae propositiones*) which could guarantee the validity of assertions made in disputation. This kind of dialectic ties invention to logical necessity, supplying the canons by which an argument may be judged as to its validity and, consequently, its truth. In the process, it removes dialectic from the realm of invention aimed at generating statements and arguments, especially ones based on imperfect knowledge of probabilities, when they are needed.

Agricola’s dialectic, like Cicero’s, is by contrast oriented toward invention rather than judgement. For Agricola, every disputed matter can be reduced to a question which asks whether a given predicate can be said to “inhere” in its subject. That is, Agricolan dialectic involves the analysis of subjects and predicates to discover – that is, “invent” – points of agreement (*consentanea*) or disagreement (*dissentanea*) between them. The nature of this analysis in invention can be seen by observing the application of loci – definition, genus, species, properties, adjuncts, etc. – to a proposition or question using the procedure Agricola called *ekphrasis* (*De inventione* 2.28, pp. 326ff. in the 1539 Cologne edition).

For example, we might consider the question “*An rhetorico petenda sint lustra in viam Achterburgwalensiem?*” – loosely, “Should teachers of rhetoric frequent certain establishments (the *lustra*) located along the Oude zijds Achterburgwal?” The definition of the subject, “teachers of rhetoric”, might be framed as “Good men skilled in teaching others to be good men skilled in speaking”; that of “those who frequent the *lustra*” as “Persons looking for a good time”. No *consentanea* here, it would seem. As for genus, it may be allowed that both are animals. The species of *rhetorici*: Aristotelian, Ciceronian, Perelmaniac, Toulmaniac, and the rest. No comparable species of the predicate term exist (as, for instance, “sailing” is a profession – but perhaps there are different schools of sailing? I don’t know). As for property: of the *rhetoricus*, “lust for knowledge of the

principles of rhetoric”; of the other, perhaps, the Latin name for which would be *lustrones*, just “lust”. Do we see *consentanea* here? The next locus in Agricola’s list is “parts” - arms, legs, head, and the rest in both the subject and predicate! So we seem to have some *consentanea* here. Under “conjugates”: for the one, “rhetoricizing”, I suppose; and for the other, “*lustrari*” - loosely, “hanging around houses of ill-repute”.

Now I realize that some people don’t see any difference here; but I will propose that these are *dissentanea*. Under “adjacents”: for *rhetorici*, concern for civic virtue, uprightness of morals, love of hard work, wrinkled brow, paleness, and the rest. As to the *lustrones*, uprightness and paleness, but clearly not for the same reasons. So I think we have some *dissentanea* here. Skipping a few loci brings us to final cause: for *rhetorici*, producing a future generation of good men skilled in speaking; for *lustrones* - well, perhaps we don’t have to go into that in detail, but *lustrones* usually don’t aim at producing future generations, do they? And so one goes on in this procedure, generating, on the one hand discourse about teachers of rhetoric and, on the other, about *lustrones*. Agricola’s system thus provides us with the sorts of things one can say about them. But - and this is crucial - unlike the case with Boethius, the Agricolan dialectician must have particular and concrete knowledge of both rhetoricians and *lustrones* in order to generate discourse about them.

Consider now how this kind of analysis discovers possible arguments bearing on the original question. Where we can see *consentanea*, we can develop liaisons on the basis of which we could argue that rhetoricians should hang around houses of ill-repute; or, on the contrary, that it wouldn’t be appropriate for them to do that, on the basis of the *dissentanea* we have discovered.

I’ll have to sum up this analysis without going through all twenty-four of Agricola’s loci, I am afraid. But first, I want to point out that some of our possible *consentanea* involve considerable equivocation, which, of course, is a trick used by sophists, not dialecticians; and that the only solid *consentaneum* is to be found under “parts”. And since the *dissentanea* seem to outweigh the *consentanea* - or so Agricola would conclude - there don’t seem to be any grounds for arguing that rhetoricians should hang out in houses of ill-repute aside from the fact that they, like *lustrones*, have arms, legs, heads, and the rest. I hope no one here is disappointed by this.

Like the loci of Agricola’s place logic, Perelman’s loci enable us to generate

probable arguments aimed at creating or intensifying adherence by appealing to the liaisons among accepted facts and preferences. If we had time, I think I could show how Agricola's list of loci embraces most, if not all, of Perelman's loci concerning "facts". Agricola's understanding of "definition" as a topical resource subsumes most of Perelman's "quasi-logical" loci, for instance. What Agricola calls "*comparata*" (Inv. 1.24, pp. 132ff.) cover Perelman's "analogy" (371ff./499ff.), "illustration" (350f./481f.), and "model" (362ff./488ff.); his "*opposita*" (Inv. 1.26, pp. 154ff.) are Perelman's "complements" (240ff./315ff.), and so forth.

I hasten to add that I am not claiming that Perelman consciously drew on Agricola for his notion of loci, for he does not seem to have known the *De inventione dialectica* well. In a way, Perelman and Olbrechts-Tyteca re-invented the wheel, as Perelman himself was aware - that seems to be what he means when he remarks in the introduction that his book was "mostly related to the concerns of the Renaissance" (p.5/6). Nor am I saying that a comparison with Agricola could prove exhaustive. Perelman's loci of preference have no counterpart in Agricola, but draw rather on Aristotle's *Rhetoric* and *Topics*. And what Perelman calls "dissociation" might well have been rejected by Agricola as a fallacy.

The comparison with Agricola is useful, nevertheless, since it sheds light on other aspects of Perelman's rhetoric. Even the example I generated earlier turns up something crucial in both Agricola and Perelman: it is grounded on common knowledge, common assumptions, common ethical standards, perhaps, all of which are "pre-understood" and all of which are presumed in appealing to a particular audience - and audience, if anything, is the paramount element in Perelman's views.

It may also be argued that, just as in Agricola, the syllogism occupies a subsidiary position - if it holds any position at all - in Perelman, for whom the discoverable liaisons among facts are more subtle, much more flexible, and much more in the realm of accepted particular facts than the liaisons recognized as legitimate by logicians. I do not think this can be stressed enough. From what I have seen, most readers of *The New Rhetoric* have exhibited an almost uncontrollable temptation to assimilate Perelman's inventional method to some version of syllogistic procedure, ignoring the cautions he expressed in the last piece he published in the U.S. (QJS 70 [1984], pp. 188ff.) about the tendency to "Toulminize" his rhetoric by turning it into an "informal logic". In a way, it must be admitted that we are all afflicted by what Kenneth Burke called a "trained incapacity" in view of

our inabilities to avoid reducing the notion of “argument” to the syllogistic model, indeed, to a peculiar version of that model long ago discredited.

This observation brings me to a final point of resemblance between Agricola and Perelman. Both, I think it can be said, found themselves at the center of a “semantic revolution”, the more recent of which is just beginning to gain momentum. A “semantic revolution” occurs when terms remain the same but their meanings change. A good example would be the term “dialectic”, which had undergone many; or “argument”, for that matter. The sense of “revolution” here is not, I should add, the sense in which revolutions tear down the old and replace it with something completely new; but an older sense of “revolution” - one evident in the reference to “The Glorious Revolution” of 1688 in England, wherein affairs “re-volved” back to an earlier state. In a sense, it is possible to say that, just as Agricola’s “revolution” carried him back beyond Boethius to Cicero, so Perelman’s has carried him back beyond Tarski and Frege, beyond Spinoza and Descartes and what Perelman calls a bourgeois preoccupation with evidence, to Agricola or to thinkers like Agricola, who “revolutionized” rhetoric during the Renaissance. It may be, I have come to think, that just as Agricola saw a need to reach back beyond Boethius, we will have to reach back beyond Descartes to Agricola if we wish to understand Perelman rightly.

ISSA Proceedings 1998 - “I’m Just Saying...”: Discourse Markers Of Standpoint Continuity



1. Introduction

Group discussion of a controversial issue confronts participants with intellectual and pragmatic challenges that in practice are inextricably entwined. Argumentation theory attends primarily to the intellectual challenges and provides conceptual tools for analysis of issues and

arguments. Practical argumentation, however, is fundamentally a pragmatic, communicative process. The pragmatic work of discussion is not merely a distraction from the intellectual work of argumentation. Rather, it sustains the social matrix within which argumentation becomes possible and meaningful as a constituent feature of certain collective activities.

To understand the normative and pragmatic dimensions of argumentation in their intertwined complexity requires empirical studies of practical argumentative discourse along with analytical and philosophical studies of normative argumentative (van Eemeren, Grootendorst, Jackson, & Jacobs 1993). The present study attempts to contribute to the empirical side of this inquiry by describing and analyzing certain uses of a particular pragmatic device.

Specifically, the paper reports a discourse analysis of discussions among students in an undergraduate “critical thinking” course. Student-led discussions of two controversial issues (capital punishment and legal recognition of homosexual marriages) were audiotaped and transcribed. Examining discourse markers (Schiffrin, 1987) in the two discussions, we noted frequent uses of “I’m just saying” and related metadiscursive expressions (I’m/we’re saying, I’m/we’re not saying, etc.). Our central claim is that these “saying” expressions are pragmatic devices by which speakers claim “all along” to have held a consistent argumentative standpoint, one that continues through the discussion unless changed for good reasons. Through microanalysis of a series of discourse examples (see Appendix B), in the following sections we show how these discourse markers are used to display continuity, deflect counterarguments, and acknowledge the force of counterarguments while preserving continuity. In a concluding section we reflect critically on the use of these continuity markers with regard to a range of argumentative and pragmatic functions that they potentially serve.

2. “Saying” as a Marker of Standpoint Continuity

Speakers often use “saying” as a discourse marker in order to highlight a formulation of their continuing standpoint in contrast to some other idea with which it might be confused. As in (1)19, the purpose may be simply to distinguish the speaker’s main point from a subordinate element such as evidence. Often, however, the purpose is to dissociate the speaker’s standpoint from some other, usually less acceptable, standpoint that in the context has been, or might plausibly be, attributed to the speaker. Rufus (1) describes some evidence he is about to present as “j’st some stats” as distinct from “our position we’re sayin,”

which marks the immediately following discourse as a formulation of a continuing standpoint that the “stats” will be “speakin on.”

Several turns prior to (2), a speaker had raised a challenge to the anti-capital punishment speakers by asking, “what about repeat offenders that have actually already been put in jail and gotten off and they were supposed to be reformed and come back and do the *same thing* again.” A pro-capital punishment speaker first replied “that’s our point” and went on to explain that a purpose of capital punishment is to ensure that convicted murderers will not murder again. There followed a brief digression initiated by another speaker’s question about the meaning of a term. Will opens his turn in (2) by explicitly marking it as a reply to the original question about repeat offenders. He then marks a difference between what “we’re all talkin about” and what “we’re sayin.” In the context of the original question and the subsequent speaker’s explanation of the purpose of capital punishment, it might be inferred that opponents of capital punishment offer no means to prevent convicted murderers from killing again. Will’s reply is that life imprisonment offers an equally effective means of prevention. By marking this view as what “we’re sayin” he implies that he and other anti-capital punishment speakers have been misunderstood by the pro side. “We’re all” (proponents as well as opponents of capital punishment) “talkin about” convicted first degree murderers, who could be imprisoned for life rather than executed. Will emphasizes that his advocacy of life imprisonment as a solution to the problem of repeat offenders, contrary to what the recent context might suggest, is not an *ad hoc* shift in standpoint. Rather, he implies, it formulates a continuing standpoint that he and other speakers have *all along* been advocating.

In (3), Fran (accompanied by other, overlapping speakers) corrects what seems to be a factual error in Judy’s prior utterance. Judy marks her response (“I’m saying”) as a formulation of her standpoint, self-correcting (“he got twelve- if you had twelve) in order to emphasize that what the other participants took to be a factual error had actually been intended as a hypothetical conditional. As in previous examples, the implication is that Judy’s standpoint has not changed at all. She need not correct her error because she committed none. She marks her second utterance simply a reformulation of the point she has intended all along.

Stan, just prior to (4), had advocated “severe” life imprisonment – defined as solitary confinement – as an alternative to execution. In a heated exchange (4), Tina points out that extended solitary confinement is illegal. Stan replies to this objection by claiming that it is completely consistent with his standpoint

("Exactly" ... "That's what I'm saying."). The implication is that Tina's objection requires no change whatever in Stan's position, because a change in the law has been a part of his continuing standpoint all along.

3. Variations of "Saying" and the Function of Progressive Aspect

Fred's "asking" (5), and Will's "making the point" (7), are used quite similarly to "saying" in earlier examples. Each marks the speaker's utterance as a formulation of a continuing standpoint that other speakers have insufficiently acknowledged or confused with some other, less acceptable, standpoint. As in earlier examples, continuity is marked as a way of emphasizing that what is being expressed is not a new or revised standpoint but is precisely what the speaker has been "saying" all along.

In example (6), Fred uses the past progressive "was saying" instead of the present progressive "saying." In another context, this usage might mark a *change* in standpoint (i.e., what I previously "was saying" differs from what I now "am saying"). In this case, although "was saying" refers to statements Fred made earlier in the discussion, the following context ("what I believe") strongly suggests that his standpoint has not changed. What *has* changed is that Fred now realizes he needs to "clear it up" - that the admitted unclarity of his previous formulation of his standpoint will be repaired by his current formulation. The standpoint itself is unchanged but, due to Fred's previous unclarity, has been misunderstood. In this context, Fred's "was saying" can be interpreted as a slightly more polite variation of "saying" as a marker of continuity.

Collectively, examples (1) through (7) indicate that it is specifically the *progressive aspect* (-ing) of these discourse markers that carries the implication of a continuing standpoint. A range of present progressive "speech act" verbs (such as "saying," "asking," "making a point," "talking about," "arguing," "claiming," etc.) can function similarly as discourse markers that highlight the continuity of an argumentative standpoint.

4. "I'm Not Saying ... I'm Just Saying": Deflecting Counterarguments

"Saying," when used as a marker of standpoint continuity, is often embedded in a larger discourse structure of the form "I'm not saying ... I'm just saying." Examples (8) and (9) illustrate uses of this structure.

In a series of exchanges preceding (8), Mary had argued that the death penalty will not deter people who, like many inner-city poor, "live life without hope." Another speaker, citing a vivid example of a middle class man who chose a life of

crime, argued that one's "financial background" does not determine one's choices. In (8), Mary generally concedes this view while claiming that it is not inconsistent with her continuing standpoint. Like speakers in earlier examples, Mary tries to dissociate her own standpoint from other, less acceptable views that other participants have implicitly attributed to her. Like Stan in (4) or Will in (7), Mary could have said something like "I agree that people should be held responsible for their acts, but I'm saying that penalties should take circumstances into account." Instead, she presents a more elaborate series of statements of what she is "not saying," followed by statements of what she "believes" and "thinks," and concludes on the perhaps rather vague point that she is "j's saying there's so many things to consider."

Like Stan and Will in the earlier examples, Mary does not merely concede counterarguments presented by others. The counterarguments, she implies, not only are not inconsistent with her standpoint but express precisely her own views. She thus concedes the validity of others' claims while denying that any change in her own standpoint is thereby required. As compared to Stan and Will, however, Mary gives a more elaborate statement of the points conceded. The elaboration (accompanied by vocal emphasis and other signs of emotional intensity) emphasizes that Mary is not merely conceding these points but is expressing her own sincere, strongly believed, continuing views. With statements of what she is "not saying," she emphatically dissociates herself from unacceptable views that others have apparently ascribed to her.

In contrast, Mary's concluding statement of what she herself is "j's saying" seems increasingly vague and tentative. This contrast is interesting. One plausible interpretation is that Mary is backstepping from her earlier standpoint while using the continuity markers as a smokescreen. Hesitation, nonfluency, and words like "think" and "just," all discourse features that often function as hedges, could be cited in support of this interpretation. But "think" and "just" can also have other functions besides hedging claims. "I think" not only can express uncertainty but also marks an utterance as a formulation of the speaker's own thoughts; thus it can serve to strengthen the association between speaker and utterance. "Just" can be used to downtone or hedge a statement ("just an idea") but it also has specificatory ("just before dawn"), restrictive ("just on Tuesdays") and even emphatic ("just amazing!") uses (Lee, 1991).

The multiple meanings of "think" and "just" provide for a range of subtleties and ambiguities in discourse. Mary in (8) downtones her formulation of a standpoint

that other participants have criticized yet also insists that her standpoint is unchanged because it never entailed the claims that her critics have attacked. Mary's "I think" slightly hedges the statement it marks but also emphasizes her personal association with it. Her "j's saying" slightly hedges her concluding formulation of her standpoint but also works, in conjunction with the earlier "not saying" statements, to emphasize that her standpoint *never included* the extreme and unacceptable views that others have criticized. Her standpoint is held forth as absolutely continuous and unaffected by the counterarguments.

"I'm not saying ... I'm just saying" is a structure frequently used to hedge a standpoint against actual or anticipated criticism while simultaneously asserting that the standpoint has been essentially continuous and remains unchanged. Peggy in (9) provides another example of this technique and also evidence of its normativity.

Previous to (9) another participant had cited a public opinion poll in which the majority of respondents had opposed legal recognition of homosexual marriages but had agreed that homosexual couples should be entitled to family benefits such as health insurance. A question was raised as to why the poll respondents might have held these seemingly contradictory views. In (9), Peggy replies that marriage has religious significance associated with the production of children. John interrupts her to ask about the implications of "this view" for heterosexual married couples who choose not to have children. John's method of posing this question displays his special participation status as a discussion facilitator. Instead of responding directly to Peggy from his own standpoint on the issue, he objectifies Peggy's discourse as "this view" and poses a question to the group as a whole. Although not explicitly directed to Peggy, the question implies a strong challenge to the view she had presented. Interrupting John, Peggy hastens to dissociate herself from that view. Using the "not saying ... just saying" structure, she points out that she had not been expressing her own opinion but had been speculating on "probably what it was" - that is, on what the poll respondents had probably been thinking.

Peggy begins with "I'm just saying," thus reversing the usual order of "not saying ... just saying," but corrects herself by restarting with "I'm not saying." Her self-correction displays an assumption that the "not saying ... just saying" structure is normatively expected. Her "oh yeah ... yeah" overlapping John, followed by "I'm just saying" parallel's Will's "yeah ... I agree ... I'm just making the point" in (7). But the form of John's question perhaps makes this response inappropriate. Peggy

cannot agree or disagree with John because John has not presented his own standpoint on the issue but rather has posed a question to the group in his neutral role as discussion facilitator. Peggy then refocuses her reply to clarify her own standpoint, but this creates a structural conflict between the “yeah agree ... just saying” and “not saying ... just saying,” which her self-correction resolves in favor of the latter.

Other interesting variations of “not saying ... just saying” in our data cannot be examined here for lack of space. In all cases, however, a close reading confirms that this structure is used to assert the absolute *continuity* of a speaker’s standpoint in response to actual or anticipated criticism. The speaker claims or implies *all along* to have been advocating not the problematic view (“not saying”) but only another, more acceptable, view (“just saying”). Although, as the speaker sometimes acknowledges, the criticism itself may be valid, it does not apply to the speaker’s continuing standpoint, which is different.

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5. “I just don’t think”: Going to the Limit of Acceptability

We have shown that discussion participants often use “saying” and related discourse markers to maintain the absolute continuity of their standpoints, even in the face of strong counterarguments. But, of course, we’re not saying that participants *always* do this ... we’re just saying they *often* do! Discussion participants do sometimes acknowledge that counterarguments have affected their standpoints. In doing so, they are often at pains, however, to *minimize* this admitted change in standpoint. Most subtly, like Mary in (8), they may acknowledge the strength of counterarguments by reasserting their continuing standpoint but in a more closely hedged or downtoned manner. Examples (10) through (12) illustrate a more explicit approach in which speakers acknowledge the force of counterarguments by shifting the range of their views to a point beyond which they continue to be unable to go. The persuasive force of a counterargument can move them just so far, but no further.

Tina in (10) confronts Judy with evidence directly contradicting Judy's claim that the death penalty has no deterrent effect. Judy stumbles momentarily then responds, not by challenging the evidence nor denying its relevance, but rather by falling back to a position that Tina's evidence no longer clearly contradicts. Notably, Judy does *not* formulate her standpoint with present progressive discourse markers like "just saying." Instead she uses simple present tense verbs (mean, think, say) to mark her discourse as what she *now* is saying in light of Tina's evidence, not what she *has been saying* all along. Unlike most speakers in previous examples, she does not attempt to maintain that her standpoint is absolutely continuous and unaffected by Tina's counterargument. Instead, she formulates a revised standpoint in terms of what "I just don't think we can say." Tina's evidence refers only to murder, not to other violent crimes that are more numerous. On Tina's evidence, "we" can no longer claim that capital punishment has no deterrent effect but, try as we might to accept the opponent's position, we just can't say that "killing a few people" will solve the problem of violent crime in general. Judy's core anti-capital punishment position is thus preserved although admittedly revised in light of Tina's counterargument.

Jen in (11) emphatically agrees with the pro-capital punishment argument that crime should have consequences. However, unlike Stan (4), Will (7), and Mary (8), all of whom also agreed emphatically with their opponents, Jen in this case does *not* formulate her agreement as completely consistent with what she has all along been "saying." Using simple present tense verbs (agree, make, mean, think), she marks her discourse as a statement of what she *now* thinks in light of the strong arguments in favor of capital punishment, not as absolutely continuous with what she has been saying all along. Although, she says, "I totally agree" with the need for consequences, "I just don't think that [capital punishment is] teaching a lesson that we are trying to make known." The shift from simple present (agree, think) to present progressive (teaching, trying) in this quotation is significant. Jen uses it to distinguish her revised view from her core standpoint, which remains unchanged.

Although consequences are important, capital punishment is not the right consequence for murder because it sends the wrong message. Tina in (12) replies to Jen with a gesture of reciprocation. She "completely" agrees with "your point that two wrongs don't make a right." Executing murderers, she implicitly concedes, is morally wrong, but she goes on to argue that it is nonetheless pragmatically necessary. "We have no other option ... There's nothing [else] we

can do” or else the crime problem is “j’s gonna SKYrocket” as it “has been [skyrocketing]” for decades. Like Jen (11), Tina (12) shifts from simple verb forms (understand, make, have), marking what she *now* thinks, to a progressive form (“has been [skyrocketing]”) that marks continuity. In this way, she distinguishes the parts of her standpoint that have been revised under Jen’s influence from her core pro-capital punishment standpoint, which continues unchanged.

Like “just saying” in earlier examples, “just” in examples (10) through (12) is used to place the speaker’s standpoint in the acceptable range on an implied continuum of acceptable to unacceptable standpoints. This is what Lee (1991) refers to as a “specificatory” sense of just. “Just saying,” however, not only specifies the speaker’s standpoint but also usually downtones it. Lee (1991) would say in this context that the meaning of just is indeterminate between two simultaneous readings, specificatory and depreciatory. The downtoning implies that the speaker’s standpoint is not merely acceptable but lies *well within* the acceptable range (hedging a claim usually makes it more readily acceptable). In contrast, the “just” of examples (10) through (12) has the properties of an “extreme case formulation” (Pomerantz 1986); it carries an emphatic sense along with its specificatory sense. In its specificatory sense, “just” locates the speaker’s standpoint in an acceptable range extending “just” to the boundary between acceptable and unacceptable standpoints, but no further. In its emphatic sense, “just” implies that the speaker has shifted as far *as she possibly can* toward the opposing view. Her emphatic agreement with the opponent’s “very good point” demonstrates her sincere and open-minded effort to accept as much as possible of what the opponent is saying. She has accepted *just* as much as she can, so much that her own position now extends from its continuing core to a point *just short* of unacceptability.

6. Discussion and Conclusion

In the terminology of grounded practical theory (Craig & Tracy 1995), this study has reconstructed certain techniques sometimes used by participants in argumentative discussions. The further development of a grounded practical theory of discussion practices would require not only that a wider range of situations and *techniques* be studied but that the use of the techniques be critically assessed with regard to the practical problems that occasion their use and the *normative principles* that would warrant the application of such techniques to such problems. The limited space of this paper precludes much commentary on these issues, but we will venture a few preliminary remarks.

We noted at the outset that participants in discussions of controversial issues face intellectual and pragmatic challenges that in practice are inextricably entwined, and the examples presented give evidence that “saying” and related discourse markers of continuity are used to address both types of problems, usually simultaneously. Speakers usually mark their discourse as a formulation of their continuing standpoint in order to distinguish their standpoint from other ideas with which it might be confused. Discourse markers of continuity thus contribute to dialectical functions of *specifying and clarifying argumentative standpoints*, which must certainly be counted among the important intellectual tasks of discussion.

Continuity markers also reflexively acknowledge a *presumption of continuity* that seems essential to the rationality of argumentative discourse. Rational discussion requires that different standpoints on an issue be stated, argumentatively elaborated, and defended or revised in response to counterarguments. The process necessarily unfolds over time as participants present their claims, reasons, supporting evidence, criticisms, and refutations. The form of the process is not ideally linear but rather “discourses” along a meandering path shaped by unpredictable contingencies of discussion. The rationality of this discourse rests in part on the presumption that participants hold consistent standpoints over time. The particular utterances of each participant must be presumed to represent coherently related aspects of that participant’s continuing, consistent standpoint. If, for example, a speaker states a general claim and then presents some facts, in order for other participants to make coherent sense of the discourse they must assume that the facts are intended to be consistent with the claim, or at least with the general standpoint that the claim represents. It is, of course, quite normal – even admirable – for people to entertain various views and to change their views for what they regard as good reasons. The presumption of continuity does not proscribe change but rather implies that change is rationally accountable. If the presumption of continuous standpoints were not upheld, if participants too often changed their standpoints capriciously, without good reason and timely announcement, rational discourse would be disabled. As happened in Garfinkel’s (1967) famous “breaching” experiments, in which he systematically violated or challenged the normal presumptions of social interaction, such a discussion would quickly devolve to chaos. Rational argumentation would become impossible. Garfinkel’s ethnomethodology would suggest that this presumption of continuity is not only a logical consideration but pragmatically sustains the very possibility of a social order.

Issues that become controversial involve serious conflicts among people who hold different standpoints. Argumentation is a form of social conflict conducted in discourse (Crosswhite 1996). Not every discussion participant already holds a fully articulate, consistent standpoint. Perhaps in many situations, few participants do. Still, to participate in a discussion of a controversial issue reflexively acknowledges that different standpoints on the issue not only exist but seriously matter to at least some of those who hold them. To take standpoints seriously would seem to imply that one should have a standpoint of some kind – even if only a provisional standpoint or one of ambivalence, neutrality, or skepticism towards other standpoints – which one should try to make as consistent and well supported as possible and should change only when convinced by good reasons. On this reasoning we might speculate that discussion participants at least sometimes are *normatively expected to have standpoints*. We have noted in our data (but cannot present here for reasons of space) cases in which participants do seem to orient to such an expectation by, for example, reporting their lack of a definite standpoint in a manner suggestive of conversational “dispreference” (Pomerantz 1984). If this does occur empirically it suggests another pragmatic function of continuity markers; i.e. not just to clarify one’s standpoint but to display, when something in the context might suggest otherwise, that one has a standpoint.

In our data, speakers typically use continuity markers to distinguish their standpoints from other, *less acceptable* standpoints. When a view has been criticized or contradicted by evidence, a speaker who markedly dissociates that view from his or her own continuing standpoint effectively claims not only *to be right* but, contrary to what others may think, *to have been right all along*. In conversation there is a structural preference for agreement over disagreement (Pomerantz 1984). Dissociating oneself from less acceptable standpoints creates opportunities for expressing and receiving agreement. It also protects one from the loss of face that results from being criticized or appearing to be wrong (Tracy 1997). These may not be among the more exalted pragmatic functions of continuity markers, but they generally uphold the social matrix that sustains discussion and are often quite harmless by pragma-dialectical standards. Judy (3) and Peggy (9) not only correct what to us are obvious misinterpretations of their standpoints, they also show agreement with others and deflect criticism. Given that they actually were misunderstood, a dialectician should see little harm in this mixture of motives. Judy in (10), on the other hand, although she acknowledges the counterevidence and offers a relevant distinction in reply, perhaps insists too

much on her own continuing rightness. And Stan in (3) might well be accused of using continuity markers merely as a smokescreen to avoid looking wrong while insisting on an untenable position. Moments after (3), the group responded to Stan's escalating vehemence with laughter, then digressed to another topic. In this case the assertion of continuity neither much displayed the virtues of critical thinking nor entirely protected the speaker from loss of face.

Thus it seems that pragmatic devices such as continuity markers can serve a variety of dialectical and conversational functions, with good or bad results depending on the case at hand. Sorting good from bad results and attempting to formulate the differences as normative principles is a goal for further critical inquiry.

Appendix A Transcription Symbols

Our method of transcriptions is based on the system used in conversation analysis (e.g., Heritage & Atkinson, 1987; Psathas, 1996).

Speakers are identified by pseudonyms. Special transcription symbols include:

, . ? punctuation follows intonation rather than syntax

:: prolonged syllable

- clipped syllable underline,

CAPS vocal emphasis, increased loudness

° decreased loudness

<> increased /decreased speech rate

hh .hh audible outbreath/inbreath

[] beginning/ending of overlap

= continuation of turn or absence of normal gap between turns

(1.0) one second pause

(.) brief, untimed pause

() transcriber uncertainty

(()) transcriber comment

Appendix B Discourse Examples

(1) Capital Punishment, lines 130-132

Rufus: Oh (.) This is j'st- some stats (.) um (.) (j'speakin on) our- our position to - um (.) part of whuh our position we're sayin that (.) um that definitely does not deter criminals...

(2) Capital punishment, lines 224-230

Will: M'wuh to respond to your question about repeat offenders that wuh-(.) we're

all talkin about people that uh- whuhwe've - that they-they've found guilty in- in a court of law uh firsh degree murder (.) so we're sayin they sh'd get life imprisonment so all- awnly way these people would uh be repeat offenders'd be if they escaped ...

(3) *Capital punishment, lines 373-383, simplified*

Judy: I mean the- here's this jury I mean 'ts such a >random thing< you know, you get twelve different people in the Nathan Dunlap trial and he's in prison for life.

(.) ...

Fran: He's on death row.

((multiple voices overlapping))

Judy: I'm saying he got twelve- if you had twelve different people on his jury, he is in jail for life rather than being killed

(4) *Capital punishment, lines 926-933*

Tina: You can't there's a law that says you cannot stay in solitary confinement.=

Stan: = Exactly there's[a law,]so they need to change=

Tina: so that's

Stan: = the law =

Tina: = ((high pitch, louder)) You ever seen "Murder in the First?"

Stan: ((high pitch)) That's what I'm saying we need to change the law:s. *Laws* need to change.

(5) *Homosexual marriage, lines 486-492*

Jim: ... And so that- and that's the reason I think that interracial er-homosexual marriages will be recognized.

Lisa: Do you think they *should* be::

Fred: Yeah that's what we're asking. Are we:: we're not sayingthey're going- it doesn't matter about the future if they're going ()

(6) *Homosexual marriage, lines 765-766*

Fred: Yeah. Well I guess- Let me clear it up. What I was saying (.) was this is my personal belief. ...

(7) *Homosexual marriage, lines 923-925*

Will: Uhm, yeah I mean I I agree with- what you're saying I agree with what *you're* saying. But- but- I'm just making the point that ...

(8) *Capital punishment; lines 807-819*

Male 1: They choose t' *commit* the murder

((multiple voices))

Mary: I'm not saying that I'm not sayin that- that their murder is their act of murder is wro:ng. I'm not saying that n I'm not saying that they don't deserve some consequence for that .hh n'that- I do think- I think life in prison should be life (.)

in prison. (.) I believe in consequences=

Will?: = °exactly° =

Mary: = b't I don't think (.) .hh tha::t (.) I think there's a lot of: (.) p(h)olitics in it? I think there's a lot of (.) eh- uh- b't worse, what- I mean what we're discussing is like what brings them to murder an- an that sort of thing .hh but .h I'm j's saying there's sho many things to consider an- and .h it's .h (.)

(9) *Homosexual marriage, lines 373-382*

Peggy: Well uh one of the things I thought is: that uh (.) marriage was (.) initially started up by the church, uhm to s- legally recognize a family and the purpose of a marriage was to create children and (.) perhaps uhm the reason people don't want: uhm: gay marriages to be recognized is because (.) perhaps it encroaches on: a:: uhm: a religious aspect of: like well wait a minute, marriages were originally crea:ted to:: uh:: have children to raise:[(.)

John: Okay. Do we h[a-

Peggy: a family.=

John: = Okay. Do we understand that view? (.) So if we're gonna follow that view (.) there are a lot of married people (.) that get married (.) and do not (.)[*choose*]to have=

Peggy: oh yeah

John: = *children*. So if we're gonna be consistent with tha:t,=

Peggy: = yeah.

John?: [(_____)]

Peggy: I'm just saying I'm just saying na I'm not saying I agree with em I'm saying that's (.) probably what it was: yeah.

(10) *Capital punishment, lines 531-547*

Judy: We *use* the death penalty *now*, an it's *still* going up. Is the thing I mean we're *using* it but[()]Texas=

Male: ((clears throat))

Judy: = they're knocking off people every *day* man they kill people like *hthaht* in Texas, .hh an it's *still* going up=

Tina: = And in the[e uh:]homicide rate has=

Judy: so what I mean is

Tina: = dropped every year n the past five years.

Judy: Has it? I=

Tina: = Yup, (.) in Texas it has.

Judy: B't I mean- eh- it's *not* only- the problem is not only *murder* (.) in our society I mean .hh there's other violent crimes=aggravated assault, larceny, arson, j'st- other stuff going on .h and I jus don't think that we can say by *killin* a few *people* every *year* it's gonna-it's gonna *help* anything I j'st (.) .h I mean maybe somebody can help me understand it cos I jus don't think it's gonna work.

(11) *Capital punishment, lines 680-687*

Jen: I agree with you, th't- th't you know you make °a° very good point like- (.) i- if nobody *knows* the consequence (.) I mean if the consequence isn't clear (.) what's gonna stop you.

Fred?: Mm hm=

Jen: Right? An I *totally* agree with that b't I j'st don' think that-.hh that it's (.) teaching a lesson th't (.) we-(.) are trying tuh(.) make known.

(12) *Capital punishment, lines 695-701*

Tina: I completely understand your point th't two wrongs don't make a right (.) bu:t (.) a-we have? (.) *no*: other options right nowWhich we do *not* (.) There's- (.) There's nothing we can do b't if we don't- (.) if we don't *do* something .h *make* some- *make* the pum- *make* the consequences more severe, .h it's j's gonna *SKYrocket* as it *has* been for the past twenty thirty years.

NOTE

i. Parenthesized, numbered references refer to the numbered discourse examples in Appendix B. The transcription format and special transcription symbols are defined in Appendix A.

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