

ISSA Proceedings 1998 - The Good Case For Practical Propositions: Limits Of The Arguer's Obligation To Respond To Objections



1. Introduction

This paper will discuss several questions about public deliberative argumentation raised by Trudy Govier's conception of a Good Case. In the interests of "developing realistic standards for the evaluation of arguments and argumentation," Govier distinguishes between an Exhaustive Case for a proposition and a Good Case. Unlike the *Exhaustive Case*, she observes, "the *Good Case* does not require that the arguer respond to *all* objections and *all* alternative positions." (Govier, 1997: p. 12) This important concept has special significance for studies of the public argumentation which enables groups, institutions, polities, etc. to reach decisions regarding their future acts and policies. It may be that Govier's conception of the Good Case identifies a basic contour of the normative ideal for public deliberative argumentation. To explore this possibility, I will, first, attempt to identify an ideal function for public deliberative argument which plausibly implicates a Good Case as its normative ideal. Second, I will try to clarify the concept of a Good Case as a norm for deliberative argumentation.

2. The Normative Status of a Good Case in Public Deliberation

The issue here is not whether Govier's conception is important. Most approaches to the study of argumentation would, I think, recognize that given limitations of time, circumstances, etc., often an arguer could not reasonably hope to establish an Exhaustive Case for her position; the best that could be expected from an advocate in many situations is a Good Case - a body of argumentation which, at least provisionally, dismisses some remaining objections and (possibly) some alternative positions. Rather, the issue concerns the normative status of a *Good Case* as contrasted with an *Exhaustive Case*. Is the concept of a Good Case merely remedial, applying to argumentation which falls short of the ideal Exhaustive Case, or does the concept of a Good Case delineate an ideal appropriate to some

modes of argumentation and, specifically, to those which involve interpersonal deliberation about practical concerns? I do not hope to answer this very difficult question; in the discussion which follows, I will only attempt to show it poses a serious choice for students of argumentation.

The view that an Exhaustive Case is the normative ideal against which all modes of argumentation are to be assessed has widespread and well articulated support in current studies of argumentation. It has able champions in the pragma-dialectical approach to the study of argumentation developed by Eemeren and Grootendorst and significantly elaborated by many others. According to pragma-dialectics, the norm of an Exhaustive Case corresponds directly to *the* ideal end served by argumentation. In this well-known view, argumentation ideally serves to *resolve* disagreement on the merits. (Eemeren & Grootendorst, 1992: 34; Eemeren, Grootendorst, Jackson & Jacobs, 1993: 25) Resolving a disagreement is held to require more than merely settling a difference of opinion by setting aside or repressing doubts and objections; rather, resolution of a disagree occurs “. . . only if somebody retracts his doubt because he has been convinced by the other party’s argumentation or if he withdraws his standpoint because has realized that his argumentation cannot stand up to the other party’s criticism.” (Eemeren & Grootendorst, 1992: 34) A resolution-oriented system is “structured in such a way as to assure that if it comes to any settlement at all, the settlement is one recognized by both parties as correct, justified, and rational. Hence, one characteristic of the ideal model is an unlimited opportunity for further discussion; an ideal system does not constrain the possibilities for expansion of a discussion” (Eemeren et al., 1993: 25).

In short, the ideal of resolving a disagreement on the merits requires, according to pragma-dialectics, that proponents of a standpoint establish an Exhaustive Case, a case which answers all pertinent doubts and objections to the satisfaction of the parties to the disagreement.

Of course, a pragma-dialectical approach to the study of argumentation would not dismiss the idea of a Good Case as normatively or theoretically insignificant. Since a merely Good Case may leave some outstanding objections and alternative positions unanswered, a Good Case necessarily falls short of the ideal of resolving disagreement. It seems that proponents of a Good Case would necessarily violate the first two rules pragma-dialectics identifies for the conduct of ideal critical discussions:

(i) such proponents would in some way inhibit other parties from advancing

standpoints or casting doubt on standpoints relevant to the disagreement and (ii) they would sometimes fail to defend their standpoint when another party requests that they do so (Eemeren & Grootendorst, 1992: 208).

But pragma-dialectics recognizes that in real life argumentation is often conducted under less than ideal circumstances and constraints:

“. . . practical demands such as the need to come to a decision now or an artificial limitation on the range of standpoints available for consideration will restrict the principle of open exploration of possible standpoints and the grounds for those standpoints.”(Eemeren et al., 1993: 33) “Actual argumentative practices,” are held to be shaped by these practical demands, “and institutions developed to control argumentation are built to over come or compensate for these constraints.”(Eemeren et al., 1993: 34) Accordingly, in a pragma-dialectical view, the concept of a Good Case and corresponding argumentative practices are to be regarded as approximations to the ideal of an Exhaustive Case made necessary by limiting circumstances. The deformities of a merely Good Case, in this view, may be practically necessary, but a pragma-dialectical approach to the study of argumentation seems committed to interpreting a Good Case as a mere approximation to the ideal of an Exhaustive Case.

No doubt pragma-dialectics articulates a powerful ideal model for the conduct of argumentation. The view that argumentation ideally serves to resolve disagreement through an open-ended critical discussion is widely shared. It is explicitly drawn from Barth’s and Krabbe’s formalization of rules for the conduct of critical discussions, work with roots in the formal dialectics of the Erlanger school. (Eemeren, Grootendorst & Snoeck Henkemans, 1996: 246-275) A comparable conception of the ideals of argumentation have developed by the critical theorists Jurgen Habermas, Karl-Otto Apel, and their students.(Benhabib, 1990: 336-355; Habermas, 1990: 90) Indeed, the idea that argumentation ideally aims at a mutually satisfactory resolution of disagreement through an open-ended exchange of reasons and objections runs at least back to Plato’s Socrates. And it seems apparent that full rational resolution of disagreements is the predominate ideal appropriate to some kinds of arguments, viz., scientific and theoretical argumentation among experts. Nor would I want to deny that resolving disagreement on the merits is an important, though often unrealizable hope, in other contexts.

But must we suppose that all modes of argumentation are subordinate to a single

ideal end? “Aren’t there many different forms of argumentative interaction and not just one ideal type?” asks Robert Maier.(Maier, 1989: 55) Western scholarly traditions provide ample historical precedent for the view that there are several distinct modes of argumentation with distinct normative structures which do not reduce to a single ideal type. Aristotle, all will recall, distinguishes between the argumentative discourse among the learned in the sciences and theoretical disciplines, i. e., dialectic, and the argumentative discourse addressed to ordinary citizens regarding the practical concerns and legal affairs of the community, i. e., rhetoric. (Aristotle, 1954: 1356a25-1358a35) And he quite explicitly warns against expecting argumentation outside the sciences to conform to scientific standards of reasoning and proof. (Aristotle, 1941: 1094b10-25) Similar distinctions between dialectical argumentation and rhetorical argumentation come down to us from the traditions of rhetorical study that run from Isocrates through Cicero and Quintilian. And something like these distinctions survive in the argumentative practices of our own time.

But it is not so clear what the traditions which recognize distinct rhetorical modes of argumentation identify as an ideal that might correspond to the dialectical ideal of fully resolving disagreement on the merits of reasoning and evidence. Aristotle, for example, identifies three distinct modes of rhetoric: deliberative, judicial, and epideictic. (Aristotle, 1954: 1358b1-25) He assigns each an end, but the ends Aristotle adduces for his rhetorical genre are not ideal functions of these modes of argumentation. Rather, the end for each genre is the basic proposition that an advocate must be prepared to sustain if she is to carry the day when arguing that kind of case. Isocrates, Cicero and Quintilian are each concerned with characteristics of the ideal orator and with the education necessary to produce such an advocate. But their discussion of the ideal orator is so speaker centered, so single source specific, that is not immediately easy to see what these students of rhetorical art take as the ideal for dialogues or argumentative interactions between rhetors. And it can seem that the traditions of rhetorical art are preoccupied with questions about how to persuade audiences to the exclusion of interest in norms of discourse as related to the ideals of any type of argumentation.

Nevertheless, it is, I think, possible to identify from within the inheritance of rhetorical studies an ideal which remains relevant to our public discourse about practical affairs, whether that be the political discourse of a state, the institutional deliberations of an organization, or the deliberative dialogues within informal groups. As a starting point, I offer an ideal articulated by the great

Athenian leader Pericles. Speaking in 430 B. C. E. as the official voice of the city in honoring the Athenians who had fallen that year in war, Pericles provided a now famous inventory of the achievements and institutions which he claimed comprised the greatness of classical Athens. His final boast is of special interest to students of argumentation. The great distinguishing excellence of Athens, according to Pericles consisted in her citizens' ability to muster the greatest daring in action, while carefully debating beforehand the expediency of their measures. The courage of others, he maintained, was the result of ignorance; deliberation made them cowards. (Thucydides, 1952: 2: 40) Here, I suggest, we have the kernel of an ideal for deliberative argumentation. Simply put, a Periclean ideal expects deliberative argumentation to issue in well-informed and resolute action suited to the exigence at hand. A precise statement and thorough defense of this suggestion is beyond the scope of the present essay. Here I want only to indicate that something like this ideal is at least implicit in classical rhetorical conceptions of deliberative excellence, that this ideal continues to animate significant contemporary reflection on deliberative argumentation, and that ideal seems to implicate something like Govier's conception of a Good, but less than Exhaustive Case, as one of its primary norms.

Consider Pericles's boast as an expression of the culture which gave rise to classical rhetorical arts. Pericles was not alone in lauding Greek deliberative excellence. Nicole Loraux's celebrated study of the Athenian funeral oration reminds us.

For Herodotus, the history of the cities is that of decisions, and on the Greek side there was no battle that was not preceded by a genuine debate: various opinions had to be expressed before the best carried the day, for according to the optimism then reigning, the best always did win the day. This strictly political schema is Greek, of course, and stands in stark contrast with the false deliberations of the barbarians (Loraux, 1986: 205).

Pericles' boast casts the deliberative excellence of Athens in terms of this Greek commonplace regarding the ideals of deliberation. A Periclean ideal for deliberative argumentation is implicit in the cultural value ascribed to rhetorical art by the traditions of study which descend from Isocrates through Cicero and Quintilian. (Kimball, 1986: 26-28; Schiappa, 1995: 50) In this connection, the opening paragraphs of Cicero's *de Inventione* are instructive. Here Cicero rehearses a myth which attributes the civilization of men, first, to the founding of cities and, then, to discourse which was both wise and eloquent:

. . . after cities had been established how could it have been brought to pass that men should learn to keep faith and observe justice and become accustomed to obey others voluntarily and believe not only that they must work for the common good but even sacrifice life itself, unless men had been able by eloquence to persuade their fellows of the truth of what they had discovered by reason. (Cicero, 1949: I.3)

According to Cicero, excellence for rhetorical argumentation consists not simply in persuading the community; persuasive success can corrupt a community, if the discourse is not well argued (Cicero, 1949: I.4) Rather, ideal rhetorical argumentation eloquently articulates the truths of reason so as to engender just and appropriate action by the community, while cultivating the habit of such virtuous action. In these traditions of rhetorical art, the orator is to learn from dialectical training, but her own argumentation, responding to the demands of public dialogue, needs a vigor, timing, and grace which is missing in dialectical disputation (Quintilian, 1920: 12.2.11-15).

As inheritors of a culture shaped both by traditions of rhetoric and of dialectic, contemporary students of argumentation inhabit a world in which the Periclean ideal for deliberative argumentation is still very much alive. John Dewey's analysis of *The Public and its Problems* can serve as a indication of the continuing vitality of that ideal. According to Dewey, the central problem of democracy is to transform the actions of self-interested individual hands so that they will act jointly as required by social needs. (Dewey, 1927: 82). This great pragmatist holds that the first prerequisite for drawing individuals into a functioning public (add: group, committee, team) capable of responding to community needs is mutual recognition of the consequences of joint action; however, in complex modern societies, Dewey argues, the agency of joint action is hard to perceive (Bitzer, 1978; Dewey, 1927: 131) Thus, the "prime difficulty . . . is that of discovering the means by which a scattered, mobile and manifold public may so recognize itself as to define and express its interests" (Dewey, 1927: 146). The second prerequisite is a sense on the part of individuals of participating in the life of the community and especially through "the give-and-take of communication" (Dewey, 1927: 154). For Dewey, the only possible way to satisfy these requisites for the development of an effective public consists in "perfecting the means and ways of communication of meanings so that genuinely shared interest in the consequences of interdependent activities may inform desire and effort and thereby direct action" (Dewey, 1927: 155). And, more specifically, the creation of

an effective public depends upon the development of argumentation regarding shared interests and concerns. "The essential need," Dewey writes, "is the improvement of the methods and conditions for debate, discussion and persuasion. That is *the* problem of the public." (Dewey, 1927: 208) Thus, in Dewey's analysis of the public and its problem, the predominate ideal for public deliberation has a clear Periclean echo: to debate the expediency of measures vigorously beforehand and to generate a public which both does and is capable of wisely deciding and acting on its decisions. Dewey's pragmatism both reflects and influences much twentieth century thinking about rhetorical argumentation (Bellah, Madsen, Sullivan, Swidler & Tipton, 1985: 167-218; Bitzer, 1968; Bitzer, 1978; Sproule, 1997).

At this point it might be objected that the ideal for deliberative argumentation which I have attributed to Pericles is not an aspiration for a kind of argumentation but rather an ideal for institutional arrangements - a matter for political, social and organizational theory, not centrally a matter for students of argumentation. This is an important and difficult objection for which I have no decisive answer. But I doubt whether students of argumentation can or should avoid the question of how deliberative argumentation prepares arguers for action and both carries over into action and conditions a group's capacity to act. At the macro-level of organization, argumentation has an irreducibly social structure within which duties are assigned to advocates and norms are defined in terms of the execution of those duties. Where argumentation addresses the concerns and interests of a group, institution or community, it is hard to see how macro-level evaluation can assess the social organization of the argumentation without consideration of how that structure interacts the larger life of the group, institution or community. It is, I think, a platitude that the quality of argumentation within a decision-making group conditions the group's capacity to decide and act on its decisions. So I think argumentation theorists properly have an interest in how the norms for argumentation relate to the broader engagement of persons within communities of arguers. On that note, I should like to return to the significance of Govier's concept of a Good, but not Exhaustive, Case.

If we suppose that deliberative argumentation on public issues aims ideally at well-informed and resolute action which meets the exigence at hand, then it is also plausible to suppose that Govier's concept of a Good Case marks out the contours of a normative ideal for deliberative argumentation. In order for

argumentation to issue in appropriately vigorous action, it must be possible to bring the argumentation to some sort of closure within limitations set by time and circumstances. Very often action - whether private or public, individual or joint - must be taken within the temporal limits of the opportunity to act; all too often if action is not taken in a timely fashion, the problem at hand deteriorates into a new and more intractable difficulty. And where joint or public action is required, the window for timely action may be further circumscribed by circumstances which limit the opportunity and resources available for deliberation and debate. There are serious costs associated with public (and group) deliberation involving scarce resources of time, energy, information processing, education and trial. The time required to deliberate about one problem all too often is time taken away from the effort to resolve another pressing difficulty. And where these resources do not seem to members of the community or the group to be well spent, where the deliberation drags on and on without conclusion, it comes to seem to many that deliberating is a waste time. There then arises the serious possibility that members of the community or group will lose confidence in the community's or group's capacity to deliberate, and the community or group's ability to deliberate regarding its concerns and to vigorously execute its decisions is apt to deteriorate. In short, if the deliberation of a community, institution or group is to issue in well-informed and resolute action, its argumentation needs to prudently come to some kind of closure within the temporal limits fixed by the opportunity to act and by the resources which can be devoted to deliberation. While it is practically important to bring deliberative argumentation to appropriate closure, if all potential doubts and objections are to be considered, then deliberation may ramify indefinitely. The range of doubts and objections which can be raised with respect to a prospective course of action is, in principle, limitless. The consequences of action ramify indefinitely into the future, so the potential for dire outcomes which can be raised against any prospective course of action is limited only by the imagination of those inclined to oppose adoption of that course of action. And in many situations, the array of alternative courses of action which could be considered is vast. It follows that that if deliberative argumentation is to issue in well-informed, appropriately vigorous and timely action, some conception of a Good Case is needed which limits the range of objections to be considered.

3. A Good Case in Deliberative Argumentation

Govier's conception of a Good, but less than Exhaustive Case emerges in connection with her efforts to clarify what Ralph Johnson has called the second

tier of argument appraisal (Govier, 1997: 1). Govier and Johnson recognize two tiers or levels on which arguments can be evaluated. The first level, referred to as the logical tier, “is the familiar one of premises and conclusion: an argument is evaluated, at this level, on the basis of how well its premises support its conclusion” (Govier, 1997: 1). The second *dialectical* tier concerns how well the argument addresses objections and alternative positions. This is an important distinction; the second or dialectical tier for argument evaluation corresponds roughly to the level of case construction discussed in textbooks on debate and argumentation theory. And as a clarification of Johnson’s original terminology, Govier suggests that, instead of speaking of two tiers, argumentation theorists speak of “building a case for a position.” (Govier, 1997: 12) Constructing a case, in Govier’s view, is a matter of presenting a main argument for the arguer’s position and responding to objections and alternative positions “by offering cogent supplementary arguments in which either there is rebuttal or refutation, or the original position is amended” (Govier, 1997: 12). A Good Case requires that the arguer have a cogent main argument for his or her position and that he or she respond to objections and alternative positions with cogent supplementary arguments, but “unlike the Exhaustive Case, the Good Case does not respond to all objections and all alternative positions” (Govier, 1997: 12).

Govier concludes her account of the Good Case with two questions for further discussion, both of which are critical to whether the concept of a Good Case can serve as a normative ideal for public deliberative argumentation. First, Govier asks, “just *which* objections and alternative positions the arguer should address, in order to have a Good Case.” This is a conceptual question about the caliber of the standards to be applied in determining whether objections and alternative positions are to be addressed. Are the objections to be answered the most telling, those put forward by the most influential or prestigious person, or, as Govier is inclined to suppose, those which are *dialectically* significant? (Govier, 1997: 13). The second question, which Govier raises in concluding her essay is how should we regard the possibility that arguing “on the dialectical tier may go on indefinitely”? For while Govier distinguishes between a Good and an Exhaustive Case, still within the limits of a Good Case she envisions the possibility that “arguing can go on forever, and new arguments and argumentation may be expected to emerge at any time” (Govier, 1997: 14). In the discussion that follows, I will take up these questions as they arise with respect to public deliberative argumentation, and I will offer an answer to the first question which, in turn, responds to the second by suggesting how deliberative arguments can be brought

to suitable closure.

An important clue to answering these questions is, I think, provided by Govier's claim that "the arguer has a *dialectical obligation* to respond to objections and alternatives put forward by the audience. If we can clarify the nature and content of that obligation, then we can hope to determine what objections she is bound to answer and when she can claim to have established a Good Case. It is entirely natural, and in keeping with terminology commonly used in studies of argumentation, to refer to this *dialectical obligation* as the arguer's *burden of proof*, i. e., her probative obligations. In this connection, studies of the roles speech acts play provide compelling reason to believe that in much ordinary argumentation, the probative burdens which structure an arguer's case are generated by speech acts which initiate the dialogue between the arguer and those to whom her arguments are addressed (Eemeren et al., 1993: 91-96; Kauffeld, forthcoming). Thus, we may reasonably expect to find, at least, a preliminary answer to Govier's questions by reflecting on the burdens of proof undertaken in such speech acts as *accusing*, *proposing*, *advising*, and so on.

At this point, our inquiry faces an important choice. An arguer's probative burdens may be structured by any of various kinds of speech act. A proposer's burden of proof, for example, differs somewhat from the probative responsibility an arguer can undertake in an act of imperative advice, and both will differ from the probative burdens undertaken in making an accusation. (Kauffeld, 1986: 277-285; Kauffeld, forthcoming) This suggests that there is not a single answer to Govier's questions; what objections and alternative positions the arguer ought to address will vary depending on the kinds of speech act in which she incurs her burden of proof.

We cannot hope to survey the available variety of speech acts. If our inquiry is to remain manageable we must focus on a particular kind. The remarks which follow will focus on the speech act of proposing. Speech acts of this kind have suitable scope: in principle, any proposition which can be put forward for discussion and consideration can be proposed. Moreover, the burden of proof which proposers incur has properties which closely approximate Govier's conception of a Good Case.

Typically proposals are made in order to induce tentative consideration of a proposition or propositions which the addressee might otherwise be inclined to regard as not worth considering. (Kauffeld, 1986: 166-181; Kauffeld, 1995: 85-86; Kauffeld, forthcoming) In making a proposal, the speaker states the proposition(s) for which she is seeking consideration, and she openly commits herself to

answering whatever doubts, objections and questions her addressee may have about her proposition(s) and her reasons for adopting it. This open assumption of a burden of proof is calculated to provide the addressee with reason for supposing that the proposer may well have diligently thought through the matter while taking her addressee's interests into account. Failure to provide adequate answers would subject the proposer to criticism for making imprudent use of her addressee's time and attention, and the addressee may reasonably be expected to suppose that the speaker would not openly risk such criticism without first carefully preparing her case. Accordingly, the addressee is to presume that what the speaker has to say on behalf of her proposal may prove to be of interest, and on this basis, the proposer expects that her addressee will have good reason to at least tentatively consider the proposal.

Proposing, in short, is designed to induce participation in a dialectical exchange wherein the speaker has the burden of proof.

The burden of proof which a proposer openly incurs closely approximates the responsibility to establish a Good Case, in Govier's terms, for her proposal. To establish a Good Case, it will be recalled, the arguer must (i) provide a cogent case for her position and (ii) respond to some, but not all, objections and alternative positions with cogent supplementary arguments. These conditions are closely approximated by (i) the proposer's commitment to provide reasons for adopting her proposal which are well thought out and which take her addressee's interests into account and (ii) the proposer's pledge to answer her addressee's doubts and objections. Notice that while the proposer is committed to answering whatever doubts and objections her addressee raises, she is, nevertheless, not committed to providing an Exhaustive Case. The proposer's commitment to respond to objections is a token of her larger duty to make prudent use of her addressee's time and attention. Accordingly, she is committed to provide cogent supplementary arguments only to those doubts and objections *which are worth considering*, and she is at liberty to dismiss some objections by arguing that they do not merit consideration. Thus, the proposer's burden of proof does not require that she respond to all objections and alternative position by providing supplementary arguments.

The proposer's burden of proof is nicely exemplified by the probative obligations undertaken by the authors of the *Federalist Papers* at the outset of their argumentation. The *Federalist Papers* is a series of eighty-five letters written under the pseudonym of Publius by Alexander Hamilton, James Madison, and John

Jay. Published in 1787 and 1788 during the course of public debates over ratification of the United State Constitution, the Papers provide a powerful and competently argued body of discourse advocating adoption of the newly proposed Constitution. The opening letter is a model of the probative burdens undertaken by proposers. There Hamilton proposes the Constitution for the careful and candid consideration of his countrymen, and as rationale for the careful and unbiased attention he is seeking, Hamilton openly commits himself to its defense. Yes, my countrymen, I own to you that after giving it an attentive consideration, I am clearly of opinion it is your in interest to adopt it [the new Constituion]. I am convinced that this is the safest course for your liberty, your dignity, and your happiness. I affect no reserves which I do not feel. I will not amuse you with an appearance of deliberation when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. . . . My arguments will be open to all and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth. . . . In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance that may seem to have any claim to your attention (Hamilton, Madison & Jay, 1961: 35-36).

Here, Hamilton deliberately and openly commits himself to arguing for the proposed Constitution, showing his addressees that it is in their interest to adopt it, and he pledges to satisfactorily answer all those objections which arise in the course of the debate and which merit attention. He commits himself to providing a satisfactory answer to all objections, but holds open the possibility of dismissing some as unworthy of attention.

We are now in a position to offer an answer to our first question:

What kinds of objections and alternative positions need to be addressed in constructing a Good Case? For argumentation on behalf of a proposal, objections and alternative positions should be answered with satisfactory secondary argumentation (a) if they have been raised or put forward by other participants in the dialogue and (b) if they are worth considering, given the circumstances. This is a comfortably broad rule of thumb. In principle objections which raise doubts about the cogency of the proposer's arguments, the thoroughness of his consideration of the interests bearing on his proposal and of the consequences likely to attend its adoption - all these deserve cogent answers. In fact this rule of thumb is so broad that, at first glance, it seems almost uninformative. But that is

a misunderstanding. In argumentation on behalf of proposals the important question is, What shows that an objection or alternative position is not worth considering? If an objection is raised or alternative position is put forward, the proposer presumably has a responsibility to answer. Her answer, however, may be that the objection or alternative position is not worth considering, and in the event that this is her response, she has the burden of showing why the objection or alternative position is to be disregarded.

The text of the *Federalist* provides indication of the grounds on which objections may fail to merit consideration. Publius argues, for example, that objections which raise potential harms or dangers which cannot be foreseen within the time the proposal must be weighed do not merit consideration. This line of thought plays a sweeping role in the *Federalist Papers*. Many of the dangers projected as possible consequences of following the plan proposed in the Constitution, Publius maintains, would occur only if the legislature adopts this or that specific policy in spheres which any form of government must leave to the law-giver's discretion. Since neither Publius nor his opponents can foresee whether Congress would enact the policies in question, these objections do not merit consideration (Hamilton et al., 1961: 185, 196, 207-208, 228-289). Elsewhere, an objection may fail to be worthy of consideration, if it cannot be substantiated, (Hamilton et al., 1961: 156-57) if it raises a theoretical possibility which is contrary to fact (Hamilton et al., 1961: 166-67), if it is entirely at odds with commonsense (Hamilton et al., 1961: 146), if it posits a danger that safeguards reduce to a very low level of risk (Hamilton et al., 1961: 157-87). There are, no doubt, other grounds for dismissing objections as unworthy of consideration, but these examples suffice to illustrate how proposers can limit the range of objections to which they must respond by providing supplementary arguments.

How, then, can the proposer bound her argumentation, or is she committed to an endless dialogue? As Govier observes the concept of a Good Case leaves open the possibility that, even though the arguer does not have to exhaustively answer all objections, still the range of objections she should answer might be indefinitely large (Govier, 1997: 14). This important point holds for a Good Case on behalf of a proposal. A cogent body of argumentation for a proposal, which includes cogent supplementary arguments in response to all objections which have been raised and seem worth considering, cannot entirely rule out the possibility that tomorrow new objections might arise that are not only worth considering, but are also telling. For this reason I would prefer to speak of an Apparently Good Case,

rather than a Good Case. I have used Govier's terminology because I have been trying to build on her ideas. To describe an body of argumentation as an Apparently Good Case does not imply that it is not a Good Case; things may be as they appear. But it does imply that, upon subsequent viewing, reconsideration, re-evaluation, etc., the arguments which now seem good *might* turn out to be defective (Kauffeld, 1995: 79; Perelman & Olbrechts-Tyteca, 1969: 415-419). Given that an Apparently Good Case for a proposal leaves open the possibility that subsequently significant new objections might arise, how could such argumentation reach closure as required by the Periclean ideal for deliberative argumentation?

An Apparently Good Case for a proposal reaches closure, not by exhausting the domain of conceivable objections, but by affording powerful reason for drawing the argumentation to a conclusion. When the proposer has provided a cogent case for her proposal and has provided cogent supplementary arguments to all those objections which seem to be worth considering, she is in a position to claim that she has discharged her burden of proof. She is also in a position to claim that her addressees now have an obligation to carefully consider the arguments she has offered on behalf of her proposal - arguments which cogently call for its adoption, and she is in a position to demand that if deliberation is to continue, opponents of the proposal justify the time and energy that delay will involve by accepting the burden of proof (Kauffeld, 1995: 84-86). These are powerful grounds for bringing a deliberation to close; they are the terms on which Publius brings argumentation in the *Federalist Papers* to its conclusion (Hamilton et al., 1961: 523-24). Often, where the persuasive force of an Apparently Good Case for a proposal does not provide adequate reason to conclude a deliberation, the deliberation ought to continue.

But we have, at any rate, reached the temporal and physical limits of this essay. I have been exploring the idea that Govier's concept of a Good Case may delineate the basic contour of the normative ideal for evaluating public deliberative argumentation. I have tried to identify a normative ideal for deliberative argumentation and have tried to elaborate Govier's conception in ways which would fit that ideal. My discussion leaves many important questions unanswered. Is the potential persuasive force of an Apparently Good Case for a proposal capable of supporting vigorous and timely action as envisioned by the Periclean ideal for deliberation? How can that ideal be more clearly formulated? On what grounds can it be defended besides the empirical footing outlined above? I hope to have indicated that argumentation theorists may productively inquire after the

normative ideals for deliberative arguments, but whether such inquiry requires that we recognize a variety of ideals for argumentation, rather than positing variation from *the* ideal of resolving disagreement, remains an open question.

REFERENCES

- Aristotle. (1941). *Nicomachean ethics* (W.D. Ross, Trans.). New York: Random House.
- Aristotle. (1954). *Rhetoric* (Rhys Roberts, Trans.). New York: Modern Library.
- Bellah, R.N., Madsen, R., Sullivan, W.M., Swidler, A., & Tipton, S.M. (1985). *Habits of the Heart: Individualism and Commitment in American Life*. Berkeley: University of Chicago Press.
- Benhabib, S. (1990). Afterword: Communicative Ethics and Contemporary Controversies in Practical Philosophy. In: S. Benhabib & F. Dallmayr (Eds.), *The Communicative Ethics Controversy*, (pp. 330-371). Cambridge: MIT Press.
- Bitzer, L.F. (1968). The Rhetorical Situation. *Philosophy and Rhetoric*, 1, 1-14.
- Bitzer, L.F. (1975). Rhetoric and Public Knowledge. In: D.M. Burks (Ed.), *Rhetoric, Philosophy, and Literature*, (pp. 67-93). West Lafayette: Purdue University Press.
- Cicero. (1949). *de Inventione*. (H.M. Hubbell, Trans.). Cambridge: Harvard University Press.
- Dewey, J. (1927). *The Public and its Problems: An Essay in Political Inquiry*. New York: Henry Holt and Company.
- Eemeren, F. H. v., & Grootendorst, R. (1992a). *Argumentation, Communication, and Fallacies. A Pragmadiialectical Perspective*. Hillsdale, New Jersey: Lawrence Erlbaum Associates.
- Eemeren, F. H. v., Grootendorst, R., Jackson, S., & Jacobs, S. (1993). *Reconstructing Argumentative Discourse*. Tuscaloosa: The University of Alabama Press.
- Eemeren, F. H. v., Grootendorst, R., & Snoeck Henkemans, F. (1996). *Fundamentals of Argumentation Theory*. Mahwah, New Jersey: Lawrence Erlbaum Associates.
- Govier, T. (1997). *Arguing Forever? Or: Two Tiers of Argument Appraisal*. Paper presented at the Ontario Society for the Study of Argumentation Conference on Argumentation and Rhetoric, St. Catherines, Ontario.
- Habermas, J. (1990). Discourse Ethics: Notes on a Program of Philosophical Justification. In: S. Benhabib & F. Dallmayr (Eds.), *The Communicative Ethics Controversy*, (pp. 60-110). Cambridge: MIT Press.

- Hamilton, A., Madison, J., & Jay, J. (1961). *The Federalist Paper*. New York: New American Library.
- Kauffeld, F.J. (1986). *Accusing, Proposing, and Advising: The Strategic Grounds for Presumption and the Assumption of Probative Responsibilities*. University of Wisconsin.
- Kauffeld, F.J. (1995). The Persuasive Force of Arguments on Behalf of Proposals. In: F.H. van Eemeren, R. Grootendorst, J.A. Blair, & C.A. Willard (Eds.), *Analysis and Evaluation: Proceedings of the Third ISSA Conference on Argumentation*, (Vol. II, pp. 79-90). Amsterdam: International Centre for the Study of Argumentation.
- Kauffeld, F.J. (forthcoming). *Presumption and the Distribution of Argumentative Burdens in Acts of Proposing and Accusing*. *Argumentation*.
- Kimball, B. (1986). *Orators and Philosophers: A History of the Idea of Liberal Education*. New York: Teachers College Press.
- Loraux, N. (1986). *The Invention of Athens: The Funeral Oration in the Classical City*. (Allan Sheridan, Trans.). Cambridge: Harvard University Press.
- Maier, R. (1989). Natural Logic and Norms in Argumentation. In: R. Maier (Ed.), *Norms in Argumentation. Proceedings of the Conference on Norms 1988*, (pp. 49-66). Dordrecht: Foris Publications.
- Perelman, C., & Olbrechts-Tyteca, L. (1969). *The New Rhetoric: A Treatise on Argumentation* (John Wilkinson and Purcell Weaver, Trans.). Notre Dame: University of Notre Dame Press.
- Quintilian. (1920). *Institutio Oratoria* (H.E. Butler, Trans.). Cambridge: Harvard University Press.
- Schiappa, E. (1995). Isocrates' Philosophia and Contemporary Pragmatism. In: S. Mailloux (Ed.), *Rhetoric, Sophistry, Pragmatism*, (pp. 33-60). Cambridge: Cambridge University Press.
- Sproule, J.M. (1997). *Propaganda and Democracy: The American Experience of Media and Mass Persuasion*. Cambridge: Cambridge University Press.
- Thucydides. (1952). *The History of the Peloponnesian War* (Richard Crawley, Trans.). Chicago: Encyclopaedia Britannica.
-

ISSA Proceedings 1998 - Promoting Interscholastic Debate Among Tallahassee Secondary Schools



Introduction

It is difficult to believe that Florida's capital lacks a comprehensive program designed to promote and further interscholastic debate among its youth, but it is true. Although there have been Tallahassee high school debate programs in the past, presently none of the ten institutions responsible for educating high school students, nor the eight responsible for educating middle school students, support, in any capacity, a competitive debate team. While interscholastic debate continues to flourish in neighboring Florida cities such as Jacksonville, Tampa, and Orlando, Tallahassee remains sedentary. This apathy toward interscholastic debate cannot continue, as academic debate represents a necessary co-curricular activity designed to develop and hone a variety of skills: organizational, research, oral presentation, and critical thinking. In fact, developing these skills has been identified as essential in responsible education, as Stewart, an associate professor of education, stated in an article entitled, "Secondary School Imperatives for the '90s - Strategies to Achieve Reform,"

Today's society makes the ability to analyze, reason, draw conclusions, and formulate intelligent decisions more important than ever. Critical thinking and decision making are essential for enhancing and perpetuating a democratic society, dealing with the ever-increasing complexity of societal issues and problems, processing the tremendous proliferation of information, and functioning in a highly technological age (Steward 1990: 72).

To rectify this glaring oversight by local administrators and teachers, members of the coaching staff of the Florida State Debate Team are prepared to launch a communication campaign designed to introduce competitive debate to Leon County. The purpose of this paper is to describe the elements of that campaign.

1. Description of the status quo

As stated earlier, presently there are no competitive debate teams among the Tallahassee schools, public or private. That is not to say, however, that to these schools 'debate' is a foreign concept. In fact, many of the secondary schools currently employ teachers and/or administrators who were at one time debaters. Unfortunately, these life experiences have not been enough to establish any type of long-term commitment to interscholastic competition.

In April 1996 contacts were established at each of the following secondary education institutions. Surprisingly, each person who was contacted was enthusiastic about beginning a debate program. While this does not guarantee 100 percent adoption, it does mean that the diffusion campaign can address issues other than the benefits of debate as those are already understood.

2. Goals of diffusion campaign

As with any co-curricular reform, comprehensive changes take time, especially when one is targeting multiple sites. It would be unreasonable for us to expect that each of the above-mentioned schools will begin a debate program immediately. Therefore, we offer several incremental goals of this campaign. This tactic is supported by Stanley Pogrow:

While paradigm shifts are important in the evolution of knowledge, they are extremely rare. Most fields do not have even one per century. Moreover, they are seldom involved in the creation of breakthrough products. Indeed, most lucrative patents and products are incremental refinements of existing technologies (Pogrow 1996: 659).

We have no definitive time frame, though we expect a 'paradigm shift' to take several years.

First, we must establish a debate program at the individual secondary education schools in the Tallahassee area. Though most likely the initial diffusion will primarily target the high schools, it is our intention to involve the middle schools as soon as possible. While middle school participation is not essential to the survivability of high school programs, naturally it will be beneficial to establish 'feeder' debate programs for the high schools. Moreover, middle school students do have the mental capabilities to be involved. In fact, some of the most successful intercollegiate debaters began their careers in middle school.

Second, we must develop a local debate league wherein students have the opportunity to engage in interscholastic competition. The purpose of the league is to provide low-intensity competition for beginning programs as an alternative to the weekend invitational tournaments already available for more experienced

debaters and/or established debate programs.

Third, we must provide local teachers with the necessary skills to successfully continue the league under their own administration. While initially the administration of league competition will be handled by the coaching staff of the Florida State University Debate Program, it would be a tremendous strain on our resources should we need to continue such direct involvement. Therefore, the sooner the local schools can take over the administration the better. Finally, we must provide teachers with the necessary information to be able enter their debaters in state and national competition.

Part of the debate experience is to be able to travel, meet people from different areas of the state and country, and participate in well-attended tournaments. Local programs should compete against the more experienced programs as soon as possible. That is the only way to learn. Therefore, teachers must be made aware of tournament schedules, most notably those in Florida and Southern Georgia.

3. Analysis of the target audience

At first glance one might assume that as long as the teachers want a debate program, or students want to compete, that would be enough. Unfortunately, it is not that simple. Introducing and developing interscholastic debate among secondary schools in Tallahassee involves the consideration of several sub-populations: school administrators, teachers, students, and parents. Each of these sub-populations will have different reasons for adopting the innovation, and different perceptions related to cost of the innovation.

Campaigns should be designed with regard for audience characteristics, including capacity variables such as age, education, and intelligence; demographic variables such as gender and ethnicity; and personality, life-style, and psychographics variables (McGuire 1989: 47).

The next section will isolate the various sub-populations of the target audience, assess their individual needs, and consider the possible quantitative and qualitative costs to each sub-population. While some characteristics are 'homophilous' (Rogers 1995: 19), they are worth noting separately.

School Administrators

The adoption of new programs in Tallahassee schools is largely based upon a 'site-based' decision-making process. That is to say, for the public schools of Leon County, as well as the private schools, curricular and co-curricular decisions are

largely left up to the Principal and/or the Assistant Principal for Curriculum. Most likely, administrators will choose to support a debate program in order to provide an enriched academic environment for their students. If, however, this does not become a motivation, it could be that once several schools in the district adopt a program, administrators might choose to adopt out of some sort of 'peer pressure' (Rogers 1995: 265). That is to say, administrators will want representation of their school at a local interscholastic competition.

Administrators will primarily be concerned with whether the innovation is compatible with the stated 'vision' of their school. "An innovation can be compatible or incompatible (1) with sociocultural values and beliefs, (2) with previously introduced ideas, or (3) with client needs for the innovation" (Rogers 1995: 224).

In a restructured environment, it is the school's responsibility to make sure the necessary alignments between curriculum and accountability are in place, that people's roles and responsibilities are designed to serve the school's mission, and that people at appropriate decision points are empowered to do what is best for students (Jenkins and Houlihan 1991: 194). Therefore, a successful diffusion campaign must consider the unique needs and characteristics of each individual school.

Once this has been established, administrators will immediately consider the projected costs. Administrators are going to have two major concerns: time and money. Naturally, a debate program requires the time of both teachers and students. Additionally, a message is sent to a teacher that he/she will have more duties. Administrators must be prepared to compensate the teacher, in some way, for taking on more duties. ". . . schools that are succeeding with SBM [School Based Management] frequently reward individuals and groups on progress they make toward school goals" (Odden and Wohlstetter 1995: 36). This compensation usually takes the form of money, release time (i.e. an extra 'preparation' hour), a teacher's aide, or the assistance of a student teacher. While there are certainly existent debate programs where no such arrangement is possible, administrators have more success enlisting and maintaining the support of teachers when compensation is offered.

Administrators will also be concerned with the financial burden placed on the school. Nothing is free, and the schools of Leon County are especially aware of this. Initially, schools will not have a "debate budget." If we are to be successful, it is important that we provide inexpensive opportunities for competition. We can

also make administrators and teachers aware of alternative possibilities for funding, such as corporate sponsors and bake sales.

Teachers

In creating a debate program, support from the Administration is only the beginning. Now, the support of teachers must be enlisted. Teachers and their organizations will assume an increasingly central role in shaping educational policy and implementing and operating school programs. Where this process has already occurred, the optimism, energy, and commitment released by the promise of teacher-defined educational reform have enabled schools to make great strides in important areas. Teachers have gained more respect from students because students know that teachers are trying to make education more relevant. Carefully planned teacher action can be the cornerstone of effective schools (Futrell 1988: 379-80).

Teachers are most likely to adopt this innovation to provide academic opportunity for their students: Teachers' implementation practices . . . [are] strongly influenced by their beliefs about students, as well as by their perceptions of student changes that result [ed] from their use of the innovation. As teachers gain[ed] new insights into their students' potential and the curriculum's effects on students, they . . . [are] willing to make further changes in their practice (Englert, Tarrant and Rozendal 1993: 457). Visible signs of academic improvement, or increased self-confidence among the students, will reaffirm a teacher's decision to adopt.

Teachers are most likely to continue the use of an innovation if their students demonstrate early success: Teachers take large risks when they depart from the instructional routines that are familiar to themselves and their students - routines that have predictable short- and long-term effects. When an innovation is implemented and their students make strong early progress, teachers are more likely to continue using the innovation. In turn, this affects their willingness to take further risks. On the other hand, if student progress is too slow or too long-term to gauge, teachers are less comfortable in taking serious risks (Englert et al. 1993: 458).

Therefore, a successful campaign will provide ample opportunity for students to succeed (i.e. local, low-intensity league competition), and reward beginning students for their efforts (i.e. with plaques and certificates).

Teachers might also choose to adopt based upon his/her desire to broaden

professional horizons, and/or lend support to colleagues. Undoubtedly, the ability to train debaters and/or administer a debate team increases the marketability of a teacher. There are also possibilities for earning CEUs, or Continuing Education Units, by attending workshops or lectures related to debate. Leon County Schools, for instance, has identified several objectives which can be met by attending a debate workshop (i.e. interpersonal/group communication and language arts instruction).

Finally, there are the 'lesser involved' teachers, or those who are not directly involved but whose support is vital. Other teachers in the school must be supportive to guarantee the survivability of the program. Oftentimes the Director of Debate relies on the judgment of his/her colleagues to recruit potential debaters (students who exhibit certain skills). Additionally, debaters frequently need to miss classes in order to compete, and it is essential that 'uninvolved' teachers recognize the importance of debate and competition. Traditionally, debate tournaments are considered 'school functions' warranting excused absences. Therefore, a successful campaign will either reach, in some way, those teachers as well, or at least make involved teachers aware of their colleagues' importance in the process.

In terms of cost, teachers are likely to be concerned with the following: acquiring knowledge about debate and administering a program, and strain on personal resources. Some teachers might really want to have a debate team, but might feel intimidated due to lack of knowledge, or discouraged due to projected strain on personal resources. A successful campaign will offer a variety of alternatives so as to not discourage an interested teacher.

In terms of acquiring the knowledge, a successful campaign will cater to several levels of experience, providing plenty of 'hands on' suggestions. ". . . a successful reform needs an effective pedagogical approach and intensive training for teachers in these pedagogical techniques" (Pogrow 1995: 21). In this particular target population some teachers were at one time involved in competition (either in high school or college), some were at one time directors of a debate and/or forensics program, but some have had no experience whatsoever. Therefore, as we lend assistance to these teachers, we need to adjust the level and amount of our assistance to the capabilities of the teacher.

We do not want a teacher to be offended because we are offering remedial assistance, nor do we want to risk resistance or 'discontinuance' (Rogers 1995: 21) because we are offering assistance which is too complex (Rogers 1995: 242).

. . . abstract theoretical principles cannot take concrete form without reference to specific classroom practice and activities. Successful change efforts require the provision of specific, concrete, and usable remedies to educational problems. In fact, . . . teachers [do] little concrete development of the curriculum when they [are] given only abstract principles upon which to base their actions. . . . Research must be translated into a comprehensible set of teaching strategies that can guide teachers in the day-to-day details of classroom instruction (Englert et al. 1993: 447-8). As we introduce debate to the various schools, we must also make necessary teaching materials available, such as textbooks, worksheets, handouts, and classroom exercises.

In terms of the strain on personal resources, teachers are most likely going to be concerned about their time. Even when some sort of compensation is offered, this activity can require a great deal of time and energy. Teachers will want to be able to balance these demands with other commitments, both personal and professional. Spending time with debaters detracts from other classroom preparation, grading, as well as personal time with one's friends and family. Therefore, a successful campaign will provide teacher's with various strategies, namely life experiences of experienced debate coaches, to achieve that balance.

Students

Obviously, a debate program needs debaters. In creating a new debate program, teachers will most likely begin by recruiting students from their classes. There are other avenues as well. A successful diffusion campaign will encourage the possibilities of 'Open Houses' and sign-up sheets to involve as many students as possible. Some teachers might have the misconception that only the "A" students will be good debaters. We need to dispel this stereotype, encouraging teachers to accept every level of student, as long as he/she is willing to work.

Students will have their own reasons for becoming involved. Namely, students will focus on the possibility of academic advancement, the creation of a more respectable vitae for college, the thrill of competition, and the social opportunities of meeting other students. It is our responsibility to make students aware of the inherent and broad scope of benefits of this activity.

In terms of the costs, students are likely to be concerned with the strain on resources, both time and money. Debate is an activity that will 'cut into' time a student can devote to other extra- or co-curricular activities. For instance, students involved with sports teams, band, and other after-school clubs

sometimes find it difficult to attend all weekly meetings and competitions. We must make students aware of the feasibility of integrating this new activity with others to which they are already committed. It can be done.

Money can also be a factor for these students, as traditionally high school students are responsible for various costs, such as xeroxing, office supplies, and perhaps meals at tournaments. Initially, it will be important for us to encourage teachers to provide office supplies for their debaters, and tournaments could be scheduled in such a way as to avoid necessitating the purchase of meals.

Parents

Given that this innovation involves the support of minors, parents must not be overlooked. Because debate represents a 'new' activity, parents will be interested in how this activity can be beneficial to their children. Parents are likely to have similar priorities as their children, such academic achievement and preparation for college.

Parents will also be concerned about the strain on their child's resources (i.e. time away from school, homework, and other co- or extra-curricular activities). Additionally, parents are going to want this activity to be fun and personally rewarding for their child. Parents will also have monetary concerns, as most likely they will be called upon to assist their children in debate-related expenses. A successful campaign will have to address these concerns, encouraging teachers to prioritize parental involvement. This can be done by inviting parents to watch their children compete, asking parents to chaperone debate trips, and providing parents with tangible evidence, such as a trophy showcase or a monthly newsletter.

4. Diffusion strategy

In consideration of the description of the status quo, the goals of the campaign, and the priorities and concerns of the target audience, we propose the following diffusion strategy, to begin the Fall 1996, for developing interscholastic debate in Tallahassee. This section will highlight some of our intentions.

The coaching staff of the Florida State University Debate team will initially be responsible for motivating the previously discussed target population. We are arguably the most appropriate 'diffusion channel' as, we possess a great deal of empathy (Rogers 1995: 342) for new debate coaches. We were all, at one time, a beginning debate coach. We can easily speak from personal experiences and help new debate coaches 'troubleshoot' when there are questions.

Diffusion investigations show that most individuals do not evaluate an innovation on the basis of scientific studies of its consequences Instead, most people depend mainly upon a subjective evaluation of an innovation that is conveyed to them from other individuals like themselves who have previously adopted the innovation (Rogers 1995: 18).

First, we must continue to enlist support from school administrators. Prior contacts have predominantly been over the phone. Beginning in Fall of 1996, however, we will aggressively seek appointments with either principals or assistant principals at the currently uninvolved schools. Administrators will be able to explain their school's vision, and we will be able to offer suggestions for creating a program which will meet the school's needs. This should increase the likelihood of adoption, as Rogers has warned, "Change projects that ignore clients' felt needs often go awry or produce unexpected consequences" (341).

Second, we must create an atmosphere wherein administrators and teachers feel they are not alone. "Teachers need frequent and ongoing opportunities to talk with other members of the teacher-researcher community to continue to enhance their practice" (Englert et al. 1993: 460). To accomplish this, in part, we will create a local debate league, entitled the Greater Leon School Debate, or GLSD. This will help to establish a network among the interested parties. The League will have bi-monthly competitions, to be held on a rotation basis at the various contributing high schools, where there will be ample opportunity for teachers to interact.

. . . interpersonal channels are more effective in persuading an individual to accept a new idea, especially if the interpersonal channel links two or more individuals who are similar in socioeconomic status, education, or other important ways (Rogers 1995: 18). Additionally, the League will distribute a mailing list to the local teachers, so they can contact one another as the need arises.

Third, we must continue to schedule events which will help facilitate the development of the individual programs. In September of 1996, for instance, we plan on hosting a full-day workshop for interested teachers and students. We will provide researched lectures on the 1996-97 national high school debate topic, a forum for teachers to discuss their concerns, and a demonstration debate performed by members of the Florida State Debate Team. We are also considering a Fall weekend workshop for teachers, offering a repeat of information from Summer 1996, as many teachers might not have wanted to 'give

up' their summer; and we will offer more advanced instruction for the teachers we have already assisted.

Fourth, we must make teachers aware of the possibilities for interscholastic competition. We will begin on October 7, 1996 with the first GLSD competition. We hope to schedule another within three weeks after that. We would like to encourage the beginning programs to prepare students for the annual Florida State High School Debate Tournament, held within two weeks after the first GLSD competition. If, however, new programs do not feel prepared to compete against more experienced debaters from elsewhere in Florida and Georgia, we would like to encourage them to come and watch those debates. Finally, we will provide teachers with the 1996-97 high school tournament schedule (weekend invitationals) for both Florida and Georgia.

Fifth, in the interest in sustaining the individual programs, we are considering the feasibility of assigning each one of our debaters to a particular school in the area. Innovators must provide follow-up support and assistance over a longer period of time to effect significant changes. Researchers, too, may need to address the longitudinal nature of teacher development and learning in planning, evaluating, and explaining their instructional studies (Englert et al.1993: 454). Our debaters would then be responsible for meeting with teachers and students, perhaps twice a month, to assist in coaching. Traditionally, these 'assistant coaches' are monetarily compensated. We are aware, however, that beginning programs might not yet have a budget. Therefore, we would either a) compensate them ourselves (out of previously attained grant moneys from the National Forensic League), or b) simply require our debaters to do this as part of their grade.

Sixth, we are hoping to create, in the next year or two, a commuter summer high school debate institute for both teachers and students. This institute will be held at Florida State, and run for approximately two weeks. During this time, students will be placed in 'labs,' of varying levels of experiences, and teachers will be provided with instruction regarding both the debate topic and directing a debate program.

5. Considerations in projecting rate of adoption

As with the adoption of any innovation, there are several factors which will influence the success of this diffusion campaign. It is important to remember that although the decision to support a debate program is largely based upon the school administrators, we must not overlook the entire "social system" (Rogers 1995: 23).

First, the rate of adoption in Tallahassee cannot, in total, be measured against similar efforts in other communities.

There are also differences in the rate of adoption for the same innovation in different social systems. Many aspects of diffusion cannot be explained by just individual behavior. The system has a direct effect on the diffusion through its norms and other system-level qualities, and also has an indirect influence through its individual members (Rogers 1995: 23). The Tallahassee system presents some unique problems, namely the nonexistence of any form of competition in the status quo. Also, the public schools of Leon County have been required to make a great deal of curricular adjustments over the past few years.

Developing a league 'from scratch' is much more difficult than merely enlarging a league to include the participation of more schools. The three Florida State coaches involved in the diffusion have mostly been involved with 'healthy' high school debate communities. A successful diffusion will have to reach each school equally, providing the necessary information for handling the unique frustrations that new directors and new debaters experience. Second, the amorphous nature of the type of "innovation-decision" (Rogers 1995: 28) will make the diffusion process more complex.

By definition, the introduction of interscholastic debate to Tallahassee is considered an "optional innovation-decision" in which teachers at the individual schools could decide whether they wished to support a debate program (Rogers 1995: 28). Given that it takes more than one program to have interscholastic competition, however, the survivability of a Tallahassee league, or even individual programs for that matter, basically depends upon a "collective innovation-decision" (Rogers 1995: 28). It is incredibly important for us to establish a network among the teachers in order to create some perceived interdependence. Teachers must be prepared in such a way as to feel a sense of responsibility, that if one should decide to 'back out' of the League, that action will affect many other programs.

Third, teachers must view this new role of a debate coach as somewhat voluntary. There have been many teachers who have been 'forced' to take on the added responsibility of directing a debate program. Historically, these teachers make less of an attempt to research the debate topic, and are not as concerned about registering his/her debaters in competitions.

Even when successful innovations are identified, reforms often fall short of intended goals because of the way innovators attempt to put innovations into practice. Often innovators attempt to disseminate research through a

'transmission model' by telling teachers how to teach. But this model has failed to make long-lasting changes in teaching practices. . . . An emerging view of professional development recommends the enhancement of current practice by integrating research-based strategies and innovations into the teacher's classroom repertoire (Englert et al. 1993: 441-2).

Finally, we must encourage the involved teachers to involve their peers. While we are certainly capable of informing local teachers about the benefits and feasibility of a debate program, local teachers are the individuals who must 'spread the word.'

If individuals are convinced to adopt new ideas by the experience of near-peers with an innovation, then the more interpersonal communication an individual has with such near-peers, the more innovative the individual will be in adopting the new idea (Rogers 1995: 303).

We are debate coaches, but lack the life experiences and accompanying concerns of the secondary educator. Therefore, we can only do so much without their continued efforts to widen the network. Certainly there are other predictors as to the rate of adoption, but the preceding discussion highlights the major considerations we must have as we begin to diffuse the information among secondary educators. What we must do is continue to monitor our communication strategies, and be willing to alter our approaches when necessary.

6. Conclusion

It is a travesty that interscholastic debate does not exist among Tallahassee's secondary schools. Currently there are interested and enthusiastic teachers in most of these facilities. It is our duty, as those who have benefited both personally and professionally from the activity, to provide local educators with the necessary tools to provide this wonderful academic opportunity for their students. We look forward to doing all we can to guarantee that Tallahassee's youth has this opportunity in the 1996-97 academic year.

Appendix - 1996 Summer Debate Workshop for Teachers

Dear Teacher,

You are cordially invited to attend the 1996 Debate Workshop for Teachers, sponsored by the FSU Debate Team, June 17 - 19. Sessions on all three days will be 8:00 am - 11:30 am; 1:00 pm -3:00 pm. This Workshop is designed to provide educators with the necessary tools to develop a competitive debate team. Instruction will include, but not be limited to, to following:

- how to begin and maintain a debate program
- how to instruct basic debate theory (instructional materials provided)
- how to involve your school in a nationally recognized educational honor society (National Forensic League)
- how to prepare for the 1996-97 national high school debate topic:

Resolved: That the federal government should establish a program to substantially reduce juvenile crime in the United States.

Presently, there is no competitive debate in the Tallahassee area. This Workshop is designed to change that. You will be a pioneer, but not alone. The goal of this Workshop is to set the groundwork for the youth in this area (7th grade and up) to develop valuable skills while at the same time enjoy the competitive arena. Moreover, this is an ideal way to increase your marketability as an educator. In-service credit is available for teachers.

As you are most likely already aware, debate can provide your students with the necessary skills to achieve both academically and professionally. Your students will polish various skills: organizational, research, oral presentation, and critical thinking. Additionally, debaters develop a keen awareness of current issues, both foreign and domestic. What you might not be aware of, however, is an impressive list of influential individuals who were at one time debaters: Lyndon Johnson, Joan Heggins (former Mayor of Tallahassee), Gerald Kagan (former Chief Justice of the Florida Supreme Court), Lawrence Tribe (Dean of Harvard Law School), Lee Iacoca (President of Chrysler), Ann Richards (former Governor of Texas), and Mark Fabiani (one of President Clinton's spokespersons), to name of few.

REFERENCES

- Cuban, L. (October 1993). The Lure of Curricular Reform and its Pitiful History. *Phi Delta Kappan* 75, 182-85.
- Englert, C.S., K.L. Tarrant, & M.S. Rozendal (November 1993). Educational Innovations: Achieving Curricular Change through Collaboration. *Education and Treatment of Children* 16, 441-73.
- Futrell, M.H. (November 1988). Teachers in Reform: The Opportunity for Schools. *Educational Administration Quarterly* 24, 374-80.
- Jenkins, K.D. & G. T. Houlihan (1991). A Comprehensive View of School Restructuring. *Planning and Changing* 22, 191-207.
- Levine, A. (1980) Why Innovation Fails. New York: SUNY Press.
- McGuire, W.J. (1989) Theoretical Foundations of Campaigns. In: R.E.Rice & C.K.

Atkin (Eds.), *Public Communication Campaigns*. 2nd edition. Newbury Park: Sage.
Odden, E. R. & P. Wohlstetter (February 1995). Making School-Based Management Work. *Educational Leadership* 52, 32-6.

Pogrow, S. (February 1995). Making Reform Work for the Educationally Disadvantaged." *Educational Leadership* 52, 20-4.

Powgrow, S. (June 1996). Reforming the Wannabe Reformers: Why Education Reforms Almost Always End Up Making Things Worse. *Phi Delta Kappan*, 656-63.

ISSA Proceedings 1998 - Quintilian And The Pedagogy Of Argument



This essay deals with a Sophistic approach to argumentation known to ancient Greeks as antilogic and to Romans as controversia. I will use the terms interchangeably, along with other cognates like controversial reasoning and "in utramque partem," or reasoning on both sides of a case. I will claim that controversia represents a major alternative to the Aristotelian tradition of argument. Broadly speaking, Aristotelian argument assumes an individual thinker who follows the dictates of deductive logic and who works to develop a sound proposition subsequently defended against all opposition. Controversia proceeds by placing multiple claims in juxtaposition and then negotiating the conflicts among them. It fully embraces the contingency of its setting, emphasizing dialogical interaction between specific parties, on a unique occasion, with a particular purpose. If Aristotelian argument is predicated on the drive towards formal validity and epistemological certainty, antilogic is based on the inevitable contention between probable opinions and the possibility of consensus among interlocutors. If Aristotelian argument proceeds in a linear, monological fashion, controversia approaches knowledge indirectly, tacking back-and-forth among

opposing positions and assuming that “truth” is provisional and will reveal itself in mixed, ambiguous form. Antilogic is thus dialogical, sceptical, contextual, and ultimately practical, all of which I will try to clarify as we proceed.

In previous work, I have traced the philosophic foundations of antilogic in the sceptical pragmatism of Protagoras and pursued the basic features of antilogical practice in a number of post-Periclean sources (Mendelson 1998). I have also explored Cicero’s *De Oratore* as an exemplary model of controversia (Mendelson 1997). As many of you know, the *De Oratore* displays considerable interest in an appropriate pedagogy for rhetoric, operating often as a master-class in the protocols of “in utramque partem.”^[i] With the transition from Cicero to Quintilian, pedagogy takes center stage. The presence of controversial reasoning in Quintilian has, of course, been noted before (Bonner 1969, 1977; Clark 1957; Kennedy 1969; Marrou 1956; Murphy 1990). In the present essay, I will argue, however, that controversial reasoning is not just an incidental element, one *techne* “inter pares” (among equals); it is, instead, the very heart of Quintilian’s approach to rhetorical education. In other words, the *Institutio Oratoria* is principally involved in developing the concept of an “ideal orator;” and, as was the case with Cicero a century before, Quintilian is firmly committed to the notion that the “one and only true and perfect orator” is he who is able “to speak on both sides about every subject” (*De Oratore* 3.80). More specifically, I claim here that the pedagogy of controversia is ascendant in Quintilian because it fosters a sense of decorum (the ability to negotiate disagreement in ways appropriate to particular circumstances), while decorum, in turn, is essentially coordinate with prudence (the general ability to respond to controversy with dignity and common sense). Seen in this way, Quintilian articulates a syncretic vision of argument, education, and culture, a vision of what Richard Lanham aptly describes as “the rhetorical paideia” (1993: 158; cf. 161).

In pursuit of this agenda, I will

1. briefly review the history of the controversial tradition,
2. explore Quintilian’s own method of argumentation and inquiry,
3. focus on the role of the progymnasmata exercises and declamation in the “*Institutio*,” and
4. extrapolate some general principles of controversial education from Quintilian and speculate on their potential contribution to a reconception of argument pedagogy today.

1. The History of Controversial Pedagogy

Quintilian is a neo-Sophist in the sense that his approach to education is pragmatic in focus and argumentative in nature (see Marrou 1956, Colson 1924, and Greer 1925). The first and, arguably, the most influential representative of Sophistic education was Protagoras, who declared himself “a Sophist and educator” and whose subject was the “proper care of [his students’] personal and public affairs,” so as to help them succeed as speakers and citizens (“Protagoras” 317b-318e). Among Protagoras’s many works, one book, the *Antilogiae*, appears to have been a textbook, and begins with the famous dictum that “on every issue there are two arguments (logoi) opposed to each other on everything” (Sprague 1972: 4). Marrou cites this concept as the core of Sophistic pedagogy and notes that Protagoras’s own educational program was “astonishing in its practical effectiveness” (1956: 51). Naturally, antilogical practice and pedagogy undergo significant transformation over time, most notably in the hands of the Academic sceptics.

In Book XII, Quintilian notes that the critical practices of the New Academy are particularly “useful” because their “habit of disputing both sides of the question approaches most nearly the actual practice of the courts” (12.2.25).**[ii]** In his commitment to Academic controversia, Quintilian is clearly following the lead of Cicero, who summarizes the Academic method this way: “. . . the only object of the Academics’ discussions is by arguing both sides of a question to draw out and fashion something which is either true or which comes as close as possible to the truth” (*Academica* 2.8). Such a position is founded on the antithetical scepticism of Pyrrho of Elis (4C BCE) who advocated a suspension of judgment during the assessment of alternative arguments in any particular case. Sextus Empiricus describes Pyrrhonistic scepticism as the ability to set up antitheses which account for the “equal weight of opposing states of affairs and arguments” (1.8). The sceptical tradition – as A. A. Long makes clear – is given institutional status in the New Academy first by Arcesilaus, who denies the existence of universal criteria adequate to warrant any claims to absolute truth. Instead, he transfers his attention from universals to the discovery of probable explanations arrived at through arguments between pro and contra positions (Long 1974: 91). Carneades continues the tradition by rejecting any dogmatic claims to certain knowledge, honing the practice of “in utramque partem” as a tool of critical scepticism, and insisting that prudential judgment is always contingent, never necessary. Judgment, in other words, cannot be dictated by criteria laid down in advance (see 2.13.2-5).

The principles of the New Academy pass into the Roman tradition through Cicero,

who is unquestionably the major source for Quintilian's own philosophical perspective. So while Quintilian may claim that it is unnecessary to "swear allegiance to any philosophical code" (12.2.26) and while his own philosophical interests tend in the direction of moral philosophy rather than epistemological speculation, his practice as a critic and educational theorist clearly reflect the traditions of the New Academy. In particular, he ascribes to the assumptions that all claims must be argued because more than one probable position exists, that judgment is best deferred as alternative *logoi* are weighed, and that criteria for judgment are developed out of the circumstances of the case. The pragmatism of his pedagogy is consequently grounded in a substantial philosophical tradition, a tradition that elevates the methods of argument themselves to the status of philosophical praxis.

I skip over here the interesting historical events that condition the adaptation of controversia in the Late Republic and Early Empire. I point out only that, as Chester Starr notes, "when one man became sovereign in Rome . . . the significance of political debate waned swiftly" (1965: 51). Indeed, the inevitable decline in oratory became a favorite subject for such first-century writers as Seneca the Elder, Petronius, and Tacitus. In this period of decline, says Grube, "rhetoric took refuge in the schools" (1965: 257), while much public oratory was given over to sententiousness and declamatory display. In such a climate, Quintilian is distinctly neo-Sophistic in his insistence on practical argument. Nowhere is this emphasis more emphatic than in his own methods of inquiry.

2. *Quintilian's Critical Method*

Quintilian opens the *Institutio Oratoria* this way: "I was asked by certain of my friends to write something on the art of speaking . . . [because] they urged that previous writers on the subject had expressed different and at times contradictory opinions, between which it was very difficult to choose" (1. Pr. 1-2). Several books later, in his discussion of rhetorical invention, he notes that his first task is to canvas "the infinite diversity of opinions among writers on this subject" (3.1.7; cf. 3.1.1). The initial step for Quintilian, then, is to survey the "multiplex ratio disputandi" (the multiple ideas in dispute) that make-up the landscape of opinion on any point at issue. In the process, he is distinctly non-dogmatic, remaining independent of the various schools that dominated the educational theory of his day and allowing his readers to exercise their own judgment in reviewing a controversy.

Instances of Quintilian's critical method are available at every turn in the

Institutio. For example, after the reference to “contradictory opinions” that opens Bk. I, Quintilian immediately engages the question of whether or not it is better to educate a child at home or at public school (see 1.2.2-17). “Contradictory opinions,” he repeats, fully condition this topic and must be acknowledged, for while “eminent authorities” favor the public schools, “(i)t would . . . be folly to shut our eyes to the fact that there are some who disagree” (2.2.2). These critics, he goes on, are “guided in the main by two principles,” and he lays out each of these contra-arguments in significant detail. What is particularly interesting about this exercise in argumentation is that Quintilian begins with prolepsis, the anticipation of opposition, and in dealing with differences he avoids a simple claim/rebuttal structure, choosing instead to oscillate back and forth between contesting positions. The procedure as a whole operates, as Colson noted, more like a “discussion” than a treatise, and this dialogic approach becomes standard practice throughout the *Institutio* (1924: xxxix).

Similar examples of *controversia* are everywhere. In Bk. II alone, Quintilian takes up such issues as the choice of an appropriate teacher, memorizing commonplaces, the controversy over declamation, and the place of rules in oratorical training. The protocol of inquiry, analysis, and invention in all cases is *controversia*: the author first surveys the diversity of opinion on the topic in order to weigh the probabilities on each side. In his discussion of declamation, he writes that “I now come to another point in which the practice of teachers has differed. Some have not been content with Others have merely suggested [that] Both practices have their advantages But if we must choose one . . . ” (2.6.2). The dominant tropes of these supremely non-dogmatic inquiries are “on the contrary” and “on the other hand,” as the rhetor works his way through the various nuances of an argument and models for his readers the actual practice of controversial reasoning.

In sum, controversial methodology is ubiquitous in the *Institutio* because for Quintilian every question involves an “infinite diversity of opinions” (cf. 3.11.2). In confronting this multiplicity, Quintilian would himself reflect the breadth of interest advocated by Cicero’s Crassus and sample “all the available” arguments as a prelude to judgment. And while the argumentative exercises that fill out the *Institutio* may not always rise to the level of theoretical insight imagined by Crassus, there remains an admirable congruence between Quintilian’s own critical method and the practice of argumentation that he would advocate for his students (see 2.2.8).

3. The Progymnasmata, Declamation, and the Protocols of Argument

Roman students began composition study with a grammaticus, a teacher responsible for both grammar and an introduction to literature and literary style. The grammaticus would initiate composition training with the progymnasmata, a series of increasingly complex exercises fully involved with argument from the outset (Marrou 1956: 274ff, Bonner 1977: 213-49). At about sixteen, the student progressed to the tutelage of the rhetor, moving to the more difficult exercises in which the protocols of argument become the explicit focus of study. The exercises begin with a retelling of fables in which students “feign” the speech of given characters addressing contentious topics, such as monkeys deliberating on the founding of a city (in Clark 1957: 182). Composition, therefore, begins with imitation and impersonation, and in the context of mock-debate. Students pass next to “fictitious narratives” from literary sources and imitate the conversation of the people involved, like Medea justifying the theft of the Golden Fleece. These stories (called “argumentum”) were followed by chreia, exercises based on well-known maxims, like “money is the root of all evil.” In this case, the student was asked to provide the argumentative reasoning that supports the claim inherent in the maxim itself (see Hock and O’Neill). It is notable that even in these early exercises, the young rhetor is routinely given a specific character along with some situational data, so that invention always proceeds in relation to the requirements of a particular argumentative context. Moreover, rhetorical invention is, from the beginning, dialogical (always in response to previous speech) and practical (always generated with a particular occasion in mind).

While the early progymnasmata are often argumentative, argument itself comes to the foreground in the exercise of “refutation and confirmation.” Quintilian suggests that in response to a literary episode, students “annex” a number of claims on both sides of the case, thereby establishing dialogue between competing logoi rather than propositional reasoning as the framework for argument (2.4.18-19). And because the students would recite their compositions aloud to the class, all were exposed not simply to binary oppositions but to highly varied perspectives on such subjects as whether or not Romulus could actually have been suckled by a she-wolf (2.4.18). In these exercises, says Quintilian, “the mind is exercised” by the variety and multiplicity inherent in the topics, as the rhetor must deal not simply with abstract conceptions of pro and con but with “degrees” of vice and virtue (2.4.21).

The increasingly subtle challenges in argumentation progress to “comparisons” between characters and to “impersonations,” such as Priam pleading with

Achilles for the return of Hector's body. Finally, the progymnasmata culminate in philosophical "theses" and in debates on the law, both of which tend to complicate a priori assumptions, subvert simple binaries, and remind students that controversiality suffuses philosophical as well as literary composition. Throughout the exercises, the pedagogical focus remains essentially the same: the rhetor, unlike the philosopher and dialectician, is operating in response to specific contingencies by calculating the relative merits of opposing positions and developing the skills of sceptical inquiry, rhetorical invention, and pragmatic judgment. At all points in the process, the student-orator is guided by the principles of "in utramque partem" and contemplates not simply what can be said in behalf of a proposition but also what can be said in favor of the other side. Because each student must routinely compose orations that contradict each other, it is not so much the truth of one's claim as it is the process of argumentation that is the ultimate subject of the progymnasmata and its elegant continuum of exercises.

Two additional ideas deserve mention here. First, Quintilian allocates a pivotal role to stasis theory (3.6); and, as Michael Carter points out, stasis - the effort to define the specific point at issue in argument - originates in the contention of opposing forces (1988: 98-99). The very act of arriving at a stasis is an act of controversiality, a conversation among contrasting opinions in a shared conflict. Second, in Bk. X Quintilian digresses to emphasize the role of "facilitas," the resourcefulness and spontaneity acquired from continual interaction with other discourse. Such facility leads not only to a storehouse of materials appropriate to any argument, but also to the habit of easy exchange that allows orators to respond in accordance with all situations (10.1-2). Like sprezzatura, its Renaissance counterpart, "facilitas" is an element of character or ethos, a habit of mind to be nurtured by exposure to both opposition and variety. Both stasis theory and rhetorical "facilitas," therefore, assume the importance of opposing positions in argument.

We pass now to declamation, which Quintilian calls "the most useful of rhetorical exercises" (2.10.2). The exercises themselves are mock forensic or judicial debates on specific points of law or history in which the student orator takes on a persona and works within the confines of a situational narrative. Indeed, if declamation is presented effectively, it should mimic, says Quintilian, the "real contests" and messy debates the student will encounter in public life (10.1.4). By the first-century CE, declamation had been divided into two kinds: the suasoriae

or deliberative speeches on questions of history or politics, and the controversiae or forensic speeches on specific legal cases. As for suasoria, Philostratus lists these examples: the Spartans debate whether or not to build a wall and fortify themselves from attack, and Isocrates attempts to dissuade Athenians from their dependence on the sea (1965: 514 & 584). In most cases, student-orators were asked not only to respond to historical circumstances they had studied in literary sources, but to impersonate a specific character and address a particular audience. Matters of ethos, audience, and decorum were therefore paramount. Before I take up these matters, it may help if we have some idea of the classroom practices that characterized instruction in declamation.

The procedure was as follows: the teacher would present a declamatory problem and provide some introductory analysis (“divisio”) of the case, addressing opposing perspectives and how these might be arranged and presented. The students were then assigned the same or a similar case and allowed to select a stand.

They would then write out and read their initial draft to the teacher, who would question all pupils carefully in order to “test their critical powers” (2.5.13). It was assumed that the young orator would deal with pertinent aspects on both sides of the case, not just those in favor of the chosen position. The student would next prepare a more polished composition for memorization and delivery before the class as a whole, and sometimes before the public at-large. A distinctive feature of the declamatory process, then, was that the speeches were constructed with a responsive audience in mind. Typically, all students would declaim either for or against the same case, so that each speech was subject to peer review and examined in the context of diverse opinion. Further, the public nature of individual performance tended, says Quintilian, to give these speeches the feel of “mimic combats” similar to “the actual strife and pitched battles of the law courts” (2.10.8). At the very least, students subjected to the arduous, confrontational, semi-public performance of declamation would quickly become aware that rhetorical argument is addressed to a critical audience, that argument itself was always at least dyadic, and that, under these circumstances, “the all-important gift of the orator” was a “wise adaptability” to “the most varied emergencies” (2.23.1).

Fanciful as they often were, the suasoriae (the declamatory impersonations of historical figures) nonetheless function as instruction in the principles of ethos and audience. The Roman student had been prepared for role-playing by earlier exercises, but suasoria evoke much greater depth of detail and a more specific

question to be addressed. So, when faced with the case of Alexander debating with his generals over whether to ignore the oracles and enter Babylon (Seneca 1974: *suasoria* 4), the student was not simply acting “*ex persona*” (in the character of) and delivering a dramatic monologue like Browning’s *Andrea del Sarto*; he was arguing in a specific historical context, with well-defined positions on either side, to an audience fully alert to the circumstantial data of the case.

Quintilian’s refers to these exercises as “absolutely necessary” to the expansion of the pupil’s understanding of human motive and response and notes that his own students assume as many different roles in their declamations as comic actors on stage (3.18.51). When we recall that students often declaim on both sides of a case and must regularly defend a position contrary to their initial inclinations, it is easy to see how this variety of impersonation serves to break down one’s natural egocentrism and open the mind to claims that might well have seemed alien. Impersonation, in other words, tends to liberalize one’s allegiances and breed tolerance. In brief, declamation is a dramatic experience in occupying the space of the other, of giving voice to a person who speaks in a different key, of “identifying” to the point of consubstantiation. To act the part of someone else is to bring the theoretical concept of “*in utramque partem*” to life.

And then there is the matter of audience. At its best, *suasoria* goes beyond the notion of recognizing what is unique in an audience as a technique to effect persuasion. Such an effort remains monological to the extent that it does not admit the potential for difference that the audience always represents. When combined with the lessons of impersonation, the invocation of and address to the audience as persons in their own right serves to multiply the voices one responds to in controversy. If impersonation invites the dialogical extension of the argument beyond the orator’s initial presumptions, the presence of an audience (which is seldom uniform) expands the conversation into “*multiplex ratio disputandi*” and invites a more comprehensive vision of the topic. In the process, the opposing parties in dialogue generate new possibilities for invention, as ideas shift, oscillate, and transform in the give-and-take of alternatives. Invention takes place, as Montaigne says, by “polishing our brains through contact with others” (1948: 112). As we turn from *suasoria* to *controversia* (the declamatory exercise devoted to forensic rather than deliberative cases), we turn also from the theatrical to the dialectical, for the *controversiae* represent a substantial increase in logical rigor. Seneca the Elder records this popular topic of school debate: “A young man captured by pirates writes his father for ransom. He is not ransomed. The daughter of the pirate chief urges him to swear that he will marry her if he

escapes. He swears. Leaving her father, she follows the young man, who, upon his return to his home takes her to wife. A well-to-do orphan appears on the scene. The father orders his son to divorce the daughter of the pirate chief and marry the orphan. When the son refuses to obey, the father disowns him" (in Clark 1956: 231). Obviously, any defense of realism in the practice of such controversia could not be based on the events of the case itself. It was the verisimilitude of the argument rather than the case itself that Quintilian saw as essential to controversial reasoning.

Students would begin their analysis of the controversia by first identifying the stasis and the likely arguments in opposition (10.5.20). Quintilian notes that it is simply not adequate in forensic argument to take up only accusation or defense, because "sufficient acquaintance with the other side of the case" is a prerequisite for effective persuasion (10.5.21). In the case of the pirate's daughter, the controversy was likely to turn on a question of law vs. equity: is this law universally binding, or is equity a higher virtue than the written statute? Strong cases could be made on either side, and careful reasoning would be required. In another case entitled "The Poor Man's Bees," there is a controversy between the rich owner of a flower garden and a poor neighbor whose bees invade that garden (Quintilian 1987: #13). The rich man spreads insecticide on his flowers, kills the bees, and the poor man brings suit. In his sample declamation, Quintilian fills out the poor man's speech in considerable detail, especially his refutation, which provides a comprehensive recapitulation of each point in the rich man's case before the poor man's detailed rebuttals (see Clark 1956: 247-50). What is interesting here is that the dialogue between opposing parties is incorporated into a single speech. As a result, declamatory orators become practiced not only in thinking "in utramque partem" as preparation for their own claims but also in providing what Bakhtin would call a "double-voice" within the boundaries of one's own utterance. When Quintilian treats "altercatio" or debate proper (6.4), he reiterates the point that careful consideration should always be paid to "the arguments of the opponent" (6.4.14). Even when students find themselves in agreement, he says, it is best for them to practice their skills in "altercatio" by taking different sides and testing their ideas through "mimic battle" (6.4.21). And because students are regularly arguing both sides, their classroom experience may well serve, says Quintilian, to reduce the eristic ill-will often directed "at those who hold opposite opinions" (3.8.69).

There are, admittedly, problems with declamation, especially as the genre came

to dominate Silver Age Roman letters and gave way to theatrical excess. Professors of rhetoric began to invite the public more and more often to open recitations, first to impress the parents of their students and to attract additional clients, later to display their own brilliance before ever-expanding crowds. Quintilian is himself candid in noting that declamation became “so degenerated that the license and ignorance of declaimers may be numbered among the chief causes of the decline of eloquence in Rome” (2.10.3). Marrou complains that declamatory narratives became much too fantastic; but he points out that declamation can be defended as an isolated opportunity for the practice of public eloquence during a period of decline in political freedom (1956: 288). It is Quintilian’s defense, however, that remains the strongest: for it is always possible, he claims, “to make sound use of anything that it naturally sound” (2.10.3). His method for insuring the soundness of declamation was to insist that they remained “modeled on the forensic and deliberative oratory” for which they were intended as training (2.10.8). Seen from this perspective – as “foil(s) wherein to practice for the duels of the forum” – the progymnasmata and declamation represent a rite of passage, a transition from theory and exercise to a mature recognition of the requirements for successful advocacy in an environment conditioned by difference, disagreement, and change (5.12.17).

4. A Contemporary Role for Controversial Pedagogy

I would like to think that the presence and import of controversial reasoning in the “*Institutio*” has been sufficiently established to substantiate my principal claim that argument “*in utramque partem*” resides at the heart of Quintilian’s pedagogy. I have also tried to indicate that Quintilian’s pedagogy takes on its full resonance only when it is reassociated with its philosophical base, which is Sophistic in origin and sceptical in nature, which is firmly anchored in contingency and the unavoidable multiplicity that conditions all “*res humana*,” which casts a wide net in its search for knowledge and accepts a vision of truth that compounds opposing views, and which finally is thoroughly practical in its drive towards application in the world at-large. Only when Quintilian’s classroom protocols are placed in relation to their philosophical context can we begin to realize the rich possibilities that flow from the confluence of rhetorical theory and the pedagogical tradition.

The question before us now, however, is more pragmatic: i.e. what specific practices might be adapted from Quintilian’s pedagogy that, “*mutatis mutandi*,” can contribute to our rhetorical *paideia*? Thomas Sloane has recently noted that

despite the revival of rhetorical studies, our conception of “inventio” remains “impoverished” and that, in general, rhetorical pedagogy has not kept pace with critical theory (1997: 127-28).**[iii]** To my mind, the study of Quintilian and the legacy of *controversia* puts us in a position to rectify this imbalance and reassert the connection between the rhetorical tradition and the classroom. The scope of the present essay, however, allows for only modest and provisional suggestions.

I begin with what Perelman might call “starting points,” preconditions for argumentation extrapolated from the practice of controversial reasoning and intended for discussion by students, provocative ideas antithetical to the traditional assumptions of what Deborah Tannen calls “the Argument Culture” (1998). Starting point #1: Argument deals with probabilities but does not preclude our ability to defend one position as stronger than others. On the contrary, *controversia* assumes (somewhat optimistically) that when “multiplex ratio” are weighed effectively, the preponderance of probability will favor one side over others. #2: All opening positions are partial in the dual sense that they are biased in favor of their own presumptions and they do not represent all that may be said about the subject. #3: If we accept our partiality, we must also accept the possibility that exchange with others could prompt us to change our minds. #4: If we accept our partiality, we should be inclined to suspend judgment until all positions have been addressed. And #5: the ground rules for judgment in the context of scepticism and probability cannot depend upon standards of certainty but will grow out of the exchange between parties engaged in conflict, what Blair and Johnson call the “epistemic standards of the audience” (1987: 49). Such are the preconditions for controversial argument that students might consider.

But what of practical methods, concrete extensions of Quintilian’s own practice that could contribute to our teaching? I will mention two possibilities, both of which fall under the heading of invention. In the first place, Quintilian’s curriculum identifies invention with dialogue and the process of symbolic exchange. Perelman and Olbrechts-Tyteca, of course, maintain that argument always develops “in terms of the audience” (1969: 5). The progymnasmata embraces and pragmatizes this essentially dialogical view by asking students to first imitate, then refute, then both agree and disagree with the claims of a text. Once this procedure of alternating support and critique has been established in the preliminary exercises, dialogical exchange is dramatized, as students first imagine, then (in declamation) actually confront other parties in controversy. Two implications follow from the primacy of dialogue: first, contact with other

students in response to controversy should begin early and be repeated often. In other words, students need to come out from behind the keyboard and take their place in front of and face-to-face with other students and perspectives (cf. 1.11.9). For teachers of composition, this means an increased oral component in argument training. The second implication of dialogue's primacy is that we must work harder to stimulate the continuous give-and-take that constitutes real-world argument. Argument "in utramque partem" implies repeated reversals: first one side speaks, then the other, then the other again, and so on. Instead of single-exchanges or the statement/rebuttal procedures of forensic debate, argument pedagogy must seek to simulate the ongoing conversation of actual controversy (see Leff 1987: 3).

The second potential candidate for pedagogical adaptation falls under the heading of "imitatio." This subject is so vast and so diffused throughout Quintilian's curriculum that I can scarcely do more than add my voice to those of James Murphy and Dale Sullivan in calling for a reassessment of its once-esteemed pedagogical role (1990: 44-53; 1989, resp.; cf. 10.2.1-28). Suffice it to say that our neo-Romantic tendency to equate imitation with the surrender of identity runs counter to the classical tradition. "Mimesis," says Aristotle, is a natural part of the learning process ("Poetics" 1447a-b), but the degree of adhesion to the original source varies considerably. There is no reason to assume that imitation, as it "supplements, improves, and illustrates its ostensible models" is not a creative act (Russell 1981: 108). Within the general category of pedagogical "imitatio," I would identify two specific options for adaptation to our classrooms. The first is impersonation or role-playing. To impersonate is enter into dialogue with another perspective, to integrate into one's self what had been unfamiliar (cf. 6.2.26). Conversely, impersonation allows students to distance themselves from their own presumptions and explore unexamined partialities. Furthermore, role-playing is fun; it evokes the ludic impulse in the service of instruction. It can transcend the appeal to reason alone and motivate the student in special ways. My own efforts to encourage role-playing in class have done more than any other technique to loosen the grip of dogmatic assumptions and to prompt an appreciation for the many-sidedness of argument. The second possible adaptation comes with declamation and the promise of case-study as a vehicle for experiencing the full complexity of circumstantial argument. Case-study exercises have been popular for some time in professional writing and legal studies, but they run counter to the emphasis of most argumentation texts on propositional structure and the

demands of logos over audience, ethos, and situation (Mendelson 1989). What declamatory exercises can provide is a dramatic evocation of the multiplicity, ambiguity, and contingency that characterize actual controversy. Michael Billig points out that the nuance of human affairs can never be reduced to method, so “finite laws [or rhetorical precepts] are likely to be embarrassed . . . by novel particulars” (1987: 62 and 68). As Quintilian recognized, the well-conceived declamatory exercise is the capstone of rhetorical training because it exposes the rhetor to the complexity of novel particulars and requires a full measure of “*facilitas*” and *decorum* in return.

Of course, any pedagogical theory or method only has value to the extent that it serves a larger purpose. For Quintilian, that purpose was the cultivation of oratorical excellence in the service of moral dignity and public virtue (12.1-2; see Lanham). I would myself offer a variant rationale for the pedagogy of “*in utramque partem*.” A controversial pedagogy seeks at all points to generate two or more positions in conflict and to stimulate a productive dialogue among these sides as the appropriate means for understanding and perhaps even resolving the problem at hand. Because of the contingent nature of the problems that rhetoric is designed to address, problems about which there are always multiple points of view, judgment cannot proceed along abstract, technical lines (cf. Kahn 1985: 30-36). According to Cicero, *decorum* is that facility (“*facilitas*”) that allows one to comprehend what is appropriate in complex issues and to work expediently towards a viable resolution (“*Orator*” 71; Leff 1990). *Decorum*, therefore, is a “two-fold wisdom” which accommodates not only eloquence in an effort to articulate the issues but also persuasion in order to have an effect on the world. As such, *decorum* is ultimately cognate with prudence, the knowledge of appropriate action in response to specific situations (“*De Oratore*” 3.55 & 3.212). Classroom exercise in argument “*in utramque partem*” was, for Quintilian, the principle means of preparing students not only to respond to arguments with *decorum* but also to play their part in the public sphere with prudence.

In Aristophanes’ “*The Clouds*,” students go to the “thinking school” to learn to bicker with their parents and import corruption into the body politic. Quintilian reverses the moral orientation of advanced education, of “thinking schools,” but he continues to place argument at the heart of the curriculum. Only through the prudent management of controversy can the student become what Quintilian terms a truly Roman “wise man;” i.e. one who reveals his virtue “in the actual practice and experience of life” (12.2.7). The methods of controversial reasoning, of “*in utramque partem*” at work throughout Quintilian’s pedagogy are the tools

that allow for the realization of this goal. For contemporary teachers, they are also the means by which we can invite the wisest of Roman teachers back into the classroom. I encourage you to welcome him.

NOTES

- i.** For a discussion of controversial reasoning in the *De Oratore*, see Thomas O. Sloane (1997: 28-53). The present paper was essentially completed before I could read Prof. Sloane's distinguished new book (*On the Contrary*), which deals with many of the same ideas as this paper. I would, however, acknowledge, the influence on my own thinking of Prof. Sloane's work and especially his earlier book (1985).
- ii.** All references to the *Institutio Oratoria* are to the Bulter edition and will include passage references in parenthesis. Unless otherwise indicated, all numerical references are to Quintilian.
- iii.** For two modern adaptations of the progymnasmata, see Comprone (1985) and Hagaman (1986).

REFERENCES

- Aristotle. (1984). *The Complete Works*. 2 vols. Ed. Jonathan Barnes. Princeton: Bollingen Series.
- Billig, M. (1987). *Arguing and Thinking: A Rhetorical Approach to Social Psychology*. Cambridge: Cambridge University Press.
- Bonner, S.F. (1977). *Education in Ancient Rome: From the Elder Cato to the Younger Pliny*. London: Methuen and Company.
- Bonner, S.F. (1969). *Roman Declamation in the Late Republic and Early Empire*. Liverpool: Liverpool University Press.
- Carter, M. (1988). Stasis and Kairos: Principles of Social Construction in Classical Rhetoric. *Rhetoric Review* 7.1, 97-112.
- Cicero. (1933). *Academica*. Trans. H. Rackham. Loeb Classical Library. Cambridge, MA: Harvard University Press.
- Cicero. (1913). *De Officiis*. Trans. Walter Miller. Loeb Classical Library. Cambridge, MA: Harvard University Press.
- Cicero (1929). *De Oratore*. Trans. H. Rackham. Loeb Classical Library. Cambridge, MA: Harvard University Press.
- Cicero (1939). *Orator*. Trans. H.M. Hubbell. Loeb Classical Library. Cambridge, MA: Harvard University Press.
- Clark, D.L. (1957). *Rhetoric in Greco-Roman Education*. Morningside Heights, NY:

Columbia University Press.

Colson, F.H. (1924). Introduction. In: M. Fabii Quintilianii: *Institutionis Oratoriae, Liber I.* (xxxix), Cambridge: Cambridge University Press.

Comprone, J. (1985). Expressive Writing: Exercises in a New Progymnasmata. *Journal of Technical Writing* 4.1, 31-53.

Greer, W.J. (1925). Quintilian and the Declamation. *The Classical Weekly* 19.4, 27-31.

Grube, G.M.A. (1965). *The Greek and Roman Critics*. Toronto: University of Toronto Press.

Hagaman, L. (1986). The Modern Use of the Progymnasmata in Teaching Rhetorical Invention. *Rhetoric Review* 5.1, 22-29.

Hock, R. and E.N. O'Neill. (1986). *The Chreia in Ancient Rhetoric*. Athens, Georgia: Scholars Press.

Kahn, Victoria. (1985). *Rhetoric, Prudence, and Skepticism in the Renaissance*. Ithaca: Cornell University Press.

Kennedy, G. (1969). *Quintilian*. New York: Twayne Publishers.

Lanham, R. (1993). *The Electronic Word: Democracy, Technology, and the Arts*. Chicago: Chicago University Press.

Leff, M. (1990). Decorum and Rhetorical Interpretation: The Latin Humanistic Tradition and Contemporary Critical Theory. *Vichiana* 3, 109-26.

Leff, M. (1987). The Habitation of Rhetoric. In: *Argument and Critical Practices: Proceedings of the 5th SCA/AFA Conference on Argumentation* (pp. 1-8), Annandale, VA: Speech Communication Association.

Long, A.A. (1974). *Hellenistic Philosophy*. London: Duckworth.

Marrou, H.I. (1956). *The History of Education in Antiquity*. Trans. George Lamb. New York: Sheed and Ward.

Mendelson, M. (1998). The Antilogical Alternative. In: *The Proceedings of the Tenth SCA/AFA Conference in Argumentation*. *Speech Communication Association* (forthcoming).

Mendelson, M. (1997). Everything Must Be Argued: Rhetorical Theory and Pedagogical Practice in Cicero's *De Oratore*. *The Journal of Education* 179.1, 15-47.

Mendelson, M. (1989). The Rhetorical Case: Its Roman Precedent and the Contemporary Debate. *The Journal of Technical Writing and Communication* 19.3, 203-26.

Montaigne. (1948). *The Complete Essays*. Trans. D. Frame. Stanford: Stanford University Press.

- Murphy, J.J. (1987). Introduction. In: *Quintilian on the Art of Speaking and Writing* (pp. ix-xxiii), Carbondale: Southern Illinois University Press.
- Murphy, J.J. (1990). Roman Writing Instruction as Described by Quintilian. In: *A Short History of Writing Instruction* (pp. 19-76), Davis: Hermagoras Press.
- Perelman, Ch. and L. Olbrechts-Tyteca. (1969). *The New Rhetoric: A Treatise in Argumentation*. Trans. J. Wilkinson and Purcell Weaver. Notre Dame: University of Notre Dame Press.
- Philostratus. (1965). *Lives of the Sophists*. Trans. W.C. Wright. Loeb Classical Library. Cambridge, MA: Harvard University Press.
- Protagoras. (1963). In: Edith Hamilton and Huntington Cairns (Eds), *The Complete Dialogues of Plato* (pp. 308-51), New York: Bollingen.
- Quintilian. (1920). *Institutio Oratoria*. Trans. H.E. Bulter. 4 vols. Loeb Classical Library. Cambridge, MA: Harvard University Press.
- Quintilian. (1987). *Major Declamations*. Trans. L.W. Sussman. Frankfurt: Verlag/Peter Lang.
- Russell, D.A. (1981). *Criticism in Antiquity*. London: Duckworth.
- Russell, D.A. (1983). *Greek Declamation*. Cambridge: Cambridge University Press.
- Seneca the Elder. (1974). *Controversiae and Suasoriae*. Trans. M. Winterbottom. Loeb Classical Library. Cambridge MA: Harvard University Press.
- Sextus Empiricus. (1994). *Outline of Scepticism*. Trans. Julia Annas and Jonathan Barnes. Cambridge: Cambridge University Press.
- Sloane, T.O. (1985). *Donne, Milton, and the End of Humanist Rhetoric*. Berkeley: University of California Press.
- Sloane, T.O. (1997). *On the Contrary: The Protocol of Traditional Rhetoric*. Washington D.C.: Catholic University of America Press.
- Sprague, R.K. (1972). *The Older Sophists: A Translation of Diels-Kranz*. Columbia: University of South Carolina Press.
- Starr, C.G. (1965). *Civilization and the Caesars: The Intellectual Revolution of the Roman Empire*. New York: Norton and Company.
- Sullivan, D. (1989). Attitudes toward Imitation: Classical Culture and the Modern Temper. *Rhetoric Review* 8.1, 5-21.
- Tannen, Deborah. (1998). *The Argument Culture: Moving from Debate to Dialogue*. New York: Random House.

ISSA Proceedings 1998 - Visual Rhetoric: From Elocutio To Inventio



1. *The Semiotic Ornatus Perspective on Visual Rhetoric*

In his article "The rhetoric of the image" Roland Barthes assumes that if classical rhetoric were to be rethought in structural terms it would "perhaps be possible to establish a general rhetoric of the signifiers of connotation, valid for articulated sound, image, gesture" (1977: 50):

"This rhetoric could only be established on the basis of a quite considerable inventory, but it is possible now to foresee that one will find in it some of the figures formerly identified by the Ancients and the Classics; the tomato, for example, signifies Italianicity by the metonymy and in an other advertisement the sequence of three scenes (Coffee in beans, coffee in powder, coffee sipped in the cup) releases a certain logical relationship in the same way as an asyndeton" (: 49f).

This 'figurative' approach to visual rhetoric is pursued more fully in the text "Rhétorique et image publicitaire". Here Jacques Durand defines rhetoric as the art of fake speaking ("l'art de la parole feinte") (1970: 70), and describes its task as transforming or converting the proper expression ("le langage propre") into a figurative or rhetorical expression ("langage figuré"). What is said by using a rhetorical figure or trope could also have been said in a different, or normal, manner. Durand sought to "find a visual transposition of the rhetorical figures in the advertising image" (1987: 295) by examining more than one thousand magazine advertisements. This was done by considering "a rhetorical figure as a transformation from a 'simple proposition, to a 'figurative proposition'" (: 295). In these cases Barthes and Durand are exponents for what I will call a semiotic ornatus perspective on visual communication and argumentation, i.e. a search for meaning through a search for metaphors, metonymies, repetitions, inversions, and the like in visual communication.

My point here is not to dismiss or reject the great importance and semiotic value of a text such as “The Rhetoric of the Image”. Indeed, in this paper I use the concepts of anchorage and relay taken from Barthes’ influential article. However, as the major point of departure for both theoretical and analytical texts dealing with visual rhetoric, such a semiotic perspective is problematic in several ways. In this working paper I will briefly touch upon four arguments where this is the case. I will then try to sketch an alternative approach to visual rhetoric by taking the point of departure in the rhetorical art of *inventio*, rather than in the art of *elocutio*.

2. Four Arguments for the Lack of Usefulness of the Semiotic Ornatus Perspective

Argument 1: The ‘transformation theory’ is problematic.

The ornatus perspective on visual rhetoric is based on what we could call the ‘transformation theory’, i.e. the presumption that expressions (either verbal or visual) are transformations from a ‘natural’ or ‘normal’ way of expressing the same thing. A point can be expressed in *ordo naturalis*, the natural or ordinary way. However, if we want to add more emotional power and better adherence, the same point can also be expressed in *ordo artificialis*, the artful or artificial way. So, we have a distinction between the proper way of saying something (*langage propre*), and the rhetorical or figurative way of saying something (*langage figuré*). The theoretical problem with this theory of transformation from the natural to the figurative expression – which is a traditional rhetorical view – is, of course, that it is difficult, if at all possible, to distinguish between the two ways of expression, and to define what the so-called natural expression is. It is easy to presuppose a ‘natural order’, but rather difficult to say what this natural order of a figurative expression might be. The transparent or ‘sober’ expression is itself a rhetorical choice and strategy. What then, is this kind of expression a transformation from? This presumption of a ‘natural’ or ‘normal’ expression is equally problematic when dealing with visual representations. A distinctive feature of an iconic representation is that it has a ‘natural presence’ in its own right. In other words, it is what it shows. When dealing with images one can choose between countless expressions created by techniques of editing, framing, duration, *mise-en-scène*, and so on. Often, it is rather difficult to judge one expression as more ‘natural’ than another. Of course, we tend to notice when the regular conventions of a particular genre of images are changed: If the commentator in a news programme is seen in extreme close-up or from a bird’s-eye perspective, or if the characters in a movie suddenly face the camera and start talking directly to the audience. In

rhetoric, however, the main purpose of figurative language is to stir the emotions unnoticed, without drawing attention to the language style itself. In fact, a general rule of rhetoric is that the language and the language form must be transparent – as an unnoticed window through which we see the message.

Argument 2: Ornatus is a very limited part of rhetoric, and the semiotic ornatus approach therefore contains a limited understanding of rhetorical persuasion.

Ornatus is but one of four elements of elocutio, in addition to perspicuitas, puritas and aptum. Furthermore, elocutio is but one of the five stages of composition. To make tropes and figures the starting point of a discussion of visual rhetoric is therefore a violent limitation of the art of rhetoric, because it only entails a fourth of a fifth of the art. Consequently, we no longer talk about rhetoric but rather of stylistics.

Tropes and figures are primarily means of expressing arguments – found in the stage of inventio – as evidently as possible. They are means for catching audience attention, making the audience remember the arguments in the speech, and, most importantly, stirring the emotions of the audience. Of course tropes and figures can have a persuasive effect, and they can show or illustrate important arguments or lines of reasoning. But they do not constitute the argument or the reasoning itself.

From an argumentative point of view, tropes and figures constitute the micro perspective whose main task is limited to creating rhetorical pathos. In this sense, ornatus performs a rhetorical and a persuasive appeal. But the emotional appeals of ethos and pathos do not give a comprehensive and understanding view of rhetoric unless they are connected to the most important rhetorical appeal, – logos. A unity of ethos, logos and pathos is thus a prerequisite in the search for a theory of visual rhetoric.

Argument 3: Ornatus is embedded in verbal language.

Because of the strong connection between ornatus and the verbal language – where the first in a sense is embedded in the second – the ornatus perspective gives us a very unhelpful and unmanageable starting point for critical and theoretical treatment of visual rhetoric.

Whereas the general and universally valid thoughts of argumentation and topoi in inventio are more or less free from the constraints of verbal expression, the tropes and figures of ornatus often are their verbal form or shape. The meaning of tropes and figures such as prosopopoeia (confirmatio), anaphora, and alliteration

are embedded in the expressions themselves. Expressions and meanings such as these are either impossible to find in visual representations or can only be located with an unreasonable constraining of both the figurative expression and the visual representation.

Argument 4: The semiotic ornatus approach can say nothing about hierarchies of values, or of the importance of the rhetorical situation.

Because the semiotic ornatus approach neither deals with hierarchies of values nor with the rhetorical situation, it provides only a limited contribution to knowledge about the structures, elements and effects of visual argumentation. The fundamental structuralist view of pictures and visual argumentation in this approach also tends to concentrate primarily on relations inside the picture frames, and therefore tends to overlook the rhetorically very important aspects of the rhetorical situation: For instance the classic concepts of the right moment of speaking, *kairos*, and of proper adaptation of the speech to the occasion, *aptum* (*decorum*). These are necessary and important rhetorical considerations concerning the relations between the five constants in the rhetorical situation. Cicero puts it this way: “no single kind of oratory suits every cause or audience or speaker or occasion” (*De Oratore* III.liv.210).

Along with the importance of the rhetorical situation itself, also the concepts of *topoi* and hierarchies of values are important for understanding argumentation. In *The New Rhetoric*, Chaim Perelman & Olbrechts-Tyteca says that “all argumentation aims at the adherence of minds” (1971: 14). Adherence of minds requires that the rhetor finds a common ground of values or attitudes both for himself and the audience. A common ground - or warrant - is required in order to persuade. Basing the argumentation on the common ground that “democracy is good”, a politician opposed to membership of the EU can try and persuade an audience that the EU is an undemocratic institution. If members of the audience accept that the EU is undemocratic, they will be influenced (or even persuaded) into casting a “no” vote to membership of the EU, on the basis of their adherence to the warrant that democracy is good. We cannot make considerations like these through the semiotic ornatus approach. This is because it is not a theory about argumentation, merely one about semiotic signification. Of course, semiotic theories are significant. But it is important to remember that analysis of semiotic signification does not automatically include analysis of argumentation. The attempt to understand persuasive signs and discourses through tropes and

figures, or through concepts such as denotation, connotation, paradigm, and syntagm, does not entail thoughts or concepts that in a reasonable way can account for situational constraints or for the elements, structures, and hierarchies of argumentative topoi and values. Neither can the semiotic ornatus perspective in a practical analytical way distinguish between a statement and an argument, or distinguish between a good and a bad argument.

3. A Rhetorical Conception of Argumentation - Inventio as the Point of Departure

As already indicated, the project of Roland Barthes - and of his followers - is more semiotic than it is rhetorical. "The Rhetoric of the Image" is more about semiotic signification than it is about rhetorical argumentation. It is furthermore doubtful that we can find one general or universal rhetorical form independent of medium or substance, and if possible, it is certainly doubtful both that such a form represents a truly persuasive rhetorical operation, and that such an operation has its ontological foundation in ornatus. We are more justified in claiming that such universal ways of argumentation and appeals are to be found in the rhetorical art of inventio, which is not in the same way tied up in and embedded in verbal language. I believe that two assumptions are important with inventio as the point of departure for a theory or an analytical view of visual argumentation:

(A) Rhetorical argumentation is an attempt to gain adherence to a claim or an attitude among an audience. This is done by strengthening and changing relevant hierarchies of lines of reasoning, values or viewpoints (common topics), by appealing through the three rhetorical proofs: ethos, logos and pathos.

(B). Practical rhetoric can be characterised as situational intentionality. Rhetoric rests on the orator who tries to promote his intention and gain adherence to his points in a particular situation through the use of language.

Let's take a closer look at these two points:

(A) The Understanding of Argumentation as Creating or Changing Persuasive Hierarchies

According to Aristotle (A.I.3; 1354a), we can distinguish between proofs that belong to the art of rhetoric, 'intrinsic proofs' (entechnoi) and proofs or things that do not, 'external proofs' (atechnoi).**[i]** The "intrinsic proofs" are proofs that are furnished through the speech and which may reside in the character of the speaker (ethos), in a certain disposition in the audience (pathos) or in the speech itself (logos). Only these proofs - or ways of appeal - Aristotle says, are intrinsic to the art of rhetoric. He considers the rational logos appeal as the most

constitutive point of departure for rhetorical argumentation, while the emotional appeals of pathos and ethos are necessary supports for logos. They are supports or pillars that indicate the degree of credibility, importance and value in the argument.

Aristotle then ascribes two modes of argument to rhetoric: the enthymeme, which is a rhetorical syllogism, and the example which is considered a rhetorical induction. The enthymeme is viewed as the most important kind of deductive demonstration and proof. This significant rhetorical way of providing proof is characteristic in its dealing with topical reasoning and thought patterns which arrange information and unite it in a coherent and persuasive form of argumentation. By topical reasoning I mean topics in Aristotle's sense of the word: structural argumentative forms without content in their own right (B.XVII; 1391b). These are structures of rational argumentation that are manifest as common topics, or common structural forms of argumentation.

Aristotle points to "the possible and the impossible" as an example of a common topic. For instance: "[I]f one like thing is possible, so is the other" (B.XVIII.5; 1392a). This latent persuasive structure can be found in practical everyday argument such as: "When countries similar to ours can do without the EU, Norway too can do without the EU".

In other words, our use of specific arguments is based on a variety of common topics in which the arguments and their premisses are embedded. The rhetorical appeal of a specific argument is placed on this foundation of common topics, and is furthermore based on common social, cultural and universal human values and premisses.

In their treatment of such common topics - or loci according to their terminology - Chaim Perelman and L. Olbrechts-Tyteca in *The New Rhetoric* talk about the quantity locus and the quality locus (1971: 85-92). The first term implies that something is better than something else for quantitative reasons, such as the superiority of that which is accepted by the majority. Thus, the quantity locus is the foundation of the democracy warrant mentioned above.

Opposed to this, there is the quality locus which emphasizes superiority of the unique, and it therefore implies that one bright person may be more right than several who are not so bright. Common topics such as these can be found both in verbal and in visual argumentation. For instance, in advertising it is possible to argue both by means of images and in words that a product is a good one because many people use it.

If we accept this line of reasoning, that some topical arguments can be manifested

both in verbal and in visual communication, we can also assume that although visual and verbal argumentation are different forms or substances of communication, they do at least share some kind of common argumentative ontology. If this is the case, we may use the art of rhetoric to say something about visual argumentation. Contrary to what is the case with the semiotic ornatus approach, this kind of general perspective may run into fewer problems in the inter-semiotic translation of rhetorical appeal from one substance or medium to another.

In Aristotle's *Rhetoric*, *logos* is described as the primary and only independent rhetorical proof (A.I.3, A.II). The proofs of *ethos* and *pathos* are always secondary, and they are always dependent on *logos*. The rhetorical enthymeme is, as he describes it, "the flesh and blood of proof" (A.I.3, 1354a; p. 66). By looking at Aristotle's rhetorical enthymeme we can locate its persuasiveness in two assumptions:

1. The existence of common and interconnected *topoi* in the form of human values, attitudes and convictions, that tie social and cultural groups together and create the foundation upon which the persuasive appeal can be built.
2. The assumption that a person will accept the conclusion in the rhetorical enthymeme, if he or she accepts the premisses in the same enthymeme.

This Aristotelian conception of enthymemic argumentation presupposes that a strong stirring of emotions will follow from the acceptance of an attitude or an assessment. As pointed out by for instance Edwin Black (1978: Chapter IV & V), the emotional effect is, in a way, a consequence of the attitude or assessment that the argumentation creates.

If the rhetorical proofs and the use of *topoi/loci* are to function in a persuasively controlling way, they need to function in a structured hierarchy of values. Hierarchies such as these arrange our conception of the world, and hence our attitudes and actions. Broadly speaking, we induce change in actions and attitudes by introducing different structures or compositions of these hierarchies, or by exchanging the values or common topics upon which they are based. To label the EU as an undemocratic institution is to categorize EU into a persuasive hierarchy of values based on the locus of quantity, or more specifically on the grounding value or warrant: "Democracy is good".

An understanding of verbal as well as visual rhetoric requires an understanding of rhetorical operations such as the cognitive structuring of *topoi*, values and

attitudes. We cannot find any good explanations or accounts of conditions and circumstances such as these by using the semiotic ornatus approach. Instead, we may use for instance Stephen Toulmin's model of argumentation (1958, Toulmin et al. 1978), which contains the possibility of placing argumentative elements in a structured hierarchy.

Toulmin's model takes a pragmatic and analytical approach to argumentation by focussing on the process of argumentation and on the structuring of elements. Hence, we may learn something about the function of the various elements in a persuasive discourse by using the model.

It is of course not possible to unfold neither the argumentation theory of Toulmin nor its implications here. But I believe that a model of argumentation such as the one from Toulmin can give us not only the possibility of seeing the structures both of a single argument (the micro level) and of a more elaborate string of reasoning (the macro level). It can also provide us with a view of the hierarchical layout of arguments. By determining which elements function as claim, datum and warrant, it can illustrate the connection between the elements, and indicate which elements that are based on one another.

Let us now go to the second assumption for inventio as a starting point for a theory or analytical view of visual argumentation. My argument so far presupposes that rhetorical discourse is always driven by intention in a particular situation, and that it has the persuasiveness as its most important constitutive feature. I have chosen to term this conception of rhetoric as situational intentionality.

(B) Rhetoric as Situational Intentionality - The Persuasive Continuum

With very few exceptions, rhetorical theorists generally agree that rhetoric has to do with persuasive discourse. Rhetoric is not constitutively about style, form or genre, but rather about intentionality. Placing intentionality at the core of rhetoric gives us an useful limitation and distinction. Consequently, a discourse is not rhetorical if it is not consciously intentional. I do not behave rhetorically when screaming "ouch!, that hurts!" when I accidentally hit myself with a hammer and thereby unintendedly "persuade" my wife to come to my rescue.

Even if we limit rhetoric to intentionality, we are still left with a tremendously broad topic which is hard to get into proper theoretical perspective. One may say that I behave intentionally when asking for the salt, or when I slam the door during a quarrel. But is it rhetoric?

As I indicated above, it may be hard to distinguish between what is rhetoric and

what is not. With the limited propositional syntax of images (Messaris 1997:x), this distinction turns out to be even more problematic in visual argumentation. Maybe such a distinction is not very practical. Maybe we should rather distinguish between different forms or degrees of rhetoric or intentionality, depending on how “much” rhetoric is needed to get the adherence of minds in the audience.

In this manner, we can distinguish between different forms of rhetoric according to the relationship between the orator and the audience, and according to the degree of their disagreement, divergence or opposition. In a rhetorical perspective it is the positions in the communicative situations that are interesting, as different positions lead to, or at least demand, different forms of rhetoric.

When a teacher explains how the EU is functioning, the teacher is using rhetoric in a broad persuasio sense. Here, the teacher’s intention is to create an understanding of the EU, and in so doing, language is mainly used referentially. If a student objects to the truthfulness and relevance of the account, the teacher’s subsequent attempt at persuading or convincing the student of the accurateness and the relevance of the argument would maybe still be dominated by referential language. What is important here, however, is that it is also likely that the teacher’s discourse would now contain a higher degree of persuasiveness because of the student’s opposition. The teacher would arrange or manage his discourse according to the objections of the student, and he would try to put forward the best reasons and arguments for his own view. He would thus exercise rhetoric in a restricted persuasio sense.

We can thus place the different rhetorical appeals and addresses on a continuum between a slightly opposed audience and a strongly opposed audience. This is what I will term the persuasive continuum. It is common and classical rhetorical knowledge that an orator cannot successfully speak in the same way to audiences that are either negative or positive to the message. We can find it in the already mentioned remark of Cicero that an orator should not always speak in the same way to everybody, against everybody, for everybody or with everybody, and we can also find it in Socrates’ remark that it is not difficult to praise Athenians in Athens.

4. Can This Understanding of Argumentation Contribute to an Illumination of Visual Rhetoric?

Towards what kind of analytical approach to visual rhetoric do these considerations about rhetorical argumentation point? Of course, this is neither

the time nor the place to unfold a full theory of visual rhetoric. Still, it is clear, I think, that at least three elements must be more central to such a work:

1. The rhetorical proofs (ethos, logos and pathos)
2. The argumentative hierarchies of values and topoi
3. The situational intentionality of rhetoric

A few remarks are needed to point the direction of such a rhetorical inventio approach to argumentation in visual argumentation. First of all, the difference to the semiotic ornatus approach lies in the possibility and choice of questions one is directed to, and may ask, in connection with a treatise of visual argumentation.

While the semiotic ornatus approach will lead the examiner of visual rhetoric to ask questions of how to find visual elements which somehow fit the rhetorical figures of ornatus, the approach lacks the possibility of asking questions about the kinds of proof, the argumentative hierarchies, and the situational intentionality. These kinds of questions, I believe, may not only be asked, but will also be satisfyingly answered through the approach such as the one I indicate here.

Before continuing with the remarks about which questions and possible answers the inventio approach might direct us towards, it is necessary to provide a more precise indication of what I mean with the term visual rhetoric, and what the particular visual contribution in a piece of visual rhetoric might be. This we will do with a short - and by no means complete - listing of different kinds of visual techniques and manifestations that can perform visual rhetoric. This overview covers visual rhetoric in moving images, although it also includes the rhetoric of non-moving images. We can distinguish at least three basic kinds of visual rhetoric, or main areas where the visual plays an important role in the argumentation.

1. *The Rhetoric of Mise-en-Scène*

The term rhetoric of mise-en-scène includes the visual aspects within a single shot (or picture or photograph) that are used to support or co-create the rhetorical intention of the message. This may for instance be setting, colours, shapes, symbols, and cameramovement, -angle, -perspective, and -distance.

The rhetorical function of such visual techniques, or visual rhetorics, is to induce general moods and feelings in the viewer, and to create associations. Primarily, they are emotional appeals (ethos and pathos) and particularly dependent on anchoring in order to create a complete rhetorical argument, including the appeal of logos. The concept of actio, as it is treated by traditional rhetoric, can be seen

as a special and significant part of the *mise-en-scène*.

2. *The Rhetoric of Editing*

The rhetoric of editing includes the creation of meaning and argumentation through the connecting of different images; The use of fades, dissolves, cuts, following or breaking the rules of continuity to support the rhetorical message; The use of editing pace, for instance rapid editing as a way of signifying energy and youth, and thereby performing a certain ethos appeal.

3. *The Rhetoric of Dispositio*

The rhetoric of *dispositio* concerns the global form of and organising of either a single image or a longer construction of moving images. In a treatise of images in advertising, Scott (1994: 266) talks about “the arrangement of visual argument”, and how the order of argumentation may be guided by the layout of an advertisement. The film theorists Bordwell & Thompson discuss the rhetorical form (1990: 99ff.) of a film, and illustrate with a film that begins with “an introduction of the situation, goes on to a discussion of the relevant facts, then presents proofs that a given solution fits those facts, and ends with an epilogue that summarizes what has come before”. This thus follows the traditional rhetorical *dispositio*. However, we should not necessarily think of the traditional rhetorical *dispositio* when we are talking about the rhetoric of *dispositio*. By rhetorical *dispositio*, we here mean a global arrangement of the visual elements which convincingly supports - or even creates - the intentional message.

We have to remember, however, that these kinds of visual rhetorics are not rhetorical in their own right. Yellow colour, fast editing, round or square shapes or lines, the global form or *dispositio* of a film, are all elements that acquire their rhetorical significance from the rhetorical discourse which they are a part of.

The viewers' determination of the rhetorical significance of or meaning of a particular discourse does partly take place through what we may term the rhetoric of anchoring and relaying. The rhetorical meaning is in part created horizontally or diachronically, when we as readers of a text or viewers of a television programme are continuously evaluating and perceiving the elements and events in a discourse. We do this while keeping in mind our expectations for the future of the discourse and our experience with the discourse so far (Holub 1984: 90). Within reception theory (see for instance Iser 1978) this particular creation of meaning is described by the terms ‘wandering viewpoint’, ‘protension’, and ‘retention’.

But the rhetoric of anchoring and relaying is also partly a vertical or synchronous creation of rhetorical meaning. The reader or viewer create meaning of the rhetorical discourse through a continuous hermeneutic movement between the visual expression and for instance a written text, spoken words, sounds or music. Not even the rhetorical discourse itself is rhetorical entirely in its own right. Rather, the discourse gains its rhetorical significance from a rhetorical situation (As pointed out by for instance Bitzer 1968). The viewer thus performs several intermingling rhetorical hermeneutic movements when trying to recreate a mediated argument: A horizontal and a vertical hermeneutic movement between the different elements in the rhetorical discourse, a movement between the rhetorical discourse and the rhetorical situation, and a movement between the elements in the discourse and the rhetorical situation.

Keeping in mind that the rhetorical situation is created by, or even has its ontological foundation in, an instance of situational intentionality, we can now more clearly see the importance of the concept of situational intentionality. We may also understand why it is problematic that the semiotic ornatus approach, with its inherent structuralist view, overlook the significance of situational considerations.

Some Questions and Considerations Concerning the Rhetorical Proofs:

When using the rhetorical appeals in criticism and analysis of visual discourse, we must first consider whether visual argumentation is actually able to persuade in a traditionally rhetorical sense. In Aristotle's view, the emotional proofs of such pure verbal texts are thought to function as supporting pillars for logos, which is the primary proof and the most constitutive point of departure in rhetorical argumentation. Does visual argumentation function in the same way? Can visual expressions rather be expected to evoke emotional dispositions that in turn create an attitude that fits the emotional disposition? Does visual argumentation operate in a different order, where the emotional effect does not emanate the acceptance of an attitude, but rather produces it?

Is it typical for visual argumentation to evoke and stir emotions, and then (for instance through verbal support) to legitimate these emotions with fitting attitudes? We may ask whether the basic persuasive elements and structures are common to both visual and verbal argumentation, but that their place or order in the persuasive motion are different in the two instances. A discussion of questions such as these constitutes one of the many small steps towards a more

comprehensive understanding of visual rhetoric.

A reasonable point of departure might be an investigation of the use of more particular analytical considerations about the rhetorical appeals in visual rhetoric. Possible questions might be: Which appeals are mainly made by the visual part and which are made in the verbal part of the expression? Which are present and which are absent?

Some Questions and Considerations Concerning the Argumentative Hierarchies of Values and Topoi:

The above reflections about argumentative hierarchies of values and topoi indicate another group of appropriate considerations and questions both in the theoretical uncovering of structures and elements in visual rhetoric, and in the practical critical analysis. These are considerations and questions such as: What is the topical foundation for the argumentation? Which topoi and values constitute the persuasive hierarchies, and how is the argumentation and its elements structured in these hierarchies? Which place and function does visual communication occupy in this structure of argumentation?

These circumstances can favourably be uncovered through argumentation analysis by using Toulmin's model of argumentation. This is so first of all because this type of analysis can illuminate both the hierarchies and structures of the argumentation, and the foundational values and topoi in the appeal. Secondly, this type of analysis may place a single argument into a larger structured hierarchy of arguments, topoi and values.

In the illumination of the function and value of images and visual representation in rhetorical utterances, the advantage of the Toulmin model is that it can more clearly show the function of the visual expression in the arguments of a persuasive discourse. Does it function as claim, data or warrant? What is the relation between the visual expression and the degree of explicitness in the argumentation? What is the connection between the visual expression and the kinds of claims, data and warrants in the argumentation?

Some Questions and Considerations Concerning the Concept of Situational Intentionality:

We should consider and clarify the communicative situation both in the attempt to say something about how a rhetorical discourse works and how well we can expect it to work. As previously mentioned, there are two significant elements: the rhetor's intention with the message and the discourse, and the audience's

opposition.

Generally speaking this perspective implies that the stronger the opposition, the greater the necessity of using verbal anchoring in the structuring of the desired hierarchy of topoi and values. The opposite also applies: the slighter, or weaker, the opposition, the less important the verbal anchoring will be. For instance:

The weaker the opposition in the audience

- the better is the possibility of succeeding rhetorically by visually confirming and supporting the present hierarchy of values and topoi in the audience,
- the greater is the possibility of succeeding rhetorically with hidden, indirect and vague argumentation through visual expressions.
- the more indirect and ambiguously advocating can the rhetor be,
- which is best done visually. And the lesser is the importance of giving clear and explicit guidance about what the audience is to do, or how or why, - which is very difficult to do visually.
- the more dominating can the aesthetic and emotional appeal through ethos and pathos be, - which is best done visually.
- the greater is the possibility succeeding rhetorically by mere creation of associative effects, - which is best done visually.
- the greater the value of what in advertising is known as product knowledge and product memory, - which is easily performed visually.

And the less the necessity of attitude - and action-changing rhetoric, which is difficult to perform visually. That is, the more functional will what we could call affirmative rhetoric be.

The stronger the opposition in the audience

- the greater is the demand for rhetor to create changes in the topical hierarchy of values in the audience, - which is rather difficult to do visually.
- the greater is the demand for explicit, direct and specific argumentation, - which is best performed verbally.
- the greater is the demand for discursive or analytical argumentation. That is a more "rational" line of reasoning, where the appeal of logos is central. This does, of course, not mean that emotional appeals are out of the question.
- the less is the value of product knowledge rhetoric and product memory rhetoric, and the greater the demand for rhetoric designed to change attitudes and action. In other words, the less effective affirmative rhetoric is.

5. A Few Concluding Remarks

This has been a very short and tentative account of some problems in the use of the semiotic ornatus approach to visual rhetoric, and a very limited indication of an alternative possibility. Even though this is truly work in progress, hopefully these considerations have made it somewhat clearer that a turn from *elocutio* to *inventio* is required in the quest for a more comprehensive theory of visual rhetoric.

Compared with the semiotic ornatus perspective, such a turn improves the possibility of understanding visual rhetoric on its own terms without a distorting reliance on the formal structures of the verbal language. It can also better take the more general considerations about the rhetorical proofs, the argumentative hierarchies, and the situational intentionality into account.

Furthermore, an approach of this kind can more fully and precisely make explicit and explain the invisible and implicit macro level, supporting - and to a certain degree creating - an instance of visual argumentation. It is an approach that has the potential of uncovering the connections between such a macro level and the micro level of a particular piece of argumentation.

Of course, this rhetorical *inventio* approach is also problematic in several ways. For instance, in its present form there is a tendency to rely on a purely rational, Aristotelian understanding of rhetoric and argumentation, with the risk of neglecting some of the more irrational elements in visual argumentation. However, even though both the rhetorical art of *inventio* and the Toulmin model of argumentation are in many ways attached to rational - and in some degree verbal - argumentation, it still seems to entail the most comprehensive and illustrating approach. Although the semiotic ornatus approach leaves no room for the *inventio* approach, the latter can actually embody the first.

Here we have only briefly looked at a small part of what a rhetorical *inventio* dominated theory of visual argumentation would consist of and implicate. Naturally, adjustments will be necessary in the further search for a truly visual, comprehensive and illustrating theory of visual rhetoric.

NOTES

i. We here use Lawson-Tancred's translation of *entechnoi* and *atechnoi*, what Perelman & Olbrechts-Tyteca (1971: 9) term 'technical' and 'extra-technical' proofs, what L. F. Bitzer (1968: 8) terms 'artistic' and 'in-artistic' proofs, and what the Loeb translation terms 'artificial' and 'inartificial' proofs.

REFERENCES

- Aristotle (1991). *The Art of Rhetoric*. Translated with an introduction and notes by Hugh Lawson-Tancred. Penguin Classics Middlesex.
- Barthes, Roland (1977). *Image, Music, Text*. England: Fontana Press.
- Black, Edwin (1978 [1965]). *Rhetorical Criticism. A Study in Method*. USA: The University of Wisconsin Press.
- Bitzer, Lloyd F. (1968). "The Rhetorical Situation". *Philosophy & Rhetoric* 1:1, pp. 1-14.
- Bordwell, David & Kristin Thompson (1990 [1979]). *Film Art. An Introduction*. Third Edition. New York: McGraw-Hill Publishing Company.
- Cicero. *De Oratore*. Translated by E. W. Sutton and H. Rackham. Loeb Classical Library. Cambridge and London: Harvard University Press.
- Durand, Jacques (1970). Rhétorique et image publicitaire. *Communications* 15/1970, pp 70-95. Paris: Centre d'Etudes des Communications de masse. Ecole Pratique des Hautes Etudes.
- Durand, Jacques (1987). Rhetorical Figures in the Advertising Image. In: Jean Umiker-Sebeok (Ed.) *Marketing and Semiotics* (pp 295-318), Berlin, New York, Amsterdam: Mouton de Gruyter.
- Holub, Robert C. (1984). *Reception Theory. A Critical Introduction*. London: Methuen, Inc.
- Iser, Wolfgang (1978). *The Act of Reading*. London: John Hopkins University Press.
- Messaris, Paul (1997) *Visual Persuasion. The Role of Images in Advertising*. Sage Publications.
- Perelman, Chaim & L. Olbrechts-Tyteca. (1971 [1969]). *The New Rhetoric. A Treatise on Argumentation*. London: University of Notre Dame Press (First paperback edition).
- Scott, Linda M. (1994). Images in Advertising: The Need for a Theory of Visual Rhetoric. *Journal of consumer research*, 21, pp 252-273.
- Toulmin, Stephen. (1994 [1958]). *The Uses of Argument*. Cambridge: Cambridge University Press.
- Toulmin, Stephen, Richard Rieke & Allan Jannik 1984. *An Introduction to Reasoning*. Second Ed. Macmillan Publishing.
-

ISSA Proceedings 1998 - Final But Not Infallible. Two Dimensions Of Judicial Decisions



1. Introduction

One of the forms of rule skepticism, found both in legal practice and in legal theory, learns that the law is what the courts say it is and nothing more. In his study *The Concept of Law* (1961) Hart criticizes this form of rule skepticism. Decisions of a court he says, are statements with a certain authority making them final but not also infallible. To clarify this, Hart uses the example of an umpire in a game. In a game the judgements of an umpire - for instance about the scoring - have a certain authority. His judgements are given, by the *secondary rules* of the game, a status which renders them unchallengeable. In this sense it is true, says Hart, that for the purposes of the game 'the score is what the scorer says it is'. But it is important to see that there is a scoring *rule* and it is the scorer's duty to apply this rule as best he can. **[i]** It is this scoring rule which makes decisions of the umpire, though final, not infallible, for this scoring rule offers reasons for criticizing the decision.

According to Hart the same is true in the law. Like the umpire's decision in a game, the decisions of a judge like 'X is guilty' or 'X has a right' are - up to a certain point - final. But, like the umpire in a game, the judge has an obligation to apply the rules correctly according to the *secondary rules* in a legal system. **[ii]** As a result judicial decisions are fallible.

Austin (1962) made similar observations about the nature of judicial decisions. He argues that if it is established that a performative utterance is performed happily and in all sincerity, that still does not suffice it beyond the reach of all criticism. It may always be criticized in a different dimension, a dimension comparable with the true/false criterium used to evaluate constative utterances: 'Allowing that, in declaring the accused guilty, you have reached your verdict properly and in good faith, it still remains to ask whether the verdict was just, or fair' (1962:21)

Since the publications of Austin en Hart, the observations about the character of judicial decisions give rise to the question what type of speech act is involved. Both in legal theory and in argumentation theory it is posed as a problem whether

these speech acts are, or are to be reconstructed, as *declarative*, or as *assertive* speech acts. For on the one hand, the judge declares that somebody is guilty, but on the other the judge justifies that this decision is right according to the law. And this justification is a reason to reconstruct the decision as an assertive or, to be more precise, as a standpoint in a context of a discussion.

In this paper, I want to discuss the problem of the speech act character of a judicial decision within the framework of the pragma-dialectical argumentation theory. My basic starting point is that it is a misunderstanding to treat speech acts in judicial decisions as *either* assertive *or* declarative speech acts. I think that, for an adequate analysis of the speech act, one has to make a distinction between at least two discussions in a legal process and related to this distinction different functions of the speech act in a final judicial decision.

I will proceed as follows. First, I will discuss the merits and demerits of reconstructing a final judicial decision as the mixed speech act called assertive-declaration. Then, I will differentiate between two discussions and two types of speech acts in a legal process. Finally, I will discuss how these two different types of speech acts can be reconstructed as a standpoint.

2. Final judicial decisions as an assertive-declarative speech act

For those who are familiar with Speech Act Theory, it will be clear that it is possible to analyse a judicial decision as 'X is guilty' as the combination of an assertive and a declarative speech act. Searle (1979) contends that at least some members of declarative speech acts overlap with members of the class of assertive speech acts. These assertive-declarative speech acts have two illocutionary points. First, they have the assertive illocutionary point, according to which a speaker succeeds in achieving on a proposition P (X is guilty), if and only if he represents the state of affairs that P as actual. Second, they have the declarative illocutionary point, according to which a speaker succeeds in achieving on a proposition P if and only if he brings about the state of affairs that P.

Searle illustrates this double character of the assertive-declarative speech act with the example of the umpire who decides: 'You are out'. In certain institutional situations, he explains, we not only ascertain facts but also need an authority to lay down a decision as to what the facts are:

Some institutions require assertive claims to be issued with the force of declarations in order that the argument over the truth of the claim can come to an end somewhere and the next institutional steps which wait on the settling of the

factual issue can proceed (Searle 1979).

So, in Searle's perspective an assertive declaration can be simultaneously conceived as a *representation* of a state of affairs (which is in keeping with the assertive point) and as the *constitution* of a state of affairs (which is in keeping with the declarative point). In Searle's interpretation of the relationship between the two illocutionary points, the rule for assertive declarations would be as follows:

A speaker succeeds in achieving with respect to a proposition P the assertive illocutionary point if and only if he represents the state of affairs that P as actual, and, in addition, he succeeds in achieving with respect to P the declarative illocutionary point if and only if he brings about the state of affairs that P (Ruiter 1993: 61).

According to Ruiter (1993) this rule has paradoxal implications. Imagine, he says, that a judge decides 'X is guilty', with regard to a situation in which he is *not* guilty according to the law. On Searle's account it must be accepted that the judge's false decision is not only unchallengeable but actually true. For under the second part of the above rule, 'X is guilty' becomes a state of affairs owing to the judge's decision, in consequence of which the assertion that 'X is guilty' is true under the first part.

Ruiter tries to solve this problem by making a distinction between the institutional world and the surrounding world of utterance. In the institutional world the judge's decision 'X is guilty' constitutes the institutional fact that 'X is guilty'. When this decision fails on the assertive point in the surrounding world of utterance, the fact still counts as an institutional fact.

3. *Two discussions in a judicial decision*

The main problem with Ruiter's solution is that the difference between the 'institutional world' and the 'surrounding world of utterance' is rather general and not very clear. Another way to analyse the speech act (or speech acts) in a judicial decision - as I said in my introduction - is to make a distinction between different discussions in a legal process and related to these discussions different functions of a speech act like 'X is guilty'.

Let me start with the analysis Feteris (1989) proposed. Following the pragma-dialectical model of a discussion, she gives a reconstruction of judicial decisions. In this model four stages are distinguished. At the *confrontation* stage, it is established that there is a dispute. A standpoint is advanced and questioned. At

the *opening* stage, the decision is taken to attempt to resolve the dispute by means of a regulated argumentative discussion between a protagonist and an antagonist. At the *argumentation* stage, the protagonist defends his standpoint and the antagonist asks for more argumentation from him if he has further doubts. Finally at the *concluding* stage, it is established whether the dispute has been resolved because the standpoint or the doubt concerning the standpoint is being retracted.

Feteris locates the judicial decision in the *concluding stage* of the discussion between two parties in a process. If the facts stated can be considered as established facts and the judge has decided that there is a legal rule which connects the claim to these facts, the judge will grant the claim. But the secondary rules of a legal system do not only oblige a judge to give a decision in the dispute, but also to give a *justification* for this decision. The parties have a right to know which considerations underlie the decision. When a party does not agree with the decision, he can appeal the decision on the basis of the argumentation given in the justification.

On the basis of this analysis, Feteris concludes that a final decision of a judge can be seen as an assertive-declarative speech act. She proposes to reconstruct this speech act as an assertive speech act because the judge is bound to the acceptability of the propositional content of the speech act.

Relating the question of speech act character of a final decision to a stage in a legal discussion is an important step forward in solving the problem, but it leaves a few questions unanswered. The first question is: how can we conceive the final decision both as a standpoint of the judge - an assertive - and as a part of the concluding stage of the discussion between the parties? For in the concluding stage it is established whether the dispute has been resolved. Why should a standpoint and argumentation be part of a concluding stage? For an answer to this question, I think, we must make a distinction between at least two discussions in legal decision making. When we make this distinction there is another way to solve the paradoxes concerned to the assertive-declarations as observed by Ruiter.

The *first* discussion is the one between the parties. In this discussion the two parties defend and criticize a standpoint and the judge is a third party to the dispute. In this discussion the decision of the judge is part of the *concluding* stage where the discussion is brought to an end. The judge has the extra linguistic position to *declare* that somebody is guilty. This utterance of the judge must be

reconstructed as a declarative speech act, for the fact that the judge says that 'X is guilty' brings about the state of affairs that 'X is guilty'.

This reconstruction is in line with the pragma-dialectical theory about a critical discussion and the difference that is made between resolving a difference of opinion on the one hand and settling a dispute on the other. The declaration of the judge, seen from the perspective of the discussion between parties, is not a part of a critical discussion but a form of dispute settlement. So, the declarative is legal according to the rules.

As Feteris (1989) points out, a judge does not only declare that somebody is guilty, the judge also justifies why he is guilty according to established facts and legal rules. In other words, the judge defends the standpoint that the decision is acceptable. This standpoint is not a part of the discussion between the parties, but a part of the discussion between the judge and the parties, or between the judge and other explicit or implicit antagonists. In this discussion the standpoint of the judge is part of the confrontation stage. And, since the argumentation the judge gives is meant to convince the parties that his standpoint is right according to the law, his standpoint and argumentation are part of a critical discussion aimed at resolving a difference of opinion. When a party does not agree with the decision, he can appeal the decision on the basis of the argumentation given in the justification. And then, there is an explicit discussion between a party and the judge.

So, when we reconstruct the final decision of the judge both as a part of a concluding stage in the discussion between the parties and as a part of a confrontation stage in the discussion between the judge and one or more parties, the decision can be reconstructed both as a declarative and an assertive.

Does this resolve the paradox that Ruiters observes? I think it does. For the judge's decision that somebody is guilty constitutes the institutional fact of his being guilty in the concluding stage of the discussion between parties. The decision has of course success of fit on the assertive illocutionary point only if he really is guilty according to the law. But if X is not guilty, he will nevertheless institutionally be guilty as long as the judge's decision is not redressed. Though the falsity of assertion 'X is guilty' may offer a *reason* for invalidating it, it remains valid unless it is invalidated. In this way a false representation of a state of affairs counts legally as a state of affairs notwithstanding its lack of correspondence with reality.

In answering the question whether the decision is a declarative or an assertive, I

have said that it is a declarative from one point of view and a standpoint from another point of view. Until now it was understood that the speech act advancing a standpoint is an assertive speech act. But the next question is: what type of assertive is involved? I will now discuss some implications of the pragmatic-dialectical characterization of the assertive speech act 'advancing a standpoint' as given by Houtlosser (1994 and 1995), for the standpoint character of legal decisions. Houtlosser characterizes the speech act advancing a standpoint as a complex assertive that is at a higher textual level than the sentence connected to an expressed opinion that is confronted (or assumed to be confronted) with doubt or contradiction on the part of a critical listener. According to the *essential* condition, advancing a standpoint counts as taking the responsibility for a positive or negative position in respect of an expressed opinion, i.e. as assuming an obligation to defend this position in respect of the expressed opinion if called upon to do so. In principle, Houtlosser explains, the assertive speech act advancing a standpoint is related to *assertive* speech acts, but it can also be related to *non-assertive* speech acts. In the latter case, the expressed opinion consists of an assumption concerning the acceptability of a speech act that has become the object of contention in a debate or a text.

What are the consequences of this characterization of a standpoint for the discussion between the judge and a party in a legal discussion? Let us look at the example where the judge finds X guilty of murder and one of the arguments is that X had the intention to murder his wife. According to Houtlosser we can analyse this example as follows. The judge *asserts* that X is guilty of murder. This assertive presupposes its own acceptability. In his argument 'X had the intention to murder his wife' the judge reacts to or anticipates on the criticism of the accused ('it was self-defense') by supporting the disputed presupposition that his assertive is acceptable. In doing so, he makes it function as a standpoint. He supports his standpoint with an argument supporting the propositional content of the assertive. According to Houtlosser we can reconstruct the standpoint as follows: 'It is my standpoint that the *assertion* that X is guilty of murder is acceptable'

This example shows how we can reconstruct the assertive of the judge as a standpoint in the discussion between the judge and one of the parties in a process. What about a declarative of the judge in the concluding stage of the discussion between parties? Is it possible that this speech act - so to say - develops into a standpoint? I think that is possible. As I have said, Houtlosser explains that the assertive speech act advancing a standpoint can be related to non-

assertive speech acts. In these cases, the acceptability of the non-assertive speech act has become the object of discussion. Let us look at the example where the judge finds X guilty of murder and one of the arguments is that X murdered his wife *in London*. How can we reconstruct this argumentation? Let us start by analyzing the utterance 'X is guilty of murder' as a *declaration* in the concluding stage of the discussion between the parties. As we have seen, it is a necessary condition for a successful performance of this speech act that the judge has the extra linguistic position to declare something. Let us assume that it was this aspect of the speech act, that was (or was expected to be) criticized by the accused in saying that the judge has no jurisdiction in this case. By criticizing the acceptability of the judge's (expected) declarative, the accused turns the presupposition that the declarative could be successfully performed into an issue for discussion. **[iii]** The judge reacts to or anticipates on this criticism supporting the disputed presupposition that he *could* perform the declarative because he had jurisdiction. He supports his standpoint with an argument relating to the conditions for performing a declarative. The standpoint of the judge can be reconstructed as 'It is my standpoint that the declaration that X is guilty of murder is acceptable'.

4. Conclusion

In this paper I have discussed some problems of the speech act character of a judicial decision. I have tried to show that it is a misunderstanding to treat speech acts in judicial decisions as *either* an assertive or a declarative. Instead we have to differentiate between at least two discussions in a legal process. A discussion between parties and a discussion between the judge and his real or anticipated opponents. In these two discussions the judicial decision plays a different role. In the first he declares something, in the second he asserts something. Finally I have tried to show that the declaration of the judge can be questioned and then be the object of the assertive advancing a standpoint.

NOTES

i. Cf. Hart (1961:142): "The score is what the scorer says it is" would be false if it meant that there was no rule for scoring save what the scorer in his discretion chose to apply. There might indeed be a game with such a rule, and some amusement might be found in playing it if the scorer's discretion were exercised with some regularity; but it would be a different game. We may call such a game the game of 'scorer's discretion'.

ii. Hart (1961:94) differentiates between primary rules and secondary rules in a legal system. Primary rules are concerned with the actions that individuals must or must not do. Secondary rules are all about primary rules: they specify the ways in which the primary rules may conclusively be ascertained, introduced, eliminated, varied and the fact of their violation conclusively determined.

iii. Cf. Austin (1974:14) '[...] Our performative, like any other ritual or ceremony, may be, as the lawyers say, 'nul and void'. If for example, the speaker is not in a position to perform an act of that kind, or if the object with respect to which he purports to perform is not suitable for the purpose, then he doesn't manage simply by issuing his utterance, to carry out the purported act.'

REFERENCES

- Austin, J.L. (1974). Performative-Constative. In: J.R. Searle (Ed.), *The Philosophy of Language* (pp. 13-22). Oxford: Oxford University Press. [Transl. of Austin, J.L. (1962). 'Performatif-Constatif'. *Cahiers de Royaumont, Philosophie IV: La Philosophie analytique*. Paris: Les Éditions de Minuit, 271-304.]
- Eemeren, F.H. van & R. Grootendorst (1992). *Argumentation, Communication and Fallacies*. Hillsdale: Erlbaum.
- Feteris, E.T. (1989). *Discussieregels in het recht. Een pragma-dialectische analyse van het burgerlijk proces en het strafproces*. Dordrecht: Foris.
- Hart, H.L.A. (1961). *The concept of law*. Oxford: Oxford University Press.
- Houtlosser, P. (1994). The Speech act 'advancing a standpoint'. In: F.H. van Eemeren & R. Grootendorst (eds.), *Studies in Pragma-Dialectics* (pp. 166-171). Amsterdam: Sic Sat.
- Houtlosser, P. (1995). *Standpunten in een kritische discussie. Een pragma-dialectisch perspectief op de identificatie en reconstructie van standpunten*. Amsterdam: IFOTT.
- Ruiter, D.W.P. (1993). *Institutional legal Facts: Legal Powers and their Effects*. Dordrecht etc.: Kluwer.
- Searle, J.R. (1979). A taxonomy of illocutionary acts. In: J.R. Searle, *Expression and Meaning. Studies in the Theory of Speech Acts* (p.1-29). Cambridge: Cambridge University Press.
-

ISSA Proceedings 1998 - The Perceived And Actual Persuasiveness Of Different Types Of Inductive Arguments



1. Introduction

Policy decisions can give rise to lively public debates. Should we build a new airport, expand the old one, or try to cut down on travelling by airplanes? Should we build more motorways or make the public transport cheaper in order to solve the traffic congestion problem? When a debate arises, each option will have its own proponents. They will try to persuade others that their option is indeed in everyone's best interests. To achieve that goal, they put forward pragmatic argumentation. That is, they claim that their option will probably or certainly result in desirable consequences. The strength of their argument depends on two aspects: The consequence's desirability and the consequence's probability. A strong argument in favor of the option would be that the option will certainly result in desirable consequences.

Previous research has shown that people have more trouble evaluating arguments supporting a probability claim than evaluating arguments supporting a desirability claim (Areni & Lutz 1988). In other words: The argument quality of a desirability argument is more transparent than that of a probability argument. O'Keefe (1995) suggested that argumentation theory provides a framework to study the concept of argument quality. However, he also warned that what should be convincing from the point of view of an argumentation theorist, is not always convincing from a layperson's point of view.

In this paper, I will first discuss the different types of argument that can be used to support a probability claim. Next, I will review empirical research in which the actual persuasiveness of these types of argument is studied. However, in none of the studies, the persuasiveness of the different argument types has been compared directly. Section 4 contains the description of an experiment in which the same claim is supported by different types of argument. The actual persuasiveness of these argument types is measured, as well as the extent to

which the participants think that they are convincing.

2. Types of argument

In policy debates, probability claims typically refer to future events, for instance: building a new airport will boost the economy. To support such claims, one can use inductive reasoning. Usually, three types of argument are distinguished in inductive reasoning (see, e.g., Govier 1992). Following the terminology employed by Rieke and Sillars (1984), these three types are the argument by analogy, the argument by generalization, and the argument by cause.

Rieke and Sillars (1984: 76-77) define an argument by analogy as follows: "(...) you compare two situations which you believe to have the same essential characteristics, and reason that a specific characteristic which exists in one situation can be reasoned to exist in the analogous situation". For instance, to support a claim about the beneficial economic effect of building a second airport, proponents may give the example of another country in which the building of a second airport had a strong beneficial effect on that country's economy. Essential for the quality of this argument, is the extent to which the two countries are similar. The more similar the countries, the more valid the argument by analogy.

The argument by generalization proposes that "you look at a series of instances and from them claim a general principle" (Rieke & Sillars 1984: 72). For instance, instead of giving just one example of a country profiting from building a second airport, one provides a number of such examples. As the number of examples grows larger, the argument by generalization may result in a argument using statistical evidence. Instead of discussing several examples, one presents a percentage or some other descriptive statistic representing the proportion of countries profiting from building a second airport. The quality of this type of argument depends on the number of observations and the representativeness of the observations. For instance, an argument by generalization based on one hundred examples is normatively better than an argument based on two examples.

However, when (most of) the hundred instances are very dissimilar from the issue at hand, the argument should not be convincing. For instance, the effects of building a second airport in developing countries may not be comparable to building a second airport in The Netherlands.

The argument by cause provides an explanation why a certain effect may arise (Rieke & Sillars 1984: 74). In the case of a second airport, one might argue that

building it will improve a country's economic position because (1) building and running such an airport will provide employment for thousands of people, and (2) it will improve the country's position as a major distribution point in the world's economy thereby attracting foreign companies to settle there. The quality of this argument depends on the presence or absence of other factors that might cause the second airport to become a failure or a success.

From a normative point of view, an argument by generalization that is based on a sufficiently large sample of representative instances, should be more convincing than an argument by analogy, especially if the latter uses an example that differs strongly from the issue at hand. Whether an argument by cause should be more convincing than an argument by generalization depends on the extent to which the argument by cause identifies the most important possible causes. The question that will be addressed in the next section is the extent to which what should be convincing, is convincing in actuality.

3. Empirical studies on the persuasiveness of different types of argument

A number of experiments have been conducted to assess whether some types of arguments are more convincing than others. Especially the distinction between the argument by analogy and the argument by generalization has received much attention by researchers. In several reviews, it is concluded that the argument by analogy is more persuasive than the argument by generalizability (see, e.g., O'Keefe 1990: 168-169; Taylor & Thompson 1982: 163-164). Baesler and Burgoon (1994) found 19 experiments in which the persuasiveness of the argument by analogy was directly compared to that of the argument by generalizability. In 13 experiments, the argument by analogy proved to be more convincing than the argument by generalizability; in only 2 experiments, the opposite effect was obtained (No differences between types of argument were found in the remaining 4 experiments).

Based upon such reviews, O'Keefe (1995: 15) noted that there is a distinction between what constitutes a strong argument from normative point of view (i.e., the argument by generalization), and from a descriptive point of view (i.e., the argument by analogy). However, Baesler and Burgoon (1994) claim that the manipulation of the two types of argument is (often) confounded with a second factor: the argument's vividness. That is, an argument by analogy usually presents an anecdote to support the claim; in an argument by generalizability, the claim is usually supported by statistics. In general, an anecdote is easier to imagine than statistics. Nisbett and Ross (1980) dub this the vividness effect. A

vivid argument would be more convincing than a more pallid one. Following this line of reasoning, an argument by analogy would be more convincing than an argument by generalizability, not because it is based on a single instance, but because of its higher imagineability.

To test this explanation, Baesler and Burgoon (1994) manipulated not only the type of argument (argument by analogy or argument by generalizability), but the vividness of these arguments as well. That is, they provided vivid statistical and anecdotal evidence as well as pallid statistical and anecdotal evidence. Controlling the evidence's vividness led to a pattern of results different from the usually reported one: The argument by generalizability (employing statistical evidence) proved to be more convincing than the argument by analogy (employing anecdotal evidence). Hoeken and Van Wijk (1997) obtained a similar pattern of results using a different message on a different topic. The vividness of the argument by analogy may therefore be the reason for the often reported finding that the normatively stronger, but less vivid argument is less convincing than the normatively weaker, but more vivid argument.

Compared to the argument by analogy and the argument by generalizability, the argument by cause has received far less attention by researchers. Slusher and Anderson (1996) compared the convincingness of an argument by cause to that of an argument by generalizability. They used a message stating that AIDS is not transmitted by casual contact (including nonsexual household contact or contact through mosquitos). Evidence substantiating this claim was either causal or statistical. The argument by cause, for instance, ran that "The Aids virus is not concentrated in saliva, is not present in sweat, and has to be present in high concentration to infect another person. The argument by generalizability stated that in "a study of more than 100 people in families where there was a person with AIDS without the knowledge of the family and in which normal family interactions (...) took place revealed not a single case of AIDS transmission."

The results showed that the argument by cause was more successful at changing faulty beliefs about the ways in which AIDS can be transmitted than the argument by generalization. Because it is much more difficult to change an existing belief than to form a new belief, these results suggest that the argument by cause is a powerful argument. The superior effect of the argument by cause may have two reasons. Slusher and Anderson (1996) state that using arguments by cause result in the availability of explanations why AIDS cannot be transmitted by casual

contact. As the availability of explanations increases, people are more inclined to accept the claim. In contrast, the argument by generalization does not lead to an increase of available explanations. A second explanation for the superior effect of the argument by cause may be that it enables people to build a model of why and how an effect may or may not occur. The argument by generalizability does not enable one to construe such a model. Having such a model, regardless of how tentative it may be, strengthens the belief that a certain effect will occur (Tversky & Kahneman 1982).

The empirical studies on the convincingness of different types of argument enable the following, tentative conclusions. Although most studies show that the argument by analogy is more convincing than the argument by generalizability, this effect may be the result of an artefact. In an argument by analogy, usually more vivid, anecdotal evidence is employed, whereas the statistical evidence typically employed in an argument by generalizability is more pallid. When the vividness of evidence is controlled, however, the argument by generalizability is more convincing than the argument by analogy. In the only experiment in which the convincingness of an argument by cause is directly compared to an argument by generalizability, the former proved to be more convincing than the latter. A tentative ordering of the different types of argument would be that the argument by cause is more convincing than the argument by generalizability, which in turn is more convincing than the argument by analogy.

4. The experiment

An experiment was conducted to address two topics. First, I tried to replicate earlier findings that an argument by analogy is less persuasive than an argument by generalizability, which in turn is less persuasive than an argument by cause. Replicating such effects employing arguments on different topics is an important precondition before general conclusions about message and argumentation effects can be drawn (cf. O'Keefe 1990: 121-129). Apart from replication, the experiment extends previous empirical studies. For the first time, the three different types of argument were compared directly. That is, the same claim was supported either by an argument by analogy, an argument by generalizability, or an argument by cause.

The second topic concerns the relation between the perception of the argument's quality and its actual persuasiveness. In the experiments discussed above, the extent to which participants accepted the claim was measured. They were not

asked whether they regarded the argument as strong. In this experiment, participants not only rated the extent to which they accepted the claim, they also indicated their opinion about the argument's strength. One would expect these scores to correlate. That is, the type of argument being rated as strongest, should be the most convincing one as well. In an experiment by Collins, Taylor, Wood and Thompson (1988), however, participants rated one message as more persuasive than another, whereas in actuality they were equally persuasive. To assess whether the perception of argument strength corresponds with the actual persuasiveness, both variables were measured.

The discussion above leads to the following two research questions:

1. Do different types of argument lead to differences in actual persuasiveness?
2. Do differences in persuasiveness correspond to differences in perceived argument quality?

To answer these questions, an experiment was conducted in which a claim about the future financial success of a cultural centre was backed up by either an argument by analogy, an argument by generalizability, or an argument by cause. The argument by analogy was deliberately weakened through choosing an example that differed on essential characteristics from the issue under consideration.

4.1 Method

Material

The material consisted of three versions of a (fictitious) newspaper article on a council meeting in the Dutch town of Doetinchem. The meeting was about the mayor's proposal to build a multi-functional cultural centre. It was reported that some of the council members doubted that such a centre would be profitable. They feared that the citizens would have to pay for the losses. The mayor argued that the centre would attract sufficient visitors and make a profit within four years. The argument to support this claim could be either an argument by analogy, an argument by generalization, or an argument by cause. All arguments consisted of 6 sentences and 75 words.

The argument by analogy stated that a similar centre in the city of Groningen had been very successful. It had made a profit within four years. Groningen differed from Doetinchem on several important dimensions. Unlike Doetinchem, Groningen has a university and is much larger than Doetinchem. Furthermore, it is situated in a different part of The Netherlands. In a previous experiment, size of

population, type of city, and location in the country, were identified as the most defining characteristics of a town (Hoeken & Van Wijk 1997).

The argument by generalization referred to a study by the Dutch Organization of Municipalities. In the study, the profitability of 27 cultural centres in different towns of varying size, dispersed over The Netherlands had been assessed. On average, the centres had made a profit within four years. Finally, the argument by cause provided three reasons why the cultural centre would be profitable. First, many citizens from nearby towns went to a faraway cultural centre to see movies and plays. Second, a popular movie theatre in a nearby town had burnt down. It was believed that the visitors would find their way to cultural centre in Doetinchem. Finally, Doetinchem's demographics showed that the number of well-educated people who are well-off increased. Such people like to visit cultural centres.

Participants

A total of 324 participants took part in the experiment. There were slightly more men (51.2%) than women (48.8%). Their age ranged from 17 to 72 with an average of 29 years. Education ranged from primary education to a master's degree. The majority (67.7%) had completed at least grammar school.

Questionnaire

The questionnaire contained questions on a number of variables such as the participants' cognitive responses, their evaluation of the article, their own behavior with respect to cultural activities, and some general questions about their level of education, sexe, and age. In addition, to test whether the argument by analogy was perceived as more vivid than the other types of argument, the text's vividness was measured. The most relevant variables with respect to the research questions were those operationalizing the argument's actual and its perceived persuasiveness. The argument's actual persuasiveness was operationalized as the extent to which participants accepted the claim that the centre would make a profit within four years. The argument's perceived persuasiveness was operationalized by having participants rate the argument's strength and its relevance.

The acceptance of the claim

The acceptance of the claim that the centre is capable of generating money was measured by the clause "The probability that the cultural centre will make a profit within four years, seems to me" followed by four seven-point semantic

differentials. Two of the four semantic differentials had the positive antonym at the left pole of the scale (large, present), the other two had the positive antonym at the right pole (probable, realistic). The reliability of the scale was good (Cronbach's alpha = .89).

Perception of argument quality

The perceived argument quality was measured using four seven-point semantic differentials and one seven-point Likert scale. The semantic differentials were preceded by the clause "I regard the argumentation supporting the claim that the centre will attract sufficient visitors as". Two of the four semantic differentials had the positive antonym at the left pole of the scale (sound, relevant), the other two had the positive antonym at the right pole (strong, convincing). For the Likert-item, the argument was repeated. For instance, in the case of the analogy-argument: The mayor referred during the council meeting to the profit made by a cultural centre in Groningen. How relevant do you rate this example with respect to the decision to build a cultural centre in Doetinchem? The participants indicated their response on a seven-point Likert scale ranging from "very irrelevant" to "very relevant". The five items formed a reliable scale (Cronbach's alpha = .83).

Design

A factorial design was used, that is, each subject read only one of the text versions. This resulted in three experimental groups. After reading the text, they responded to the various items of the questionnaire.

Procedure

Each participant was run individually. Participants were told that the Linguistics department of Tilburg University was interested in the way in which people made up their mind in case of a referendum. After this introduction, the participant received the experimental booklet. After completing the experimental booklet, participants were informed about the true purpose of the experiment and thanked for their cooperation. An experimental session lasted about 14 minutes.

4.2 Results

First, it was tested whether the different types of argument were rated as equally vivid. In previous experiments, the argument by analogy was often more vivid than the argument by generalizability thereby influencing the argument's persuasiveness. An analysis of variance revealed no differences between the three

types of argument with respect to perceived vividness (F 1).

The first research question was: Do different types of argument lead to differences in actual persuasiveness? Table 1 contains the mean ratings of the acceptance of the claim that the cultural centre will make a profit within four years and the mean ratings of the perceived argument quality.

Table 1 The mean ratings and standard deviations of acceptance of the claim and perceived argument quality as a function of argument-type (1 = very negative, 7 = very positive)

	Analogy	Argument by Generalization	Cause
Acceptance of claim	3.67 (1.34)	4.17 (1.40)	3.62 (1.38)
Perceived argument quality	3.00 (1.30)	3.95 (1.27)	3.91 (1.23)

TABLE 1 - The mean ratings and standard deviations of acceptance of the claim and perceived argument quality as a function of argument-type (1 = very negative, 7 = very positive)

An analysis of variance revealed a main effect of Argument type on the acceptance of the claim that the centre would be profitable ($F(2, 321) = 5.31, p .01; \eta^2 = .03$). Post hoc comparisons using the Tukey's HSD test showed that the argument by generalization led to higher scores than the argument by analogy and the argument by cause. The latter two did not differ from each other. The second research question was: Do differences in persuasiveness correspond to differences in perceived argument quality?

Analyses of variance revealed main effects of Argument type for the perceived argument quality ($F(2, 320) = 19.61, p .001; \eta^2 = .11$). Post hoc comparisons using the Tukey's HSD test showed that the argument by analogy was perceived as weaker than the argument by generalization and the argument by cause. The latter two did not differ from each other on perceived strength.

There appears to be a discrepancy between the argument by cause's perceived persuasiveness and its actual persuasiveness: Whereas the argument by cause is perceived to be stronger than the argument by analogy, it led to similar scores

with respect to the acceptance of the claim. This discrepancy is corroborated by the correlations between the perceived argument quality and the acceptance of the claim. The correlations and the percentage of explained variance are displayed in Table 2.

Table 2 The correlations and percentages explained variance between the acceptance of the claim and the perceived argument quality as a function of argument type

	Analogy	Argument by Generalization	Cause
Correlation	.66	.58	.38
Explained variance	44%	34%	14%

TABLE 2 - The correlations and percentages explained variance between the acceptance of the claim and the perceived argument quality as a function of argument type

Whereas the correlations between perceived quality and claim acceptance are high for the argument by analogy and for the argument by generalization, they are much lower for the argument by cause.

4.3 Conclusion

The first research question was: Do different types of argument lead to differences in actual persuasiveness? The answer is affirmative: The types of argument had a different effect on the acceptance of the claim. However, the differences do only partly replicate the pattern of results obtained in other studies. In this study, the argument by generalizability proved to be stronger than the argument by analogy. As such, it replicates the results of Baesler and Burgoon (1994) and Hoeken and Van Wijk (1997). The expected superior effect of the argument by cause did not arise. On the contrary, the argument by cause proved to be equally convincing as the argument by analogy and less convincing than the argument by generalizability. This result deviates from the results reported by Slusher and Anderson (1996), who found the argument by cause to be more convincing than the argument by generalizability.

The second question was: Do differences in persuasiveness correspond to differences in perceived argument quality? Again, the answer is partly affirmative. In correspondence with the actual persuasiveness, the argument by

generalizability is rated as stronger than the argument by analogy. Ratings of the argument's strength are in both cases strongly related to the actual persuasiveness. In contrast, the argument by cause received higher ratings compared to its actual persuasiveness. It was rated as stronger than the argument by analogy despite the fact that both types of argument yielded similar claim acceptance ratings. The correlation between the perceived argument strength and its actual persuasiveness is much lower for the argument by cause compared to the correlations for the other two types of argument. In the next section, an interpretation for these results will be put forward and the implications discussed.

5. General discussion

The first research question related to the persuasiveness of different types of arguments. In reviews of empirical research, it is often concluded that the argument by analogy is more persuasive than the argument by generalizability. However, as shown by Baesler and Burgoon (1994), this pattern may be the result of confounding argument type with vividness of evidence. When the vividness of the anecdotal evidence employed in the argument by analogy is equally vivid as the statistical evidence employed in the argument by generalizability, the latter is more convincing than the former. In the experiment reported above, there was no difference in perceived vividness, and the argument by generalizability was more persuasive than the argument by analogy. Therefore, the results replicate the finding that the argument by generalizability is more convincing than the argument by analogy if the vividness of the arguments is controlled.

The results on the acceptance of the claim did not replicate previous results obtained for the argument by cause. Instead of being more convincing, the argument by cause proved to be less convincing than the argument by generalizability. A possible explanation for this difference may be the confounding of an argument by cause with an argument by authority. Slusher and Anderson (1996) attacked the claim that AIDS can be transmitted through casual contact or mosquitos. They stated that the AIDS virus has to be present in a high concentration. Neither saliva nor sweat contains a sufficiently high concentration to contaminate another person. This explanation was suggested to be the result of scientific research. Scientists are commonly regarded as competent and reliable sources, thereby lending the argument extra credibility.

In the experiment described above, the explanation of why the cultural centre

would be a success was given by the mayor. The mayor himself proposed to build such a centre. Therefore, people may question his impartiality in this matter. Furthermore, a mayor is usually not an expert on the factors that contribute to a cultural centre's success. Therefore, participants in this experiment may have regarded the source of the explanation as less credible than the (scientific) source in the Slusher and Anderson experiment. This difference in source credibility may have been responsible for the different pattern of results. In order to test this explanation, the causal argument why the cultural centre will become a success should be ascribed to an independent expert. In that case, the causal argument should be more convincing than the argument by generalizability.

The second research question addressed the relation between perceived argument quality and actual persuasiveness. For the argument by analogy and the argument by generalizability, this relation was straightforward. The higher the perceived argument quality, the more convinced people were, and vice versa. For the argument by cause, the relation proved to be more problematic. Although the argument was perceived as strong, it was not very convincing. The correlation between the perceived argument quality and the actual persuasiveness was markedly lower than the correlations for the other two types of argument.

In the experiment, the participants first indicated to what extent they agreed to the claim that the centre would make a profit. After that, they rated the argument's quality. The results suggest that only when asked to reflect upon the argument's quality, the participants who had read the argument by cause realized that the argument was pretty sound. Apparently, the argument by cause needed closer inspection in order to be convincing. This should not lead to the conclusion that only when asked to reflect upon the arguments, people distinguish between strong and weak arguments. If that were the case, no effects of argument type would have been obtained. However, the argument by generalizability led to a stronger acceptance of the argument's claim than the argument by analogy. That effect was obtained before participants were asked to reflect upon the argument's quality. Therefore, even when not instructed to reflect upon argument quality, people are sensitive to differences in argument type.

The discrepancy between the perception of argument quality and the actual persuasiveness only arises for the argument by cause. It is possible that people believe that an argument by cause is convincing whereas in actuality they are not persuaded by it. Collins et al. (1988) report a similar pattern of results on the effect of colourful language. They showed that a message containing colourful

language was rated as more persuasive without yielding any significant attitude change. Collins et al. conclude that there is a widespread belief that colourful language facilitates persuasion, thereby influencing people's ratings of a message's persuasiveness. In actuality, people would not be sensitive to this message variable.

Something similar may be the case for the argument by cause. Our understanding of the world is largely based on laws of cause and effect. An argument based on such a relation may therefore give the impression of being very convincing without having this effect. The results of the experiment underscore two points. First, the results once again stress the importance of replicating the effects of message and argument variables. Seemingly small differences in argument manipulation can lead to large differences in persuasiveness. Second, it is important to distinguish between what is perceived as convincing and what actually is convincing. Opinions about what constitutes a stronger argument do not necessarily guarantee a stronger persuasive effect. Finally, the results do clarify the need of further study of the conditions under which the argument by cause is persuasive.

REFERENCES

- Areni, C. S. & R. J. Lutz (1988). The role of argument quality in the elaboration likelihood model. In: M. J. Houston (Ed.), *Advances in consumer research* (Vol. 15, pp. 197-203). Provo, UT: Association for Consumer Research.
- Baesler, J. E. & J. K. Burgoon (1994). The temporal effects of story and statistical evidence on belief change. *Communication Research* 21, 582-602.
- Collins, R. L., S. E. Taylor, J. V. Wood & S. C. Thompson (1988). The vividness effect: Elusive or illusory? *Journal of Experimental Social Psychology* 24, 1-18.
- Govier, T. (1992). *A practical study of argument* (3rd Ed.). Belmont, CA: Wadsworth.
- Hoeken, H. & C. van Wijk (1997). De overtuigingskracht van anekdotische en statistische evidentie [The convincingness of anecdotal and statistical evidence]. *Taalbeheersing* 19, 338-357.
- Nisbett, R. & L. Ross (1980). *Human inference: Strategies and shortcomings of social judgment*. Englewood Cliffs, NJ: Prentice-Hall.
- O'Keefe, D. J. (1990). *Persuasion. Theory and research*. Newbury Park, CA: Sage.
- O'Keefe, D. J. (1995). Argumentation studies and dual-process models of persuasion. In: F. van Eemeren, R. Grootendorst, J. Blair & C. Willard (Eds.), *Proceedings of the third ISSA conference on argumentation, Vol 1: Perspectives*

and approaches (pp. 3-17). Amsterdam: SIC SAT.

Rieke, R.D. & M. O. Sillars (1984). *Argumentation and the decision making process* (2nd Ed.). New York: Harpers.

Slusher, M. P. & C. A. Anderson (1996). Using causal persuasive arguments to change beliefs and teach new information: The mediating role of explanation availability and evaluation bias in the acceptance of knowledge. *Journal of Educational Psychology* 88, 110-122.

Taylor, S. E. & S. C. Thompson (1982). Stalking the elusive "vividness" effect. *Psychological Review* 89, 155-181.

Tversky, A., & D. Kahneman (1982). Causal schemas in judgments under uncertainty. In: D. Kahneman, P. Slovic & A. Tversky (Eds.), *Judgment under uncertainty: Heuristics and biases* (pp. 117-128). Cambridge: Cambridge University Press.