ISSA Proceedings 1998 – Argumentation And Children's Art: An Examination Of Children's Responses To Art At The Dallas Museum Of Art

Until recently, relatively little attention has focused on the role of argument in the visual arts. In the last few years, however, and concurrent with the attention given to argument in other disciplines, argumentation scholars have begun to theorize about the intersection of argument and art. In 1996, a special edition of *Argumentation and Advocacy* examined visual argument, with essays that speculated about the argumentative functions in visual art and political advertisements. In their introductory essay to that special edition, David Birdsell and Leo Groarke write:
In the process of developing a theory of visual argument, we will have to emphasize the frequent lucidity of visual meaning, the importance of visual context, the argumentative complexities raised by the notions of representation and resemblance, and the questions visual persuasion poses for the standard distinction between argument and persuasion. Coupled with respect for existing interdisciplinary literature on the visual, such an emphasis promises a much better account of verbal and visual argument which can better understand the complexities of both visual images and ordinary argument as they are so often intertwined in our increasingly visual media (Birdsell & Groarke 1996: 9-10).
Although there is no consensus as to whether or not there should be a theory of visual argumentation, the attention given to the concept in this special issue merits further consideration.
The parallels between the fields of art and argumentation are striking. Both are concerned with the theoretical and the practical. Argumentation is concerned with the philosophical underpinnings of the making and interpreting of arguments, as well as the practical side of teaching the construction of arguments for others' consumption. Art also must be concerned with the philosophy of the

interpretation and construction of art works, as well as the practical and pedagogical aspects of teaching students to create art. Participants in both fields are also involved in the critical process, with the concomitant responsibility of speculating about the development of critical approaches and methodologies. Finally, and most relevant to this study, both are concerned with the realm of the symbolic.

In 1997, an exhibition at the Dallas Museum of Art celebrated the role of animals in African Art. Particular works in this exhibition were supplemented with "imagination stations," or sketchbooks with colored pencils, which allowed children to draw their reactions to this art. Children were guided by instructions developed by the education staff at the museum. These instructions asked the children to describe their reactions to the art and to put it into a context specific to their own backgrounds, such as asking the children to draw an animal that they were familiar with in a similar context to the one in the artwork. These sketchbooks were collected by museum staff, and provide the textual basis for this study.

This essay takes as its point of departure the assumption that visual art can be studied as argument. Although that assumption is certainly debatable, this essay begins by reviewing the literature and constructing three related argumentative roles for visual art. The essay, in its second stage, describes the role of the museum as amplifier and intensifier of these argumentative roles. In the third stage, the essay describes the children's responses as detailed in the sketchbooks, and speculates about the role that such a participatory exercise might have for the fields of art and argumentation. Finally,the essay concludes with conclusions about the impact of this study on the nature of criticism in art and argument in general. In 1994, at the Third Conference of the International Society for the Study of Argumentation, speculation about the function of argumentation in the post-Cold War era continued. James Klumpp, Patricia Riley, and Thomas Hollihan concluded that, "argumentation scholars have considerable work to do to escape these constraints. But the reward for that effort can be a renewal of democratic values of broad participation in a texture of argument that empowers people to participate in the formation of their lifeworld" (Klumpp, Riley, & Hollihan 1994: 328). This essay begins the search for one potential participatory avenue.

1. Art and Argumentation

While the special issue of *Argumentation and Advocacy* might be the most

comprehensive body of literature dealing with argumentation and visual art, it is certainly not the first. Over the last eight years, there have been several projects that examined art from a rhetorical or argumentative perspective. Ken Chase, in his essay on argument and beauty, describes in significant detail the relationship between argument and beauty. In his examination of Mary Cassatt's Breakfast in Bed, Chase advances an expanded view of argument, one that broadens argument to include arguments that are not linear sequences of propositions. Chase concludes that "Arguers can be artists, bringing the harmony, unity and symmetry of beauty to bear on the rough edges and fractured relationships of everyday disputes" (Chase 1990: 271). Chase grounds his assessment of Cassatt's work in the classical and neo-classical works relating rhetoric to the beautiful and the sublime, and does not deal with the rationale for and the implications of bridging argument and art.

Barbara Pickering and Randall Lake, in their examination of the refutational value of films dealing with abortion, find that visual representations can serve an argumentative function. They believe that, "images, even though they are not propositional and hence lack the capacity, strictly speaking, to negate, nonetheless may be said to `refute' other images" (Pickering & Lake 1994: 142). Pickering and Lake ground their work in the writings of Susanne Langer and Kenneth Burke, who are particularly concerned with images and symbolic constructions of meaning.

The 1996 issue of *Argumentation and Advocacy* explores the theoretical rationale and implications of expanding conceptions of argument to include visual argument. There are three basic questions involved in the examinations of the four relevant essays (Birdsell & Groarke, Fleming, Blair, and Shelley).

First, must arguments be constructed of words? Shelley distinguishes between what can be referred to as rhetorical or demonstrative visual argumentation. Rhetorical communication is that visual communication which is related to informal verbal arguments. Elements in paintings or pictures would have to have some correspondence to informal verbal argument in order to advance a rhetorical visual argument. Demonstrative visual arguments "represent the actual course of visual thought. Thinking often involves the use of mental images, a process typified by thinking with visual mental images, or the 'mind's eye'." (Shelley 1996: 60). Blair contends that argumentation should not be limited to verbal communication. He writes, "the fact and the effectiveness of visual communication do not reduce it to verbal communication" (Blair 1996: 26). Fleming believes that visual communication can serve as evidence or support for

a linguistic claim, potentially provided by a caption or some other verbal statement (Fleming 1996: 19).

Second, are arguments exclusively made up of propositional statements, composed of data and claim? Fleming believes that, to be an argument, something must have a two-part structure (data/claim), and that it must be refutable or contestable (Fleming 1996: 13). Fleming concludes that pictures lack the structure to make them akin to verbal discourse. He writes, "a picture unaccompanied by language lacks the two-part conceptual structure of argument. Second, while it may be able to function as evidence, a picture is incapable of serving independently as an assertion" (Fleming 1996: 15-16). Given this ambiguity, the visual argument becomes impossible to refute, which means that it cannot meet the traditional tests of arguments. Blair believes that visual arguments can occur, and that they must be propositional. He writes: Visual arguments are to be understood as propositional arguments in which the propositions and their argumentative function and roles are expressed visually, for example by paintings and drawings, photographs, sculpture, film or video images, cartoons, animations, or computer-designed visuals (Blair 1996: 26). Blair concludes that other forms of discourse, such as metaphors and narratives, are either propositional or they are not argumentative (Blair 1996: 35). The implication of this interpretation, therefore is to admit the possibility of visual constructions serving as arguments, but to definitionally exclude a significant portion of visual communication from within this scope.

Third, what is the implication of expanding the scope of argumentation to include visual arguments? Fleming believes that a conception of argument could be developed that would include visual argument, but that the new conception of argument would be so vague that it would lose its explanatory potential (Fleming 1996: 13). Blair agrees with this claim, noting that, "it would be a mistake to assimilate all means of cognitive and affective influence to argument, or even to assimilate all persuasion to argument" (Blair 1996: 23), even though he admits that there are still some visual constructions which can function as arguments.

To account for definitive answers to these questions is difficult, but it seems that most of these concerns are true for other, more traditional, forms of argument as well. Verbal arguments can be just as ambiguous as nonverbal or visual arguments, and in some cases, more ambiguous (Birdsell & Groarke 1996: 2). Art can also provide visual cues as to possible propositional arguments, through the

implied claims and evidence provided in the particular artwork. To limit the study of argumentation to traditionally propositional is somewhat artificial, and would clearly serve to inscribe one appropriate form for argument. Finally, to expand the scope of argumentation is not particular to the visual; indeed, argumentation has expanded its own reach to include such forms as science, history, and movies. To expand argumentation is not a particularly persuasive reason to exclude the study of one of the most persuasive arenas of all time. Birdsell and Groarke write: Most importantly, it allows for a significant expansion of the theory of argument. Without this expansion, argumentation theory has no way of dealing with a great many visual ploys that play a significant role in our argumentative lives – even though they can frequently be assessed from the point of view of argumentative criteria (Birdsell & Groarke 1996: 9). Given this discussion, it seems appropriate to discuss some of the argumentative functions of argument in art. The next section of this essay begins this discussion, by providing three interrelated argumentative functions of visual art.

2. Art Functioning as Argument

We believe that there are three interrelated functions that visual argument can perform. Initially, art can serve a cognitive or knowledge-based function. Art serves to provide information to its viewers. Viewers seek out art to see how artists have interpreted different persons, places, times, and contexts. Shelley, for example, notes that the interaction between the art and the viewer is principally a cognitive one. Shelley writes, “A step towards such a characterization can be taken by making the distinction between rhetorical and demonstrative modes of visual argument. Fundamentally,this distinction is a cognitive one and concerns how individual elements of a picture are understood by a viewer” (Shelley 1996: 67).

Much of the research about art and argument has examined the art from this perspective. In particular, most traditional argument research is concerned with the elucidation and examination of the claim in a particular artwork, as well as the supporting material. This functional perspective concentrates on the art as a cognitive claim, one which principally examines the artwork in terms of the information that it provides about the subject matter.

Second, art serves to advance normative claims. Particularly for some audiences, art attempts to describe how things portrayed in the artwork should appear, or how things referred to in the artwork should relate to one another. Joli Jensen describes this perspective, arguing: Under this perspective, the people become a

substrate on which culture can work. The “bad” cultural choices of the people, so distressing to social critics, are due to the hypnotic or corrupting powers of bad art, or to the lack of exposure to good art. By this logic, the “good” cultural choices of critics and intellectuals are to be protected against the corrosive tide of the people’s choices, so that the people, later, can benefit. Notice how the people are presumed to have, but are never blamed for, corrupted taste and bad judgment that can lead to crass actions and foolish choices. Bad art is a cause, and good art can be a cure, for whatever is deemed to be wrong with the populace (Jensen 1995: 365).

Finally, art serves an ideological function. Art helps people to understand the relationship between people (including the viewer), the state, power in general, and social units and associations. Art helps people to see the relationships, in that viewers can see intersections in contexts other than their own. In this sense, ideology continues to spread or to be reinforced. Ronald Moore writes: The history of Western philosophy is, in fact, replete with testimony on the importance of young people’s exposure to admixtures of artistic, literary, and philosophic ideas in readying them for enlightened adulthood. Just as students must reflect on the fundamental principles of science, politics, history, and so on, if they are fully to understand these disciplines and their role in the life of the state, so they must reflect on the fundamental principles of the arts to understand how these enterprises unite the life of the state with that of the individual (Moore 1994: 8).

Art objects can instill particular religious, political, or moral values. Marcia Muelder Eaton notes: A growing number of theorists, myself included, do not believe that aesthetic experience (and hence aesthetic value) can be neatly packaged and distinguished from other areas of human concern – politics, religion, morality, economics, family, and so on. Art objects do not always, nor even typically, stand alone. Even if some are created to be displayed in museums or concert halls – above and beyond the human fray – many are intended to fill political or religious or moral functions. Their value is diminished, indeed missed, if one ignores this. This is particularly true of the art of cultures other than the one dominant in the West in the first two-thirds of the twentieth century – the art world of wealthy, white, male connoisseurs (Eaton 1994: 25).

The problem with the inscription of ideology in art is that, in conjunction with the traditional perspectives on art interpretation, explorations of alternative perspectives and viewpoints is stilted. The traditional interpretative perspective

suggests that there is one accurate interpretation of art, and that the particular interpretation can be taught through the various education venues. Silvers suggests: Effective art, it is thought, should transcend differences of culture and learning – that is, should appeal transculturally or internationally. Thus, art's power is supposed to derive from how well it accords with human nature in general, not with particular humans and their specialized histories. A corollary encourages us to expect that the capacity to relish are can be activated even at a very early age, as the relevant experiences are essentially human ones and as such are not relativized to socialization or acculturation (Silvers 1994: 53).

As a result, there is only one interpretation of a particular piece of artwork, the cultural context of the piece is not particularly relevant to an understanding of the artwork, and the enduring truths of the artwork can be discovered through critical scrutiny. More importantly, this sort of perspective centers the discovery and dissemination of truth in the hands of "experts" who have the truth about the artwork. Silvers continues, saying: Moreover, autonomy of judgment is reserved for the privileged. For a threshold condition for achieving autonomy is that one enjoy at least minimal recognition as a distinct, and therefore potentially independent, entity. Dependent beings are precisely those who are considered indistinct because inseparable from their attachments and, as such, they do not qualify as autonomous(Silvers 1994: 53).

The museum environment amplifies and intensifies this phenomenon. The museum, in multiple fashions, functions to legitimize and sanction particular artworks and particular interpretations of those artworks. The museum's architecture and environment often serves to distinguish the viewing of artworks from the "real world" outside the walls of the museum (Walsh-Piper 1994: 106). Museums also make choices about artworks, design factors, and inclusion/exclusion of artworks, which have implications for the viewers. Walsh-Piper notes: Museums make aesthetic choices in everything they do, from the arrangement of spaces, the choice of exhibitions, the arrangement and lighting of the works of art, to the design of furnishings and brochures. The most important choice is the selection of objects to be exhibited. This power to choose is a double-edged sword; choices could be said to entomb values and preserve cultural prejudices rather than to present examples of the best (Walsh-Piper 1994: 107-08).
The role of docents and museum educators cannot be understated. Depending on

the instructor's interpretation of certain works, and the attention that they draw to a particular artwork, the impact of the received interpretation might even be greater.

One way out of this conundrum is to allow students to discover particular messages within their own contexts, and to encourage a more participatory style in art observation and criticism. Instead of instructing students in the appropriate understanding of an artwork, educators might instead simply introduce the student to the piece of art, and allowing the students to discover truths within the artwork for themselves. This sort of perspective allows for art to more fully reach its potential for critical awareness and cultural flexibility. Ronald Moore writes:

The rationale for introducing aesthetic subject matter into school curricula is not to be understood as merely the enhancement of art education; rather, it sets the stage for critical reflection, redirected awareness, and heightened appreciation as these pertain to an extraordinarily broad range of objects. Even when aesthetics and philosophy of art are taken as synonyms, it should be understood that the art in question is the art of living no less than it is the art of gallery walls (Moore 1994: 6).

This education serves a valuable function if, and only if, the student is allowed to discover truths from a wide range of perspectives and from a diverse base of cultural premises. Otherwise, art education merely reinscribes another received truth, and the function of education, argumentation, and art criticism is undercut.

One example of this participatory approach is the use of the "imagination stations" at the Dallas Museum of Art in 1997. The next section of this essay describes the make-up of the procedure, as well as engages in a preliminary examination of selected responses to the art in the museum in the sketchbooks.

3. Analysis of Imagination Station Responses

The exhibition *Animals in African Art: From the Familiar to the Marvelous* centered on the premise that animal imagery in African art can be interpreted as a metaphor for human behavior and that the human experience can be explained through animal imagery. Another concept imbedded in the exhibition is to dispel the myth of Africa as a jungle, complete with jungle or safari animals such as lions, giraffes, elephants, and monkeys. (Roberts 1995: 16) In actuality, these animals are rarely depicted in the artistic traditions of African cultures. The imagery of the exhibition was organized into five main themes: animals associated with the domestic sphere, wild animals of the bush, composite and anomalous animals with supernatural abilities, leopards (the most commonly depicted animal

in African art), and the social, political, and metaphorical connections between humans and animals.

The exhibition design differed from many of the Dallas Museum of Art's other installations in several ways. The foremost obligation for the museum's exhibition design team was to set up gallery experiences that allowed viewers to take an active role in interpretation and encouraged visitors to write or draw their responses in the exhibition. Elementary school children created a large book of paintings and drawings of animals found in Africa, and that book was placed in a prominent position at the beginning of the exhibition. Monitors showing video footage of animals in natural habitats were interspersed throughout the exhibition. Instead of an information-based, didactic orientation video that so often accompanies exhibitions, a three-minute film of a Malian leopard dance filmed in 1973 played continuously, with only a caption following the video indicating the time and place of the performance. The imagination stations were placed throughout the exhibition near an entrance or exit. These consisted of a podium, sketchbook, colored pencils, and a brief statement to assist viewers in synthesizing the main concept of the area.

The first imagination station was located at the end of the rooms containing objects depicting animals of the home and garden and the wild animals that exist outside the boundaries of the village. Typical human behaviors are associated with the animals found inside the village. At the various times when acceptable norms of behavior are suspended, and uncivilized actions are sanctioned by the community, the actions do not come from inside the village. Instead, they must be brought in from the bush, where wild or uncivilized animals reside. The guiding statement at the imagination station instructed visitors to think about wild animals they knew and make them into a mask, an instrument, or an ornament. The majority of drawings can be placed into two main categories: animals seen in the wild room transformed into musical instruments, such as flutes or stringed instruments, and domestic animals that have been given the attributes more commonly associated with wild animals. In one example, a pig was given horns and sharp teeth to communicate its wild nature.

In the Composite/Anomalous area, the exhibition focused on the supernatural qualities of certain animals. Anomalous animals, such as crocodiles, have the ability to pass between land and water and are therefore thought to be associated with spiritual forces (Roberts 1995: 138). Artists also constructed art with composite animals dominating the scene, with parts of several animals put

together. This artwork is often created to counteract a crisis or mark an occasion of instability in the community. The imagination station asked visitors to create a composite animal that does not exist by combining parts of animals that do exist. Many drawings left by young visitors combined the aspects of animals seen elsewhere in the exhibition such as crocodiles, felines, snakes, and birds, often creating an animal having the ability to fly, swim, and walk, therefore becoming anomalous. Several other drawings included animals not seen in the exhibition (flamingos, bears, and manatee), suggesting those visitors may have been drawing on their own experiences with animals.

It is in the Leopard section of the exhibition that the sketchbook drawings by young visitors are most interesting. The objects in this room included necklaces, claws, masks, costumes, and stools representing leopards in various ways, from recognizable images of crouching and standing animals to jewelry composed of leopard claws. Images of leopards are widespread throughout Africa and are most often associated with military or political power.

The statement at the imagination station encouraged visitors to think of something they use everyday and make it look like a leopard. The responses generally fell into three categories: everyday objects that were included in the leopard area, objects related to the experiences of the visitor, and drawings of actual objects in the exhibition. Several children created drawings of the types of objects in the leopard area, especially jewelry, clothing, and objects used for sitting (chairs, stools, and toilets). These drawings did not recreate the objects, but depicted the idea of the leopard in different ways. The drawings of everyday objects focused on hair and toothbrushes, pencils and pens, eating utensils, computers, cars, and mirrors that included elements of leopards. Different interpretations of leopard toothbrushes included a recognizable brush with only spots added, and a brush with the bristles replaced by sharp fangs and connected to the mouth and head of the leopard with the body curling around to form the handle. Several visitors chose to recreate an image of an object found in the leopard room, namely a cylindrical wooden mask with painted spots and a sack-like leopard costume.

The final gallery of the exhibition focused on objects that combined images of animals and humans. In the catalogue accompanying the exhibition, Roberts notes, “In African cultures, verbal and visual arts reinforce and enrich one another. Proverbs, songs, and spoken narratives, in unison with visual art forms, provide complex multisensory systems of communication. Animals are common

subjects of both verbal and visual arts, often portrayed in dynamic interaction as a comment on the nature of social relationships (Roberts 1995: 176). The imagination station invited visitors to think of what kind of animal they would be, and further guided them by asking, "would they be tiny, sneaky, slithery, or carefree?" One young visitor drew a feline body with lion mane surrounding a dog or fox-like face. A brightly colored plume extended from the forehead of the animal and a flag with three horizontal bands of green, yellow, and red was situated atop the animal's head. Interestingly, the drawings received from this imagination station were most often accompanied by written descriptions. Animals associated with strength (felines and elephants) were common, as were comparisons to snakes and birds. One drawing of a bird in flight was accompanied by the statement, "I'd like to be a bird because I'd like to see things from a birds [sic] eye view."

The response to the imagination stations was overwhelming and far exceeded the Dallas Museum of Art's expectations. During the course of the twelve-week exhibition, sixteen sketchbooks were filled with visitor responses. Although directed at young, school-age viewers, visitors of all ages participated in the imagination stations. The museum's exhibition team, composed of curators, designers, and educators, attempted to create a gallery experience that encouraged visitors to create their own meaning and interpretations of the works of art. At the same time, the team also offered various depictions of animals in African art. The imagination stations and their resulting responses indicate that a need exists for museum visitors to come to terms with works of art from their own perspective.

4. Conclusions and implications

This essay has argued that visual art can function as an argument, and that museums are one site for the study of such arguments. In this essay, we argue that the drawings in the imagination stations are argumentative responses to the artwork in the museum, and that these drawings can be studied from an argumentative perspective as well. This essay only serves as a beginning to the study of these works; there are many hundred pages of drawings left to study.

There are some implications that this study has for the broader study of art as argument, for argumentation and art criticism in general, and for the role of the critic. Initially, it is important to remember the initial conversation that this essay enters into. There are still some questions as to whether or not art can be or should be examined as argument. This essay attempts to provide support for the

position that art is one of the more important and powerful venues for argument, and that the study of art can provide some critical insights into the field of argumentation. In particular, we argue that there are benefits to both communities if critics are encouraged to examine visual art from an argumentative perspective. Art can benefit from the advances in argumentation theory over the last thirty years, particularly, the integration of alternative perspectives for the evaluation of arguments, such as the narrative paradigm of Walter Fisher and the insights of critical rhetoricians. Argumentation scholars can not only begin to examine a powerful set of argumentative artifacts, but they can also benefit from the experiences of art critics and art educators/historians.

With regard to argument and art criticism, this essay reinforces the concerns for and the potential of the critical endeavor. Drawing on the works of John Dewey, Joli Jensen argues: We can also rethink our role as artists, intellectuals, social critics. Dewey forces us to find justification for our work that is not smug or self-serving. We must think of reasons why our particular forms of aesthetic practice are any more valuable than those of less status-ridden and privileged groups. . . . Dewey asks us to spend less time exhorting, prophesying and declaiming, and more time watching, listening and responding. He asks us to talk with, not to, other people. He expects us to learn from each other. His metaphor of conversation is a metaphor of exchange – as citizens we are participants in a modern, democratic conversation (Jensen 1995: 375).

The art itself can reveal power relations for what they are to audiences with the potential for action. Art serves a liberatory function when the critic/observer can observe artworks without the constrictions that traditional models of education impose. The imagination stations, in the world of the children, helps to begin this process. Hanno Hardt writes: If for no other reason, the works of Benjamin, Lowenthal and others provide a powerful rationale for the consideration of creative practices in the debate over issues of communication, media and society; their aesthetic or psychological dimensions especially help explain the historical circumstances of social relations. Art discloses the material and ideological foundations of society; it is a manifestation of human creativity and a mode of expression that lends visibility to the inner world. But it also can be the site of critical observation and analysis of the social conditions of society and, ultimately, a powerful means of participating in the emancipatory struggle of the individual (Hardt 1993: 62).

This sort of individualized critique describes what Barbara Biesecker details in

her comparison of the works of Michel Foucault and the critical rhetoric of Raymie McKerrow. Biesecker raises the potential that the critical rhetorician, in his or her revelation of power structures and call to change, actually merely reinscribes another hegemonic interpretation. Biesecker writes: "if we take Foucault's critique of repression seriously and extend its insights to other orders of discourse, we are led to wonder how transgressive, counter-hegemonic or, to borrow McKerrow's term, critical rhetorics can possibly emerge as anything other than one more instantiation of the status quo in a recoded and thus barely recognizable form" (Biesecker 1992: 353). It is important that critics, either from the field of art or from argumentation, do not succumb to the temptation to merely replace one true interpretation with another. Instead, it is important for critics and educators to allow students to discover relationships in art works, and to make them relevant to their own lives. In this sense, educators can truly create an environment where learning can occur, and make possible the changes needed in Klumpp, Riley, and Hollihan's post-political age.

Admittedly, the possibility for change is limited, in that there are other constraints on children's ability to truly open-mindedly criticize art. Children are limited in their range of experiences to bring to bear on the artwork, and they are also limited in the artworks that they are exposed to. There will always be limitations on the range of options, but by allowing children to express themselves and to criticize art in their own way, the liberatory potential is maximized.

Further study is warranted in this area. We hope, in the future, to more thoroughly examine the sketchbooks in an attempt to understand what this work tells us about childrens' arguments. Also, the cultural impacts of the sketchbooks could be examined, in that they are assessments of African art. Further study could examine how the sketchbook responses function as argumentative responses to the original artworks. This essay, however, has attempted to set the theoretical framework for these future studies by describing the theoretical grounding for the study of art as argument.

REFERENCES

Biesecker, B. (1992). Michel Foucault and the question of rhetoric. *Philosophy and Rhetoric*, 25, 351-364.

Birdsell, D.S. and L. Groarke (1996). Toward a theory of visual argument. *Argumentation and Advocacy*, 33, 1-10.

Blair, J.A. (1996). The possibility and actuality of visual arguments. *Argumentation and Advocacy*, 33, 23-39.

Chase, K. (1990). Argument and beauty: a review and exploration of connections. In: Trapp, R. and J. Schuetz (Eds.), *Perspectives on Argumentation: Essays in Honor of Wayne Brockriede* (pp. 258-271, Ch. 19), Prospect Heights: Waveland.
Fleming, D. (1996). Can pictures be arguments? *Argumentation and Advocacy*, 33, 11-22.
Hardt, H. (1993). Authenticity, communication, and critical theory. *Critical Studies in Mass Communication*, 10, 49-69.
Jensen, J. (1995). Questioning the social powers of art: Toward a pragmatic aesthetics. *Critical Studies in Mass Communication*, 12, 365-379.
Klumpp, J.F., P. Riley, and T.A. Hollihan (1994). Argument in the post-political age: reconsidering the democratic lifeworld. In: F.H. van Eemeren, R. Grootendorst, J.A. Blair, and C.A. Willard (Eds.), *Special Fields and Cases*, (pp. 318-328), Amsterdam: Sic Sat.
Moore, R. (1994). Aesthetics for young people: Problems and prospects. *The Journal of Aesthetic Education*, 28, 5-18.
Pickering, B.A. and R.A. Lake (1994). Refutation in visual argument: An exploration. In: F.H. van Eemeren, R. Grootendorst, J.A. Blair, and C.A. Willard (Eds.), *Special Fields and Cases,* (pp. 134-143), Amsterdam: Sic Sat.
Roberts, A.F. (1995). *Animals in African Art: From the Familiar to the Marvelous.* New York: The Museum for African Art.
Shelley, C. (1996). Rhetorical and demonstrative modes of visual argument: Looking at images of human evolution. *Argumentation and Advocacy*, 33, 53-68.
Silvers, A. (1994). Vincent's story: The importance of contextualism for art education. *The Journal of Aesthetic Education*, 28, 47-62.
Walsh-Piper, K. (1994). Museum education and the aesthetic experience. *The Journal of Aesthetic Education*, 28, 105-115.

ISSA Proceedings 1998 – Semantic Shifts In Argumentative Processes:

A Step Beyond The ‘Fallacy Of Equivocation’

In naturally occuring argumentation, words which play a crucial role in the argument often acquire different meanings on subsequent occasions of use. Traditionally, such semantic shifts have been dealt with by the “fallacy of equivocation”. In my paper, I would like to show that there is considerably more to semantic shifts during arguments than their potentially being fallacious. Based on an analysis of a debate on environmental policy, I will argue that shifts in meaning are produced by a principle I call ‘local semantic elaboration’. I will go on to show that semantic shifts in the meaning of a word, the position advocated by a party, and the questions that the parties raise during an argumentative process are neatly tailored to one another, but can be incommensurable to the opponent’s views. Semantic shifts thus may have a dissociative impact on a critical discussion. By linking the structure of argumentation to its pragmatics, however, it may be revealed that there are two practices that account for a higher order of coherence of the debate. The first practice is a general preference for disagreeing with the opponent, the second practice is the interpretation of local speech acts in terms of an overall ideological stance that is attributed to the speaker. Because of these practices, parties do not criticize divergent semantic conceptions as disruptive, but they treat them as characteristic and sometimes even metonymic reflections of the parties’ positions.

1. The fallacy of equivocation

Starting with Aristotle’s fallacies dependent on language (Aristotle 1955: 165 b 23ff.), the impact of shifts in the meaning of words on the validity of arguments has been a standard topic in the study of fallacies (as a review, see Walton 1996). Traditionally, such shifts have been dealt with by the ‘fallacy of equivocation’. We can say that a fallacy of equivocation occurs, if the same expression is used or presupposed in different senses in one single argument, and if the argument is invalid because of this multiplicity of senses. Moreover, in order to be a fallacy, the argument must appear to be valid at a first glance, or, at least, it has to be presented as a valid argument by a party in a critical discussion. Equivocation can

be produced by different kinds of semantic shifts, for example, switching from literal to metaphorical meaning, using homonyms, confounding a type-reading and a token-reading, using the same relative term with respect to different standards (see Powers 1995, Walton 1996).

Like many others, Woods and Walton (1989) analyze equivocation as a fallacy in which several arguments are put forward instead of one. If the ambiguous term occurs twice, then there is at least one argument in which the ambiguous term is interpreted in an univocal way, and there is at least one other argument in which it is interpreted differently. Each of these arguments is invalid: The first argument is invalid, because in one of its assertions, the ambiguous term must be disambiguated in an implausible way to yield a deductively valid argument; the second argument is unsound, because it is deductively invalid. So, analytically, the fallacy of equivocation can be viewed as a conflation of several arguments. In practice, however, this 'several arguments' view seems to be very implausible. Woods and Walton posit that people reduce the cognitive dissonance that resulted from being faced with invalidating readings of the argument by conflating them into one that is seemingly acceptable. This "psychological explanation" for the "contextual shift", that allows for two different readings of the equivocal term to occur in one argument (see Woods & Walton 1989: 198ff.), is not convincing. First, there is no reason why a person should generally be disposed to accept the argument in order to reduce cognitive dissonance – why doesn't she simply reject it, if she discovers the fallacy? Secondly, most textbook examples of equivocation are puns or trivial jokes. Their humourous effect is founded on the incongruence between the plausible, default reading of the potentially equivocal expression on its first occasion of use and the divergent disambiguation it has to receive on its second occasion, if it is to make sense (Attardo 1994). That is, people just do not develop alternative readings, which they afterwards conflate, but they restrict themselves to contextually plausible readings.**[i]** It seems then that it is not a conflation of several arguments that leads to the acceptance of an equivocation. I suggest that it is simply the identity of the form of an expression that can be misleading, because it can erroneously suggest the identity of meanings, as long as there is no definite semantic evidence which points to the contrary. This view is in line with the observation that gross equivocations -for instance those that rest on homonyms which share no contextually relevant semantic features (like "bank")- are easily discovered, while in the case of subtler equivocations, people often "feel" that there's something fishy about the argument without being able to locate the trouble precisely.

So, why have I deployed these reflections on the interpretive structure of equivocation? In typical cases of equivocation, there are two or more instances of the problematic expression. Mostly, none of them is ambiguous in context, that is, there is only one plausible disambiguation for each instance of use, but these disambiguations are different. This difference in turn results from a potential ambiguity of the lexical item out of context. Walton (1996: 21ff.) seems to acknowledge this point, as he draws a distinction between potential, lexical and pragmatic ambiguity in use. But he is wrong, if he says that pragmatic ambiguity was the interesting case, because most equivocations do precisely not arise from pragmatic ambiguities (though this might also be the case), but from the exploitation of lexical ambiguities. I now will focus on those candidates for equivocation in which expressions are not ambiguously used at the moment of their use, and I will term them 'semantic shifts': The meaning that is attached to an expression changes from a first instance of use to a next one.

2. The empirical case: the keyword "freedom" in a discussion on environmental policy

My inquiry into semantic shifts in natural argumentation is based on so-called 'keywords' (Nothdurft 1996). Keywords are expressions that obtain a crucial status concerning the topics discussed and the positions unfolded over the course of a discussion. Because of their importance for the argumentative process, and since they are used repeatedly, they are especially apt to a study of semantic alterations over the course of an argumentative process. My examples are taken from a study on public debates about environmental policy. I analyzed six videotaped discussions that were subsequently transcribed. The analysis was carried out in a conversation analytic mode (Deppermann 1999; Heritage 1995). Here I will focus on one exemplary case. It comes from a staged discussion titled "ethical questions concerning waste". A theologian and a representative of a producer of packages argue about the changes of consumption habits that were necessary for ecological reasons, and how these changes were to be brought about. During this discussion, "freedom" emerges as a keyword. While Meyer, the industrial representative, holds that there was no legitimate way to restrict the consumers' freedom to decide for themselves what to buy, his opponent Weiss, the theologian, insists that consumption needed to be limited for ecological and for psychological reasons. Before we turn to the analysis of specific semantic and argumentative properties, I give you a typical sequence of segments, in which"freedom" becomes crucial for the argument, and I will explicate in short

the main semantic, evaluative and argumentative characteristics concerning the use of “freedom” in each segment. These segments are not adjacent parts of dialogue, but they are subsequent instances in which “freedom” is talked about, and the participants relate the segments to one another.

(1) Meyer had already asserted that there were no legitimate grounds for restricting the consumers’ freedom to decide which needs they would like to satisfy. Weiss replied that, for instance, a reduction of mobility was not a loss of freedom, but might increase the quality of life. Now Meyer insists on his position: „But who is to define the quality of life? I believe that we are all wholly individual beings, and, with my expression ‘being man’, I find it very very important that I’m not anyhow forced by any social group or by the state to live in a certain way. Like I had to sit at home every day of the week and read a book. I simply defend myself against this absolute either-or. I like to reconcile both: I like to get to know new cities and new countries and stuff and that’s what I perceive as a piece of freedom.“

Meyer takes the position of liberalistic individualism by emphatically explicating his conception of freedom. He defines it by the absence of any constraint or prescription, he explicitly includes mobility – his example is travelling- in the extension of freedom, and gives it an unquestionably high value. Meyer argues that the irreducibility of freedom was derived by the fact of individuality, because individual differences between people made any claim to general rules illegitimate. In his perspective, quality of life then is not superior to freedom, but freedom is itself the precondition for defining quality of life.

(2) Little later, a discussant from the audience takes up the issue of restricting freedom; he addresses Meyer: “I think you still owe us an answer to the question: how far should our freedom reach? Because there is the freedom to live at the expense of others, to consume at the expense of others. Now we have still learnt: freedom – my own stops where the freedom of the other begins, and if I don’t grant others to live as I do, then I cannot go on living that way, at least not in the long run. And that’s why we have to start to live in a different way.“

In his contribution, the discussant defines freedom not as an irrelational, individual affair, but sees it as a reciprocal, social matter. He values freedom negatively, as he points to harmful consequences arising from it. He claims that the current practice of freedom prevented other people from living the same way.

Since he sees this as a violation of a basic moral maxim – he alludes to a famous dictum of Rosa Luxemburg-, he concludes that the way of life had to be changed, which implied that freedom had to be restricted. Interestingly, he doesn't state this last thesis explicitly, but formulates it in terms of a question, by which he starts his argument. This kind of indirectly stating a position is a common rhetorical device in the debates I analyzed. It is also used in the segments (1), (3), and (4).

(3) Meyer doesn't respond to the claim of the discussant and instead opposes to Weiss' thesis that the production of unnecessary goods had to be stopped: "There's a bottle of beer on the table. I don't drink beer, so in my opinion it's superfluous. But I like other goods very much. And there are people, perhaps you, who would say that's totally superfluous. So, who defines it in the last resort? Again, that's the aspect of freedom." Meyer repeats his conception of freedom we know already: its essential semantic aspect of the individual definition of preferences of consumption, its positive valuation and the argumentation that it was irreducible.

(4) Weiss now directly attacks Meyer's position: "Those market-mechanisms of supply and demand are not decisions of freedom that I can make by myself. If a system once is established, I cannot elude it. The average worker must buy at Trashy's [name of food store], he's got no choice, but to buy these one-way packages. The question must be put another way. It's not, whether I take the freedom to buy my things somewhere else, but, how must I organize economy, how must I organize man's dealings with the resources. It's not necessarily this 'I must have my freedom', but, perhaps, the deeper question is, if this devouring of products, this mentality of a suckling, if this really makes people happy."

Weiss first introduces "market-mechanisms" as an antonym to "freedom" and denies the existence of the consumers' freedom. This is a contradiction to her earlier statements, when she criticized and devaluated the consumers' freedom and thereby presupposed its existence. Later on, she seems to suggest that Meyer (like many others) had fallen prey to an ideological self-deception: What he takes for his freedom was really the "mentality of a suckling", which means – as she specifies later – that the consumer psychologically also is not free, but depends on consumption like a drug-addict. By her first argument, Weiss denies that it made sense to argue about how the individual might consume more ecologically. The second argument subordinates the question of the consumers' freedom to the

question of happiness.

(5) Weiss continues this line of reasoning up to a point where she inverts Meyer's conception of freedom: "So my question actually is: How much freedom or time or creativity or occasions of communication am I deprived of by, for instance, the consumption, the acquisition of certain things?" Freedom now is equalled with other immaterial goods, that means, with her conception of happiness; its extension not only doesn't include consumption, but consumption is seen as the rival of freedom.

3. Properties of semantic shifts: Local semantic elaboration and processual reinterpretation There is an enormous variety of semantic aspects of "freedom" that are deployed in the segments presented. We find different conceptions of
– extension and exemplification (freedom includes (not) consumption, (not) mobility),
– implication (freedom implies travelling, happiness implies freedom),
– co-hyponymy or partial synonymy (quality of life, time, creativity, occasion to communicate),
– antonymy (to be forced to live in a certain way, market mechanisms, mentality of a suckling),
– perspective (individual/self vs. social/others; prerequisites and consequences of freedom),
– factuality (freedom exists, doesn't exist, "freedom" is an ideological deception),
– deontic meaning (freedom needs to be restricted, must not be restricted),
– valuation (positive, negative, subordinated to other values),
– and different semantic modes (use, citation).

Clearly, these conceptions don't sum up to a homogenous semantics of freedom, but they are continuously reworked from segment to segment. We get several kinds of semantic shifts in the meaning of "freedom" between and sometimes even within segments, as, for instance, narrowing, widening and negation of extension, oppositive valuation, rejection, addition or exchange of semantic aspects and structural relations.

Perhaps, you would question, if really all of these shifts concern semantic matters. So, is valuation part of semantics, or does it rather relate to a state of affairs? Or is there really a shift in meaning involved, if you point to the harmful consequences of freedom for others, instead of focussing on the benefits for the

individual? The answer to such questions depends on your semantic theory, especially on what you consider as the scope of semantics. But beyond differences in theoretical outlook, it seems to be impossible to draw a clear-cut distinction between the semantic properties of words-in-context and the assertions that are made about certain states of affairs that are designated by these words. This becomes especially clear in the case of opposing valuations. The positive or negative value of "freedom" is not attributed to a state of affairs or a semantic conception that is expressed independently of the valuation. On the contrary, it is by expanding different semantics of "freedom" that valuations are made. Consider segments (1) and (2): Meyer's view of individual choice implies a positive valuation of "freedom", a negative valuation is implied by the discussant, who conceives of "freedom" as a social threat to others. It is highly improbable that they talk about the same referents of "freedom", and it is for sure that they don't mean the same intension of "freedom".

As the instances of "freedom" show, speakers actively shape the meaning of words with respect to their context of use. They do this by practices of what I would call 'local semantic elaboration': by explicating and exemplifying the semantics of a word, by contrasting it with other words or by establishing relations of class-inclusion, implication or synonymy. Context-dependency doesn't only relate to such clearly pragmatic dimensions of semantics as reference or deontic meaning, it also affects dimensions that are commonly held as lexically determined, such as denotation or position within lexical fields.**[ii]** These contextual constructions of meaning are not merely discursive realizations of lexical relations that would hold independently of actual use. Rather, lexical relations are selectively constructed and portrayed as relevant for the specific context of use. These semantic constructions are 'local', because they are intrinsically context-bound; the speaker might consider them as irrelevant or even wrong, when he uses the word "freedom" for the next time. As the examples of the antonyms "market mechanisms" and "mentality of a suckling" demonstrate, these lexical relations can not simply be viewed as actualizations of a pregiven lexical structure, but they are created with respect to the specific contextual matters at hand.

In most cases, these local semantic elaborations do not result in gross equivocations or even contradictions. Rather, most of them constitute different specifications of a very abstract and vague basic meaning. In the above segments, a definition of "freedom" as "to be allowed to do whatever one wants to do" would

work for most, though not all instances.**[iii]** But this is clearly not a definition that covers all semantic aspects of “freedom” that are relevant in each individual instance of use. Indeed, it is often very hard to decide, if the semantics of any two instances of “freedom” are sufficiently similar for considering them as relevantly concerning the same matter or if they are relevantly different.**[iv]** The simple distinction between “same meaning” and “different meaning” is quite pointless, because there is always some semantic aspect that is subject to change.

The complexity of the semantics of words-in-context is further complicated by the fact that meaning is not invariably fixed by the end of an utterance. Speakers may add or correct certain aspects, they may give further specifications and clarifications. In addition, the activities of other speakers can affect the meaning of the words that a speaker has used. Consider, for instance, segment (2). By claiming that unrestricted individual freedom was a danger to the freedom of others, the discussant contests an aspect of Meyer’s conception of freedom that remained implicit in segment (1), namely, that “freedom” in Meyer’s sense was available to everyone. Meyer didn’t state this availability, but it can be attributed to his semantics of “freedom” as long as he doesn’t exclude this aspect explicitly. Semantic activities of one speaker thus can lead to emergent reinterpretations of the semantics of words that another speaker has used. So we really are faced with semantic processes in which interpretations are locally made and continually reworked. Because of this local semantic elaboration and processual reinterpretation, semantic shifts in argumentative processes almost inevitably occur.

Most theorists of argumentation still at least tacitly seem to cling to a conception of logical semantics. This might also be the main reason for the fact that they conceive of semantic shifts nearly exclusively as potential sources of fallacies. My short analysis on the semantics of natural language in everyday dialogue suggests that we need a more complex, more interpretive and more contextually sensitive conception of semantics. Especially the aspects of active constitution of meaning in context, of processuality and of multiplicity of the dimensions of meaning have to be considered more seriously. They must be viewed as basic features of semantics and not primarily as flaws.

4. Semantic shifts in the argumentative process: Reciprocal constitution of semantics, question of debate and position

How are these semantic properties linked to argumentation? First of all, semantic shifts are closely tied to alterations of the question of the debate.**[v]** A very

obvious case is segment (4): Weiss first deals with the economical question, how consumption might be arranged in a way that is ecologically favourable; she then unmarkedly turns to the psychological question, in which relation the consumers' freedom stands to happiness. Alterations of questions are still more common between subsequent contributions of different parties. So we find alterations of the question between segments (1) and (2), between (2) and (3), and partially between (3) and (4). Take, for example, segments (1) and (2). In segment (1), Meyer talks about the question "who is to define quality of life?"; his position is that everyone had the right to decide on his own about his way of life; this position rests on the semantics of "freedom" as an irreducible individual right. In segment (2), the discussant talks about the question "how far should freedom reach?"; his position is that freedom was to be restricted; this position rests on the semantics of "individual freedom" as a limitation to the freedom of others. We see that alterations of the question of the argument are in line not only with the semantics of the keyword "freedom", but also with the position advocated by the speaker. In other words: There is a reflexive relationship between the question of the argument, the position taken und the semantics of crucial words. This reflexive relationship consists in a self-referential and reciprocal constitution of the three elements question, position and semantics, which bolster and stabilize one another. Semantic shifts thus can gain an important role for the elaboration of positions. A major part of the confrontation between the parties is realized by deploying different semantics of "freedom". Although these semantic shifts can cause dissociations**[vi]** of the argumentative process, they are vital to the unfolding of the parties' positions and therefore also for their communication.

Let me go a little bit further into this, because it especially matters to the relevance of the fallacy of equivocation for dialogic argumentation. First, we have to keep in mind that the fallacy of equivocation is only in case, if a semantic shift in the meaning of a word affects assertions that are tied together in one argument**[vii]**, and that means also: they have to be framed as relating to the same question. An equivocation that meets this criterium can be found in segment (4). Weiss claims to refute Meyer's assertion that the consumer should be free to decide which sort of product he wants to buy. She objects that the consumer couldn't avoid buying goods which are wrapped up in one-way packages, and that the consumer thus was not able to decide freely. This alleged refutation rests on an equivocation; more specifically it is a fallacy "secundum quid" that consists in the neglect of relevant semantic qualifications: While Meyer spoke of "freedom"

in terms of subjective preferences for certain products, Weiss speaks of "freedom" in terms of the choice of ecologically favourable products.
However, most of the semantic shifts that can be observed in our examples of "freedom" do not lead straightforward to fallacies of equivocation. There are at least three other argumentative moves that are accomplished by shifts in the semantics of "freedom". The first move is to argue about the right definition of "freedom". For instance, in segment (1), Meyer explicitly defines "freedom" in terms of travelling, whereas Weiss had claimed that mobility wasn't part of freedom. The second argumentative move is to downgrade the relevance of the opponent's position and the question he deals with by semantic shifts. In segment (2), the relevance of Meyer's claim to individual freedom is downgraded by focusing on the detrimental aspects of freedom. By downgrading relevance, the validity of the opponent's position and his semantics of the keyword are not really rejected, but they are either ignored or treated as less relevant in relation to some higher-order concern and become superseded by an alternative conception that is presented as being more relevant. By downgrading relevance, parties to an argument leave open, if they share an opponent's assertions. They manage to maintain opposition, even if they actually share the opponent's views, and they refuse consent which could be exploited by him. A third argumentative move that rests on semantic shifts is made by refuting positions which have not, at least not exactly in this way been taken by the opponent. In segment (2), for instance, the discussant refutes the position that there was generally no limit to individual freedom, even if it does harm to others. The refuted position is framed as if it had been taken by Meyer, though Meyer had not talked about potentially detrimental aspects of freedom. The refutation thus is a valid argument in itself, but it rests on a semantic shift. Again, self-reference is at work here: Speakers build arguments that are framed as refutations of the position of others, while the refuted position is not the opponent's original position, but rather a more or less altered representation of it.

Though my analysis seems to suggest that this last kind of argumentative move was unfair or fallacious, this is not necessarily so. In order to advance the argumentation with respect to related or higher-order questions, it might be inevitable and perfectly right to draw on inferences and interpretations derived from an opponent's utterances, to comment on its premises or to reject its consequences. A general problem of the analysis and evaluation of semantic shifts thus results from the complexity of dialogic arguments. This complexity is made

up of several factors: usually, there are several associatively, hierarchically etc. interrelated questions; there are background issues and taken-for-granted conditions, values and so on that any argumentative contribution can be related to; the argumentative function of a specific speech act is often polyvalent and sometimes unclear; semantic interpretations of one segment can be changed later on; many semantic shifts do not occur within clear-cut arguments, but over the course of an accumulating argumentative process that is characterized by internal argumentative relations which are often highly complex, vague and multiply interpretable.

5. Semantic shifts and higher-order coherence: Indexical interpretation with respect to a global positional confrontation and preference for disagreement

Semantic shifts can lead to talking at cross purposes. This can easily be seen, if you look at the debate about freedom. From a first segment to a next, the question is regularly altered, so no specific question is settled, nor is it the case that different opinions to a question are equally clearly expressed by the opponents. While Weiss and the discussant almost exclusively focus on negative aspects of freedom, Meyer simply doesn't respond to them. On the other hand, Weiss and the discussant partly deny, but also partly disregard the positive aspects of freedom that Meyer values highly.

The conceptions of freedom that the parties to the argument develop are incommensurable in many ways.**[viii]** Nevertheless, to complain of mere dissociation would be premature. The speakers themselves signal coherence between contributions by tying devices, such as

– reminding the opponent of an obligation that was established by his partner's activity (segment (2): "you still owe us an answer"),

– highlighting that an argument refers to a position that had already been deployed (segment (3): Again, that's the aspect of freedom.),

– using paraphrase and citation of the opponent's position (segment (4): "It's not whether I take the freedom to buy my things somewhere else", "It's not necessarily this 'I must have my freedom'"),

– using parallel syntactic construction formats, in order to link two positions together (segment (4): repeated use of the format "It's not …I …freedom…, but…").

Moreover, the repeated use of "freedom" as a keyword is itself a device for establishing coherence: By using the same word, the participants signal that they

talk about the same topic as they did before. One of the main functions of the keyword thus is to weave a thread which ties together different contributions in one topical unit. “Freedom” thus acquires a somewhat paradoxical status with respect to discursive coherence: While its semantic alterations produce incoherences, the repetition of the word-form indicates a general topical coherence.

In spite of these dissociations and, indeed, in part by these dissociations, there is a higher order of coherence. It is the coherence of a confrontation between two global positions. Meyer advocates the position of liberalistic individualism, and he focuses on the subjective use of products for the consumer; Weiss and the discussant advocate the position of universalistic dirigism, and they focus on questions of global ecological responsibility. These opposing positions are unfolded consistently over the course of the debate. It is performed rather as a global positional confrontation than as a discussion in which questions with a clearly restricted focus were talked about in a strict order. Single speech acts and arguments presented by one party are not interpreted and reacted to in isolation. Instead, they are indexically interpreted with respect to the global ideological stance that is attributed to the speaker. Since parties interpret local moves in terms of a global positional confrontation, it is thus perfectly to the point to reject an opponent’s thesis by simply downgrading its relevance or by switching to another aspect that relates to some similar point at issue. It all seems to be one argument – in the sense of having an argument-, rather than performing a series of arguments – in the sense of making arguments concerning a clear-cut question.

At times, this global orientation is articulated by the opponents themselves. Consider, for instance, segment (3): Meyer makes an argument that is supposed to prove that there was no legitimate way to decide which goods should be dismissed as superfluous. By concluding “again, that’s the aspect of freedom”, he links his argument to his general ideological stance. It is itself symbolized by the keyword “freedom”, which he has repeatedly used like a flag for his position. Weiss does the same regarding Meyer’s position: She refers to it by the ficticious citation “I must have my freedom” and thereby treats it as a whole that can be referred to globally. So, not only utterances of the opponent are interpreted in terms of his overall ideological stance, speakers also frame own arguments and assertions as contributions that indexically reflect their global standpoint. Dialogic argumentation thus is performed as an interpretive process which locally and globally gains crucial dimensions of its coherence by assumptions about higher order positions of the parties. The practice of higher-order interpretation

clearly can cause difficulties to the analyst who doesn't share or doesn't manage to reconstruct such higher order assumptions.

Because of this practice of indexical higher-order interpretation, participants only very rarely criticize semantic switches as fallacious or as invalidating a refutation.**[ix]** Different semantics are interpreted and taken into account as reflecting the specifics of the parties' positions, they are not treated as obstructions to a critical discussion. As Meyer's leitmotif-like conclusion "again, that's the aspect of freedom" and Weiss' ficticious citation "I must have my freedom" show, a party's position can metonymically be identified by a certain way the party uses a keyword, and that is, also by a certain semantics of the keyword.
Higher-order interpretation in terms of opposing global positions is closely linked to another pervasive feature of the argumentative process: a preference for disagreement (Bilmes 1991).**[x]** This is in sharp contrast to non-competitive, cooperative interactions, which are enacted according to a preference for agreement (Pomerantz 1984). This inversion of preference in a competitive debate is constituted by several features of discursive practice: Disagreements are formulated without hesitation, in unmitigated and even upgraded forms, while agreements are generally avoided.**[xi]** If they are produced at all, they are minimized, subordinated to disagreements, and formulated in mitigated ways. Together with higher-order interpretation, this general preference for disagreement itself lends a coherent structure to the debate as a global positional confrontation. Along with these two practices, the positions tend to become increasingly rigid. One case in point is the stabilization of certain argumentative patterns that are repeatedly used by the parties. Meyer, for instance, rejects any demand for an ecologically based regulation of production or consumption by a fixed argumentative pattern (see segment (3)): He points to some product or activity, talks about his own consumptive preferences regarding it, declares that other people would prefer different things, and concludes that there were no legitimate grounds on which to base any regulation.**[xii]**

The combination of local semantic elaboration with the practices of higher-order interpretation and preference for disagreement might also be responsible for the fact that the participants don't seem to care about obvious contradictions that result from divergent semantics of "freedom". For instance, Weiss once claims that consumption wasn't a case of acting freely and would even deprive of

freedom (segment (4) and (5)), while in a later phase of the discussion, she demands that the consumers' freedom be restricted. Though this is an apparent contradiction, both conceptions converge with regard to a higher order of global positional confrontation.

Both of them result in downgrading Meyer's issue of individual freedom in relation to her issue of global responsibility and the increase of happiness by changing the way of life. So it seems that assertions may be accepted as long as they are functionally equivalent with respect to a positional confrontation, even if they suffer from severe logical flaws.

Behind the dissociation of the argumentative process that is mainly produced by semantic shifts, there thus lies a coherent systematics of global positional confrontation. This coherence follows its own principles of higher-order interpretation and preference for disagreement. These principles have their specific functions for the evolution and negotiation of positions, for the constitution of the interactional relation of being opponents and for issues of their self-presentation in front of an audience.

6. Conclusion: A plea for a non-normative reconstruction of argumentative practices

My analysis has shown that semantic shifts are virtually inevitable in a critical discussion on complex subject matters. They can give rise to dissociation and fallacies, but they may as well contribute to the elaboration of questions and positions. Participants in a debate follow argumentative and interpretive principles that are at odds with traditional views of argumentation. By reconstructing such principles, namely, the preference for disagreement and the interpretation of local utterances with respect to an overall stance attributed to the speaker, we can reveal that phenomena like semantic shifts can be coherent, functional and often unproblematic for discussants. Argumentation analysis therefore should not prematurely condemn such processes as defective because of their dissociative impacts on argument structure. These alleged flaws rather should be seen as a starting point for a non-normative reconstruction of the practices, principles and functions that govern natural argumentative processes.**[xiii]** An empirical inquiry into natural argumentation should not restrict its focus to questions of argument structure, but it should take interactive, processual and functional matters into account. As my analysis shows, these aspects are not only interesting in their own right, they are also vital to an adequate understanding of the way discussants constitute and interpret argument

structure itself.**[xiv]**

NOTES

i. Psycholinguistic experiments of the process of semantic disambiguation in natural language comprehension also show that, within a few tenth of a second, people choose the contextually appropriate reading and discard the implausible ones (Swinney 1979).

ii. Consider, for example, the denotational question, if the consumers' right of choice is part of freedom, or the differing antonyms, co-hyponyms or partial synonyms that are related to 'freedom' by the speakers.

iii. For instance, this definition would produce a contradiction, if it was applied to 'freedom' in the context of the assertion 'restriction of mobility is not a loss of freedom'.

iv. The relation of this problem to the fallacy of equivocation is discussed in the next section.

v. A related point was already made by Aristotle (1955: 92ff.), who points out that using ambiguous expressions amounts to asking more than one question.

vi. Dissociations are produced, if the argumentation loses its topical coherence and contributions relate to different issues (see Spranz-Fogasy & Fleischmann 1993).

vii. Remember Walton's 'argument requirement' for fallacies (Walton 1996: 24ff.)!

viii. By the way, I personally think that this incommensurability and talking at cross purposes is one of the main reasons why debates of this kind so often leave the audience dissatisfied.

ix. Indeed, while a lot of contributions that include semantic shifts are rejected by opponents, the rejection is always justified by the alleged irrelevance of the fact, the question, etc., but never by a reproach with equivocation.

x. 'Preference' here doesn't mean a psychological disposition of sharing or not sharing opinions, but refers to structural features of the discourse: Preferred activities are those that are performed without justification, and that are realized in a shorter, unmarked, and unmitigated form, while dispreferred activities are characterized by the opposite features.

xi. Hence, we often find no uptake of opponent's positions that are likely to be shared.

xii. Meyer repeats this argumentative pattern six times during the discussion.

xiii. I elaborated further on this point in Deppermann (1997: 319ff.).

xiv. Consider, for instance, the argumentative criteria and resources that participants in natural argumentation themselves appeal to (Spranz-Fogasy 1999).

REFERENCES

Aristotle (1955). *On sophistical refutations.* London: Heinemann.

Attardo, S. (1994). *Linguistic theories of humour.* New York: de Gruyter.

Bilmes, J. (1991). Toward a theory of argument in conversation: The preference for disagreement. In: F. van Eemeren & R.
Grootendorst (Eds.), *Proceedings of the Second International Conference on Argumentation*. Vol 1A (pp.462-469). Amsterdam: SICSAT.

Deppermann, A. (1997). *Glaubwürdigkeit im Konflikt. Rhetorische Techniken in Streitgesprächen.* Frankfurt am Main: Lang.

Deppermann, A. (1999). *Gespräche analysieren*. Opladen: Leske + Budrich.

Heritage, J. (1995). Conversation analysis: methodological aspects. In: U.M. Quasthoff (Ed.), *Aspects of oral communication* (pp395-418). Berlin: de Gruyter.

Nothdurft, W. (1996). Schlüsselwörter. Zur rhetorischen Herstellung von Wirklichkeit. In: W. Kallmeyer (Ed.), *Gesprächsrhetorik. Rhetorische Verfahren in Gesprächsprozessen* (pp.351-418). Tübingen: Narr.

Pomerantz, A. (1984). Agreeing and disagreeing with assessments: Some features of preferred/dispreferred turn shapes. In: J.M. Atkinson & J. Heritage (Eds.), *Structures of social action: Studies in conversation analysis* (pp.57-101). Cambridge: Cambridge University.

Powers, L.H. (1995). Equivocation. In: H.V. Hansen & R.C. Pinto (Eds.), *Fallacies: classical and contemporary readings* (pp.287-301). Philadelphia, PA: Pennsylvania State University.

Spranz-Fogasy, T. (1999). *Interactional resources of argumentation*. This volume.

Spranz-Fogasy, T. & Fleischmann, T. (1993). Types of dispute courses in family interaction. *Argumentation* 7, 221-235.

Swinney, D.A. (1979). Lexical access during sentence comprehension: (Re)consideration of context effects. *Journal of Verbal Learning and Verbal Behavior* 18, 654-660.

Walton, D.N. (1996). *Fallacies arising from ambiguity*. Dordrecht: Kluwer.

Woods, J. & D.N. Walton (1989). Equivocation and practical logic. In: J. Woods & D.N. Walton, *Fal-lacies*. Selected papers 1972-1982 (pp.195-207). Dordrecht: Foris.

ISSA Proceedings 1998 – Argument Theory And The Rhetorical Practices Of The North American 'Central America Movement'

1. Introduction

They loved us when we stood in front of the Galleria and sang "El Salvador's another Viet Nam" to the tune of "Walking in a Winter Wonderland." But the situation in El Salvador was different from Viet Nam, and we knew that the equation was an oversimplification. But we also knew that we needed something that would get the public's attention, something that would help them connect with an issue on which we wanted to change American policy.

"We" here is the group of people who made up the Central America Movement, and most, specifically, the Pledge of Resistance, in Louisville, Kentucky. The goal of that group, and of the movement in general, was to end U.S. government support for repressive right-wing governments in Central America and to end the support of the Reagan administration for the Contras who sought to overthrow the Sandinista government in Nicaragua. The Movement sought to influence policy entirely through democratic means, entirely by using the resources always open to citizens in a democracy: the formation of public opinion and the persuasion of senators and representatives who would be voting on aid bills. Cutting off funding for Reagan administration initiatives was the best procedural way to disable the administration's policy. The only "illegalities" in which the Movement as I know it engaged were acts of very public – the more public the better – civil disobedience. Throughout the 1980s, the issue of Central America policy never became a "determining" one; that is, it was never an issue on which the majority of Americans based their votes and thus one on which the

administration was loath to be at odds with a segment of the electorate. The task of the Central America Movement in North America, therefore, was to try to bring the issue before the public, to persuade the public to oppose administration policy, and to persuade legislators to vote against funding requests.

The success of the Central America movement is difficult to judge. Across the nation, individual senators and representatives came to oppose Contra Aid, and finally the flow of aid was stopped. The Iran-Contra scandal was an embarrassment to the Reagan administration but, to the general disappointment of the Central America Movement, did not precipitate a national revaluation of U.S. Central America policy. Church groups in the North America formed twinning relationships with congregations in Central America, and speaking tours brought activists from the region to audiences all across North America, increasing awareness of the region and familiarity with its issues as seen from a perspective different from that of the administration. It is generally accepted that regimes in Central America are more democratic than was the case in the 1980s. Reconciliation commissions in El Salvador and Guatamala have worked to move those countries beyond armed left/right conflict. Elections in winter of 1990 removed the Sandinista Party from power in Nicaragua and replaced it with a coalition government preferred by the U.S. government. In short, from the perspective of the Central America Movement generally, the news is mixed. It can point to many successes but cannot claim overall to have made Central America policy a key interest of American voters nor to have created popular and legislative support for American policies that would favor the poor or more widely distribute education and health care opportunities among the population in Central America. Contra aid has ended, but a principle of self-determination for the nations of that region has not been enshrined in American foreign policy or American popular opinion.

In looking back at the Central America Movement of the 1980s and attempting an assessment of its rhetoric, we must acknowledge that public and legislative sentiment were strongly influenced by historical events such as the breaking of the Iran-contra scandal and the revelation of atrocities like the mass murders of civilians, the murder of four American churchwomen, and the killing of the Jesuits at the University of Central America in 1990; also by the nationalization of the San Antonio sugar plantation by the Sandinista government and the protest against that government’s economic policy by the women of the Eastern Market

in Managua. Events like these never entirely "spoke for themselves," however. As soon as they were reported, everyone with a stake in the Central America debate rushed to offer interpretations. The "rhetorical sphere" of the Central America Movement was therefore quite large. Well-known writers and intellectuals wrote about the region: Joan Didion's *Salvador* and Salman Rushdie's *The Jaguar Smile: A Nicaraguan Journey* were particularly successful in bringing some attention to the issue. But such "professional" analyses as these were always quite separate from the activities of the Movement, and it is only the latter that I will be discussing in this paper.

I was a participant in that Movement from 1986 through the early 1990s, and I am proud of that association. My project in this paper is to analyze the argumentation of the Movement and to reflect, in the context of argument theory, on the rhetorical difficulties such movements confront. I am NOT assuming that everyone in the audience shares my political perspective on Central America; I am assuming that the issues raised here are not specific to this particular political movement but rather that they are likely to arise at any intersection of argumentation theory and political commitment.
I am aware that in the U.S. there are two nearly separate scholarly conversations going on at this time about argument: one in English and one in Communication. They are separate not only because of the accidents of university history but also because one takes place within the framework of the Humanities and one within the Social Sciences. The conversation about argument within the field of English is characterized by a focus on texts, the interpretation of texts, the construction of speakers and readers within texts. The Social Sciences conversation, I glean, is more willing to look empirically at the social effects of arguments. The latter is also, I see, more willing to consider the possibility that argument may not avail much in a particular situation (Willard 1989: 4). Within English and Humanities, however, discussions of argument always proceed without much skepticism. This faith in the power of argument may be attributed, I suspect, to the fact that English departments are charged with teaching Freshman Composition to all new University students, and the course includes instruction in the making of and evaluating of arguments. Perhaps we are simply unwilling to entertain the possibility that something that takes so much of our professional energy and provides so much of our institutional raison d'etre may be powerless in certain situations. Let me say at the outset of this paper that I work within the conversation of English and have drawn on its assumptions, its bibliography, and

its methods in writing this paper, but the topic has also led me into the Communications, Social Science literature to a limited degree, seeking to understand the social consequences of certain rhetorical choices.

2. Framing the debate

The rhetorical task of the Central America Movement was greatly complicated by the fact that the American electorate as a whole never made Central America policy a voting issue. American troops were not being conscripted to fight there, though National Guard units were being sent in as advisers for short periods of time. In Nancy Fraser's terms, the movement never achieved the status of a "subaltern counterpublic," perhaps because participants were not seeking to change the way they themselves were viewed or treated (Fraser 1992: 107). American public life seems to accord some measure of respect to subaltern groups that speak from the subject position of "victim" and demand change. Voices from such subject positions often succeed in creating a public issue. The right of the Movement to speak for the poor in Central America was never obvious or unchallenged, and therein lay one more difficulty in bringing the issue to the fore.

The need to rouse public sentiment pushed the Movement to argument by historical analogy: our national sense of what we must do derives in large part from our interpretation of the present moment as being like some other in our past. We will apply the lessons of history. In the 1990s, the U.S. government's decisions about the level of engagement in Bosnia were defended with the argument that Bosnia would become another Viet Nam, an unwinnable bloodletting in which we should not get involved; opponents of that policy argued that Bosnia was instead like Europe in the late 1930s, when appeasement and non-involvement proved disastrous. So, the first rhetorical struggle of the Central America Movement in the 1980s was to frame the public understanding of events in that region as analogous to Viet Nam, in opposition to the Reagan administration's efforts to evoke World War II and even the American Revolutionary War (Reagan famously referred to the Nicaraguan Contras as "the moral equivalent of our founding fathers").

Analogy with Viet Nam was effective in getting public attention: one could hardly ask for a more painful national experience to reference. Those who opposed that war thought it a moral and personal disaster; those who supported it thought it a military disaster, fraught with political betrayal. No one wanted to relive it. For

sheer aversiveness, one could not ask for a stronger analogy. And the Movement felt pushed to employ it to counter the administration analogies with glorious moments in the past. But the Movement never entirely embraced the Viet Nam analogy. There was considerable debate about its use within the Movement, and it was employed sporadically, not systematically. Resistance to its use sprang from the conviction that it was simply a false analogy. El Salvador was not another Viet Nam. If the temptation of generals is always to be fighting the last war, the need to frame a political debate by historical analogy tempts rhetoricians to do the same, to find an historical analogy that will serve politically, even if the fit is not good.

As the 1980s wore on, it became increasingly clear that the Viet Nam analogy was not apt: U.S. policy in El Salvador would never cause upheaval in the lives of North Americans. Further, the Movement became increasingly convinced that the situation in Central America generally was better described as Low Intensity Warfare. Michael T. Klare and Peter Kornbluh's book by that title, published in 1989, argued that the Reagan administration had learned the lessons of Viet Nam very well indeed and had deliberately developed near -invisible strategies for undermining the Sandinista government in Nicaragua: economic sabotage, paramilitary action, psychological warfare (Klare and Kornbluh 1989: 8).

Convincing the American public that low-intensity warfare was real and was being waged by the Reagan administration against Nicaragua became a goal of at least some segments of the Movement, running counter to the logic of the Viet Nam analogy. But, as the goal became educating the American people about low-intensity warfare, convincing them that something new was being waged in Central America, there was no historical analogy available to draw on in framing the debate. Reference to Viet Nam gained attention, but many believed that it falsified the message of the Movement; low-intensity warfare, however, was largely unknown, pushed no emotional buttons, and garnered little attention.

3. Strategy and ethos

Gaining the attention of the American people was a constant serious problem for the Movement. Unlike other social movements of the last two centuries, it lacked any visible victims and kept slipping into invisibility. It was not so much "Which side are you on?" as "What IS going on?" Leafleting was one way to get the word out. Local groups did generally rely heavily on leafleting, but they discovered that late twentieth-century America has reorganized its social geography in such a way as to make leafleting much more difficult than it was even thirty years ago.

The shopping mall has replaced the downtown shopping district; malls are privately owned. Once, groups could leaflet in front of major stores and in the town square. Now, one must have the permission of the corporate owners of malls to do the same; it is generally not forthcoming. Once, groups could leaflet people entering stores and public buildings. Now, people leave public space in their cars, driving unto private property. One cannot give a leaflet to a moving car, and putting leaflets on parked cars in private lots is a clandestine operation.
Should the Movement engage in such clandestine operations? Doing so generally seemed a necessity. How else to break through the silence? How else to bring the issue into the public's field of vision? How else to say "People's lives are being ruined; a great injustice is taking place; something must be done to stop it!" If one is morally impelled to speak, then one is morally impelled to speak to be heard. Civil disobedience was a common strategy of the Movement, particularly of a group called the Pledge of Resistance, whose members signed a pledge to engage in non-violent civil disobedience, even to the point of being arrested, if the United States invaded Nicaragua. Movement groups staged sit-ins in Congressional offices and in public venues, and some participants were arrested and tried, protesting aid going to the Contras. This tactic is informally credited with having raised the profile of the issue and persuaded some Congressional representatives to oppose Contra aid.

But what of the truly clandestine? What of tactics designed to force the public to confront the issue: guerrilla theatre, for example? A black van pulls up among the lunchtime crowd in the business district; masked men grab movement participants who have been planted in the crowd and hustle them into the van; then more movement participants walk through the crowd handing out a leaflet that begins, "This is an everyday occurrence in San Salvador." What of bannering, of suspending a banner from a highway overpass, denouncing the Death-Squad Government of El Salvador or demanding an end to Contra aid? What of three blood-stained mannequins left by the sides of highways with a sign saying that Death Squads that day dumped the bodies of three Salvadoran citizens by the highway leading from the capital, and giving the names of the dead?
Such tactics certainly succeeded in breaking through the barrier of invisibility, at least for those American citizens who witnessed them first-hand. The willingness of newspaper, TV, and radio to cover such events varied from city to city. Generally, the larger cities gave more coverage, while smaller-city media were more likely to ignore them. What effect did such clandestine "arguments" have on

the perceived ethos of the movement, in the eyes of the public in general? The answer to that, based on reports of participants themselves, seems also to vary with the size of the city and the local political culture. When in 1992, for example, thousands of San Franciscans shut down the Golden Gate Bridge to protest the Gulf War, the action seems not to have generated noticeable resentment on the part of the citizenry as a whole. In Cincinnati, a heartland city of about half a million people, a similar action by the Teachers' Union, dramatizing the urgent need for a school-funding levy, backfired badly and sparked an outpouring of hostility toward the union and toward the levy. So it was with the Central America actions: San Francisans and Chicagoans seem generally to have accepted the actions as legitimate political expressions. In Louisville, Kentucky, a heartland city in the upper south, highway bannering sparked a torrent of abuse and ridicule from morning radio disk jockeys. It would seem impossible, therefore, to judge whether such tactics, such argument moves, are or are not effective in absolute terms. Their meaning seems to vary with the speech-act context, as they are read differently in different local political cultures. This lesson would seem of interest not only to argument theorists who want to see argument always within the frame of the speech-act but also to political groups which fund a national office to coordinate activities, often calling for a national "day of action"; they would be well advised to remember that the persuasive power of an action can vary greatly from city to city.

Looking more closely at the difference in interpretation, we can note that the ethos of the movement seems to have been constructed differently in different locations. Larger cities, especially coastal ones, seem to have regarded clandestine actions as an expected part of the political vocabulary. But in smaller, heartland cities, clandestine action seems to have constructed the Movement as an "Other," an oppositional group with whom many citizens were reluctant to identify. Any anonymous disruption of the norm, carried out under cover of darkness, marked the group as set apart from the mass of the citizenry, if only by its clandestine planning: Movement people were in on the planning; the secret was kept from others. This construct set the Movement apart, created an Us and a Them, and created an ethical gulf that was difficult to breach. At local demonstrations of our group, I cannot remember ever seeing anyone in attendance who was not known to at least one member of the group. It seems a measure of our separateness from the community that we never attracted strangers.

Ironically, such clandestine actions as street theatre and bannering were often the ones that most energized the group itself. Oppositional ACTION seemed to have an inherent appeal, and the ethical self-representation as outlaw had a positive appeal. In addition, there was for many a felt sense of moral imperative to separate oneself in a public way from Reagan administration policy, "to withdraw consent," as it was often termed. Holly Near, the folk-singer and activist, summed up the motivation of many Movement participants when she wrote the line, "No more genocide in my name." ("No More Genocide": *Journeys*, Redwood Records, 1984). Thus the impetus to separate oneself from the mass of the American citizenry among whom Ronald Reagan was dauntingly popular further served the ethical construction of the Movement as Other.
One element of postmodern argument theory tells us that ethos is the critical element in argumentation, as belief in rational argument erodes (Willard 1989: 4-10). In the absence of societal consensus in which to ground claims and reasons, the ethical standing of the speaker becomes the determining factor in the outcome of argumentation. Ethical self-representation becomes a matter of great political importance. Along with the issues already discussed in that regard, we should again consider the role of historical analogy in the construction of political ethos.

Twentieth-century American political and social history are haunted by the specters of foreign subversives and witch-hunts. Fear of Communist subversion in particular has created a public distrust of clandestine political groups and some suspicion of any organized political interest group (Dietrich 1996: 170-190). One's credibility as a citizen speaking on any issue is complicated if not compromised if one is believed to be speaking the "party line" of an organized group, from the National Organization for Women to the Christian Right. Conversely, political groups revealed to have been targeted for monitoring by governmental agencies often invoke the historical precedent of the McCarthy-era witch-hunts, which are widely perceived as having victimized innocent citizens and violated civil liberties. When it was revealed that an agent of the Federal Bureau of Investigation had infiltrated a local group of Central American activists in Philadelphia, that agency justified its action by asserting that it had reason to believe that the group was planning illegal activity – raising the familiar specter of the subversive cell. The Movement group, always noted as having included members of Catholic religious communities, protested that its civil rights were violated and that the FBI was engaging in a witch-hunt. The same argument dynamic was repeated when

members of a Movement group, called Sanctuary, in Texas, including members of religious communities, were arrested for helping Central Americans come to and remain in the United States illegally. The government pointed up the illegality of their activity and its secret and conspiratorial nature; the group responded with moral arguments about the necessity to save the refugees and with outrage that the government had infiltrated their group. Once again, the ethical high ground was the object, and historical analogy was a prime strategy for attaining it.

4. Creating dissensus

If the guerrilla tactics of the Movement raised public awareness of the issue, they were still limited in their ability to create a dissensus that could lead to political action. If the Movement succeeded in making the public suspicious of administration Central America policy, it still had to make that public informed and articulate enough to withdraw their consent by urging their congressional representatives to vote against contra aid, by speaking in public fora, by writing letters, raising the subject with friends, etc. So the Movement recognized a need to provide explicit arguments – claims and reasons.

In 1987, leading up to a vote on renewal of Contra aid in the fall Congressional session, the Pledge of Resistance waged a campaign it named "Stop the Lies." The newsprint paper it sent to members of the Pledge also included a tear-sheet for new signers of the Pledge to fill out and return; thus the intended audience seems to have been Movement members and non-members. It featured a text box on the front page, with the following content: "They lied about trading arms for hostages. They lied about diverting the money to the Contras. In fact, almost everything they've told us about Central America is a lie. Some of the lies are simple and bald-faced. Like the repeated denial of illegal U.S. funding of the Contras. And some of the lies are big and complex. Like the lie that the U.S. is promoting democracy in Central America. Or that our government is seeking a negotiated peace. These lies fuel the escalating war in Central America – just as they did during Vietnam. To stop the war, we must first stop the lies." The paper then lists seven lies and arguments in support of the thesis that they are indeed lies:

#1 The War in Central America is Not Another Vietnam;
#2 The U.S. has Sought a Peaceful Solution in Central America;
#3 U.S. Economic Aid helps the Poor in Central America;
#4 U.S. Policy in Central America is a Response to a Soviet Threat;

#5 U.S. Actions in Central America are Legal;
#6 U.S. Policy is Improving Human Rights in Central America;
#7 U.S. Actions in Central America Promote Democracy.

The analogy with Viet Nam is, of course, prominently asserted here, and supported with data about the number of military advisors sent to the region and with quotations from administration officials that do not foreclose the possibility of invasion. No reason is given for not wanting to repeat the experience of Viet Nam – none need be. Implicit are the moral and pragmatic concerns that always attend a discussion of that conflict. Reasons given in support of the other six assertions explicitly mix the moral and the pragmatic and construct a reader who believes the following:
– peace in Central America is desirable;
– conditions for the poor must be improved;
– respect for human rights must be strengthened;
– democracy in the region must be restored;
– power should move from military and oligarchic elites to the people;
– the United States should respect decisions of the World Court even when they contravene its perceived self-interest; the U.S. has no moral or strategic interest in opposing leftist movements in Central America or no right or responsibility to intervene.
This profile described the beliefs of a minority during the 1980s. The "Stop the Lies" paper supported its assertions about each of the lies with data (such as numbers of civilians killed in Central America since 1979) and with quotations from government sources ("David MacMichael, former CIA analyst responsible for proving that Nicaragua was arming the Salvadoran rebels: 'There has not been a verified report of arms moving from Nicaragua to El Salvador since April, 1981'.") Data and quotations are footnoted to credible sources like *Time* magazine*, The New York Times, Americas Watch*, and the *Wall Street Journal*, though one does note the absence of engagement with any opposing claims or evidence.
In sum, the "Stop the Lies" publication reinforces a binary choice between a "they" who have lied to "us" and the victimized "us" who have been so deceived. The subject position of duped victim is not one that people rush to occupy. It offers evidence that leftist movements in Central America are not an extension of Soviet threat to America, but it does not engage the deeper American skepticism about leftist movements in general.

5. The epistemology of oppositional movements

Any discussion of argument and the Central America Movement should engage the question of why that movement was taken off guard by historical events that did not support its interpretation of the dynamic in that region, events such as the La Penca bombing and, most importantly, the electoral defeat of the Sandinista government in the winter of 1990. It may take comfort in the fact that the *New York Times* was similarly surprised by this latter event, having assessed the chances of the UNO coalition at slim to none. But Central America Movement groups derived much of their rationale and their ethical stature from the belief that they had a "true picture" of the situation in Central America, that they had sources of information in religious and health workers, church and union groups, and individual friends who could provide accurate information that the *New York Times* would not print because of its politics, that the Reagan administration would actively suppress. Groups like Witness for Peace existed to arrange for North Americans to travel to Central America and see first-hand what things were like, to talk to a cross-section of citizens. It would probably be fair to say that part of what constituted a Movement group as a group was its belief in its epistemological advantage. Skeptical of mainstream reporting, Movement participants relied on the group for information and interpretation.

If what bound a Movement group together as a group was a set of political commitments and shared oppositional interpretation of events, then any questioning of those commitments or interpretations might be destructive of the group as group (Ice 1987). Such a dynamic renders certain things unspeakable; the group cannot entertain some possibilities without courting its destruction as a group. I have no reason to think that anyone voiced doubt about a Sandinista electoral victory and was silenced; I simply pose the question of whether the possibility of a Sandinista loss was rendered unthinkable by the Movement because considering the possibility opened up to reconsideration so many assumptions that had brought participants together into a movement.

In the 1980's – coeval with the Central America Movement – the rhetorician Peter Elbow was urging professors of Composition and Rhetoric to teach their students the "believing game" and the "doubting game" (Elbow 1986). In the former, a reader reads a text and tries to think of all the ways in which its assertions can be true – one tries to believe. But that exercise, according to Elbow, should be followed by the "doubting game," in which the reader reads the very same text and tries to think of all possible objections that can be made to its assertions. It

would seem to have been a healthy exercise for Movement groups to have formally structured into their group process a version of the "doubting game," creating a "free space" in which to speculate aloud about the possibility that their information or interpretation might be wrong. Professors of Composition and Rhetoric were not absent from the Central America Movement. In fact, the professional association Conference on College Composition and Communication had a Central America Caucus that met at its annual convention and might communicate between meetings. Why did the pedagogical technique so widely known among this group never enter Movement practice? Put another way, why did our professional knowledge not affect our political practice? Why was our way of arguing unaffected by what we taught about argumentation? I think that the answer to that question is probably complex, including a reluctance of professors to claim an expertise that would give them additional authority in the Movement groups and, perhaps, also the traditional barrier within the discipline of English that prevents our considering the social effects of argumentation as part of our professional horizon. It is this barrier that Ellen Cushman in her article "The Rhetorician as Agent of Social Change" urges us to break down: she writes, "I am asking for a deeper consideration of the civic purpose of our positions in the academy, of what we do with our knowledge, for whom and by what means. I am asking for a shift in our critical focus away from our own navels… " (Cushman 1996: 12).

6. Conclusion

The Central America Movement in the 1980s provided a means for many North Americans to express and act on their moral and political commitments to a just peace in the region. It provided a counterweight to Reagan administration pronunciations and made Central America policy an issue in the United States. It mobilized public protest against Contra aid and mobilized thousands of people who pledged to engage in non-violent civil disobedience if the U.S. invaded Nicaragua. It did not succeed in becoming a mass movement or in stopping Contra aid until the end of the decade. In its attempt to persuade the American public, the Movement was caught between the need to gain attention with brief, emotionally charged slogans and the desire to convince the American people of complex processes (illegal arms transactions; low-intensity warfare). Ingrained in American political argumentation is the use of historical analogy to promote an interpretation of present events and a future course of action. Such analogies may be necessary, but they do not well serve explication of new historical situations

and processes, and they can constrain the thinking of political groups so that they are "always fighting the previous war," using tactics that worked in a previous historical situation but are no longer as effective. Tactics like guerrilla theatre succeeded in gaining public attention but varied in their effectiveness from one locale to another. The ethical self-representation of Movement groups was always problematic because participants were not protesting their own oppression; unable to occupy the subject position of "victim," participants lacked a readily definable warrant for their actions.

The long shadow of history provides interpretive frameworks for political groups, their actions, and their treatment by the government; the Central America Movement was thus associated with Communist subversive groups, and it protested government infiltration as a witch-hunt. When the Movement provided claims and reasons, it appealed to morality and to pragmatism and constructed a reader who was committed to fairness, legality, and the good of the whole population in Central America, but it did not engage the American public's inherent distrust of any faction termed "leftist." Unlike the anti-war movement of the 1960s, the Central America Movement was largely unable to break through that barrier because there existed no counter-balancing threat to the American public, such as conscription and American combat deaths had been.

Finally, a sense of epistemological privilege which was common among Movement groups made it difficult for them to foresee events which their interpretations of events did not predict (e.g., the Sandinista electoral loss). The maintenance of solidarity within groups worked against skepticism about information that came through movement channels. Although pedagogical techniques for encouraging healthy dissensus were widely known among professors of Rhetoric and Composition at the time, these did not make their way into Movement practice.

REFERENCES

Cushman, E. (1996). The Rhetorician as an Agent of Social Change. *College Composition and Communication* 47, 7-28.

Didion, J. (1983). *Salvador*. New York: Washington Square Press.

Dietrich, J. (1996). *The Old Left*. New York: Twayne.

Elbow, P. (1986), *Embracing Contraries: Explorations in Teaching and Learning.* New York: Oxford University Press.

Fraser, N. (1992) Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy. In: C. Calhoun (Ed.), *Habermas and the Public Sphere* (pp. 107-142), Cambridge, MA: MIT Press.

Ice, R. (1987). Presumption as Problematic in Group Decision-Making: The Case of the Space Shuttle. In: J.W. Wenzel (ed.), *Argument and Critical Practices*. Speech Communication Association.
Klare, M.T. & P. Kornbluh (1988) *Low Intensity Warfare.* New York: Random House.
Near, H. (1984) *No More Genocide in My Name.* Recorded on Journeys. Redwood Records.
Rushdie, S. (1987). *The Jaguar Smile: A Nicaraguan Journey*. New York: Penguin.
Rushdie, S. (1987) *Stop the Lies*. Washington, D.C.: The Pledge of Resistance.
Willard, C.A. (1989). *A Theory of Argumentation*. Tuscaloosa: University of Alabama Press.

ISSA Proceedings 1998 – Methods For Evaluating Legal Argumentation

1. Introduction: Description and evaluation of legal argumentation

Descriptive studies of legal argumentation attempt to recognize and classify specific patterns, categories or topics of arguments in different contexts and to relate their occurrence to the different contexts. The aim of descriptive methods is to generate a morphologically true picture of the argumentation as evidenced by means of methodological criteria, or to "reconstruct" argumentation by means of such methodological tools (Schroth 1980: 122/123).

Methods of critical evaluation, on the other hand, attempt to assess the quality of argumentation, i.e. to generate a judgement based on the compliance of that argumentation with standards of a given kind, such as standards for rational

discussion, logical, linguistic, scientific or other (cf. Feteris1995: 42). It is the aim of the present paper to discuss some of the numerous standards proposed for evaluating legal argumentation. The only common starting point for such an investigation consists in the fact that the standards to be investigated should be perceived as such by the audience of the legal argumentation.

With regard to their data basis evaluation of argumentation can be staged either on individual patterns of argumentation found in a specific legal text, or on the argumentative "style" in a sample accumulated from an appropriate number of individual patterns of argumentation selected by adequate sampling techniques, e.g. a sample of texts of a specific court, time period, or legal specialty (Dolder/Buser 1989: 382/383, Dolder 1991: 126, 128). Investigations staged on accumulated samples offer the advantage that the parameters observed can be evaluated by quantitative methods.

2. Materials and methods

Empirical investigations have been staged on the published text of "decisions" (Urteilsbegründungen) of the Federal Court of Switzerland and some lower Swiss courts in the field of civil and commercial law. These legal texts represent the justification of the ruling of the court and are the final, most formal and solemn stage of the argumentation process taking place in judicial proceedings. As such they are supposed to take into account all arguments raised by the parties in the course of the procedure, insofar as they are held relevant by the court. These justifications are submitted to an audience consisting not only of the parties to the procedure, but, at least if the decisions are published, also of other courts and the professional legal community. On the basis of these properties they offer an interesting material for argumentation studies (Perelman 1979: 209 with reference to T. Sauvel). Our investigation focussed on the second and third stage of the justification process: the second stage consisting of the discussion of the legal basis applied in the case and the third stage containing the reasoning why a specific legal sanction has been imposed on a participant of the litigation (cf. Feteris 1995: 48). We were not interested in the reasoning used to establish the factual basis of the specific case, e.g. the problems raised with the different kinds of evidence and the conclusions drawn from specific kinds of evidence.

The sample evaluated by quantitative methods (below 5.2 and 6.1) consisted of 68 patterns of argumentation from Urteilsbegründungen of the Federal Court in the field of the law of contracts, law of tort and company law 1971 to 1980 containing in total 188 individual arguments, which were classified in 13 classes. The sample

used for calculating the ratio of negative references (below 6.3) contained a total of 1611 references collected from Urteilsbegründungen of the Federal Court from the same legal specialties and the same time period (Dolder/Buser 1989: 382/383). The methods of classification used for quantitative evaluation have been slightly adapted from the Münchner Projekt Rechtsprechungsänderungen (Schroth 1980: 122/123).

3. Empirical and non-empirical propositions

If staged on individual patterns of legal argumentation evaluation has to take into account that legal argumentation consists of empirical and non-empirical propositions. In the context of legal argumentation, the latter are mainly normative and can be either statutory rules or non-statutory rules commonly known as "canones" of interpretation (Alexy 1983: 283/4, 288). Different methods have to be used to evaluate the quality of these two different classes of propositions. As an example, the widely described *argumentum ad absurdum* frequently used in legal argumentation consists of the
following three propositions:

(1)	O¬ Z	or, alternatively:	(1) O Z
(2)	$R' \rightarrow Z$		(2) $R' \rightarrow \neg Z$
(3)	$\neg R'$		(3) $\neg R'$

The premise (1) OZ ("state Z shall be avoided", or: "state Z is desired") is normative, while the premise (2) R2 Õ ¬Z ("interpretation R2 leads to state Z", or: "interpretation R' prevents state Z") is empirical, and the conclusion: (3) ¬R2 ("interpretation R2 shall be avoided") is again normative. Analysis of the argumentation of an example taken from an Urteilsbegründung of the Swiss Federal Court (Federal Court 1995: 255) shows the following logical steps: In the determination of the amount due for compensation of *tort moral* the cost of living of the plaintiff at his foreign residence has to be neglected. The amount has to be determined according to the law of the location of the Court not taking into account where the plaintiff lives and what he intends to do with the money.

The opposite opinion would have the consequence that a reduction of the amount would have to be examined not only in case of a foreign residence, but also in case of a domestic residence with lower cost of living. It would be difficult to rule ("nachvollziehbar") that the amount of the compensation for tort moral should vary depending on whether the plaintiff lives in a great city, or in a rural region with lower cost of living. The opposite opinion ... would also have the

consequence that a plaintiff with foreign residence could claim more, if he was living in a foreign capital with higher living costs than Switzerland.
The opposite opinion … would also limit the freedom of the plaintiff to choose his place of residence. Thus the plaintiffs [in the instant case] could live again in Switzerland [recte: in Kosovo] only if they were prepared to lose half of their compensation fee. (translated from German)

Table 1: Frequency distribution of classes/topics or argumentation (Lorenz curves)

classes/topics	frequencies calculated cumulated (%)	frequencies found		
		n	%	cumulated (%)
B non-statutory rules	7.69	61	32.44	
Z logical canons	15.38	23	12.23	44.67
F consequences	23.07	15	7.98	52.65
A another statutory rules	30.76	14	7.44	60.09
W clear wording of the statute	38.45	13	6.91	67.00
T purposive: function of rule	46.14	12	6.38	73.38
I balancing of interest	53.83	12	6.38	79.76
G fair justice	61.50	8	4.26	84.02
R reproducibility	69.21	8	4.26	88.28
Pr practicability of statute	76.90	8	4.26	92.54
S protection of rights	84.59	8	4.26	96.80
P principles: constitutional	92.28	4	2.13	98.93
X change of time	99.97	2	1.06	99.99
Total		188	100.00	

The sample was described in Dolder/Houser 1989:382/383. The classes of arguments have been adapted from the Münchener Projekt Rechtsprechungsänderungen (Schroth 1980: 122/123). Explanation of different classes of arguments:
A (another statutory rules) refers to another statutory contexts; B (non-statutory rules) contains preliminary legislative material (Gesetzesmaterialien), foreign statutory rules, and opinions of legal doctriners; Z (logical canonsn) refers to analogy, a fortiori, rule/exception, in minore minus, classification (class/subclass) etc.; G (fair justice) refers to the equitable exchange of goods in the law of contracts etc.; P (principles) refers to constitutional rights; X (change of time) argues that times and therefore values have changed.

Table 1: Frequency distribution of classes/topics or argumentation (Lorenz curves)

(1) OZ
Application of the law should not be too difficult/ should be practical.
Individuals should not be hindered to choose their place of residence.
Normative

(2) R2, Õ ¬Z
Interpretation R2 causes practical difficulties in the application of the law.
Interpretation R2 limits the freedom of individuals to choose their place of residence.
Empirical

(3) ¬R2
Interpretation R2 is to be rejected.
Normative

4. Evaluation of empirical propositions: Correspondence and reproducibility
The quality of empirical propositions can be evaluated on the basis of correspondence criteria: An empirical proposition is correct (or: true), if and to the extent that the facts referred to in the proposition *correspond* with the real

facts. This correspondence has to be established through a process of verification / falsification, which can be reduced in the present context to answering the question, whether the facts referred to in the proposition are *reproducible*. As a general rule, verification/ falsification of empirical statements is performed by empirical methods; empirical propositions in legal argumentation can usually be verified/falsified on the basis of "everyday knowledge" (Alexy 1983: 284: "Maximen vernünftigen Vermutens"). Only in extraordinary situations verification has to be performed on the basis of expert (economic, sociological, scientific, engineering etc) knowledge; if no such expert knowledge exists, or if expert knowledge is controversial, recourse has to be made to experimentation The consequences Z or ¬Z can be of a general nature or can be limited to the specific case. They may have been realized in the past, or would be realized in the future, if interpretation R' would be applied. This reasoning on hypothetical facts is frequently used in legal argumentation. It represents a hypothetical forecast of empirical facts and causal links between them and is based on probability statements and estimations, which are less reliable than empirical statements of facts of the past.

In our example of an argumentum ad absurdum, the proposition (2) that interpretation R2, of rule R would lead, or not lead to practical consequences Z or ¬Z, is hypothetical and could be verified/falsified by investigating whether it "corresponds" with common experience or, as the case may be, expert knowledge. If the practicability (practical difficulties) of the application of statutory rules is the desired/avoided state Z, premise (2) R2Õ ¬Z is a forecast that fact A (interpretation R') will/will not lead in the future to fact B ("practical difficulties in the application of the statute"). This forecast seems to be at least questionable, since living costs are frequently taken into account in other legal contexts without causing excessive practical difficulties, e.g. in the law of taxation and social insurance. To predict "difficulties" in the application of the statute *pro futuro* seems to reflect a specific "insider" aversion against difficulties in the application of statutes and not objective difficulties.

Our example shows another deficit of empirical argumentation:
In forecasts of hypothetical causal links usually only one (or a few) consequences Zi of interpretation R2 are selected for argumentation, in our example two (practicability, freedom of residence). This selection should be defended by argumentation, unless it should be obvious that the selected consequence Z1 is

the only one relevant in a given situation. In our example, it is well conceivable that interpretation R' will *inter alia* improve the protection of individual rights, which would be an additional and relevant consequence Zi of interpretation R'.

Table 2 Negative references (rejecting literature opinions) in decisions of Swiss courts

	Time period	N total	N negative	% negative
Federal Court	71/80	1611	121	7.57%
Basel BS, BL	71/80	245	19	7.76%
Basel-Stadt	71/80	144	9	6.25%
Zurich	71/80	579	20	3.41%
Grisons	71/80	332	11	3.33%
Valais	71/80	712	25	3.51%
Legal periodical (Schweiz. Juristenzeitung)	71/80	714	53	7.42%
Physics				
Meszesik (1973)	69/72	611	83	13.59%
Shaxon (1979)	69/72	1815	178	9.81%

The sample was described in Dubler/Hasser 1989:382/383.

Table 2 Negative references (rejecting literature opinions) in decisions of Swiss courts

5. Evaluation of non-empirical propositions

5.1 Coherence and saturation

In legal argumentation normative propositions are the most widespread and interesting class of non-empirical propositions. Their quality can be evaluated on the basis of their *coherence* with other normative propositions: A normative proposition is correct (or: true), if and to the extent that it is coherent (or: consistent / not in contradiction) with the sum of other normative propositions. Therefore, normative propositions used in legal argumentation should be defended or "saturated" by means of other normative propositions, unless there are specific reasons, why such saturation is not necessary or can be refused in the given case. In legal argumentation statutory rules usually do not need further saturation, unless their formal validity is questioned in a specific case. All other classes of normative propositions need further argumentative defense, as has been claimed for the "canones" of interpretation (rule J.6), and for the "special forms of legal argumentation" (rule J.18), of which the argumentum ad absurdum forms part (Alexy 1983: 239, 302, and 346). In particular, a specific interpretation R2 of a statutory rule R has to be saturated by means of a combination of the statutory rule R with other statutory or non-statutory rules.

In our example, the alternatives Zi of premise (1), i.e. "practicability of law", and "choice of residence not hindered by economic difficulties" have been introduced more or less implicitely in the argumentation. Neither of them has been defended by other propositions, although neither constitutes a statutory rule, or would seem uncontested for other reasons. The implied use of Zi as normative premise

(1) therefore constitutes an infraction of Rule 6 of general argumentation (van Eemeren / Grootendorst 1992: 151-154, cf. Kienpointner 1996: 48): The normative proposition “practicability” or “choice of residence not hindered” has been falsely promoted to the status of a common starting point and has thus been prevented from being questioned and from requiring an argumentative defense.
From an epistemological standpoint, the coherence approach reveals another deficit: There is no reason that there should be only *one* consistent system of normative propositions. The finding, therefore, that a normative proposition R2 (interpretation of R) is coherent/consistent with another set of normative propositions X does not *per se* exclude the alternative that it is in conflict/contradiction with another set of normative propositions Y (Rescher 1973: 370, 377). Therefore, in a given situation, there is usually competition between different propositions offering argumentative saturation for normative proposition R2. In the average situation, it can be anticipated, that at least some of these competitive propositions are in contradiction with others and that their selection influences the practical result of the argumentation. Therefore justification should be supplied, why in a given situation coherence or consistency of R’ is based on normative proposition X, and *not* on competitive normative proposition Y offering a alternative basis for saturation.

Returning to our example: Why have “practicability of the statute”, or “unhindered choice of residence” and not *other* premises been selected as a basis for proposition (3) [“Living costs at a foreign residence should be disregarded”] ? In other words: In the the proposition (1) OZ the choice of Zi “practicability” as a premise should be defended against other premises equally relevant on a *prima facie* basis, e.g. the argument of “fair justice”, “fair compensation for tort”, or “protection of individual rights”. Using one of these alternative aspects would probably lead to the opposite result, namely to the practical ruling that the amount of the compensation fee for *tort moral* should be calculated on the basis of the living costs of the plaintiff at his residence.

5.2 Consensus

The normative proposition X or the system of propositions X, to which coherence is to be established in legal argumentation, can be either a rule of “reasonable thinking”, a statutory rule, or a non-statutory rule. This approach is considerably broadened, if opinions of experts are admitted as reference standards This is usually the case, if the opinion has been commonly accepted by its audience and

hence forms the “consensus” opinion of the legal community. A normative proposition is correct (or: true), insofar as it is coherent (or consistent) with the consensus of the professional community. Correct (or: true) is, what is accepted by the experts (Ayer 1963: 293); legal reasoning is replaced by legal reasoning of others.

From an epistemological standpoint the difficulty of this pragmatic approach consists in that it is based on the empirical fact of “consensus”, which implies that the evaluation of a non-empirical proposition depends on an empirical fact (Skirbekk 1992: 21). Moreover, the technical difficulties of using consensus as a reference standard are remarkable: In many situations, such a consensus does not exist with regard to a specific legal issue, or is difficult, or even impossible to determine since controversial opinions co-exist in the community. In addition, the “true” meaning of the “consensus” can be ambiguous and cause additional controversies.

5.2.1 Pragmatic standards 1

In view of the difficulties encountered with the discussed methods of evaluation recourse can be made to more pragmatic standards: A normative proposition (or: combination of empirical and normative propositions) is correct (or: true), if and to the extent that it “functions”, which means in the case of legal argumentation: that it “persuades its audience”. Correct (or: true) is what persuades. One type of a pragmatic standard could be found in the *relative argumentative force* of individual classes of arguments contained in the pattern of argumentation investigated. High persuasion can be expected, if elements of high argumentative force are gathered in a pattern of argumentation.

It has been attempted for a number of years to define methods for measuring the argumentative force of typical classes or topics of argumentation. An interesting attempt suggested to differentiate between Wettbewerbskriterien (competitive criteria) and Tabellenkriterien (ranking criteria). While Wettbewerbskriterien confront winning and losing classes of arguments in a given argumentational situation, the argumentative force of all classes or topics under investigation are ranked simultaneously in a Tabellenkriterium (Eicke von Savigny 1976: 62 and 79, Grewendorf 1978: 29, 32 – 39).

While it is technically difficult to find sufficient empirical data for the study of Wettbewerbskriterien (Grewendorf 1978: 32, Schroth 1980: 124), it is conceivable to create a suitable Tabellenkriterium for the purposes of legal argumentation by relating the argumentative force of individual classes or topics to their relative

frequencies of occurrence in a selected sample of argumentation: It would seem a sound assumption that some classes of arguments occur more frequently than others, *because* they are perceived to dispose of higher persuasive force than the classes used less frequently. This is emphasized by the fact that there are no legally binding statutory rules governing the use and selection of individual classes of arguments.

It should be emphasized, however, that such relative frequency counts do not supply absolute figures, since definition and "size" of the different classes or topics applied are at least to some extent arbitrary. This can be partly overcome, if different research groups base their investigations on the same operational set of classes, like e.g. the set of classes used in the Münchener Projekt Rechtsprechungsänderungen (Schroth 1980: 122/3). At any rate, the figures obtained through relative frequency counts can be used for comparative studies, i.e. for comparison of different sources of argumentation (countries, courts etc.), different time periods, or different specialties of law under investigation.
In our sample of Urteilsbegründungen of the Federal Court in civil and commercial law of 1971 to 1980 the argumentum ad absurdum was found to rank third highest in frequency and to account for nearly 8 % of the individual classes used in argumentation (table 1). This is the more remarkable, since the highest ranking class (B) contains "non-statutory rules", mainly the so-called travaux préparatoires, which should already on the basis of their semi-official status dispose of high persuasion. On the other hand, the argumentum ranks higher than class (A) containing "other statutory rules" and representing the widely accepted "systematic" method of interpretation. The argumentum can therefore be said to be one of the highly successful classes of arguments found in the context of our investigation. This finding would be in keeping with the almost enthusiastic praise of the persuasive qualities of this class of argumentation by Perelmann and Olbrechts-Tyteca (1976: 278):
Dire d'un auteur que ses opinions sont inadmissibles, parce que les
conséquences en seraient ridicules, est une des plus fortes objections
que l'on puisse présenter dans l'argumentation.

It is not excluded that classes of arguments of established questionable quality as judged by one of the criteria outlined above can still be highly persuasive on a pragmatic basis, and therefore achieve high frequency counts. As an example, the argumentum ad absurdum, as it is commonly used in legal argumentation, is of

questionable quality because of its chronic deficit of argumentative saturation and still achieves high rank in terms of pragmatic standards.

5.2.2 Pragmatic standards 2

One step further in the pragmatic evaluation of the quality of legal argumentation can be made by measuring its "over-all" and unstructured persuasiveness. Such "over-all" persuasion of a specific audience can be established through appropriate experimentation taking into account that the audience in legal argumentation consists not only of legal experts, lower courts, etc., but also of the parties to the litigation and of a variety of interested laypeople, such as trade union officials in labor law, bankers and their customers in commercial law, taxpayers in taxation. The experimental audience has therefore to be carefully chosen for each occasion. It is suggested to use the following experimental procedure: An alternative argumentation [if possible: opposite] to the argumentation of the court is drafted artificially and the two patterns of argumentation are submitted to the simnultaneous preferential choice of an audience selected for the occasion (e.g. trained lawyers, students, laypeople). If the argumentation of the lower court is known, it can be used as the competitive experimental argumentation in this experimental setting instead of an artificially drafted alternative. If the two patterns of argumentation are submitted to the audience without indications of the practical result of the litigation, a fair experimental setting is offered, since both argumentations have the same persuasive task in the same specific situation and have equal opportunities of being chosen by the audience, unless the issue at stake were of an obvious or trivial nature. Already the fact that a controversy has reached the Federal Court implies that obviousness is excluded, and that a lower court has already ruled in the case.

Preliminary experiments were staged on an *argumentum a simili* (analogy) of the Federal Court on the issue of analogous application of article 691 of the Swiss Civil Code of 1907/12:

Every owner of real property shall be obliged to allow the transfer of fountains, draining pipes, gas tubes and the like, as well as of electrical connection lines above or under the surface of the soil against previous full compensation of the damage caused thereby, insofar as the transfer cannot be achieved without using the property or only at disproportional cost.

The question the court had to answer was: Should article 691 be extended to

cable cars (rope railways, téléfériques) ? In other words: Are cable cars and water pipes similar or not similar in the given context ? Should the *arg. a simili* or the *arg. a contrario* be applied ? The court held:
It is quite different with cable cars which should enable a permanent traffic of persons and goods. What disturbs the owner of the ground in this case is not primarily the equipment as such, but its activity, i.e. the transfer of transport cabins in both directions suspended on the steel rope.

Consequently, the Court held that difference overweighed similarity and therefore the arg. a contrario applied (Federal Court 1945: 84). The "artificial" opposite argumentation suggesting similarity of the two means of transportation ran as follows:
The pipes mentioned in the statute as well as cable cars are equally characterized by the fact, that the owner of the ground has to tolerate not only a permanent installation, but also its service including periodical maintenance and repair causing invariably noisy construction work. What disturbs the owner of the ground in case of water pipes and cable cars equally, is not only the installation as such, but its activity.

The two opinions were submitted to a panel of students of economics (N = 24) for simultaneous selection, and 75 % of the participants found the argumentation of the Federal Court more persuasive than the "artificial" argumentation suggesting functional analogy of cable cars and water pipes. It is surprising that the Federal Court scored only a low .75 persuasion ratio, even against a hastily drafted artificial argumentation.

6. Evaluation of accumulated samples of argumentation
Although evaluation of legal argumentation focusses almost by definition and nature on individual patterns of reasoning, investigations staged on accumulated samples consisting of a large number of individual patterns of argumentation selected by appropriate sampling techniques can supply interesting information. Accumulated samples can *inter alia* be evaluated on the basis of a formal reconstruction ("coding") by means of a number of individual classes of argumentation ("topics"). In our investigations we used 13 classes indicated in Table 1, which were slightly adapted from the Münchener Projekt Rechtsprechungsänderungen (Schroth 1980: 122/123).

6.1 Diversity of argumentation

Diversity of the classes of arguments used in a large sample may be regarded as an indicator of over-all-quality of argumentation. It would seem preferable to achieve a homogeneous distribution of the over-all argumentation into different classes of argumentation instead of concentrating argumentation on a few stereotypic classes with high frequencies. The distribution of the argumentation among different classes was determined in our sample (above 5.2) by the usual statistical methods and the double cumulated Lorenz curves shown in table 1 offer an immediate indication of the diversity of the argumentation. A sound indication of diversity would be the frequency achieved by 50 % of the classes: In our investigation, the seven classes (53.83 %) scoring highest in frequency counts accounted for 79.76% of the over-all argumentation. It should be emphasized again that such distribution studies do not produce absolute figures, since the definition and the "size" of the different classes or topics applied are to some extent arbitrary. However, the figures obtained can be compared with figures of different sources of argumentation (countries, courts etc.), time periods, or specialties of law.

6.2 Discursiveness of argumentation

A well reasoned Urteilsbegründung should take into account all controversial standpoints of the parties and of legal doctrine on a given legal issue, at least insofar as they are held to be relevant in the case by the court (Perelmann 1979: 212 with reference to T. Sauvel). It has been criticized therefore that some German courts are consistently argumenting on the basis of the principle of *consonant argumentation*: Only propositions supporting the decision of the court are mentioned, propositions rejecting the decision or supporting alternative decisions are systematically eliminated, although they might have been discussed by the judges in the making of the decision (Lautmann 1973 : 162-166). It seems to be a sound assumption, therefore, that the amount of controversial propositions found in argumentation, the *discursiveness* of argumentation varies depending on the court, the time period, or the legal system it comes from. Discursiveness can be assessed – at least in the continental law system containing references (citations) to legal doctrine – by determining the proportion of negative references, i.e. the ratio of references in favour and against the doctrinal opinion they refer to. It seems to be a sound approach to extrapolate from the critical attitude of argumentation with regard to references to the general discursiveness of argumentation in a specific context.

It was found that in published decisions of Swiss courts the percentage of

negative references (rejecting doctrinal opinions) does in the long term not exceed 7.5 % of the total amount of references (table 2). It is an interesting feature that lower courts are found to be significantly less discursive than the argumentation of the Federal Court and that lower courts of urban regions such as Zurich and Basel with their universities and law faculties are found to be more discursive in their argumentation than lower courts of rural regions without universities, such as the Valais or the Grisons. It would seem, therefore, that in these rural regions, legal doctrine apparently enjoys higher authority than in the urban regions or with the Federal Court. Legal periodicals achieve a discursiveness ratio similar to that of the Federal Court, while publications in periodicals of science (different specialties of physics) command a significantly higher discursiveness ratio than legal argumentation. In one sample obtained from periodicals of theoretical physics this ratio (13.58 %) of discursiveness of scientific argumentation attained almost twice the value of the argumentation of the Federal Court (7.57 %).

7. Conclusions

Legal argumentation combines empirical and non-empirical, mainly normative propositions and different methods have to be used to evaluate the quality of these two classes. Empirical propositions are tested on the basis of their correspondence with real facts, while normative propositions are evaluated on the basis of their coherence with other normative propositions. In view of the practical difficulties encountered with these methods evaluation can be completed by pragmatic methods, such as measuring empirically based argumentative forces of typical classes of arguments, or experimental assessment of the “over-all” unstructured persuasion of patterns of argumentation. As an alternative to evaluation of individual patterns accumulated samples of argumentation can be assessed by quantitative methods measuring e.g. the diversity or discursive properties of argumentation in a specific context.

REFERENCES

Federal Court of Switzerland (1945): BGE 71 II 84.

Federal Court of Switzerland (1995): BGE 121 III 255.

Alexy, R. (1983). *Theorie der juristischen Argumentation*, Frankfurt/Main: Suhrkamp.

Ayer, A.J. (1963), Wahrheit, In: G. Skirbekk (ed.), *Wahrheitstheorien*, pp. 276-299, 6th ed. Frankfurt/M.1992: Suhrkamp.

Dolder, F. / Mauro W. Buser (1989), Klassifizierung von Argumentkombinationen in Gerichtsurteilen mit der partitionierenden Cluster-Analyse, *Rechtstheorie* 20, 380-401.
Dolder, F. (1991) Wechsel von Paradigmen und Stilen in der praktischen juristischen Argumentation: Eine empirische Untersuchung von Argumentationen des Schweizerischen Bundesgerichts, 1881-1980. In: Zenon Bankowski (ed.) *Revolutions*
in Law and Legal Thought, Vol. 3, Proceedings of the 14th World Congress in Philosophy of Law and Social Philosophy, University of Edinburgh 1989, (pp. 122-142) Aberdeen: University Press.
Van Eemeren, F.H. / R. Grootendorst (1992), *Argumentation, communication, and fallacies. A pragma-dialectical perspective*, Hillsdale: Erlbaum.
Feteris, Eveline T. (1995). The analysis and evaluation of legal argumentation from a pragma-dialectical perspective. In: *Special fields and cases, Proceedings of the third ISSA Conference on Argumentation*, University of Amsterdam, June 21-24, 1994,
Vol. IV, (pp42-51), Amsterdam: Sic Sat.
Grewendorf, G. (1978), Nicht-empirische Argumente, *Zeitschrift für allgemeine Wissenschaftstheorie* 9, 21-42.
Kienpointner, M. (1996), *Vernünftig argumentieren*, Reinbek bei Hamburg: Rowohlt.
Lautmann, R., (1973), *Justiz die stille Gewalt*, Frankfurt/M.:Athenäum Fischer.
Moravcsik, M.J. / Murugesan P. (1975), Some results on the function and quality of citations, *Soc.Stud.Sci*. 5, 86-92.
Perelman, Ch./ Olbrechts-Tyteca , L. (1976), *Traité de l'argumentation, La nouvelle rhétorique*., 3rd ed. Bruxelles: Editions de l'Université.
Perelman, Ch. (1979), *Juristische Logik als Argumentationslehre*, Freiburg/München.
Alber Rescher, N. (1973), Die Kriterien der Wahrheit, In: G. Skirbekk (ed.), *Wahrheitstheorien*, pp. 337- 390, 6th ed. Frankfurt/ M.1992: Suhrkamp.
von Savigny, Eicke (1976), *Argumentation in der Literaturwissenschaft*, München: Beck.
Schroth, U. (1980). Eine Methode der formalen Rekonstruktion von Gerichtsurteilen, *ARSP Beiheft NF* 14, 119-126.
Shearer E. / Moravcsik, M.J. (1979), Citation patterns in little science and big science, *Scientometrics* 1, 463-474.
Skirbekk, G. (1992), Einleitung, In: G. Skirbekk (ed.), *Wahrheitstheorien*, pp. 8-24,

6th ed. Frankfurt/M.1992: Suhrkamp.

ISSA Proceedings 1998 – Towards A Proposition Of The Argumentative Square

1. Introduction

In his semantic description of language, Ducrot puts forward a rather provocative thesis, with respect to traditional semantic theory, namely, that words do not mean anything if meaning is understood in terms of vocabulary, by which he defies the primacy of the informative in the account of meaning. The informative is said to be derived from and subordinated to the argumentative, which is, in turn, presented as inscribed in language and defined in terms of argumentative orientation, topoi and enunciators (viewpoints). The notion of lexical enunciator unfolds the argumentative potential in a word (lexeme), i.e., points of view formulated according to four basic topical forms. It is tempting to imagine the four topical forms as a taxonomy of viewpoints and present them in a square model.

The square model has already been used in logic and narrative semiology, and there were attempts to see Ducrot's work related to and even explicable by them, especially, since the names of some relations (e.g. contradiction and contrariety) repeat in some or all of the theoretical frameworks. Ducrot has explicitly drawn a line of separation between, on the one hand, the semiotic square and the logical square, and, on the other hand, his own theoretical path**[i]**. On a closer inspection – which is impossible to be deployed here due to the limitations of time and space – one could indeed realize there is no direct theoretical import between them. The logical and semiotic squares differ from the one that could be reconstructed from Ducrot's work to a great extent in their fundamental elements, function and nature, definitions of relations and treatment of meaning and truth.

As the four-angled form itself has nothing to do with the incompatibilities between

Aristotle, Greimas and Ducrot, it is possible to attempt and arrange the four topical forms in a square model. However, the structural relations in – what let it for the purpose of this paper be called the argumentative square – must, accordingly, be defined and understood differently than in the logical or semiotic squares.

2. Ducrot – Theory of argumentation in the language-system – TAL

The general thesis of TAL is that "the argumentative function of a discourse segment is at least partly determined by its linguistic structure, and irrespective of the information which that segment conveys about the outer world" (Ducrot 1996: 104). Let me summarize Ducrot's explanation of the main concepts introduced by the general thesis of TAL on a single example. Suppose two people are considering how to get back to their hotel:

1.

A: "Would you like us to walk?"

B*: "*It's *far away."*

An *argumentative function* is actually an *argumentative orientation* of an enunciator's viewpoint, which means that a certain viewpoint is "represented as being able to justify a certain conclusion, or make that conclusion acceptable." (Ducrot 1996: 104) In the example provided, the answer would by most of us be understood as oriented towards a refusal of the suggestion. Representing a certain distance by terms 'far away' functions as an argument for not walking. A special stress is put on the expression represented as being able to justify instead of simply saying it justifies a certain conclusion. It means that it is not a question of what cause or factor leads effectively to a certain conclusion, but rather what argument is represented as having such a strength within a particular discourse.

It is important, though, that our answer does not convey information about the (f)actual distance. The term 'far' can be used fairly irrespective of the actual quantity of metres/kilometres, and is, therefore, not a description of reality. I am fairly sure there is no consensus over how much is 'near' and from which point on a distance is considered to be 'far'. Instead, the term rather conveys our attitude towards a distance and our company. Namely, if, for example, B would favour a walk with A, he/she would probably find the same distance less bothering and, in a certain sense, even too short, and might accordingly answer:

1.

(A: "Would you like us to walk?")

B: “Of course, it’s *nearby*,”

which would, in turn, be oriented towards accepting the proposal. We can see that an argumentative function is dependent on the choice of words we used, which led Ducrot to conclude that an argumentative function is at least partly determined by the linguistic structure. Basically this thesis is understood in terms of enunciators, whose argumentatively oriented viewpoints are said to be intrinsic to the very language system. By different enunciators**[ii]**, found within a single utterance, Ducrot understands the sources of different points of view, or better, viewpoints with different argumentative orientation. Ducrot uses the term borrowed from Aristotle and refers to the viewpoints of nunciators as topoi. Topos is the element of an argumentative string that bridges the gap from an argument to a conclusion by relating the properties of the former and the latter. It is a shared belief, common knowledge accepted beforehand by a certain community and rarely doubted about. We can analyse the following argumentative string:
2.
“It is far, so let’s take a cab”
into an argument A: “It is far”
a conclusion C: “let’s take a cab”
and topos T: If the distance is great, one should take a means of transport.

Within this paper I would like to concentrate on the concept of lexical enunciator. Lexical enunciator stands for the idea that argumentatively oriented viewpoints are a constitutive part of lexicon items – words. The explanation of lexical enunciators requires a few more theoretical concepts. Topos has three characteristics: it is general, common and scalar. Scalarity of a topos is understood as the scalarity of the relationship between the property of an argument and the property of a conclusion. The properties themselves are scalar – they are properties you can have more or less of. The degree of one property implies the degree of the other. The four possible combinations of degrees of involved properties are called topical forms. Referring to our last example (2), the following topical form was used:
FT: The greater the distance, the more one should rely on a means of transport.
Let me now demonstrate in detail how it is possible to analytically reconstruct topical forms as constitutive parts of lexemes. Ducrot considers the following four adjectives that seem to have common informative content: ‘courageous’, ‘timorous’, ‘prudent’, and ‘rash’. In principle they all relate to confronting danger,

to the fact of taking risks, but differ to a great extent in argumentative sense (see Scheme 1). Regarding the two properties P (taking risks) and Q (quality) that support the argument and the conclusion, we can distinguish two contrary topoi: T1, which relates the notion of risk to the notion of goodness, and T2, which relates the notion of risk to the notion of badness. Each contrary topos can, according to the notion of scalarity, be understood in terms of a scale with two converse topical forms (FT1' – FT1'' and FT2' – FT2'') standing for the converse argumentative orientations. Thus we get the following scheme:

Scheme 1

The four topical forms can be formed as follows:

T1: taking risks (P) is a good thing (Q)

FT1': the more one takes risks, the worthier one is (+P,+Q)

FT1'': the less one takes risks, the less worthy one is (-P,-Q)

T2: taking risks (P) is a bad thing (Q)

FT2': the more one takes risks, the less worthy one is (+P, -Q)

FT2'': the less one takes risks, the worthier one is (-P,+Q)

The converse topical forms are the two directions of the same topical scale composed of many degrees. A point of conversion presents a problem, namely, a person either performs or does not perform an act. That is why the line in the model presenting the converse relation is disconnected.

We can now see how the scheme explains the points argued by Ducrot.

The meaning of lexical enunciators can be analytically translated into topical forms that have different argumentative orientation. Lexical enunciators are units of the lexicon and topical forms are understood as constitutive of their intrinsic meaning (which is primarily argumentative). This is one of the arguments, according to Ducrot, for his thesis that argumentative orientation is inscribed into the very language-system.

Although it seems to be analytically possible to distinguish the objective objective (informative) content from the subjective (argumentative) orientation, Ducrot tries to prove that they are actually amalgamated, and that the common objective component observed in the two contrary topoi is merely illusory. The smallest denoted component is already seen from opposing points of view that build up into two different notions – in Ducrot's example one perspective deals with risks that are worth taking (P1), while the other, in fact, considers the risks as unreasonable to be taken (P2). By this Ducrot proves that tempting as it might be

to consider that the argumentative is merely added on top of the informative, the two are actually amalgamated to the extent that what is perceived as the informative is derived from and dependent on the argumentative (P1 and P2 instead of P). In the case of lexical enunciators the viewpoint contained in a lexical unit contains the idea of quality**[iii]**, namely, conclusion seems to be a judgement, an attribution of value to what is observed. It seems, therefore, that by communicating we, contrary to our belief, do not so much convey the information of what happened, but at the same time place a much greater stress on our attitude towards the occurrence and persons involved.

In accordance with his already mentioned belief that viewpoints are represented as being able to justify a certain conclusion, Ducrot claims that we choose (not necessarily consciously or strategically) the appropriate lexical item (that is, item with appropriate argumentative orientation) with respect to the attitude we adopt towards the person spoken to**[iv]** or our discursive intentions**[v]** to create our version of what is happening.

3. A proposition of the argumentative square

A proposition of the argumentative square is derived from Ducrot's oppositions between topical forms. As the analysis of lexical enunciators showed, an important factor in the definition of relations is also the quality attributed to an entity, which reflects our attitude towards an entity and/or our communicative intentions. The terms that will be used in the explanation of the following scheme are taken from articles reporting on a particular football match. It is my belief that the distribution of terms into their relational slots of the square model is highly dependent on an actual discourse, therefore, let me first give an outline of the context within which articles were written and published. On 2nd April, 1997, national football teams of Slovenia and Croatia met in the qualifications for the World Cup in France, 1998. Before the match the Croatian team was, by both sides, considered to be the favourite. Still, they were under pressure, because they badly needed to win and score three points to get qualified. The score was a draw – 3:3, which is important to remember and compare to interpretations it underwent in reports. A draw meant that each of the teams got one point. For the Slovenian team this was the first point ever scored in the qualifications for the world championship. A draw for them was a success, although this point was not enough for them to participate in the World Cup. For the Croatian team, on the other hand, there was still a chance to get qualified, but their next opponent was expected to be much tougher and this chance seemed rather meagre. The terms

used in the example were collected from several articles published in the Slovenian as well as Croatian newspapers.

The argumentative square comparing definitions of the result could be formed in the following way (the reconstructed topical forms are included in the explanations of the respective relations):
Scheme 2
Contrariety is primarily the relation between topoi, that is, between two contrary perspectives and evaluations of seemingly the same occurrence (P). However, the occurrence is far from being the same. The first topos presupposes the match to be a true reflection of skills (P1), and the second, on the contrary, presupposes the match not to be indicative of the real quality of the teams (P2). The reporters seem to be reporting on two distinct matches – P1 and P2 – and, accordingly, applying two contrary topoi:
T1: Success (in P1) is to be attributed a positive value.
T2: Success (in P2) is to be attributed a negative value.

Although reporters are all referring to the same match, the readership is actually offered two contrary accounts that, at the level of social signification, construct two different pictures and form opposing attitudes. That is why definitions can be very important, especially, when they serve as a basis for decision-making and entail social or political (re)actions**[vi]**.

Conversity is the relation between the two opposing topical forms of the same topos. They both agree in seeing the occurrence in the same way, for example, they both deny that the match was a true reflection of skills (P2) and consequently apply topos T2. According to whether the result in such a match was considered a success or a failure, they differ in evaluation of the teams:
FT2’: The more you succeed (in P2), the less appreciation you get.
FT2’’: The less you succeed (in P2), the more appreciation you get.

Calling their performance a ‘stroke of luck’ (FT2’) attributes the team, which is represented as being successful, a negative value. I believe you would agree that a ‘stroke of luck’ implies that their success is to be attributed to good fortune or even an inexplicable coincidence, and not to their skills and capabilities. Conversely, calling their performance ‘bad luck’ (FT2’’) attributes the team, which is represented as being unsuccessful, a positive value. Again, I believe you would agree that ‘bad luck’ implies that something beyond their qualities

prevented their otherwise good skills from realizing their potential.

The two crossing relations (FT1’ – FT2’ and FT1’’ – FT2’’) deserve most of our attention. It seems they would well conform to the name of joking relations. The name is taken from Mauss (Mauss 1928) and Radcliffe-Brown’s (Radcliffe-Brown 1940, 1949) texts, where they, from the anthropological point of view, examine the ways in which people within a society (they mainly focused on families) take effort to avoid conflict and thereby maintain social order. Social structure and especially structural changes, conjunction and disjunction, as in the case of marriage that draws closer two social groups that were up to then clearly distinguished, set the members of those groups into positions where there is an increased possibility of interest clash. Chances of conflict between the newly related members can be avoided in two ways: by exaggerated politeness (between son in law and mother in law) or joking (between brothers and sisters in law). Joking is understood as an avoidance of conflict and not the cause of it – the proof for that is found in Radcliffe-Brown’s substitute term permitted disrespect. It refers to the conventionalized uses of disrespect, or better, disrespect found between those members of a family, where it does not endanger communication, but is moreover a sign of social intimacy, directness and relaxed attitude. Within a social group or society, it can be quite rigidly set which of the two forms is appropriate between which members. But their precise distribution is not universal to all societies. What seems to be universal, though, is the presence of both ways of avoiding conflict and the balance of their distribution.

By introducing joking relations Radcliffe-Brown and Mauss established an important link between social structure and social interaction, which is a combination that is today becoming increasingly important in the research of the interactional basis of social life. Joking relations therefore prove to be a very important principle also for the research into contemporary societies, where family might not be recognized as the most important social group any more. The following quotations should testify to the topicality of this view today. Gumperz in his foreword to Brown and Levinson’s book (Politeness 1978) describes politeness to be “basic to the production of social order, and a precondition of human co-operation, so that any theory which provides an understanding of this phenomenon at the same time goes to the foundations of human social life.” (Foreword: XIII) Later on in the book the authors wrote: “We believe that patterns of message construction, or ‘ways of putting things’, or simply language usage,

are part of the very stuff that social relationships are made of (or, as some would prefer, crucial parts of the expressions of social relations). Discovering the principles of language usage may be largely coincident with discovering the principles out of which social relationships, in their unteractional aspect, are constructed: dimensions by which individuals manage to relate to others in particular ways, " (Brown, Levinson 1978: 55)

Reconsiderations of Mauss and Radcliff-Brown's theories today necessarily include many concepts from contemporary anthropology, sociology and interactional studies that were not used by them. I would herewith again refer to Brown and Levinson's study of politeness, where they enumerate the following context dependent social factors that contribute to the overall weight of a potentially offensive act and through its estimation influence the choice of higher-ordered politeness strategy: social distance**[vii]**, power**[viii]** and ranking of imposition**[ix]**. Within this paper provisional and most simplified correlation will be adopted only to indicate a basic model against which variations in use can be observed and studied – respectful patterns of behaviour are typically (but not only!) found in situations of social distance, power difference and high rank of imposition, while joking might be most commonly (and with least risk of causing conflict) applied in relations of social intimacy, equality in power and low rank of imposition.

Joking relation could, in accordance with Ducrot's four topical forms, be defined as the relation between those two topical forms of the contrary topoi that take up different attitudes towards the subject involved. One point of view ascribes the subject a positive value, while the other presents him in a negative manner. What connects them is, extralinguistically, the performance (or lack of performance) of seemingly the same action. However, as explained,the representation of the action involved is, intralinguistically, not the same.

For example, joking relation is the relation between 'victory' (FT1') and 'a stroke of luck' (FT2') that can in our case be reconstructed as follows:
FT1': The more you succeed (in P1), the more appreciation you get.
FT2': The more you succeed (in P2), the less appreciation you get.

By 'victory' one approves of the result, even if one does not like it, since it presupposes the match to be a true reflection of skills, while by a 'stroke of luck' one reveals that one considers the result inadmissible, since the term

presupposes the match not to be indicative of the real quality of the teams, and actually implies that the result should be different if the skills were the decisive factor. Either ways, though, one team is represented as being more successful than the other, although the result was, technically speaking, a draw! The argumentative potential might be so much more obvious in the following examples. The reporter supporting the home team, which was represented as more successful, actually talked of ‘a historical victory’, ‘sensational draw’ and ‘lethal stroke’, while the reporter supporting the less successful team confirmed his definition of the result – ‘a stroke of luck’ – by calling the more successful team ‘second-class players’.

One point of view pays respect to the subject of the action, and even upgrades its qualities, which is typical of a politeness strategy, the other can be considered joking, or rude, since it downplays the exhibited value of the subject and the action it performed. The choice of either of them is dependent on the relation between the two interactants in our case reporter towards the team (or even worse, the state the team represents) and/or reporter’s intentions. With Radcliff-Brown and Mauss joking should be understood as permitted disrespect. But since communication break-down is a constitutive part of interaction, the concept of rudeness and offence should nevertheless not be neglected. The argumentative square should include both interactional functions for the purpose of explaining why and where communication went wrong.

The orientation followed throughout this explanation of the argumentative square can be summarized as follows: what we say is as important as its wording – the actual choice of words, and the word-choice is influenced by the identification of the relation between the speakers. We can, therefore, conclude that what we communicate is to a high degree dependent on who we are communicating with. This is similar to Ducrot’s statement, in which he claims that we choose lexical units with regard to our attitude towards the person spoken to and our discursive intentions – that argumentative orientation determines the informative.

Let us take another example. A student comes out of an examination room and is asked by his fellow students how demanding the lecturer was. The student might call the lecturer ‘detailed’ or ‘hairsplitting’, depending on whether he/she wants to attribute him/her positive or negative value, and whether he/she considers the lecturer’s comments appropriate or inappropriate. The argumentative square and the respective topical forms could be formed like this:

Scheme 3
T1: Accuracy is respected.
FT1': The more one is accurate, the more one is respected.
FT1'':.The less one is accurate, the less one is respected.
T2: Accuracy is not respected.
FT2'': The less one is accurate, the more one is respected.
FT2': The more one is accurate, the less one is respected.

'Detailed' attributes the lecturer a positive value, since it presupposes that such strictness is reasonable and as such respected. Calling a lecturer 'hairsplitting', on the other hand, presents him/her in a negative manner, since it presupposes that the strictness involved is unnecessary or even ill-intentional. Since we all were students once, we probably all remember that such definitions of lecturers are highly subjective, depending on our own likeness of a lecturer and/or especially the grade we received.
By calling a person 'hairsplitting', we might run a risk of a conflict. The most impressing thing is that we can, and I think we actually do mostly (although not necessarily strategically or consciously), change our opinion of the action and person (fake or even lie) for the purpose of keeping our relation towards the person concerned. It seems that we somehow tend to perceive the actions of some people as worth of appreciation and tend to express a higher view of their action sometimes solely for the purpose of maintaining our relation. Let us suppose a third party was present at the exam, a young assistant. After the student has left the room, the lecturer might inquire about his/her own methods, asking his/her assistant whether he/she was not too demanding. The assistant's answer:
3. "You were quite detailed, true, but that's what an examination is all about,"
might be understood in terms of presenting the senior as reasonable in order to maintain hierarchical relation, especially, if to his/her friends the same assistant would talk of his mentor as 'hairsplitting'. Yet, maintaining a relation might not always be one's intention.

We must now briefly focus on the nature of the correlation between interactional and social patterns. Although social relations and, accordingly, expected interactional patterns seem fairly rigidly imposed upon us, this is only one aspect of the relation between social order and people living it, where interactional patterns can be understood as reproducing the established social relations. This is the so called conservative or passive aspect. The other is dynamic. Here the

adoption of a certain interactional pattern contributes to the creation or establishment of a certain relation between interactants – it functions as a proposal of a certain relation that can be accepted or rejected. Even towards our closest friends we can take on both kinds of attitude – respectful and joking.

Let us imagine a person A tells a person B some confidential information. Person B reveals this information to his/her partner – person C. When A finds out, he/she just might accuse B of 'babbling out' the secret. This definition presupposes that secrets need to be kept secret, and since B revealed it to another person, he is attributed a negative value, namely, is considered to be unreliable. C, on the other hand, wants to protect his partner saying B was 'frank'. This is a characteristic that is respected and what it implies is that such a person does not hide anything, but is always straightforward, open and honest. Person C, therefore, in spite of the same social rank, expresses respect towards B. Does not thereby C actually stress B's exceptionality and raise him from the average? Does not C establish a distance between B and all the others, and empower B in that respect?

Equally, one can adopt a joking relation with one's boss, for example, by saying something like:
4. "Haven't you *babbled* it *out* the other day?"

If one's boss accepts it, which means, he/she does not get insulted nor does he take any revengeful actions, does not they actually set the common grounds? In principle the provisional correlation still holds. What changes is that the new social relation gets constructed, although only temporarily. With Brown and Levinson this tendency is called reranking of social variables. Situation is an important factor in this respect. As in our previous example of young assistant, one might adopt a polite attitude towards one's boss when he/she is present, or in the presence of his/her colleagues, while report in a joking manner about the same occurrence when reporting it to the people of one's own rank.

4. Conclusion

Let me briefly sum up what has been said about the argumentative square. The four topical forms stand for four argumentatively oriented viewpoints or enunciating positions. They are social viewpoints in two senses. In most cases they are common-sense beliefs acknowledged by a community. They can also be more personal (private) beliefs, but as such negotiable: accepted or rejectable within a stretch of communication, which is a good enough reason to call them

social.

The four viewpoints seem to have something in common. They seem to establish a relation between the “same” properties. One of the most important Ducrot’s achievements included in this square is that it points to the illusory common nature of these characteristics. This is illustrated already by the contrariety of topoi, but the best illustration is provided by the joking relation. In case of lexical enunciators (that were the primary study case), the two terms of the joking relation can refer to materially the same person and situation. Still, what is seen is not the same at all – one’s attitude towards the person is different as well as is one’s interpretation and understanding of the action performed by him/her. This is possible, because material and social worlds with their respective meanings are not the same. The argumentative square is meant to contribute to the understanding of the latter only. There is another set of terms that is usually associated with the introduced issues, namely truth/falseness. There is no place for this opposition within the argumentative square either. Language usage is about presenting something as true and real, it is about social reality that is necessarily relative to perspectives, enunciating positions, viewpoints. This is a perspective common to constructivistic line of argument. I refer here to Jonathan Potter’s book Representing Reality (1996), where descriptions are seen as human practices and that they could have been otherwise. The relevance is put on “what counts as factual rather than what is actually factual” (Potter 1996: 7).

The model is dynamic in two ways. Every topical form has its argumentative orientation towards a certain conclusion. Since in the case of lexical enunciators the conclusion seems to be the attribution of quality to the person spoken to or about, the chosen topical form can either maintain or attempt to construct a certain type of social relation. Word-choice, understood in this way, plays a vital role in day-to-day stretches of talk, where accounts get constructed.

It was said that topical forms stand for argumentatively oriented viewpoints or enunciating positions. It should now be stressed that the argumentative square primarily illustrates the argumentative orientations of the four topical forms pertaining to two contrary topoi. Each of them can be more or less strongly supported by more then one actual terms or argumentative strings understood, therefore, as degrees on topical scales. For example, the following terms share the same argumentative orientation, but differ in the strength of quality attribution: ‘failure’, ‘defeat’, ‘fiasco’, ‘national tragedy’. The meaning of actual terms is relative to communities and furthermore changes in time and place.

Further difficulty with terms is that every term can not so easily be classified as a lexical enunciator, and sometimes an argumentative orientation of what other times the problem proves to be finding different terms for all four orientations. The argumentative square should be understood as a structural analytical model, irrespective of the concrete terms and applicable to any existing topoi. Its shortest definition would therefore read: the argumentative taxonomy of social viewpoints. It serves best for the analysis and demonstration of relativity of those definitions that express contrary accounts of what, extralinguistically, appears to be the "same" situation.

NOTES

i. "Those who work within Greimas' semiotic perspective say that those four adjectives are the four angles of a square the Greimas square being a sort of adaptation of Aristotle's logical square. I am not going to go into criticism of those conceptions: I prefer to give you my own way of describing those four adjectives." (Ducrot 1996: 188)

ii. Polyphonyis a concept that within seemingly uniform notion of a speaker distinguishes three agents, which do not necessarily coincide with one single person: the producer, the locutor and the enunciator.

iii. "it seems to me that in the word itself, as an item of the lexicon, there is a sort of justification of 'elegance', – a justification which is like a fragment of discourse written into the word 'elegant' I do not think one can understand even the meaning of the word 'elegant' without representing elegance as a quality to oneself." (Ducrot 1996: 88 and 94)

iv. "It is not at all on the grounds of the information provided that you can distinguish the thrifty from the avaricious, it seems to me. The difference is in the attitude you adopt towards the person you are speaking about" (Ducrot 1996: 132)

v. "at times, depending on our discursive intentions, we represent a risk as worth taking and we have consideration for the person who takes it and at others, on the contrary, in our discourse, we represent the fact of taking risks as a bad thing." (Ducrot 1996: 188)

vi. The point argued might get its full importance with the following example. We can daily read about the so called 'crises' around the world, where opposing forces are described in two contrary ways. Since we are not physically or otherwise directly present, our understanding depends solely on articles we read or news we hear. Let me stress that even more important than our own

understanding is the understanding of those who decide on the quality and quantity of help or sanctions. Rough categorizations would be as follows: 'defensive forces' vs. 'rebellions' or 'repressive forces' vs. 'liberators'. The first pair of terms presupposes a justified regime and accordingly portrays those who are against it as unreasonable, while the second pair of terms presupposes the regime to be unfair and, accordingly, considers it to be reasonable and even liberating to act against it. The selection of terms applied is based on reporters' point of view, their pre-existing attitude towards the regime in question and not actual happenings.

vii. Social distance is 'a symmetric social dimension of similarity/difference within which S(peaker) and H(earer) stand for the purpose of this act. In many cases (but not all), it is based on an assessment of the frequency of interaction and the kinds of material or non-material goods (including face) exchanged between S and H'. (Brown and Levinson 1978: 76)

viii. Social power is 'an asymmetric social dimension of relative power, roughly in Weber's sense. That is, P(H,S) is the degree to which H can impose his own plans and his own self-evaluation (face) at the expense of S's plans and self-evaluation.' (Brown and Levinson 1978: 77)

ix. Ranking of imposition is 'a culturally and situationally defined ranking of imposition by the degree to which they are considered to interfere with agent's wants of self-determination or of approval'. (Brown and Levinson 1978: 77)

REFERENCES

Brown, P. & S. C. Levinson (1978). *Politeness.* Cambridge: Cambridge University Press.

Ducrot, O. (1984). *Le dire et le dit.* Paris: Minuit.

Ducrot, O. (1996). *Slovenian lectures*. Ljubljana: ISH.

Mauss, M. (1928). Parentés à plaisanteries. *Annuaire de l'École pratique des hautes études*.

Potter, J. (1996). *Representing Reality: Discourse, Rhetoric and Social Construction.* London, Thousand Oaks, New Delhi: SAGE.

Radcliffe-Brown, A. R. (1940). On Joking Relationships. *Africa*, XIII, No. 3.

Radcliffe-Brown, A. R. (1949). *Africa*, XIX, No. 3.

Zagar, I.Z. (1995). *Argumentation in Language and the Slovenian Connective Pa.* Antwerpen: Antwerp Papers in Linguistics 84.

ISSA Proceedings 1998 – Does The Hedgehog Climb Trees?: The Neurological Basis For 'Theoretical' And 'Empirical' Reasoning Patterns

1. Introduction

Human beings use two contrasting patterns of reasoning, often called the "empirical" ("pre-logical", "traditional") mode and the "theoretical" ("logical", "formal") mode. The contrast between these two modes is most marked in discourse when the demands of logical patterns contradict common-sense attitudes and the ability to establish the reliability of premises. Thus, the following syllogism (Scribner 1976: 485):

1. All people who own houses pay house tax. Boima does not pay a house tax. Does he own a house? can have in actual discourse two different answers. One exemplifies the theoretical mode of reasoning, and is assumed to be the correct one:

1.1 a. No, he does not.

The second answer is:

1.1 b. Yes, he has a house.

with further elaboration (if asked): "But he does not pay the tax, because he has no money." This mode is called the empirical mode. In discourse, referring to the situation described in the cited syllogism, it is the "incorrect" traditional pattern of reasoning, and not the logical one, that is correct. Similarly, syllogisms with false premises like (2):

2. All monkeys climb trees. The hedgehog is a monkey. Does the hedgehog climb trees, or not?

also can be given two different answers: one theoretical, but false (which deductively follows from the premises):
2.1 a. Yes, he does.

the other an empirical, inductively oriented one, with the claim that either the second premise is false:
2.1 b. The hedgehog is not a monkey, or that one does not know what it is all about or whether it is true at all:

2.1 c. I have not seen hedgehogs, I do not know whether they climb trees or not .

According to cross-cultural and educational studies people in pre-literate cultures invariably respond empirically to such questions; in fact, they seem unable to comprehend a request to say what follows from a set of premises when they do not have first-hand knowledge that they are true. Pre-school and very early school-age children in all cultures likewise respond empirically, according to educational and developmental studies. These findings have prompted a number of questions. What causes the transition from the pre-logical to the logical mode? Is it an ontogenetic development, or is it culturally conditioned? If the latter, is the determining factor literacy alone, or a specific kind of schooling? When children (or pre-literate adults) acquire the logical mode, do they still use the pre-logical mode? How is the ability to use these modes grounded in the brain? In particular, what contribution does each hemisphere of the brain make to each mode? In what follows I aim to synthesize the results of twentieth century research into these patterns of reasoning. In particular, I will describe some unique but little known neurological research which shows that, contrary to Piaget's and others' claims, the empirical, pre-logical mode remains a part of the discursive repertoire of adults in literate European-type civilizations. It is located in the right hemisphere of right-handed people, whereas the logical mode is located in the left hemisphere.

2. Developmental research

Piaget (Piaget 1954, 1971; Piaget and Inhelder 1951) proposed a hypothesis of stages of cognitive development, and asked at which stage formal operations appear. Piaget claimed that they appear at a later, fourth stage (between 12 and 15 years**[i]**, when interpropositional and intrapropositional connections are acquired, and that they involve abilities of two types – to deal with the inner structure of a proposition and to understand causal, inferential and other

connections between propositions. Later, Piaget and his followers rejected Chomsky's "predetermination" position of the inborn nature of cognitive stages, including reasoning abilities (Green 1971, Piattelli-Palmarini 1979). Some participants in the polemics between Chomskian "innatism" and Piagetian "constructivism" – Cellérier, Fodor, Toulmin, et al. -maintained, however, that the two approaches are compatible.

3. Cross-cultural research

Cross-cultural studies started with Lévy-Bruhl's (1923) claim that the mode of thinking in a "primitive" society follows its own laws and differs from that of an "advanced" society**[ii]**. He called this mode "prelogical", as opposed to the advanced "logical" mode. As was pointed out later by Luria (1976: 7), Lévy-Bruhl was the first to state that there were qualitative differences in the primitive way of thinking and to treat logical processes as the product of sociohistorical development.**[iii]**

The first experiments in checking differences in patterns of reasoning with usage of syllogisms were undertaken by a Soviet psychologist, Alexander Luria, as part of a wider investigation of cognitive development in the context of cultural and social changes**[iv]**. The research was undertaken in the early thirties in remote areas of Uzbekistan and Kirghizia at the period when traditional, preliterate populations "met" with the new contemporary social and economic conditions. The results were presented in Luria's monograph, *Cognitive Development: Its cultural and Social Foundations* (1977).**[v]** They defined the form (work with syllogisms) of further research in this area in different parts of the world (Cole, Gay, Glick & Sharp 1971; Cole & Scribner 1974; Scribner 1976; Sharp, Cole & Lave 1979; etc.).

3.1 Luria's experiments

Luria's experiments involved two groups of people. One included illiterate men and women from remote villages who were not involved in any modern social activities -"non-schooled" individuals. The other group included men and women with some literacy training (from very basic to more advanced) who were participating in modern activities (running the collective farms in different capacities, education of children in kindergartens and in primary schools) – "schooled" individuals. The subjects were presented with two types of syllogisms – one type with content related to the subjects' own practical experience, the other with content not related to such experiences. The syllogisms consisted of

major and minor premises and of a question, to which the subjects were asked to provide an answer. Testing aimed at the following abilities:
1. Ability to repeat the whole syllogism**[vi]**. The goal was to see whether the subjects perceived a syllogism as a whole logical schema, or only as isolated statements.
2. Ability to make deductions in two types of syllogisms:
a. those with familiar content in the premises and
b. those with unfamiliar content. The goal was to see what type of mode they follow. In both cases subjects were asked to explain how they arrived at their answer, in order to see where they used their practical experience and where the answer was obtained by logical deduction. The results were as follows:
1. *Repetition of syllogisms*: Schooled subjects saw the overall structure of the syllogism, and repeated it easily. Non-schooled subjects saw the syllogism not as one unit, but as a number of unconnected statements. Here are some examples (Luria 1976: 102-117):
3. Precious metals do not rust. Gold is a precious metal. Does it rust or not?

The repetitions of the non-schooled subjects were like the following:
3.1
a. Do precious metals rust or not? Does gold rust or not?
b. Precious metals rust. Do precious metals rust or not?
c. Precious metals rust. Precious gold rusts. Does precious gold rust or not? Do precious metals rust or not?

4. The white bears exist only where it is very cold and there is snow. Silk cocoons exist only where it is very hot. Are there places where there are both white bears and cocoons? Repetitions:
4.1
a. There is a country where there are white bears and white snow. Can there be such a thing? Can white silk grow there?
b. Where there is white snow, there are bears, where it is hot, are there cocoons or not?

2. *Deduction*
a. Syllogisms with familiar content related to everyday experiences, but transferred to new conditions, as in:
5. Cotton grows where it is hot and dry. England is cold and damp. Can cotton grow there or not?

Responses: Non-schooled subjects refused to make any deductions even from this type of syllogism. The major reason for refusals was reference to lack of personal experience (5.1. a, b); only when they were asked to take the words for truth did they sometimes agree to answer (5.1.c). Often if they agreed to answer, the answer ignored the premises, and reasoning was carried out within another framework of conditions (5.1.d):
5.1
a. I have only been in the Kashgar country. I do not know beyond that.
b. I do not know, I've heard of England, but I do not know if cotton grows there.
c. From your words I would have to say that cotton shouldn't grow there…
d. If the land is good, the cotton will grow there, but if it is damp and poor it won't grow. If it's like Kashgar country, it will grow there too. If the soil is loose, it can grow there too, of course.

b. Syllogisms with unfamiliar content, where inferences can be made only in the theoretical mode:
6. In the Far North where there is snow, all bears are white. Novaya Zemlya is in the Far North. What colour are the bears there?

Responses: Non-schooled subjects more strongly refused to deal with such syllogisms, often on ethical grounds (6.1.a), or in case they agreed (under special request) to speak, premises were either missing or ignored (6.1.b, c, d), since the subjects made use only of personal experience:
6.1
a. We always speak only of what we see; we don't talk about what we haven't seen.
b. There are different sorts of bears.
c. There are different kinds of bears, if one was born red, he will stay red.
d. I do not know, I've seen a black bear, I have never seen any other. Each locality has its own animals. If it is white, it will be white, if it's yellow, it will stay yellow.

In contrast, schooled participants were able in both tasks to solve all the problems: recognize a syllogism, accept the premises, and reason on their basis.
Luria's conclusions were as follows. Non-schooled subjects reason and make deductions perfectly well when the information is part of their practical experience; they make excellent judgements, draw the implied conclusions, and reveal "worldly intelligence". But their responses are different when they work with unfamiliar content and must shift to the theoretical mode: they do not

recognize a syllogism as a unit (its disintegration into separate propositions without logical connection) and mistrust the premise with content outside their personal experience.

Luria interpreted these differences in reasoning performance within Vygotsky's theoretical position that "higher cognitive activities remain sociohistorical in nature and… change in the course of historical developments" (Luria 1976, 8), and that sociohistorical development is similar to the development of a child's cognitive abilities.

3.2. Post-Luria research

Luria's observations were confirmed in diverse cross-cultural**[vii]** and education-related researches on the cognitive development of students of different ages/level of education (Scribner 1977; Sharp, Cole & Lave 1979; Scribner & Cole 1981; Tversky & Kahneman 1977; etc.). All studies confirmed that there is a profound difference in the way syllogisms are solved by different groups of people: by educated /literate vs. non-educated /illiterate in cross-cultural tests, and by students of different levels in American schools and universities.

The phenomena described by Luria have been interpreted**[viii]** by scholars of different specialties (see discussion in Kess 1992, Foley 1997, and Ennis 1998). Some tried to give an account of the phenomena from the point of view of the input of literacy, education and the social environment in development of reasoning processes. Others directly or indirectly connected this issue with developmental problems or with psychological studies of inference in general.

4. Literacy, social changes and education

Cross-cultural and educational studies demonstrated that there is a correlation between literacy, social environment and education on the one hand, and the students' ability to treat logical problems in a theoretical or empirical mode on the other. It was stated that after a certain level of education individuals are ready to accept a syllogism as a self-contained unit of information which can be dealt with in its own right "as a logical puzzle" (Sharp, Cole & Lave 1979: 75), whereas less-educated individuals "assimilate" the content of the premises to previous experience. The controversy was whether it is education (formal schooling, of which literacy is an obligatory component), or just literacy on its own which is responsible for the cognitive development involving syllogism solving.

Olson (Olson, Torrance, Hidyard 1982; Olson 1994) claims that literacy is

sufficient for the formation of syllogism-solving abilities, since literates think in a different way than illiterates, because literacy transforms the nature of thinking: thinking about the world vs. thinking about the representation of the world (Foley 1997: 422). The "literacy" position, though, is not supported by empirical work in education. Scribner and Cole (1981) established in studies among Vai, who have an indigenous vernacular script and are literate in it, that literacy without modernized Western-type schooling does not lead to usage of formal syllogistic reasoning. They see the source of reasoning in literacy in English in the Vai society, which is inseparable from western-type schooling, which includes some specific social practices. Evidently all western-type literacies, which go back to the Greek tradition of reasoning, have this effect on cognitive development.

4.1. "Discourse" theory

Observations in cross-cultural and educational studies gave rise to a "discourse theory" to account for the differences between usage of formal syllogistic reasoning and usage of empirical reasoning. According to this theory, semantic decoding of any text is based on knowledge of the genre (which are actualized in "scripts" or "scenarios" – terms introduced in studies in artificial intelligence – Schank and Abelson 1977, Minsky 1986). Recognition of the genre, and of the script, provides all the implied semantic connections and implicit inferences in the text. Empirical reasoning, used by non-educated people who lack Western-style literacy, relies on traditional oral genres, such as folktales, riddles, myths, legends, narratives, etc. (Scribner 1977, Olson et al. 1982), a list which does not include such a genre as syllogism. So non-schooled people cannot make use of the genre which they do not possess. If they are asked to use it (as in Luria's and other cases), they simply do not see any sense in doing this, since the syllogism is not a way of reasoning in everyday life. In contrast, for schooled individuals the syllogistic form is a special genre/script with its own laws, a kind of a "game" with familiar rules, a fixed, boxed-in, isolated entity (Ong 1982). The semantic resolution of this script is fully dependent on its inner content and the rules for relating the premises. One is not supposed to check the accuracy of the content in the outside real world. When an individual learns how to use this genre, there is no difficulty in using it, especially in the setting of an experiment where its usage is expected. The syllogistic pattern of reasoning is a part of Western-type schooling, and it is easily acquired in its simple form.

The discourse theory explanation looks highly plausible. If it is correct, it gives rise to another problem: Do schooled subjects completely switch from the

empirical way of reasoning to the formal one, or are they using both strategies. Many authors in
cross-cultural research mention in passing that usually individuals use both strategies. This issue will be discussed in more detail in connection with neurological experiments.

4.2. Reconsideration of a developmental interpretation

The data of cross-cultural and educational age-dependent research on operational thinking calls for reinterpretation of Piagetian developmental position. Piaget stated that a) there are four obligatory stages of cognitive development, b) they appear and succeed one another at a certain age, and c) there are qualitative differences in mental processes between the stages.

Cross-cultural studies do not support the idea that the fourth stage, when formal thinking develops, is ontogenetically obligatory, because in pre-literate cultures individuals do not automatically develop it. Piaget is right that this ability appears at a certain age. But it is evident, that it appears not in the course of ontogenesis, but only in the course of certain cultural needs in the society which puts forward certain cognitive tasks. Thus, differences in operational thinking do not constitute part of the "normal" course of development, but are the outcome of schooling and differences in social environment (Brown 1977, Tulviste 1979, Ong 1982), which provide a special type of genre – the syllogism. The question still remains open, however, whether after developing formal, logical ways of thinking individuals still preserve and use "pre-logical'' empirical modes.

This question is known as a problem of "thought heterogeneity", and it was much discussed since Lévi-Strauss (1966) from many points of view. Cognitive psychological research has contributed a lot to discussing this problem.

5. Psychological basis of reasoning modes

Cognitive psychological research (in connection with cross-cultural evidence and on its own) is interested in how reasoning, particularly syllogistic reasoning, is represented in the mind, that is, in what is the psychological nature of inference. A major question is whether formal logical reasoning is represented in the mind as a special component, or not.

5.1. Johnson-Laird's "reasoning without logic"

Johnson-Laird since his early publications (Wason and Johnson-Laird 1972; Johnson-Laird 1983, 1986; Johnson-Laird and Byrne 1991) has addressed the problem of what he calls "inferential competence" and "inferential performance"

(1986: 13). He denies the existence of “mental logic”, that is, of mental representations of inference-rule schemata reflecting logical formulae in the brain. Instead he proposes an alternative theory – “theory of mental models” – of deductive reasoning based on a “semantic principle of validity”. He claims that a psychologically plausible hypothesis is “reasoning without logic”, when solving syllogisms is based not on the use of logical rules but only on the content and truth of the premises.He suggests that reasoning without logic includes three steps:
a. interpretation of the premises by constructing a model which is based on truth conditions [that is on creation of a model which incorporates the information in the premises in a plausible way – I.D.],
b. formulation on its grounds of a semantically relevant conclusion, and
c. search for an alternative model which can prove the conclusion false.

If there is no alternative model which disqualifies the truth of the original conclusion, this conclusion is correct and can be accepted; if there is an alternative model, we proceed with selecting the most adequate model.

5.2. Deductive or inductive reasoning?
Another important aspect of the discussion about modes of reasoning in natural language concerns the question whether such reasoning is carried out in an inductive or in a deductive way. Moore (1986) claims the absolute priority of inductive over deductive reasoning, because deductive reasoning involves only the form of the argument, whereas inductive reasoning does not separate form from content, and content is dominant. From this position, he re-examines the conclusions of cross-cultural research (Luria, Scribner & Cole, etc.) He argues that “inability” of non-schooled villagers to deal with syllogisms is only apparent: they simply refuse to restrict inference to form only, and go with content, that is with their knowledge of the world. So, when they say that they cannot answer a question posed by a syllogism, this refusal implies a valid conditional argument (Moore 1986, 57): (7) If I could tell, I would have seen. I did not see. Therefore, I could not tell.

With the scheme: If p, then q. Not-q. Therefore, not-p. So, though the informant does not give an answer for the syllogism, it is due to his refusal to play logical games, a refusal which in itself gives no evidence for Luria’s claim that the individual cannot think deductively. Since there is no formal technique for description of inductive reasoning, it only looks that it has no rules. But such rules

of inference exist; they include checking the content of a syllogism through worldly experience and [due to their cultural conventions of "politeness"-I.D.] not discussing issues outside their competence. This conclusion is very similar to Johnson-Laird's position about creating a relevant model. In this case a model cannot be created because of the absence of reliable information.

In contrast to this inductive approach, Wilson and Sperber (1986) advocate the dominance of the deductive resolution of inference and relevance. They regard deductive inference by formal schemata as crucial for working with certain types of information, namely when the amount of explicitly presented information is deliberately reduced in communication. This position is compatible with the assumption that the deductive form of reasoning is not only part of mental representation, but is a dominant strategy in certain types of tasks.

So cognitive psychology, recognizing the existence of two modes of reasoning, still does not give a uniform answer on the question of "heterogeneity of thought". Neurological experiments, however, help to shed light on this problem.

6. Neurological research: brain hemispheres and mode preferences

The abilities of literate adults to use both reasoning patterns were tested in unique experiments in the Sechenov Institute of Evolutionary Physiology, St. Petersburg, Russian Academy of Sciences, by Professor V.L. Deglin, a distinguished scholar in the area of functional differences of the hemispheres of the brain, and author of numerous books devoted to different aspects of the brain's functions. This research was started by his supervisor, colleague and co-author, Professor L.Y. Balonov.

The experiments on syllogism-solving were part of a larger program of investigation of the contributions of the hemispheres to language production. The goal of the experiments presented here was to discover the contribution of the left and right hemispheres to solving syllogisms, by testing subjects' performance when either their left or right brain is temporarily not functioning because of transitory suppression (Chernigovskaja and Deglin 1990, Deglin 1995). The group included 14 right-handed individuals of both sexes, all with secondary and some with university education. Each person was tested three times: before electroshocks (control investigation), after right hemisphere suppression, and after left hemisphere suppression. The study tested solving of two types of syllogisms (including motivation for the reply):

a. those with true premises (with both familiar and unfamiliar content – experiment 1), and

b. syllogisms with false premises (experiment 2).

6.1. Experiment 1: solving true syllogisms

The types of syllogisms are presented in Table 1, and the types of responses in Table 2.

Table 1. Types of syllogisms used in Experiment 1

Major premise	Minor premise	Question
1. There are fish in all the rivers where people put nets	People put nets on the Neva River	Are there fish in the Neva River, or not?
2. Every state has a flag	Zambia is a state	Has Zambia a flag, or not?
3. Tanya and Olya always drink tea together	Tanya drinks tea at 3 p.m.	Does Olya drink tea at 3 p.m., or not?
4. In all the squares the sides are equal	The girl has drawn a square on the blackboard	Are the sides of this square equal, or not?
5. All mammals suckle their babies with milk	The kangaroo is a mammal	Does the kangaroo suckle its babies with milk, or not?

Table 2. Typical answers in Experiment 1

Left active (right suppressed)	Right active (left suppressed)
1. Since it is said here that in all the rivers where people put nets are fish and the Neva is in river, and people put nets on it, so there are.	Of course there are, but inedible, they cannot be edible, there is much machine oil. Smelt should be.
2. Each state has a flag, so Zambia also has one.	Who knows it, this Zambia? How can I know whether it has a flag or not?
3. Since it is said that they drink tea together, then they also drink it now, at 3 p.m.	I don't know either Tanya, or Olya. Who knows about them, if they drink tea or not?
4. It is a square, so its sides are equal. She has drawn a square, the sides are equal.	I do not know any girl. Who knows about her, what she has drawn?
5. It is written on the card that mammals nuzzle their babies with milk, and the kangaroo, it is written, is a mammal, so it suckles.	Suckles, probably, I have heard that they have a bag, and the baby sits there.

In the control group, subjects gave predominantly theoretical answers (12 of 14), which could be expected, since all the subjects were educated within the culture in which syllogisms exist. Only two subjects gave empirical responses (in accordance with their experiences and beliefs) to some syllogisms, like the following in response to N.1: ” everybody knows that there is smelt in the Neva”, or the following in response to N.3: ” no, they do not drink, one drinks tea in the morning”. Empirical responses were extremely rare in the control group.

With right hemisphere suppression (left active) there was an even more pronounced tendency for usage of a theoretical mode: though the same number of subjects as in the control group (12 of 14) used the theoretical mode, all the tasks were solved more
readily, without hesitation, and with much more assurance than in the control investigations. In justifying their answers, the subjects referred spontaneously to the contents of the premises.

With left hemisphere suppression (right active) there was a strong difference from the previous cases. The number of empirical answers dramatically increased: 11 subjects of 14 used them. Some subjects even gave only empirical answers without using theoretical answers at all. In comparison with the control group, where only some syllogisms, usually those with strongly familiar or strongly unfamiliar content (e.g. 1, Table 1), were given empirical answers, here all syllogisms independently of the type of content (familiar-unfamiliar) were given empirical answers. However there was some difference in the statistical distribution of responses to syllogisms with familiar and unfamiliar content: in syllogisms with unfamiliar content the number of empirical answers was substantially lower. The subjects’ behaviour in using the modes was also different:

empirical answers were given quickly and with assurance, whereas theoretical answers were given with difficulty and hesitations.

Experiment 1 demonstrated that one and the same person solves one and the same task differently in different states. The type of answer depends mainly on which hemisphere is active, and to some extent on the familiarity of the content of premises. The experiment showed “that within our culture, under usual conditions the “right-hemisphere” mode of thought [empirical mode – I.D.] is not drawn to syllogism solving” (Deglin 1995: 23-24).

*Table 3. Syllogisms with false premises (marked with *)*

Major premise	Minor premise	Question
1. All trees sink in water*.	A balsa is a tree.	Does balsa sink in water, or not?
2. Winter is cold in tropical countries*.	Ecuador is a tropical country.	Is it cold in winter in Ecuador, or not?
3. Northern lights often happen in Africa*.	Uganda is in Africa.	Do northern lights happen in Uganda, or not?
4. All monkeys climb trees.	The hedgehog is a monkey*.	Does the hedgehog climb trees, or not?
5. All precious metals glitter.	Copper is a precious metal*.	Does copper glitter, or not?

Table 4. Typical answers and types of reactions

Control	Right active (left suppressed)	Left active (right suppressed)
1. Empirical mode – rejection of the premise (half of responses): – No, trees do not sink in water; if balsa is a tree, it will not sink. – Wrong, tropical countries do not have cold winters. 2. Theoretical mode – reality is ignored (half as often as empirical): – Yes, balsa sinks in water, because it is a tree, and all trees sink in water. – Yes, winters are cold in Ecuador... 3. Ambivalent: difficulties in choice between theoretical and empirical modes: – Due to the structure of what is written, the answer should be positive, but I think Northern lights never happen in Africa. I have never heard about it	1. Empirical mode: a) rejection of false premises (more than 2/3 of total answers). Attitude: extremely emotional to false premises: – Lies! – Nonsense! – Rubbish! b) more extended denials of false premises than in control: – It is a lie here! Northern lights can never happen in Africa! They happen at the North Pole, near the Arctic! – It is warm in Ecuador! Rubbish! It is a tropical country! It can't be winter there, because it is in the South. Wrong what you write!	1. Theoretical mode: (even if admitting the absurdity of the premise). If asked for the reason, the answer is: – But it is written so! – Here it is said so! Repeated drawing attention to absurdities has no influence on answers. Attitude: non-emotional (calm, with confidence, unmoved by absurdity of information in premises)

6.2. Experiment 2: solving syllogisms with false premises

The types of syllogisms for this experiment are presented in Table 3 and the types of responses and typical reactions in Table 4. The control group gave three types of responses. Predominantly (2/3 of answers) empirical responses were used – rejection of the false premise or refusal to solve the syllogism. But there were also theoretical answers where irrelevance of the premises’s content to reality was ignored: “Yes, balsa sinks in water, because balsa is a tree and all trees sink in water”. In some case answers were ambivalent: the subjects were hesitant which of the strategies to use – the ftheoretical one, following the rules of syllogism but ignoring the false premise, or an empirical one, pursuing the truth: “Must I answer so as it is written here? Then the hedgehog climbs trees. But it does not climb. It is not a monkey.”

With left hemisphere suppression there was very strong rejection of false premises (90% of answers): they refuted false premises with conviction with a strong emotional reaction, extreme indignation, and much more extended denials (see Table 4).

With suppression of the right hemisphere, there was a dramatic change: the number of theoretical answers more than doubled, and the number of empirical answeres strongly decreased, with some individuals not using them at all. The subjects who followed theoretical answers did not pay any attention to the falsehood of premises (relying instead on the authority of what is “said’ or “written”), and proceeded to work with the information given to them. As a result

there were absurd conclusions, derived in accordance with correct rules of formal logic. The emotional attitude radically changed – the subjects did their task calmly, with confidence, neglecting the absurdity of the premises.

So these neurological experiments demonstrated that the activated right hemisphere utilizes predominantly the empirical mode, whereas the activated left hemisphere utilizes predominantly the theoretical mode. Thus both mechanisms of reasoning are present in the brain simultaneously, both of them can be used, but each of them is controlled by a different hemisphere. The choice of strategy depends on the content of the issues discussed: issues with familiar content referring to everyday activities are discussed in the empirical mode, whereas issues with unfamiliar content are solved in a theoretical mode. These results explain the fact mentioned in much cross-cultural research that often educated subjects use both strategies. And these results give counterevidence to Johnson-Laird's claim that formal reasoning is not represented in the mind.

The results of the neurological experiments are congruent with the peculiarities of functioning of the hemispheres: the right hemisphere operates cognitively with unified configurations (in this case with familiar scripts), whereas the left one processes discrete items (Witelson 1987) – in this case with the rules of formal deduction. This can raise a question whether the syllogism constitutes a script with a content (as was assumed in the discourse theory of reasoning) or is only a system of formal rules, a "syntactic script" never tied to a definite content but only to a definite form. In my opinion, the latter understanding of the syllogism is much more plausible and is congruent with the linguistic functions of the hemispheres. Linguistically the right hemisphere is responsible for (among other things) the referential and semantic correctness of words, and the left hemisphere for their syntactic organization (Balonov, Deglin, Dolinina 1983).**[ix]** In the case of reasoning patterns, the right hemisphere appears to control the quality of information (e.g. the truthfulness of premises, testing them against the realities of the world and/or personal knowledge/experience), whereas the left hemisphere is responsible for the correctness of purely operational mechanisms (formal correctness of inferences).

7. Conclusion

Two reasoning patterns can be used in solving syllogisms: an empirical (prelogical, traditional) one and a theoretical (logical, formal) one. The first employs information from life experience, knowledge of realities, the second only

the information contained in the syllogism.

Cross-cultural investigators (Lévy-Bruhl, Luria, Cole, Scribner, etc.) demonstrated that the theoretical mode is not available to individuals in traditional societies, who employ only the empirical mode; the theoretical mode becomes available to them after acquisition of minimal literacy and Western-type schooling. This discovery contradicts Piaget's claim that the theoretical mode develops ontogenetically as an obligatory stage of cognitive development. Various explanations of the failure of adults in traditional societies to develop the formal way of reasoning (which they should, according to Piaget) were proposed. Scribner claimed that oral traditional cultures do not have a syllogism genre, and so make use only of the genres which are available to them; when they learn this genre they can work with it. Specialists in literacy (Ong, Olson) claimed that literacy alone is sufficient for formal thinking, but this consideration was not supported by Scribner and Cole, who investigated literate traditional cultures (Vai) with authentic literacy, but still without formal reasoning. So they claimed that Western-type schooling (of which literacy is only a part) is crucial for formal reasoning. Thus, contrary to Piaget's ontogenetic explanation of sources of formal reasoning, scholars (Tulviste) explained it as a function of sociocultural demands (though acquired, as Piaget claimed only after a certain age).

Since literate schooled individuals possess both modes of reasoning, the question arises which of the modes is normally used – both (in which case there arises the issue of "heterogeneity of thought"), predominantly the theoretical one (as more efficient and compact), or predominantly the empirical one (as based on everyday information). Some cognitive psychologists (e.g. Johnson-Laird and Moore) claim that the traditional, semantic way of reasoning is responsible for reasoning processes and is represented in the mind, the formal being only a "performance" strategy. Others (Wilson and Sperber) stress the priority of formal reasoning. Deglin's neurological experiments on functional differentiation of right and left hemispheres demonstrated that both strategies are present in the brain: the right hemisphere uses the empirical mode, whereas the left one uses the theoretical mode.

NOTES

i. Later researchers argued that this stage emerges at a much younger age.

ii. Later this position was strongly supported by Lévi-Strauss (1962).

iii. Lévy-Bruhl's position was rejected by many psychologists, anthropologists and

linguists of that time (among them Boas) who took it as a statement of the inferiority of 'primitive' cultures, and who argued that the intellectual apparatus of people in primitive cultures was absolutely identical to that of people in more advanced cultures, because the cognitive and linguistic abilities of any culture and of any language are equal.

iv. Luria's research was based on Vygotsky's theoretical position that consciousness is not given in advance, but is shaped by activity and is a product of social history.

v. Although Luria did his research in the 1930s, his monograph was not published in the original Russian edition until 1974.

vi. Test of memory and retrieval of the information.

vii. They were carried out in Africa in Senegal, among Wolof, in Liberia among Kpelle and among Kpelle and Vai, and also in Mexico among Mayan- and Spanish-speaking villagers, with results very similar to Luria's and to each other.

viii. Luria's own explanations were only partially accepted. The grounds for criticism differed. For example, Cole in his foreword to the English translation of Luria's monograph (Luria 1976: xv) comments that Luria, adopting the Piagetian developmental framework, does not differentiate between the performance of individuals in different cultures and the performance of younger and older children within the same culture.

ix. Under the influence of Chomsky's syntactically based approach to language, North American researchers generally ascribe all linguistic functions to the left hemisphere.

REFERENCES

Cole, M., J. Gay, J.A. Glick & D. Sharp (1971). *The Cultural Context of Learning and Thinking*. New York: Basic.

Cole, M. & S. Scribner (1974). *Culture and Thought*. New York: John Wiley.

Deglin V.L. (1995). Thought heterogeneity and brain hemispheres, or how syllogisms are solved under conditions of transitory suppression of one of the hemispheres (Manuscript).

Deglin, V.L., L.Y. Balonov & I.B. Dolinina (1983). The language and brain functional asymmetry. Proceedings of the Tartu State University, 635, *Transactions on Sign Systems*. XVI, 31-42 (in Russian).

Deglin, V.L. & T.V. Chernigovskaya (1990). Syllogism solving under conditions of suppression of either the right or the left brain hemispheres. *Human Philosophy 16*, 21-28. (in Russian).

Deglin, V.L. & M. Kinsbourne (1996). Divergent thinking styles of the hemispheres: how syllogisms are splved during transitory hemisphere supression. *Brain and Cognition* 31, 285-307.
Ennis, R. (1998). Is critical thinking culturally biased ? *Teaching Philosophy* 21/1, 15-33.
Foley, W.A. (1997). *Anthropological Linguistics: An Introduction*. Malden, MA: Blackwell Publishers.
Green, D.R. (Ed.) (1971). *Measurement and Piaget.* New York: McGraw-Hill.
Inhelder, B. & J. Piaget (1958). *The Growth of Logical Thinking from Childhood to Adolescence*. New York: Basic Books.
Johnson-Laird, P.N. (1983). *Mental Modes: Towards a Cognitive Science of Language, Inference, and Consciousness.* Cambridge: Cambridge University Press.
Johnson-Laird, P.N. & R.M. Byrne (1991). *Deduction.* Hove/ London: Lawrence Erlbaum Associates, Publishers.
Kess, J.F. (1992). *Psycholinguistics: Psychology, Linguistics and the Study of Natural Language*. Amsterdam: John Benjamins Publishing Company,
Lévy-Bruhl, L. (1923). *Primitive Mentality.* New York: MacMillan.
Lévi-Strauss, C. (1966)*. The Savage Mind.* Chicago: University of Chicago Press.
Luria, A.R. (1976). *Cognitive Development, Its Cultural and Social Foundations.* Cambridge, Massachusetts: Harvard University Press.
Minsky, M. (1986). *The Society of Mind.* New York: Simon and Schuster.
Moore T. (1986). Reasoning and inference in logic and in language. In: T. Myers, K. Brown & B. McGonigle (Eds), *Reasoning and Discourse Processes* (pp. 51-66, Ch. 2), London: Academic Press.
Myers, T., Brown, K. & B. McGonigle (Eds.) (1986). *Reasoning and inference in logic and in language. ,* London: Academic Press, Harcourt Brace Jovanovich, Publishers.
Olson, D.R., Torrance N., & A. Hidyard (Eds.) (1985). *Literacy, Language and Learning: The Nature and Consequences of Reading and Writing*. Cambridge: Cambridge University Press.
Ong, W. J. (1982). *Orality vs. Literacy: The Technologizing the of the World.* New York: Methuen T.
Piaget, J. (1971). The theory of stages in cognitive development. In: D.R. Green (Ed.) *Measurement and Piaget* (pp. 1-11, Ch.1), New York: McGraw-Hill.
Schank, R. & R. Abelson (1977). *Scripts, Plans, Goals, and Understanding: An Inquiry into Human Knowledge Structures.* Hillsdale, NJ: Lawrence Erlbaum.

Scribner, S. (1977). Modes of thinking and ways of speaking: culture and logic reconsidered. In: P.N. Johnson-Laird & P.C.
Wason (Eds.), *Thinking: Readings in Cognitive Science* (pp.483-500, Ch. 29), Cambridge: Cambridge University Press.
Scribner, S. & M. Cole (1981). *The Psychology of Literacy*. Cambridge: Harvard University Press.
Sharp, D., M. Cole & C. Lave (1979). Education and Cognitive Development: the Evidence from Experimental Research. *Monographs of the Society for Research in Child development* 44, 2 (Serial #178).
Tulviste, P. (1979). On the origins of the theoretical syllogistic reasoning in culture and child. *Quarterly Newsletter of the Laboratory of Comparative Human Cognition* 1(4), 73-80.
Tversky, A. & D. Kahneman (1977). Judgement under uncertainty. In: P.N. Jonhson-Laird & P.C.Wason (Eds.) *Thinking: Readings in Cognitive Science* (pp.326-337, Ch. 21). Cambridge: Cambridge University Press.
Vygotsky, L.S. (1962). *Thought and Language*. Cambridge: MIT Press.
Wason, P.C. & P.N. Johnson-Laird (1972). *Psychology of Reasoning.* London: B.T. Batsford LTD.
Witelson, S. F. (1987). Neurological aspects of language in children. *Child Development* 58, 653-688.