

ISSA Proceedings 1998 - Denying The Argument Of Indifference: Reclaiming The Possibility Of Intimacy In Discourse



Contrary to the cliché, technology has been successful in making the world a much larger place. Technology has opened up places and interfaces where, literally and figuratively, no person has gone before. From collaboration within multi-cultural task forces, to empowering the oppressed through education, to debating the succession of the next Dali Lama, we are inundated with intriguing information and we have relatively informed opinions about what we know. In turn, the way we “read” each other, our skills in relationship and our competence in conflict become more and more crucial to productive, if not always peaceful progress. We are, individually and as social groups, involved in more and various critical situations than we have ever been before.

As the future promises more opportunity for diverse interaction and as technology falsely promises to bring us closer together simply because we have greater access to one another, it is up to us as social and political beings to work out how that access will transfer (or not) to intimacy, and conflict to productivity. The task that obviously follows such opportunities and challenges is one of argument: How do we communicate what we believe is best and respond productively, in turn, to the conflicts that such beliefs engender? One branch of argument theory has tended to overlook the quality of relationship between interlocutors in its attempt to reduce such relationships to formal logic - overlaying a mathematical function on the face of humanity. Another branch of argument theory (following the lead of other academic scholarship) has given itself over to a postmodern ethic where any notion of objectivity is simply the fool of subjectivity’s reigning court and competing ideals and truths are no more than socially constructed opinion.

Relying upon formal logic, conflict is simply an error; using the postmodern ethic to inform argument studies, conflict is all that’s possible. The problem here is that our theory often leaves us unwittingly empty handed. Argument theory that

attempts to allow real solutions to real problems emerge, must do more than figure or tolerate; it must, by definition, be discontent with passive disagreement. I would like to make a case for the possibility of intimacy in argument - one that affirms the possibility of knowing the other in meaningful, if imperfect ways. I suggest that we adopt an epistemological model that rejects the false dichotomy which characterizes knowing the other as either impossible or inevitable. We might embrace, instead, intimacy, or a willingness to fully engage the other, even (or especially) in conflict. This model of knowing would recognize the other as an integral, autonomous member of a community of fellow truth seekers, willing and capable of the intercourse of productive dialogue. Intimacy requires that we recognize that we are in relation, and yet also in relationship.

At the time I began to study argument in earnest I also began an intensive study of Paulo Freire's theories of education. Freire devised a method of teaching illiterates in the North East of Brazil based upon his philosophy that, in learning to read and write, students and teachers could become active participants in their education by thinking and acting as subjects of their own existence, not objects of someone else's. Freire describes a "culture of silence" of the dispossessed, and he challenges students to think critically about their selfhood and the social situation in which they find those selves.

While studying Freire's pedagogy, I was simultaneously engaged in implementing, to the best of my ability and knowledge, some of the Freirean philosophy of "liberatory pedagogy" in my own composition classroom, a classroom which was centered around written argument. So influential was the Freirean model (critical reflection paired with action, or praxis, as the basis of all learning) to my training as a teacher, that I was, in fact, largely unaware of the theory that informed my practice until I began a course of study out of the core texts of the "radical teaching" movement. We were, quite naturally, reading Freire's *Pedagogy of the Oppressed*, several pieces by bell hooks, Ira Shor's *Critical Teaching and Everyday Life* and C.H. Knoblauch and Lil Brannon's *Critical Teaching and the Idea of Literacy*, among others. It was perhaps by way of this parallel and intensive study of argument theory and liberatory pedagogy that I began to be irritated, and then frustrated, and then indignant and finally curious about a very peculiar and yet very prevalent characteristic of the Freirean philosophy, at least in its American interpretation: It was impossible to argue with the theory. In addition, the ethos of the piece, and I am thinking specifically of the Knoblauch and Brannon now, was so belligerent as to be forbidding.

I think it is important to note right up front that my distrust of the Freirean philosophy did not immediately present itself. Critical teaching would seem to be a model of intimacy in education - a respectful, dialogic, reflective and critically aware approach to learning - but reading the core texts of the movement proved otherwise. It was not until reading Knoblauch and Brannon's manifesto that I became painfully aware of my personal frustration with the argumentative content (and the ethos) of the piece. Not unlike Karl Popper's experience with Marxism, psychoanalysis and individual psychology which he relates in the landmark *Conjectures and Refutations*, I began to closely examine not only my own reaction to the work, but the implications of the theory to the wider world. As Popper relates:

The study of any of [these explanatory theories] seemed to have the effect of an intellectual conversion or revelation, opening your eyes to a new truth hidden from those not yet initiated. Once your eyes were thus opened you saw confirming instances everywhere: the world was full of *verifications* of the theory. Whatever happened always confirmed it (*Conjectures* 1968: 34-5).

Again, like Popper's ambivalent interest in the work of Marx, Freud and Alder, I began to mistrust Knoblauch and Brannon; and in the same way, I began to see that a body of knowledge that I had previously admired began to self destruct under the weight of what it seemed to consider its own best strength - irrefutability. It is impossible to argue with a Freirean precisely because their theory has, to use Popper's language, inoculated itself against counter argument. If, for instance, one were to oppose the mission of "radical teachers" as "dogmatic fidelity to leftist ideology," (which Knoblauch and Brannon consider as a possible criticism) those espousing the theory would answer (as Knoblauch and Brannon do) that their opponents are simply unknowing victims of the same oppressive system which they, in full knowledge, are resisting (26-7). By claiming that any belief system that conflicts with theirs is delusional or naive, Knoblauch and Brannon adopt the stance of a Marxist wielding "false consciousness" or a Freudian theorizing "repression:" whatever argument may be put forward is simply further evidence of delusion.

This rhetorical move, this coopting of the interlocutors argument as part of the rhetor's own, serves to completely insulate the theory from criticism, protecting the claim even before any dissension can possibly be raised. It disallows criticism by intercepting any possible objections and claiming that such criticism are only further proof that the rhetor is, in fact, correct. Because this rhetorical move

demands the end of argument and the ethos is one of sweeping indifference toward, and dismissal of, the other, I suggest that we begin to recognize the move as *argumentative insouciance*. As is the hallmark of argumentative insouciance, any instance of criticizing a liberatory pedagogy or the radical teaching movement itself becomes proof of the interlocutor's own implication in the system of oppressive teaching.

I have borrowed the idea of such insouciance from the work of Reed Way Dasenbrock who locates "methodological insouciance" within the work of certain literary theorists who have "changed our notion of admissible evidence" by proclaiming that any counter argument is irrelevant because any counter argument is only evidence that the theory in question applies with special force (547). Like Popper, Dasenbrock identifies this particular type of irrefutability with Freudian repression when he demonstrates that Harold Bloom's work on influence contains the hallmark of insouciance: "the notion that we are often unable to articulate feelings of, say, hostility but our very inability to articulate such feelings may be evidence of their existence and depth. This does away with the possibility of any corroborating evidence whatsoever" (547-48). Knoblauch and Brannon employ just such evidence manipulation when they insist that anyone who disagrees with them is delusional (on the grounds that their insecurity makes them depend on false notions like canonical literature, aesthetic discernment or social cohesion [19]), naive (on the grounds that they just haven't heard "both stories" [27] or "remain unconscious of their ideological dispositions" [24]), or implicated in maintaining oppressive forces (on the grounds that "the economic self interest ...gives way here to a broader...alarming, ethnocentrism" [20]).

The critical teaching movement's explicit exigency ("radical social change"), which "presumes that American citizens should understand, accept, and live amicably amidst the realities of cultural diversity - along axes of gender, race, class, and ethnicity (Knoblauch and Brannon 1993: 6), must be seen as admirable goals that should be pursued with vigor. However, it is the delicate task of transferring theory to methodology that is crucial to most endeavors. Because the warrant behind Knoblauch and Brannon's argument is universally acceptable (living amicably amidst the realities of cultural diversity is desirable), the burden of proof is to convincingly demonstrate to a critical reader that what they believe to be the best pedagogical strategy to achieve these ends is, in fact, liberatory pedagogy or "radical teaching." It is at this juncture - where the Brazilian

pedagogical philosophy for illiterates meets the American academy – that the need for practicing argument ethically, dialogically, and intimately becomes crucial. However, Knoblauch and Brannon disallow any challenging voice by employing the tactic of argumentative insouciance, while their own theory claims to champion freedom, community and dialogue. The irony is devastating here.

Knoblauch and Brannon begin by isolating four arguments about literacy:

1. the argument for functional literacy
2. the argument for cultural literacy
3. the argument for literacy- for-personal-growth and
4. the argument for critical literacy.

The authors aim to demonstrate how the view of literacy that they advocate is superior to the others by the method of discrediting the other three until only “critical literacy” is left standing. This may at first seem a classical argumentative practice until we look closer at the method by which Knoblauch and Brannon meet this challenge. Taking the functionalist perspective as their first opponent, the authors describe this “representation of literacy” as a pragmatic epistemology carried out with utilitarian ethics. Knoblauch and Brannon sprinkle their description of the benefits of this perspective with sarcasm (“the advantage of...appealing to concrete needs rather than...self improvement...or the possibility of changing an unfair world” [18]) and tongue-in-cheek praise (“The functionalist argument has a more hidden advantage as well...it safeguards the status quo” [18]). Knoblauch and Brannon imply that any practitioner working through a functionalist perspective, say, is guilty of suppressing real learning for the sake of enforcing an oppressive social order. This use of argumentative insouciance denies any possibility of intimacy, the rhetorical move denotes a refusal to see the other as integral and autonomous, and interdicts the possibility of engagement and productive dialogue.

Next, cultural literacy is shot down for its paranoia and self interest (“popularly sustained as well among individuals and social groups who feel insecure about their own standing and future prospects when confronted by the volatile mix of ethnic heritages and socioeconomic interests that make up American life”). Literacy for personal growth is discarded because of its naivete, its delusional beliefs and its affected sincerity (“it borrows from long-hallowed American myths of self-determination, freedom of expression and supposedly boundless personal opportunity...Using the rhetoric of moral sincerity”). It is most important here to

recognize that these pseudo-arguments suffer both in ethos and ethics, as they attempt to characterize not the opponent's position, but the opponent herself. Having effectively stripped their prey of all legitimacy, Knoblauch and Brannon deliver the death blow: these other practitioners aren't even aware of their own ideological dispositions. Apparently, once the functionalists, culturalists and expressivists are able to reach the level of self awareness and critical consciousness that Knoblauch and Brannon must be capable of, they too, will choose liberatory pedagogy as the right path. Besides the implications that the aggressive ethos, the ad hominem attacks, the marshaling metaphors and the sarcasm had already had for the authors' ethos, I began to sense a conspiracy theory coming on.

Knoblauch and Brannon's rhetorical stance as an act of communication can only be recognized as pseudo-argument because it denies the one universally accepted element of real argument: discourse with a known interlocutor. Argumentative insouciance precludes the possibility of discourse; it is self absorption taken to a monastic extreme. In order to employ this rhetorical move and form this pseudo-argument, the writer denies any possibility of merit in counter argument and in doing so, denies the value of the other's beliefs and perspectives. As such, argumentative insouciance can only be successful in demonstrating a certain ideology. Not unlike Marxism, liberatory pedagogy relies upon a politically sound warrant to justify the forcefulness of a welcomed, yet prescribed, ideology which can only serve as a substitution for the oppressive police force of the dominant class. Any argument that denies the possibility of dialogue also signals the end of productive conflict, and the end of conflict is the end of freedom as well. It could be that liberatory pedagogy is the best methodology to use to empower students as they seek their own education and their own consciousness.

However, in arguing that this belief is best, Knoblauch and Brannon have abandoned the spirit of the Frerian philosophy in favor of the error of irrefutability necessary for a powerful ideology. It is this error of irrefutability, manifesto masquerading as argument, which, once turned to methodology and advocated by a practitioner, becomes argumentative insouciance.

Intimacy is, rather, the hallmark of productive argument. Argument must be an act of intimacy to produce useable results. If we are to consider how we best communicate what we believe - the best pedagogical method in this example - we must not only assert our own position, we must fully engage with the opposed other. Intimacy in argument is discursive with a real, autonomous, integral other

and it encourages dialogue. I am not interested here in naming errors that can be considered flaws, or “fallacies” which occur in what would otherwise be sound positions. Rather, I would like to suggest that we begin to isolate those arguments that are unproductive and even unethical in a more wholesale way; specifically, those moments in discourse which abbreviate, ignore, diminish or recompose the interlocutor in such a way as to make the relevant audience strangely irrelevant. Because I identify argumentative insouciance with an unwillingness and an inability to identify and engage with a discourse partner, I would like to consider Plato’s *Symposium* as one source for the conditions and potentials of intimacy. I do not find, however, that the *Symposium*’s notions of Love will offer us a model of peaceful resolution but rather, an acknowledgment of conflict and an insistence upon dialogue.

Plato’s Socrates points out that Love (the quality that I am identifying with “intimacy” here) is “neither fair nor good,” (192) but “a mean between the two” (193). This is so, according to the character Socrates, because Love desires the “fair and the good” and “he has no desire for that of which he feels no want” (195). The character Socrates uses another example that is relevant to our discussion here to illustrate his point; it is that of the mean between wisdom and ignorance, which he calls “right opinion:”

...which, as you know, being incapable of giving a reason, is not knowledge (for how can knowledge be devoid of reason?) nor again, ignorance (for neither can ignorance attain the truth), but is clearly something which is a mean between ignorance and wisdom (193).

As rhetors, we must first recognize that what we offer is neither pure ignorance nor pure wisdom. What we offer is hypothesis – “right opinion” – that does not deny Truth, in fact it aims directly toward Truth, but at the same time it is always subject to rigorous testing, retesting and redetermination in a community of fellow truth-seekers. It is important to understand the implications of such a “mean” here. It is believing that the virtues of the ideal of objectivity are possible while at the same time recognizing the constraints of sure subjectivity. As the character Socrates points out in Plato’s *Symposium*, “that which is always flowing in is always flowing out,” and Love, or intimacy, being the progeny of Poverty and Plenty, is “never in want and never in wealth...a mean between ignorance and knowledge” (194).

Recognizing our beliefs as hypothesis and valuing our interlocutor as one worthy of love, allows us to accept intimate communication (dialogue) as the “...

intermediate between the divine and the mortal... He [Love] interprets between gods and men... the mediator who spans the chasm which divides them, and therefore in him all is bound together (193).” In such a way, dialogue, which includes the quality of necessary otherness along with a longing for intimacy, is “dialectical objectivity” in practice.

We understand that to solve real-world problems - the only actual value of argument theory - we must discover a road between the all-or-nothingness of pure logic and pure subjectivity. But how do we do that? How do we hold, what seem to us contradictory views, both in our minds at the same time? I believe we must begin by creating a paradigm shift that values intimacy equally with logic, and reinventing the sense of the Aristotelian mean imbedded in the notion of “right opinion.” George Levine writes of such endeavors that “It requires an extraordinary and perhaps impossible balance, a tentativeness that keeps all aspirations to knowledge from becoming aspirations to power as well”(72). It is just this “extraordinary and impossible balance” that I have come to believe must become the central issue for theorists who study argument and that must inform the serious and conscientious application of argument theory to common problems from all disciplines.

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ISSA Proceedings 1998 - Argumentational Integrity: A Training Program For Dealing With Unfair Argumentational Contributions



1. Introduction

In this contribution we look at the topic of 'argumentation' from an ethical perspective. In our research project 'argumentational integrity in everyday communication' (funded by the German Research Association since 1988) we are concerned with the conditions, under which people evaluate argumentative speech acts as 'fair' or 'unfair' as well as with the cognitive, emotional and behavioral reactions to unfair contributions in argumentative discussions. After 10 years of basic research we are now working on a training program based on the results of this research. In our contribution we would like to sketch the main problem dimensions of argumentational (un-)fairness and present the basic concept of the training program.

To start with, let us first illustrate the main problem dimensions by presenting an authentic argumentational episode, which has been recorded and transcribed from a TV-Talkshow. Mr. Krause is a member of the nonsmoker-association, Dr. Troschke is a physician and author. Dr. Troschke and Mr. Krause are discussing, whether smoking is an addiction or not.

Troschke: I try to differentiate the problems in so far, as they can be reasonably

discussed. There is a part of smokers who are dependent on the effect of nicotine and who can be labeled as addicted in a very broad sense. This is a relatively small part of smokers who need help to deal with this dependent behavior. The majority of smokers, however, cannot be regarded as addicted, what is simply demonstrable by the fact that, the worldwide most successful method to quit smoking is to decide from one day to the next: I quit smoking.

Krause: For the fifth, tenth, twentieth time!

Troschke: Well, I think, it is extremely difficult to discuss matters on a level where people have different levels of competence and one claims to be able to talk about things one does not know anything about. I do not know, what you really know about addiction problems, about drug addiction or anything else.

Krause: I'm sure, you understand more than I do.

2. Elaboration of problem dimensions

By means of this example we want to illustrate six problem dimensions, which we take up in our training concept.

(1) Is this conversation an argumentation? What are the defining characteristics of an argumentative exchange? What is meant by fair or unfair contributions to argumentative discussions?

(2) We assume that participants in argumentative discussions have to consider certain rules of fair argumentation. In our example one of these rules is violated by Dr. Troschke's contribution: 'Well, I think it is extremely difficult to discuss matters on a level where people have different levels of competence and one claims to be able to talk about things one does not know anything about.' We reconstruct this rule violation as a specific form of discrediting of others, that is the denial of competence. Which rules of fair argumentation have to be considered in general, and what type of rule violations have to be distinguished in natural argumentative discussions? (3) If Dr. Troschke really violates one of the rules of fair argumentation, would we reproach him with this violation in any case? Imagine Dr. Troschke was highly emotionally aroused or provoked. Would you still reproach him? How do we come to an adequate evaluation of intentionality and moral blameworthiness? Are there perhaps guilt increasing or guilt decreasing circumstances which have to be taken into account?

(4) Imagine Dr. Troschke indeed violates a rule of fair argumentation. How does the rule violation become manifest at the surface level of the language system? Does Dr. Troschke's language use tell us, whether he violates the rule intentionally? For example, if we arrive at the conclusion that Dr. Troschke is a

highly competent speaker, it appears unlikely that he violates the rule by mistake. (5) As mentioned before, Dr. Troschke discredits Mr. Krause by his utterance: 'I do not know what you really know about addiction problems, about drug addiction or anything else.' Imagine you were the addressee of this utterance: What would have been your reaction? In our example, Mr. Krause chooses an ironical return: 'I'm sure, you understand more than I do'. With this reaction he addresses the rule violation indirectly. Are there reactions which would have been more effective and adequate?

(6) Leaving the example apart one can raise the fundamental question: Why should contributions to argumentative discussions be fair? This question leads us to the theoretical basis of our training concept which we will present in the following.

3. Overview of the training concept

In our training program, we deal with the problem dimensions just mentioned. The general goal of the training is to raise the awareness of different manifestations of argumentational unfairness and to build up a variety of (fair) reactions to unfair contributions. The training consists of six core units, which are preceded by three introductory steps and followed by one final step. In the following we will concentrate on the core units, which are elaborated as short-, long- and extension-modules. These modules can be combined in a flexible way according to individual needs, expectations and time resources of the participants. The units of our training concept are summarized as:

Introductory steps

- (I) Warming up
- (II) Elaboration of the problem dimensions
- (III) Selection of modules

Core units

- (1) Concept of 'argumentation' and conditions of argumentational integrity
- (2) Characteristics of argumentational unfairness and standards of argumentational integrity
- (3) Blameworthiness and moral evaluation of unfair contributions
- (4) Manifestations of argumentational unfairness
- (5) Reactions
- (6) Justification of argumentational integrity

Final step

(IV) Feedback and evaluation

In the first training dimension we elaborate in cooperation with the participants a definition of 'argumentation' and point out, that the term 'argumentation' can be used in a descriptive and a prescriptive manner. We consider the prescriptive use of the term 'argumentation' as the more typical one in everyday communication. In the descriptive usage, an argumentative discussion is conceptualized as a conversation type, which is defined by four characteristics: In an argumentative exchange participants attempt to find a solution to a controversial issue (that is the requirement) by means of a partner-/listener-oriented exchange (that is the process), which is based on reasons for a position and made acceptable to all participants; giving reasons for a position and making it acceptable to all participants are considered to be the goal characteristics of an argumentation. In a prescriptive sense, the reasons should be good reasons and the acceptance should be reached in a cooperative manner. These two goal characteristics, rationality and cooperation, are the basis of an ethical evaluation of contributions in argumentative discussions and can be summarized as 'generalizability' (Perelman 1979). In order potentially to reach a rational and cooperative solution to an argumentative discussion contributions should conform to these four conditions which were formulated on recourse to the literature of argumentational theory (for a comprehensive explication see Groeben, Schreier & Christmann 1993; Schreier, Groeben & Christmann 1995):

Conditions of argumentational integrity

- (1) formal validity
- (2) sincerity/truth
- (3) justice on the content level
- (4) procedural justice/communicativity

We have defined the keeping to these conditions as fair, their conscious violation as unfair argumentation (Groeben, Schreier & Christmann 1993). We assume that persons who are engaged in an argumentative exchange know at least intuitively about the prescriptive dimensions as well as the argumentative conditions. That means, when people take part in an argumentative discussion, they implicitly expect, that other participants meet the argumentative conditions. In the training, the participants have the opportunity to explicate and eventually elaborate their implicit expectations by means of various exercises and by means of group discussions and short lectures.

In the second training dimension, the four argumentative conditions are further elaborated. In a first step we specify four characteristics of (un-)fair argumentation, which can be regarded as the 'negative' of the four argumentative conditions; on a more concrete level, these characteristics are specified by 11 classes of argumentational rule violations, which have been derived empirically by a classification of 35 rhetorical strategies representatively chosen from the popular rhetorical literature (Schreier & Groeben 1996; see Appendix). In the present context, it is important to note that it was empirically demonstrated that violations of the standards of integrity are conspicuous and are negatively evaluated both by participants and by neutral observers; that is the standards of argumentational integrity have proven to be empirically valid (e.g. Schreier, Groeben & Blickle 1995; Schreier & Groeben 1996). The goal of this training dimension is to sensitize participants for the 11 standards of fair argumentation and to enable them to correctly identify and label the respective rule violations. For this purpose we have prepared various tasks such as working on written episodes and texts, role playing, group discussion and so on which we will refer to later.

According to our definition of argumentational unfairness as conscious rule violation, the presence of a violation as such may not be sufficient for a personal reproach. Therefore, in the third dimension we focus on the question of blameworthiness and moral evaluation of violations of argumentational integrity. In our basic research, we have conceptualized the unfairness evaluation in analogy to German criminal law which distinguishes between two types of 'facts': 'objective facts' representing observable features of an action (e.g. to damage a car or to kill another person) and 'subjective facts' relating to the actor's state of awareness in bringing about an offence (e.g. intentional, by negligence, unknowingly). We have transferred this model to the field of argumentative discussions; hence we have conceptualized the evaluation of unfairness as an interplay between the severity of 'objective facts' (argumentational rule violations such as 'distortion of meaning', hindrance of participation' etc.) and the degree of subjective awareness in committing a rule violation (Groeben, Schreier & Christmann 1993). The relevance of these two components for the diagnosis and evaluation of argumentational unfairness has been demonstrated in several empirical studies (e.g. Groeben, Nüse & Gauler 1992; Christmann & Groeben 1995; Christmann, Sladek & Groeben 1998). With regard to the example at the beginning of our contribution, it has to be examined, whether the discrediting contribution of Dr. Troschke was committed intentionally or not. As the degree of

awareness cannot be observed, but must be inferred, we have specified several indicators of intentionality, which may help to judge the question of intentionality (Christmann, Schreier & Groeben 1996; Schreier 1997); we shall return to this point in the next training dimension. But even considering both, objective and subjective facts, may not be sufficient for a personal reproach. In the same way as in the criminal law -which pronounces a non-guilty verdict if the act is justified - evaluation of argumentational contributions should also consider possible justifications and excuses. A rule violation might be justified if a speaker pursues positive goals by his contribution (e.g. to stir somebody) and it might be excused if the speaker is in a highly aroused state or low in rhetorical and argumentational competence. The empirical results of our research provide evidence that people do, in fact, consider possible guilt decreasing justifications and excuses in their evaluation process, and that an unfairness verdict can be modified in certain circumstances (Nüse, Groeben, Christmann & Gauler 1993; Christmann, Sladek & Groeben, 1998). In this training dimension, the participants explicate their (rather implicit) structures of evaluation by means of our empirically validated conceptualization of the evaluation process; the explication and elaboration of the respective cognitions may help to substantiate the moral evaluation of unfair contributions in everyday communication and may prevent a rigorous condemnation of any argumentational rule violation.

After having introduced the core training dimensions, we will sketch the other dimensions briefly. In the fourth dimension we will focus on the question of how argumentational rule violations are typically realized in everyday language and how the degree of subjective awareness can be inferred by linguistic indicators on the content level, the interactional level and the argumentational level. In doing so, we refer to the results of our pragmalinguistic analyses, which led to different indicators of these three levels of discourse (Schreier & Groeben 1995). The goal of the fifth training dimension is to strengthen the competence of participants to react adequately to violations of the integrity standards and build up a broad repertoire of different reactions to unfair utterances; we regard appropriate reactions to unfair argumentational contributions as an important protection against manipulation. Referring to the example at the beginning, Krause replies to the Troschke's discrediting contribution by the following: "I'm sure, you understand more than I do". This can be interpreted as an ironic agreement. Apart from this reaction, many other reactions are possible, ranging from cooperative ignoring, through indirect or direct response, up to confrontative,

unfair or even breaking-off reactions. Altogether we differentiate between 11 reaction categories, which have been derived from empirical studies (Christmann & Groeben 1993; Schreier, Groeben & Mlynski 1994). In the training we introduce these reaction categories, practice different kinds of reactions by using role-playing techniques and discuss the advantages and disadvantages of the reactions with regard to specific situational circumstances. In the sixth dimension we turn to the question, how the demand on argumentational fairness can be justified and why violations of the argumentational conditions, and of the standards of argumentational integrity, can be criticized from an ethical point of view. By focussing on the justification and legitimacy of argumentational fairness, we sketch appropriate concepts of 'rationality' and 'cooperation' and we point out how individual bounds of rationality can be overcome by a dialogical principle of rationality. Besides this value-oriented point of view, we discuss possibilities of legitimation under a purpose-oriented perspective and illustrate these possibilities by examples of everyday communication.

4. Instructional design and exemplification

In developing the instructional design we attached great importance in realizing a flexible variety of instructional methods in order to meet the different needs and interests of individual training groups. In accordance with theoretical drafts by Ausubel (1963) and Hermann (1973) we distinguish between four instructional classes:

1. deductive reception learning,
2. inductive reception learning,
3. deductive discovery learning and
4. inductive discovery learning.

We realize these classes by means of a variety of instructional methods (Gudjons, Teske & Winkel 1991) with different ranges (Schulz 1965; 1981; 1996):

- (a) instructional concepts (e.g. elements of the Cognitive Apprenticeship approach (Collins, Brown & Newman 1987), traditional teacher-centered instruction),
- (b) settings (learning alone, with a partner, in groups or in plenum) and
- (c) instructional actions (e.g. short lecture, role play, video analysis, case method, discussion).

We apply these instructional methods according to different instructional functions (Gage & Berliner 1986). The short modules, for example, generally aim

at a condensed impartation of basic and often well structured content. In this case, we see no reason to discard from traditional instructional methods of reception learning, like expert modelling or short lectures given by the training team. For a deeper understanding and for an application and transfer of the acquired knowledge and skills we take recourse to instructional methods of discovery learning like role play, case method or stage-management (realized in particular in long and extension modules). With these methods we also account for principles of modern constructivist approaches, e.g. cooperative and authentic learning, multiple perspectives and multiple contexts (Collins, Brown & Newman 1987; Spiro, Feltovich, Jacobson & Coulson 1991; Gerstenmaier & Mandl 1995). Of course we support the instructional methods by current methods of moderation and media-presentation (Seifert 1993). The whole training method realizes a considerable variety of selectable content and instructional methods. In the following section we give you a brief description of the training dimensions 2 and 5.

In dimension 2 we try to improve participants' competence with respect to the identification of unfair contributions in argumentative discussions. For this purpose, we treat the 11 standards of argumentational integrity and the corresponding strategies of unfair argumentation. For each of the 11 standards we offer a short, a long and an extension module. For an illustration we present the modules of standard 8 (discrediting of others). A violation of this standard can be found in our introductory example where Dr. Troschke denies Mr. Krause's competence. Standard 8 has been formulated as follows: "Do not, even by negligence, discredit other participants." Within this standard we distinguish the following nine strategies of discrediting:

1. argumentum ad personam,
2. ridiculing one's opponent,
3. denying the opponent's competence to argue the issue (this is the strategy Dr. Troschke realizes in our example),
4. calling the moral integrity in question,
5. devaluing the opponent's self-respect,
6. argument by reproaching the opponent with past mistakes,
7. affectation of failure to understand backed by prestige,
8. "psychologizing" and
9. insinuation. At the end of the training, the participants should be able to recognize these strategies in everyday discussions immediately and precisely.

For this purpose we have prepared several instructional versions for the short, long and extension modules. In the short module we provide for two versions. In the first version, the training team gives a compact survey of standard 8 and the respective strategies. The second version has been elaborated in the form of a quiz (see Appendix). First the participants are introduced to an argumentational situation. Then they are asked to generate discrediting utterances which they subsequently have to classify according to the 9 strategies distinguished within the standard 'discrediting of others'. In the long module, the participants generally consolidate and further elaborate their knowledge, often supported by a practical training of diagnostic competences. In the case of standard 8, the participants analyze and discuss a fictitious argumentative discussion. The extension module generally provides for more complex topics to advance application and transfer. In this case, the participants analyze the video record of an authentic discussion on TV. In all modules of dimension 2 the participants have the opportunity to bring in personal experiences with unfair contributions to argumentative discussions. This will probably lead to questions concerning possible reactions to unfair contributions.

Reactions to argumentative unfairness are the subject of dimension 5. In the following section we give a brief description of this dimension. In dimension 5 we first want to convey a variety of possible reactions to unfair utterances on a cognitive level. In doing so, we will account for interactive, personal and speech characteristics. Subsequently, the participants have the opportunity to practise different reactions in role plays.

In the short module, the participants first generate possible reactions to rule violations. We then present eleven reaction categories, which have been derived from factor analytical studies and replicated in further empirical studies:

1. cooperative ignoring,
2. observant consideration,
3. active clarifying,
4. self protection/defence,
5. defensive ignoring,
6. indirect response,
7. direct response,
8. confrontative discussion,
9. unfairness,
10. inner breaking off,

11. overt breaking off.

We also explicate the three corresponding dimensions of evaluation:

1. continuing vs. leaving,
2. direct-emotional vs. indirect-controlled,
3. problem-centered/cooperative vs. person-centered/confrontative.

Additionally we discuss criteria for the evaluation of individual reactions. To illustrate these criteria, remember our introductory example. With his utterance: "I'm sure, you understand more than I do" Mr. Krause realizes an indirect response. This indirect response can be evaluated as a clever reaction for two reasons: On the one hand Mr. Krause indicates that he is not willing to ignore Dr. Troschke's unfair contribution. On the other hand he shows that he is not interested in risking the discussion at all. In other cases an indirect response might be a too weak reaction, that is, it might not work, e.g. if participants in an argumentative discussion ignore the indirect response and continue to make unfair contributions. In this case a stronger reaction would be necessary.

The long module provides for role plays to practice the different reaction categories. The participants are enabled to compare and to evaluate the different reaction categories according to the three criteria of evaluation and additionally with regard to the guilt increasing and guilt decreasing circumstances which have been elaborated in dimension 3.

The extension module allows a further discussion of advantages and disadvantages of the reaction category 'indirect response' and a discussion of the problem of 'delayed reactions'.

5. Evaluation

Our training concept will be evaluated under two aspects: (1) Evaluation of the overall effectivity ('product effectivity'), and (2) evaluation of single training dimensions during the training process ('process evaluation').

To evaluate the overall effectiveness we compare the results of the participants in the training with the results of a group of untrained subjects in a pre-post-design. As the training should improve the diagnosis of unfair contributions and the reactions to unfair contributions, the overall effectiveness is assessed on the level of identification and correct labeling of argumentational rule violations as well as on the level of reactions. For both evaluation levels, we have developed and validated standardized instruments, so we are able to evaluate the overall

effectiveness according to criteria demanded in psychological methodology. The evaluation of single training dimensions is carried out at the end of each dimension by means of standardized exercise-sheets. These exercise-sheets have multiple functions: They serve to recapitulate the main content of the training dimension and give feedback to the participants about their personal success on the respective training dimensions. Last but not least the standardized exercise-sheets serve to evaluate the training dimensions from a process-oriented perspective and give valuable information about the contribution of each training dimension to the overall effectiveness.

At the present stage we are testing and improving the training concept which we have developed. The improved training concept will be carried out in administration- and in business-contexts. We hope that the training concept will help to improve argumentational practice and to find solutions to controversial issues which conform to the goal characteristics of rationality and cooperation.

APPENDIX

Standards of Argumentational Integrity

I. Faulty arguments

1. Violation of stringency: Do not intentionally present your arguments in a non-stringent fashion (e.g.: "proof by inconsequent argument").
2. Refusal of justification: Do not intentionally avoid giving any or intentionally give insufficient reasons in support of your assertions (e.g.: "appeal to mere authority").

II. Insincere contributions

3. Pretence of truth: Do not make such assertions out to be objectively true which you know to be either false or merely subjective (e.g.: "making false statements").
4. Shifting of responsibility: Do not intentionally deny, claim, or transfer responsibility to others (persons or institutions) without justification (e.g.: "shifting one's competence onto someone else").
5. Pretence of consistency: Do not consciously present any arguments which are not or are only seemingly congruent with what you otherwise do or say (e.g.: "discrepancy between words and actions").

III. Unjust arguments

6. Distortion of meaning: Do not repeat contributions made by others, your own contributions, or facts in such a way as to intentionally distort their original

meaning (e.g.: “changing the meaning of a term during an argument”).

7. Impossibility of compliance: Do not, and be it only by negligence, demand anything of others which you know they will not be able to do (e.g.: “making two mutually exclusive demands”).

8. Discrediting of others: Do not, and be it only by negligence, discredit other participants (e.g.: “denying the opponent’s competence to argue the issue”).

IV. Unjust interactions

9. Expression of hostility: Do not intentionally act towards your adversary in the matter at hand as though he were your personal enemy (e.g.: “attempt to intimidate by being rude”).

10. Hindrance of participation: Do not intentionally interact with others in such a way as to impede their participation (e.g.: “pressuring the others to act”).

11. Breaking off: Do not break off the argumentation without justification (e.g.: “pretending that the issue is really irrelevant”).

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ISSA Proceedings 1998 - Emotional Appeals In The Film '12 Angry Men'



What is the legitimate role of emotion in argument? Surely something as fundamental as human emotion has an important part to play. Would we bother to argue at all if we did not have some feelings about things and events? Could we be critical thinkers at all if we didn't care deeply about clarity, precision, fairness, accuracy and other intellectual standards? It's not that emotions have no legitimate part to play, but

that all alone they cannot be the sole basis for an argument. Their roles must be either a supportive one or make a positive contribution to the goal of critical dialogue. Some critical thinking textbook authors view the emotions as lacking truth value, arguing that they are neither true nor false even when they are sincerely or intensely felt. Sincerity and intensity, they hold, are aspects of only the personal dimension of an argument; evidence and truth alone belong to the objective, public dimension. But this presents an oversimplified view; it assumes that arguments are only about facts rather than sentiment, or that the two can always be clearly distinguished. While emotions, considered by themselves, may be thought of as having no truth value, in the context of certain types of dialogues, appeals to emotion can play legitimate and important roles. To support this view, a brief discussion of current argument theory is needed to form the theoretical foundation for the distinction between legitimate and illegitimate emotional appeals that this paper defends.

According to argumentation theorists van Eemeren and his academic colleague Grootendorst (1984), as well as Walton (1992), who follow the pragma-dialectic framework, an argument is seen as a dynamic exchange, a sequence of pairs of speech acts carried out by the participants in a dialogue. A dialogue is an exchange of speech acts between two or more arguers in turn-taking sequence aimed at a collective goal. A type of dialogue discussed by Walton that is particularly applicable to the film "12 Angry Men" is the "critical discussion" dialogue. This is a type of persuasion dialogue, in which the goal of each party is to persuade the other party to accept some designated proposition, using as premises only propositions that the other party has accepted as commitments. The goal of a critical discussion is to resolve a conflict of opinions by means of rational argumentation. A legitimate appeal to emotion, then, is one that contributes to the proper goals of a dialogue. Contrary to the common assumption that arguments based on emotion are not rational, the view advocated here is that an emotional appeal can be reasonable and appropriate if it furthers the legitimate goals of the discussion. This can be accomplished, for example, by its revealing an arguer's unanalyzed presumptions or by its opening up a new and valuable line of argumentation that prompts critical questioning that steers the argument in a constructive way. On the negative side, in an illegitimate appeal to emotion, there is typically an attempt to arouse, say, fear or pity, and then to use these emotions to obscure or short-circuit reason.

When an illegitimate use of emotions occurs in argumentation it is commonly

called an “emotional appeal”, and given a traditional label, such as the bandwagon argument, appeal to pity, ad baculum, or the ad hominem. While there are many other types of emotional appeals, we shall limit our consideration of illegitimate emotional appeals to the four just mentioned and give some examples of these from the film. When a legitimate use of emotions occurs, as we said above, it plays a supportive role or furthers the goal of the dialogue. We shall point out some examples of these in the film as well.

“12 Angry Men” is an exciting, suspenseful drama of 12 jurors trying to reach a verdict in a murder trial. Henry Fonda heads the all-star cast of actors which includes Lee J. Cobb as his main opposition, Ed Begley as a hateful bigot, E.G. Marshall as a somewhat cold, logical stockbroker, Jack Warden as a baseball fanatic, and Jack Klugman as a sympathetic former slum dweller. What makes the film suspenseful and intriguing is the wonderful intertwining of outbursts of emotion and key moments of insight derived in part from logical analysis and in part from keen observation. These critical elements are provided primarily by the architect, played by Fonda, and the retired old man, played by Joseph Sweeney. As we shall argue, sometimes the display of emotion helps the deliberative process and sometimes it gets in the way.

1. Bandwagon Arguments in the Film

At the start of the jury’s deliberation process, a decision is made to take a preliminary ballot to see where everyone stands. Eleven jurors raise their hands to indicate that they believe the defendant guilty; only one raises his hand to indicate a not-guilty vote. Even at the beginning of their deliberation one senses the jurors are tired and want a quick, unanimous vote so they can go home and be done. When they become aware that the vote isn’t unanimous, one juror reacts angrily and in a frustrated voice repeats the following comment, “Boy oh boy, there’s always one!” While not the only possible interpretation, this remark is most plausibly construed as an illegitimate emotional appeal, commonly called the bandwagon fallacy. Under this interpretation, the juror casting the dissenting ballot receives a disdainful response from one of the group members because the vote is apparently seen as a frivolous and unjustified dissent from the otherwise unanimous view.

An even clearer example of this same fallacy occurs when the one juror turns to the dissenting juror who wants to talk more about the case and remarks, “Well what’s there to talk about? Eleven men in here think he’s guilty. Nobody had to think twice about it except you.”

People are, of course, emotional beings and are strongly influenced by their emotions – by fear, anger, hate, pride, and so forth. Thus, an effective way to make a claim or conclusion more persuasive is to associate it with any of these strong emotions. What many fallacious emotional appeals have in common is the attempt to get a claim accepted or rejected by linking it to an emotion rather than supporting it with good reasons. The operative emotion used in the bandwagon fallacy is the fear of being left out, of being excluded or ostracized. Being social creatures, people feel the need to be accepted by the group with whom they live or work. We fear rejection and isolation from others.

Advertisers, well aware of the power of this emotion, frequently promise membership in a group to get consumers to buy a product that has a familiar name without giving supportive evidence for the truth of the claim or the quality of a product. “Join the Pepsi generation” or “I’m a Pepper, you’re a Pepper. Wouldn’t you like to be a Pepper too?” are examples.

This need to be recognized and accepted, a need which exists in all of us to some extent, can be used appropriately or inappropriately depending on the reason and the context in which the appeal to unity and solidarity is made. In an advertising context, the actual quality of a product is one thing, the fact that most people buy a product is another. People buy things for a variety of reasons. Many people buy a car, for example, not because of its quality or because it is the best buy for the money, but because it’s the most inexpensive or the best advertised or easiest to obtain.

The popularity of a belief is rarely connected in any important way to the merits of the belief. More important than the mere number of people who hold a belief is the reason why they hold the belief. Most people do not have the time or the ability to investigate or justify their beliefs, so they depend on others who have the time and the necessary intellectual training to give a foundation for their beliefs. Most people, for example, fear contact with a dead body or animal, but living persons are more likely the source of a contagious disease, as biologists will tell you.

In a critical discussion context, a factor more important than the mere fact that the majority holds a certain belief is the reason why they hold the belief. If the mere fact that one stands alone were used as a reason why one should join the group, then that would be a case of illegitimate emotional appeal for solidarity. If, however, good reasons have been provided for a belief and then, out of mere obstinacy a dissenter refuses to change his or her view, an emotional appeal for

solidarity would be legitimate. Just such an appeal occurs near the conclusion of the film when the vote for not guilty stands at eleven to one. One juror remarks, "It's eleven to one." All the jurors stare at the dissenting juror while Fonda remarks, "Well, what do we do now?" There is a long pause. Turning to the sole dissenting juror, Fonda says in a solemn tone, "You're alone." The dissenting juror replies, "I don't care whether I'm alone or not. It's my right!" This is arguably a legitimate emotional appeal for solidarity because it seeks in a reasonable way to achieve a unanimous vote, the goal of the critical discussion.

2. A Legitimate Appeal to Pity in the Film

Hurley defines an appeal to pity fallacy as one that "occurs when one an arguer attempts to support a conclusion by merely evoking pity from the reader or listener" (1997:122). The following dialogue from the film seems to exemplify an appeal to pity, but not necessarily a fallacious one.

In an attempt to justify to his fellow jurors why he voted not guilty, Henry Fonda, the architect on the jury, is speaking about the defendant, a young man who is on trial for allegedly killing his father. Fonda says, "Look, this kid's been kicked around all of his life. You know, born in a slum, mother dead since he was nine. He lived a year and a half in an orphanage while his father was serving a jail term for forgery. That's not a very happy beginning. He's a wild, angry kid and that's all he's ever been. And you know why? Because he was hit on the head once a day, every day. He's had a pretty miserable eighteen years. I just think we owe him a few words, that's all."

Notice that in this argument it's not a belief that being offered for acceptance (Fonda is not claiming that the boy is innocent because he's been abused all his life), but a plea for action, that they give more consideration to the case, especially in light of the fact that someone's life is at stake. Of course, every defendant is entitled to a thorough and impartial hearing, but Fonda is also making the additional point, and it seems appropriate, that his fellow jurors should have empathy for this young defendant who's had a particularly unfortunate childhood. Thus the appeal to pity, like the bandwagon argument discussed above, can be made in an appropriate and inappropriate way. When someone through no fault of their own hits on bad times and comes to someone for charity, they are implicitly hoping their audience will have sympathy and conclude that they are obligated to assist them. This appeal to pity is legitimate and commits no fallacy.

If, in the example just discussed, the architect was attempting to get his fellow jurors to accept the conclusion that the defendant is not guilty of murdering his

father because of his unfortunate childhood, then this would be a clear example of the appeal to pity fallacy. The young man's unfortunate childhood of which Fonda reminds his fellow jurors, while true, is, of course, irrelevant to the question of whether he committed the crime. It appears, however, that this is not the purpose of Fonda's argument. He's uncertain about the defendant's innocence but given the defendant's unfortunate rearing Fonda believes he is owed more careful consideration than his fellow jurors are willing to give his case. On this interpretation, this would seem a legitimate appeal to pity.

By way of summary, an inappropriate appeal to pity occurs when someone attempts to evoke sympathetic feelings from another person which are not based on any genuine reason why someone needs help or special consideration. These feelings of pity may then be used to get another person to accept a conclusion that is not supported by any relevant evidence. An appropriate appeal to pity, on the other hand, occurs whenever an arguer supplies good reasons why someone needs special help or consideration. The feelings aroused in this case are legitimate ones since they support the good reasons provided.

3. A Legitimate Ad Baculum Appeal in the Film

As Walton argues, "Appeal to the threat of force or fear as a move in a critical discussion, where both sides are critically examining the pros and cons of an issue in polite conversation, seems so radically out of place...that surely it should be categorically condemned as fallacious" (1992:143). While this is usually the case, in some contexts of dialogue, it can be a nonfallacious move, particularly in what Walton calls "a negotiation dialogue". Generally most textbooks writers see the function of argumentation itself as a nonviolent way of resolving disagreements and conflicts, so the appeal to force seems to be an obvious violation of the function of a critical discussion. But in a diplomatic negotiation between two hostile countries, to use Walton's example, if one country contemplates a military move, the defending country may make a direct appeal to force, and give a clear warning of a military response should such an attack be made. The conclusion that the defending country wishes the attacking country to draw is that if such an action occurs the consequences will bring a heavy toll to the attacking country. Such an appeal, while an ad baculum, is not a fallacy because the appeal to force is not used to distract the other arguer from more relevant considerations but, on the contrary, is appropriate to the context.

Walton claims that for a genuine ad baculum fallacy to occur not only must the threat of fear or force exist but it must be used to persuade a respondent to do

something or accept a conclusion in a manner that is inappropriate for the context of the dialogue that is taking place.

Several appeals to force occur in the film "12 Angry Men". The following example, while an *ad baculum* is arguably not fallacious. The defendant's guilt in the story hinges primarily on the testimony of two alleged eyewitnesses. One of these witnesses is an elderly man who occupied the apartment below where the crime took place. While discussing the credibility of this eyewitness, one juror suggests that the real motive behind the testimony was the witness's wish to be thought important and get his name in the newspapers. When this suggestion is made, another juror ridicules the suggestion that the old man would lie just to get attention. Another juror (the house painter) comes to the defense of the older juror and says, "A guy who talks like that to an old man oughta really get stepped on, y'know. You oughta have more respect, mister. If you say stuff like that to him again, I'm gonna lay you out."

The threat to force in this case was to defend the older juror from intimidation and protect his legitimate right to take part in the dialogue. The ridicule that his suggestion received about the real motives of the alleged eyewitness was inappropriate and if left unchallenged may have blocked this juror from making important contributions to the goal of the dialogue. Thus, the *ad baculum* appeal made on his behalf seems justified and in this context is not a fallacy, although some would argue that the threat of physical violence is always out of place in a jury room.

4. A Legitimate Ad Hominem in the Film

The *ad hominem* fallacy occurs whenever one attacks the appearance, personal habits or character of a person, instead of dealing with the merits of his or her arguments. As Walton points out, "The introduction of an *ad hominem* argument into a dispute represents the personalization of the dialogue. Quite expectedly and characteristically, therefore, the use of the *ad hominem* leads both to an intensifying of personal involvement in a discussion and to a heightening of emotions" (1992:192). Despite the dangers of personalizing an argument, it is not always the case that the use of this strategy is inappropriate, one that always gets out of control

and derails a reasonable discussion. On the contrary, as Walton points out, in many cases personalization may be helpful to critical discussion. In some cases, it is used as a prod to get those involved in a dialogue to take their responsibilities as

critical thinkers seriously. Several examples of legitimate ad hominem occur in "12 Angry Men." The following is one of the most striking. The vote among the jurors at this point in their deliberations has become tied, six for not guilty, and six for guilty. Exasperated by this turn of events, juror #7 decides to break the tie, not however out of conviction, but only because he wants to end the discussion so that he can attend a baseball game. The following dialogue takes place.

Juror # 7: I don't know about the rest of them. But I'm getting a little tired of this yakkety yakkin back and forth. Its getting us nowhere, so I guess I'll have to break it up. I change my vote to not guilty."

Juror #11 responds angrily to him: "What kind of man are you? You have sat here and voted guilty with everyone else because there are some baseball tickets burning a hole in your pocket. And now you have changed your vote because you say you're sick of all the talking here.

Juror#7 responds: "Now listen buddy..."

Juror #11, interrupting him says: "Who tells you you have the right to play like this with a man's life? Don't you care?"

Juror #7 responds: "Now wait a minute! You can't talk like that to me!"

Juror #11 (passionately) says: "I can talk like that to you! If you want to vote not guilty then do it because you are convinced the man is not guilty and not because you've had enough! And if you think he is guilty, then vote that way. Or don't you have the guts to do what you think is right?"

As Walton points out, the articulation of the personal position of a participant in a critical discussion can be an occasion for the dialogue to give birth to personal insights that can deepen one's understanding of one's own position of an issue. In some contexts, then, the ad hominem can play a maieutic function by giving birth to or revealing commitments not openly acknowledged by a participant in the dialogue. Such a personalization of the argument can thus, Walton argues, reveal and clarify an arguer's deeper presumptions and in so doing help move the critical discussion more effectively to its goal. So using the ad hominem, however, Walton warns, requires judgment and restraint lest the dialogue deteriorate into a quarrel the goal of which is to "hit out" verbally at a participant, and if possible, to humiliate a participant, and in the process destroy the goal of the critical dialogue.

In conclusion, the four emotional appeals we have briefly examined in the film "12

Angry Men”, the bandwagon appeal, the appeal to pity, the appeal to force, and the ad hominem, are not always fallacious but can, as we have seen, in appropriate contexts, make important contributions to the goals of a critical dialogue. Instead of dismissing these appeals as fallacious wherever they occur, one needs to examine them carefully and judge each use on its merits.

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ISSA Proceedings 1998 - The Most Powerful Engine Of Cold War Argument: The Munich Analogy



The ubiquity of the Munich Analogy in Cold War argument is easily demonstrated. It is used by commentators of all political persuasions except perhaps Communists, and the conventional wisdom is that it swept all before it. In this paper I want to inspect a rare occurrence: an event where the analogy was effectively attacked, and the attackers won a significant engagement, even though they lost the war.

The event to which I refer was the construction by the Truman Administration of a so-called blueprint for the Cold War, NSC 68, which was not just a single document but a series of constantly-revised documents best known for the version delivered to Truman in April 1950, not declassified until 1975.

The conventional wisdom has it that NSC 68 was a consensus product adopted

with no great opposition. My contention is that it was not only bitterly disputed, but that the dispute was not fully resolved, so that the final document in the NSC 68 series, delivered to the Eisenhower Administration in January 1953, was a confused amalgam incorporating watered-down versions of both adversaries. The principals in the long-drawn-out drama of the NSC 68 series were: (1) for the alarmist position, depending on the Munich Analogy (that the Soviet Union was programmed to destroy the United States) Dean Acheson and Paul Nitze. (2) For the moderate position (that Stalin was not Hitler, that the Soviet Union did not want war but would expand wherever it found a soft spot) George Kennan and Charles 'Chip' Bohlen.

To those who boggle at my classification of Dean Acheson as an alarmist, or of Kennan as a moderate, let me assure you that these depictions are warranted. Acheson was pilloried by McCarthyites, hence many casual observers assume him to have been at least somewhat lukewarm about the Cold War. This is an error. As for Kennan, those who know him only as the anti-Soviet author of the "X" article, be assured that in the trenches of State Department warfare, Kennan fought against militarization of containment and did not believe the USSR was programmed to take over the world.

Use of analogies in public affairs argument is often attacked as irrational. Ernest May, in *Lessons of the Past*, believes use of some analogies causes many bad decisions. (May 1973). Since there is no scientific way of determining parallelism in two situations being analogized, the critic is dependent upon narrative/descriptive judgment, which judgment can never achieve the mechanical certainty of the syllogism.

One must begin an analysis of the application of the Munich analogy to Cold War argument by inspecting what happened at Munich, and why it was significant. Mine of course will be a bare-bones explanation; Telford Taylor's landmark book of 1,084 pages is definitive enough, but Taylor qualifies everything. (Taylor 1975). I can only hope that my simplifications are not misleading.

At the Munich Conference of 29 September 1938, Hitler, Mussolini, Chamberlain and Daladier settled the fate of the Czechoslovak Republic. Hitler had been agitating for cession of the Sudetenland, a border area at that time in Czechoslovakia but largely inhabited by ethnic Germans. It appeared to the British and French, who were guarantors of Czech independence, that if Hitler did not get the Sudetenland by agreement with the Western powers he would go

to war. The British and French gave in, and Chamberlain returned to London claiming that he had gotten "peace in our time." Since all the Czech defenses were in the Sudeten area, Hitler simply moved in when he was ready and absorbed all of Czechoslovakia. The falsity of Hitler's promise that the Sudetenland would satisfy Germany's territorial ambitions soon proved false; the partition of Poland and World War II soon followed.

Most historians dealing with Munich believe that "giving in" to Hitler, or appeasement as it is called, was wrong. The well-armed Czechs had been ready and willing to fight; had they done so, they would have taken many a German Wehrmacht division out of action, making Hitler's conquest of the rest of Europe more difficult. This is a controversial judgment, but Hitler's plan for world conquest is not denied by anyone, and giving Hitler the Sudetenland did not appease his appetite one bit. A fair statement of the lesson of Munich might be "Appeasing aggressive dictators is useless; it only postpones the inevitable."

I move now to 1950. Soviet Russia had replaced Nazi Germany as a threat to the Western democracies. There were constant crises, in Iran, in Greece, in the Balkans, in Poland and the Soviet Satellites, in Berlin. These crises led to the Truman Doctrine (aid to Greece and Turkey), the Berlin Airlift, constant efforts to establish democratic influence in Eastern Europe, the Marshall Plan, and the North Atlantic Treaty Organization. Hostility toward the USSR increased steadily. In 1949, two events raised American anxiety to a high level: the Soviet Union exploded an atomic bomb before expected, and Mao Tse-tung's Communists defeated the Chinese Nationalists and established the People's Republic of China. The American response to these events was immediate. On 31 January 1950 Truman ordered the Atomic Energy Commission to pursue development of a hydrogen bomb to be 1,000 times more powerful than the bombs that destroyed Hiroshima and Nagasaki; and he ordered the Secretaries of State and Defense to "undertake a reexamination of our objectives in peace and war and of the effect of these objectives on our strategic plans, in the light of the probable fission bomb capability and possible thermonuclear bomb capability of the Soviet Union." (FRUS 1950 I:141). This was the mandate for what eventually became the NSC 68 series of documents calling for vastly increased military strength to contain and ultimately overthrow the Soviet Government.

As of 1 January 1950, George Kennan, who had headed the State Department Policy Planning Staff for two and a half years, yielded that position to Paul Nitze. Kennan's motivation for leaving was primarily the increasing militancy of the

Administration. Kennan had strongly opposed developing a new generation of nuclear weapons; had opposed American plans to incorporate Germany in a military alliance; opposed the universalistic language of the Truman Doctrine speech; opposed continued American pretense that the rump Chinese Nationalist Government on Taiwan was the government of China; opposed American support of French determination to reassert colonial rule in Vietnam. In the vernacular, Kennan was a dove.

Even though Kennan gave up the Policy Planning Staff post, he retained the position of Counselor to the Department, a prestigious title that generally gave him access to Acheson. Before leaving on a tour of the much-neglected Latin American area in February, 1950,

Kennan wrote his version of a reexamination of American objectives and strategy. This was an eight-page memorandum dated 17 February, addressed to Acheson, though it never reached him. This document shows clearly .

The most significant aspect of Kennan's demarche is the absence of any variant of the Munich Analogy. He recognized the profound hostility of the Soviet Union to those countries it could not control, but there was no Hitlerian program for military conquest. The danger from Russia was political, and while in occasional instances (Korea would be one) American arms would be necessary to convince the Soviets not to expand their empire, the basic American task Kennan phrased this way: *Because the Russian attack, ideologically speaking, was a global one, challenging the ultimate validity of the entire non-communist outlook on life, predicting its failure, and playing on the force of that prediction as a main device in the conduct of the cold war, it could be countered only by a movement on our part equally comprehensive, designed to prove the validity of liberal institutions, to confound the predictions of their failure, to prove that a society not beholden to Russian communism could still "work". In this way, the task of combating communism became as broad as the whole great range of our responsibilities as a world power, and came to embrace all those things which would have had to be done anyway - even in the absence of a communist threat - to assure the preservation and advance of civilization. That Moscow might be refuted, it was necessary that something else should succeed. (FRUS 1950 I:160-67). After that overview, Kennan dealt with the contemporary development that seemed to many to validate the Munich Analogy:

There is little justification for the impression that the "cold war", by virtue of events outside of our control, has suddenly taken some drastic turn to our

disadvantage.

Recent events in the Far East have been the culmination of processes which have long been apparent. The implications of these processes were correctly analyzed, and their results reasonably accurately predicted, long ago by our advisors in this field. . . Mao's protracted stay in Moscow is good evidence that our own experts were right not only in their analysis of the weakness of the [Chinese] National Government but also in their conviction that the Russians would have difficulty establishing the same sort of relationship with a successful Chinese Communist movement that they have established with some of their Eastern European satellites. [These Soviet difficulties] are not only *not* of our making but would actually be apt to be weakened by any attempts on our part to intervene directly.

. . .

The demonstration of an "atomic capability" on the part of the USSR likewise adds no new fundamental element to the picture. . . The idea of their threatening people with the H-bomb and bidding them "sign on the dotted line or else" is thus far solely of our own manufacture.

These, and other themes in Kennan's valedictory were all directed to subvert the idea that Stalin was another Hitler, that the Soviets had a timetable for world conquest, and that attempts to accommodate to their legitimate demands, such as the continued prohibition of German rearmament, were not appeasement. Because this Kennan agenda was so calm and unexciting, it does not appear in Cold War discourse. The Left, particularly, remembers only Kennan's attempt to convince Americans in the afterglow of World War II that Russia was not a democracy playing by our rules. Not one of Kennan's detractors can produce a policy agenda articulated in 1950 showing the foresight and realism of this 17 February memorandum.

While Kennan was writing this memorandum and traveling in Latin America, the task Truman assigned to the secretaries of State and Defense of examining our objectives and strategy was delegated to Paul Nitze, Kennan's successor as head of the DOS Policy Planning Staff. Nitze was a hard liner, a Cold Warrior par excellence, one of those who interpreted Stalin's election eve speech in 1946 as a declaration of war against the United States. Nitze had headed the United States Strategic Bombing Survey's analyses of the air war in Japan, and come up with two unusual conclusions, one wholly fraudulent, the other highly suspect. The most consequential conclusion to come from Nitze's pen was the claim that on the

basis of "all the facts," the Japanese would have surrendered probably by 1 October 1945 even without the atom bombs, Russian entry in the war, or an invasion. When the USSBS documents became available on microfilm at the National Archives in early 1990, researchers found that Nitze had no facts at all for such a conclusion; the Japanese officials whose testimony he claimed to have based this conclusion on unanimously agreed that Japan would have fought on indefinitely without the atom and Soviet entry. (Newman 1995).

Nitze's other questionable conclusion bears on the efficacy of nuclear weapons also. Nothing happened to Hiroshima and Nagasaki that could not have been achieved by a fleet of 210 B-29s dropping conventional explosives. "For instance, in Nagasaki, the railroads were back in operation forty-eight hours after the attack. Most of the rolling stock in the city had been destroyed, but the tracks suffered relatively minor damage." (Nitze 1989:42). As to people, even elementary shelter protected them from blast and radiation. Thus for Nitze, the Bomb was not the Absolute Weapon, just another big explosive.

Deprecating the atom did not mean Nitze was indifferent to the American nuclear arsenal; we should have any weapon, better and in greater quantity than the Soviet Union, and we should be prepared to use it to preempt a Soviet ground attack that could overrun Western Europe. Kennan thought a "no first use" pledge was the most essential and basic principle of our nuclear policy; Nitze thought such a pledge would signal our allies and enemies that we were not serious about opposing Soviet expansion. Toward the end of the Truman Administration, when Nitze was under heavy attack from moderates (especially Charles "Chip" Bohlen) for painting the Soviet Union as a Hitlerite juggernaut dedicated to conquering the world, Nitze rather lamely claimed that he had never said Stalin had a "timetable" for conquest. (FRUS 1951 I:174). It is true that the word "timetable" does not appear in the Nitze-dominated output of the committee working on NSC 68 and its successors, but a fair reading of their scenarios for Armageddon shows a belief in inexorable Soviet aggression, which must be opposed by overwhelming counter-force everywhere.

Nitze's committee to reexamine American strategy worked through February and March 1950, presenting a document entitled "United States Objectives and Programs for National Security" to the President as NSC 68 on 7 April. The table of contents of this scare-mongering document gives an overview of how Nitze and crew saw the world. There was a "Present World Crisis," "The Fundamental Purpose of the United States" was in "Underlying Conflict" with "The Fundamental Design of the Kremlin." "Soviet Intentions and Capabilities" were

compared with “U.S. Intentions and Capabilities,” and as to possible courses of action, there were four: “Continuation of Current Policies” which were wholly inadequate to stop the Soviet Juggernaut; “Isolation,” which was beneath contempt; “War,” which we might need to instigate, and the preferred course, “A Rapid Buildup of Political, Economic, and Military Strength in the Free World.” (NSC 68 1993).

In the 1990s, it is easy to ridicule the overheated language in Nitze’s document, but it is so extreme that even in 1950 clear-headed observers in the government knew and said that it was alarmist beyond reason. What else is one to say of rhetoric like this: “The issues that face us are momentous, involving the fulfillment or destruction not only of this Republic but of civilization itself.

They are issues which will not await our deliberations.” Poor Nitze; he found himself still deliberating, three years later, how to convince a recalcitrant government to prepare immediately for the deluge. Sacred American texts were appealed to in this first version of NSC 68: the “more perfect union” can actually now be had, with a “firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our Fortunes, and our Sacred Honor.”

Harry Truman, convinced as he was that the Soviet Union was a threat to the United States, was not taken in by this doomsday talk. He did not adopt NSC 68; he chose to bury it with studies. On 12 April he wrote James Lay, Executive Secretary of NSC, “I have decided to refer the report to the National Security Council for consideration, with the request that the National Security Council provide me with further information on the implications of the conclusions contained therein. I am particularly anxious that the Council give me a clearer indication of the programs which are envisaged in the Report, including estimates of the probable costs of such programs.” (FRUS 1950 I:235).

Truman was acutely aware of the inflationary pressures that developed after wars; he was conscious of the massive American debt from WWII, and he was determined to balance the federal budget. The corporations that had grown fat on defense contracts were to be put on a lean diet. Defense expenditures for 1945 had been 38% of gross national product; by 1949, Truman had them down to 5.1%, and for 1950, 4.6%. (Gaddis 1982:23). In 1949 he appointed Louis Johnson Secretary of Defense largely because Johnson saw a tight-fisted budget as an asset to his expected run for the presidency. On 4 May, 1950, *a month after* receiving NSC 68, Truman told a press conference “The defense budget next year will be smaller than it is this year.” The gluttonous monster later christened

“Military-Industrial Complex” by Dwight Eisenhower was in spring 1950 nowhere in sight.

So in April 1950 the first version of NSC 68 was without presidential approval, without appropriation requests for its ambitious “rapid buildup of strength,” a sitting duck likely to be nibbled to death by congressional committees and executive department budget balancers.

Had there been no Korean War; had Stalin not acceded, however reluctantly, to Kim Il-sung’s determination to take over South Korea; NSC 68 would never have gotten beyond the stage of a bad Halloween spook. All during the process of writing and rewriting, critical comments were plentiful and cogent; important officials such as Bohlen, Llewellyn Thompson, Philip Jessup, several Bureau of the Budget officials, Willard Thorp, and a half-dozen lower-level people panned it. A draft of an annex purporting to set forth “A Strategy of freedom” brought scathing criticism from American diplomatic officials on duty in Europe. The prize must go to William F. Schaub of the Budget Bureau, who pointed out the hypocrisy of calling the American-led camp a group of democracies, morally superior to the Soviet collection of authoritarians. The Indochinese were not in a democracy, nor were the Filipinos. (FRUS 1950 I).

In most organizations, such dissent would demand powerful rebuttal. In academia, such a devastating attack on a dissertation would send the candidate back to the drawing boards. In business, a board of directors hearing so profound a list of deficiencies would have taken a charge against profits and brought in a new manager. But this was government; Nitze was the boss’ favorite. Secrecy was tight. There were no immediate changes, but the problems eventually overtook Nitze’s rhetoric.

Korea convinced many doubters that the Soviet Union would resort to arms to whittle away at non-Communist areas. Nitze’s group continued to reexamine U.S. objectives and strategies, moving from NSC 68 to NSC 114 to NSC 135. In 1951, Acheson brought Chip Bohlen home from Paris, to be Department Counselor. In this capacity, Bohlen gradually took over from Nitze leadership in updating the national security policy. One of Bohlen’s first steps was a letter to Nitze 28 July 1951 complaining that the current version of NSC 68 perpetuated the old view of the Soviet Union as “a mechanical chess player, engaged in the execution of a design fully prepared in advance with the ultimate goal of world domination. The phrase ‘world domination’ is a misleading truth and tends to become related to the phenomenon of Hitler . . . a false assumption of Soviet intention in this field

may lead to a very radical conclusion which is found in paragraph seven. This paragraph states flatly that if this alleged aim of the Kremlin, i.e., to disrupt Western armament, cannot be done by the soft method, then there is a strong possibility that the Soviets will resort to preventive war.”(FRUS 1951 I:107). From then on to the end of the Truman administration, Bohlen fought Nitze to a draw, so that the final drafts of the NSC 68 series, now numbered NSC 135, waffled on the matter of Soviet intentions and hence on the applicability of the Munich syndrome. For the final draft, Bohlen and Nitze worked out language that both could live with, since both points of view were included, however contradictory. This draft was one that Kennan could probably have lived with.

The conventional view, one supported by Nitze himself, is that NSC 68 sailed through all obstacles after Korea and heavily influenced American policy toward the Soviet at least until the time of *détente*. Much of this is false; the original did not “sail through”; Nitze himself acknowledged at the time what he now denies in his memoirs. On 14 July, 1952, Nitze wrote his superior, Deputy Undersecretary Matthews, complaining about the latest drafts:

1. I believe the new papers [NSC 135] tend to underestimate the risks which this country faces.
2. I believe they tend to underestimate U.S. capabilities.
3. I believe they hold forth inadequate goals for U.S. policy.
4. I believe they offer an inadequate strategy.
5. I believe they give inadequate, unclear, or mistaken guidance to those who must prepare specific national security programs.(FRUS 1952-1954 II:58-59).

In addition, Nitze wrote, “one of the difficulties is that they are internally inconsistent and that it is not entirely clear what they are trying to say.” Two and a half years of battle, and Nitze himself thinks his efforts have been in vain.

That is not how the conventional wisdom has it. According to Steven L. Rearden, Nitze’s hagiographer, Nitze’s “creative and enduring accomplishment” in producing NSC 68 was unique: “Never again would Nitze – or anyone else for that matter – be in such a key position to guide the development of a study that had as dramatic an impact on the nation’s destiny.”(Rearden 1984:33-34). We cannot know what influence NSC 68 – in its original, pistol-whipping exuberance – had on U.S. policy. Had it not been for Korea, the answer would be “none.”

But NSC 68’s apocalyptic view of the Soviet challenge served anti-Soviet hard-liners much as the Protocols of the Elders of Zion serve anti-Semites. The analogy

with Hitler and his plan for world conquest dominated men's minds, even as its purveyors lost the argumentative struggle within the government.

Kennan and Bohlen were voices of reason, out-shouted for a while by fanatics, but they saw the situation clearly and say it whole. Acheson and Nitze, peering through their Chicken Little lenses, saw only what they took to be the beginning of the Soviet plan to take over the world.

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ISSA Proceedings 1998 - Neutrality As Advocacy: The Argumentative Dynamics In A State-Sponsored, 'Neutral,'

Educational Abortion Video



The abortion controversy in the United States seems to be one of those enduring areas of public argument that both confound and intrigue the argument scholar. As the nature of the debate has shifted across time (see Condit 1990 and Condit Railsback 1984), so too have the sites of contest. While two apparently diametrically opposed groups have long dominated the abortion controversy (those favoring “choice” and those favoring “life”), areas for agreement seem to be opening up. While the elevation of the two ideographs of life and choice has truncated debate so that the ultimate question has been whether women’s choice to have an abortion, as narrowly conceived, outweighs the potential risk that a fetus is a human being (Condit 1990: 159), locations of argument are emerging that bypass this narrow debate. One example is found in the need for people from differing positions to work together on the development of state-sponsored informational videos.

As a result of the Iowa State Legislature’s action during the 1996 legislative session, the Iowa Code was revised so that notification of the intent of a minor to obtain an abortion must be made to a parent or grandparent. In addition to such notification, the licensed physician performing an abortion is required to offer the viewing of a state produced video to the minor during the initial appointment relating to those services. As a result of this legislation, a committee was appointed by conservative Republican Governor Terry E. Branstad to develop the video. The end result of the committee’s work is the video “You Are Not Alone,” which is accompanied by a workbook and a physician’s manual.

The interesting outcome of the video production process is that while the committee was disproportionately filled with those from the anti-abortion end of the spectrum, the video has been well-received by abortion providers and roundly critiqued by those who oppose abortion (*Des Moines Register*, November 26, 1996). Having viewed the video as a member of my local Planned Parenthood of Greater Iowa community council, I decided to analyze the argumentative and visual structure of the video. I conclude that the video is an example of an attempt at neutrality that unintentionally functions as an argument for choice. Ultimately, I hypothesize that the need for consensus in the production of the video removed the grounds for anti-abortion arguments.[i] The rhetorical patterns, both

metaethical and visual, of anti-abortion argument structure, as detailed by Randall Lake in *"The Metaethical Framework of Anti-Abortion Rhetoric"* (1986), would preclude any compromise, yet compromise was legislatively mandated. Additionally, because the video focuses on the decision-making process of the girl, it decenters the baby/fetus, again violating the basic structure (linguistically and visually) of anti-abortion rhetoric. At the point that compromise was legislatively mandated and agreed to by the committee, as it was in the case of the video, the entire argument structure of pro-life advocacy collapses.

This presentation offers an analysis of one of the most recent examples of attempts to place limits on abortion: notification and informed consent. While many of those in the pro-choice movement see those actions as attempts to further limit abortion access, the experience with the State of Iowa's video offers an alternative interpretation - that the need for neutrality limits the persuasive power of anti-abortion arguments.

1. History

The planning behind the video, and the decision making processes used, warrant attention. Appointed by conservative Iowa Governor, Terry E. Branstad, the committee initially developed a vision statement. The committee decided to accept as its vision:

To produce a factual, age-appropriate, culturally diverse video and written materials from a balanced viewpoint for all options set forth in SF13; materials that are medically accurate, unbiased, and presented in an objective, empathetic, non-directive manner to assist the minor in the decision making process. (Report to the Legislature: January 8, 1997)[ii]

The committee also developed an outline based on the vision. The video was to cover three "options":

1. "continue the pregnancy to term and retain parental rights following the child's birth,"
2. "continue the pregnancy to term and place the child for adoption following the child's birth," and
3. "terminate the pregnancy through abortion."

It is important to note, here, that the term used is "pregnancy," not baby or child. Within each of these three "options," the committee wanted the following issues to be addressed: medical/emotional, counseling, financial, and referral to public and private agencies.

With a general description of the video in mind, the committee solicited proposals from vendors, ultimately choosing American Media Incorporated (AMI) to produce the video. After selection, AMI further reassured the committee that “the nature of their business insures objectivity” (Report to the legislature: September 7, 1996). Of course, the committee did review and make suggestions as the various drafts of the video script were developed.

When the video was released, the *Des Moines Register* showed it to six girls, one of whom was pregnant. While the girls’ consensus was that the video needed more, they thought that it did a “good job of treating the options equally” (January 31, 1997). However, anti-abortion advocates who viewed the video thought that it provided insufficient information on the negative effects of abortion (*Des Moines Register*: November 26, 1996).

2. Pro-Life/Anti-Abortion Rhetoric

Anti-abortion rhetoric needs to be analyzed in both its verbal and visual form. As Celeste Condit notes in her book, *Decoding Abortion Rhetoric*, “fetal pictures *ar* persuasive” (79). Quite simply, Condit notes, “the fetus has an important substantiality that can be photographed. The meaning constructed from those pictures and that substance was not, however, a simple matter of natural fact” (79). Fetal images do not appear alone, but instead are framed through “complex rhetorical tactics that generat[e] a meaningful image of the fetus . . .” (79). The complex rhetoric surrounding abortion has its own form as well. As Randall Lake has noted in his many essays on the subject, a guilt and redemption pattern emerges.

Central to all of this work, too, is the word choice used to refer to the being/collection of cells inside a girl’s/woman’s womb that potentially will develop into a human being. As Kenneth Burke has argued, all language operates as part of terministic screens, which reflect, select and deflect our apprehension of “reality” (44-45). Within the abortion controversy, such terministic screens can be seen in operation within the rhetoric of advocates.

For example, when the pro-life advocates use the term “baby,” they are clearly selecting a focus on a creature that is human, individual, distinct from another being and that can be held. Within pro-natal U.S. culture, babies are highly prized creatures that are presumed innocent and have strong positive connotations. Additionally, babies have particular relations to others. In particular, babies have mothers, not women. By using the term baby, the terministic screen selects a focus on the collection of cells as a complete and isolable human being. In so

doing, it also deflects the context within which the baby exists, a girl or woman's womb. In fact, in the visual images of the "baby," the woman is completely absent. The girl or woman is deflected from recognition. Finally, the use of the term baby does reflect the way in which a pro-natal culture speaks of the collection of cells located in a girl's/woman's womb. It reflects the emotional attachment to babies.

However, when pro-choice advocates use the term fetus, a distinct terministic screen is put into place. Fetus selects a more medical, technical focus. Fetus is a technical term, and it is a term that brings into focus the context: a girl or woman's womb. Fetuses do not have mothers. Instead, women carry fetuses. By selecting the more technical term and its associations, the individuality and isolability of the fetus is deflected. And, of course, fetus is an accurate reflection of the way in which the stages of gestation occur.

Babies have mothers. Babies can be murdered. Babies are warm and fuzzy (and usually smell good). Women carry fetuses. Fetuses cannot be murdered, but are aborted. And fetuses do not generate that warm fuzzy feeling, but more of the "oo-ick" feeling that gelatinous collections of cells usually do in biology classes. Central to pro-life rhetoric is the centering of the baby, and concomitant decentering of the girl/woman. This occurs on two levels: visual and metaethical. What follows is a more detailed analysis of both the metaethical and visual patterns of anti-abortion argument which decenter the girl/woman faced with a decision about her pregnancy.

2a. Metaethical Patterns

Randall Lake has provided two excellent analyses of the overarching form and content of anti-abortion rhetoric. He argues that as it paints a "moral landscape . . . the features of the human moral condition [are] presupposed by and depicted in anti-abortion rhetoric" (1984: 425). Part of this moral landscape is that "anti-abortion discourse relies explicitly and implicitly on theology and deontology for the *content and form* of its arguments" (emphasis added, 1984: 426). The result is that "[a]nti-abortion rhetoric ultimately is grounded in alleged sexual Guilt; it victimizes women, and it posits childbearing and legislating against abortion as twin paths to Redemption" (1984: 426). Here, "[d]isorder generates Guilt" (1984: 428) with redemption occurring through victimage or mortification. Yet, with the video, disorder generates confusion, not guilt, and confusion is resolved through informed choice.

Lake's arguments demonstrate that the form and content of anti-abortion rhetoric

are of a particular type, which support the conclusions of the advocates. I take this argument in a different direction, arguing that rhetoric that does not conform to the form and content expectations outlined in Lake's essay actually *work against* the conclusions drawn in anti-abortion rhetoric – the conclusion that abortion is immoral and that choosing to have an abortion is wrong. The “You Are Not Alone” video is one example of this.

Using Lake's writing from “Order and Disorder in Anti-Abortion Rhetoric: A Logological View” (1984) and “The Metaethical Framework of Anti-Abortion Rhetoric” (1985), a number of form and content markers may be discerned. First, moral absolutism, in the form of a clear delineation between right and wrong, is a necessary component of anti-abortion rhetoric. In content, this is reflected in rhetoric arguing for only one moral position, and in form it is reflected in the presentation of only one option: “life” (Lake 1986: 480-81; 1984: 426). In part, this deontological approach reflects the a priori recognition of moral truths, but such an approach also is necessary because of the moral condition of human beings, which composes the second element.

A second characteristic of anti-abortion rhetoric is that human beings' moral condition is always in question (Lake 1986: 487-90). For anti-abortionists, we cannot assume human beings will make the right choice, either because they are lazy or evil, and, hence, their choice must be guided, forcefully if necessary. Again, this is reflected in form and content, where only one choice is presented as acceptable and other options are rejected out of hand.

Finally, anti-abortion discourse is typified by the rhetor speaking for the “unborn” (Lake 1984: 434). In order to humanize the fetus, and in order to appear to be arguing for the fetus, and not against the woman, anti-abortion rhetoric often has the speaker speak as or for the fetus. This centering of the fetus, and decentering of the woman who is faced with an unwanted pregnancy, focuses audience attention primarily on the right of the fetus to life, and deflects attention from the rights of the woman to have reproductive autonomy. In many ways, as demonstrated in anti-abortion advertising, the woman is absent, and the fetus/baby is foregrounded. The context of the fetus/baby is irrelevant, since its humanity is not at issue.

A more detailed analysis of anti-abortion rhetoric points to the content and form inconsistencies between the video and the rhetorical landscape of pro-life discourse. To develop this, I again turn to Lake's description of that rhetoric: Opposition to abortion is said to be based on the fact of the humanity of the fetus

and the rule that it is wrong to take an innocent human life. In contrast, abortion can be defended only on utilitarian grounds of convenience, i.e., that the child is “unwanted” and would be a “hardship” for its mother. However, anti-abortionists warn, once utilitarian considerations are accepted in the place of hard and fast rules, humanity will become merely a matter of “definition,” and society will be enabled to deprive any “unwanted” person or group of life without compunction. (1984: 430) Not only are the argument types distinguished, but a “clear preference for deontological over teleological ethics” emerges in anti-abortion discourse (Lake 1985: 480). To clarify the rhetorical implications of this approach, Lake notes that “[d]eontological ethics tend to emphasize the threshold between absolute right and wrong; teleological ethics more overtly acknowledge gradation of right and wrong . . .” (1985: 481). However, when a range of actions are presented in the video, all as equally valid, then one clearly falls into an issue of gradation, which act is more good or more bad, as opposed to an issue of threshold where one determines what is right or wrong. Additionally, in anti-abortion rhetoric, one comes to understand a moral absolute not through the reasoned processing of information, but through intuition (Lake 1986: 494). With deontology’s emphasis on rules, it encourages a belief in moral absolutes (1985: 485), yet no moral absolute is presented in the video.

Compounding the anti-abortionists approach to morality is their view that “humans are at best weak, selfish, and callous, and at worse maliciously immoral” (Lake 1985: 487). If human beings are weak, then providing them options is a bad idea because they will simply take the option that is most convenient. If they are malicious, then allowing options not only is a bad idea, but one must instead actively punish immorality and provide incentives for moral decisions. Such an approach would predict that, in the “Alone” video, the arguments for abortion would be merely utilitarian and the arguments for adoption or keeping the child would be deontological. However, when adoption and keeping the child are lumped together in the pro-life advocacy, adoption also becomes untenable, since not “wanting” a child who might be a “hardship” is the same reason abortion is sought. In fact, one finds utilitarian arguments highlighted in all three segments of the video.

Within the anti-abortion moral landscape, there is not choice but life, a position that the video contradicts with its form when it includes a range of options. Lake writes, “The anti-abortionist view of the human moral condition is characterized

by a belief that abortion is an abomination, that its continuance will eventuate in general moral collapse, and that the only path to recovery is to reaffirm the original moral sense by renewing our adherence to the moral law against abortion and by bringing the positive law into line with the moral law" (1984: 430). However, such absolutism is absent in the video. Instead of being able to replicate the guilt-victimage-redemption pattern of descent/ascent rhetoric, the video paints a landscape of confusion resolved by choice, thus privileging the choice ideograph.

The other formal and content element of anti-abortion rhetoric that is not replicated in the video is the technique of speaking for the "unborn." As Lake explains, while many of the other practices linked to sexuality can be seen as "victimless," "abortion appears to be an act with a victim, the fetus" (1984: 434). The result is that the anti-abortion rhetor can "claim to speak for the unborn rather than only against women" (1984: 434). However, in the "Alone" video, young girls speak for themselves concerning each of their choices, and no one positions him or her self to speak for or as the fetus. Ultimately, anti-abortion discourse is "intransigent [and] uncompromising" in that it:

assumes a deontological, legalist, intrinsicist, and absolutist theory of ethics in which right and wrong are measured by conformity to extant moral rules. Such rules are necessary to impose moral obligations on humans and, thereby, guide behavior that, absent the rules, would revert to a self-centered, evil state of nature. As universally valid measures of right and wrong, the rules must not be compromised under any circumstances. (Lake 1985: 496)

2b. Visual Patterns

Quite simply, visual arguments are central in anti-abortion advocacy. While Celeste Condit (1990) agrees with Kristin Luker's (1984) assessment that visual images do not change people's positions, they can "justify, integrate, and activate their beliefs. The images intensify commitment, motivate the believers to work for the cause, and give them reason to believe that they can persuade others" (Condit 1990: 80). Rhetorically, anti-abortion visual images "replace narratives" while pro-choice images "summarize narratives visually" (81). As Condit explains:

Like narratives, visual images provide concrete enactments of abstract values and thereby allow a different kind of understanding of the meaning and impact of an ideographic claim about public life. They help "envision" the material impacts of abstract policy commitments. Images therefore provide a useful form of grounding for the acceptance of an argument. (81)

In other words, the rhetoric described by Lake would call for images that represent redemption, purity and innocence – all of which the fetus as baby do. According to Condit, fetal images operate metonymically (where a technical name is replaced by a different name that stresses a quality), metaphorically (where an identity is noted), and synecdochically (where part of an item is substituted for a whole) (82-9). In anti-abortion discourse, this means that baby is substituted for fetus, that the fetus is a human being, and that if part of the fetus is fully human then all of it is. The images support the centralization or selection of the fetus as baby in the advocate's terministic screen. Images of the "baby" create the impression that the fetus is separate from its context – a woman or girl's womb. This move of creating an unattached fetus is what Rosalind Petchesky and Barbara Katz Rothman have called the fetus in space (Petchesky 1997: 137). Its context within, and connection to, a woman is deflected.

Petchesky argues this move is central to anti-abortion discourse: "The strategy of antiabortionists to make fetal personhood a self-fulfilling prophecy by making the fetus a *public presenc* addresses a visually oriented culture" (1997: 134). In her analysis of the *Silent Screa* and of billboard advertising, Petchesky concludes that the "abstract individualism . . . effac[es] the pregnant woman and the fetus's dependence on her, [and] gives the fetal image its symbolic transparency, so that we can read in it our selves, our lost babies, our mythic secure past" (137). This move toward abstract individualism is one that is intensified by the present use of ultrasound technologies because "[t]reating a fetus as if it were outside a woman's body, because it can be viewed, is a political act" (139). Quite simply, "The 'public' presentation of the fetus has become ubiquitous; its disembodied form, now propped up by medical authority and technological rationality, permeates mass culture. We are all, on some level, susceptible to its coded meanings" (143).

Barbara Duden (1993) makes a similar argument when she describes the visual iconography associated with anti-abortion rhetoric as "the skinning of woman's body" (19). In a particularly detailed analysis of the famed *Life* photographs taken by Lennert Nilsson, she argues that "the managed image has become a precondition for sight" (17). In fact, instead of considering Nilsson's work as photographs, she argues we should assess it as *photogeny* because the object he was recording, the early stages of the human embryo process, were created through a process that "assemble[d] in visual form digital measurements of an object that cannot be perceived by the senses" (25). And, by delving within a woman's body, this process "skins" her. She is made absent, and the fetus

becomes the focus.

How, then, does Petchesky propose we respond to fetal images? Since “[i]mages by themselves lack ‘objective’ meanings” and, instead, “meanings come from the interlocking fields of context, communication, application, and reception,” (146) it seems that the images can be recoded. Petchesky’s first call is to “restore women to a central place in the pregnancy scene” (147). Instead of showing the disembodied fetus as baby, show the women’s bodies in which the fetus is located or from which the baby came. This, interestingly, is precisely what the “You Are Not Alone” video does. While images of fetal development initially were going to be included in the video, they were not and, instead, were located in the workbook that goes along with the video (*You are 9-11*). In the workbook, the fetus in space scenario is recreated, but the video overlays this with images of real girls who are faced with a decision about their pregnancies.

With the video, the fetus as baby, unconnected to a woman, is absent. And, so too, is the centralization of the baby. Young women play the central role in the video as they talk through the difficult *choices* they have made. The redemption is not in giving birth, but in making a decision. Both metaethically and visually, the video enacts choice, and instead of justifying, integrating, and activating anti-abortion beliefs, the video justifies, integrates and activates the value of choice.

3. *The Video*

Quite simply, in all ways the video violates the rhetorical characteristics of anti-abortion discourse. Metaethically, it presents an informed and considered choice between options as the way to resolve the intense confusion felt by pregnant girls. Moral absolutism is eschewed and, instead, information is held as inherently helpful to the decision-making process. As the vision statement of the committee indicated, the goal was to have “materials . . . presented in an objective, empathetic, *non-directive* manner” (emphasis added), not to present a single moral absolute. With the emphasis on empathy, the moral condition of the girls was not questioned. Instead, the video highlighted girls’ abilities to make good decisions, ones that in retrospect the girls could still feel good about. Because girls who had actually made choices spoke for themselves in the video, and because the video narrator was a girl herself, girls are central as content and visually. In order to examine the metaethical and visual rhetorical patterns that led me to these conclusions, a more detailed analysis of the video follows.

As part of the deliberations, Carol Hinton, the coordinator of the Iowa Department of Health’s Decision-making Assistance Program, met with the

committee. In one meeting (10/9/96), she indicated that she understood “that the whole thrust was to assure that minors knew that there were options and that there is support for whatever option if chosen.” Clearly, the charge of the committee, and its own decisions, heavily influenced the rhetorical and visual format of the video. And, remembering Lake’s description of the argumentative form, the video clearly violates pro-life patterns. It presents multiple choices as equally valid, not just one as morally acceptable. The ability of the girls to make a decision is not questioned but, instead, girls are reassured that they can make a good decision. And, finally, the fetus is not spoken for in the video; we hear the voices of girls/women, not the voice of the fetus.

The video is divided into three sections. The first section is titled “A Choice: Abortion,” the second “A Choice: Becoming a Parent,” and the third “A Choice: Adoption.” Clearly using the rhetoric of choice, the video creates the impression that the choice itself is the final outcome. Using the metaphor of a kaleidoscope, the young female narrator explains:

Have you ever looked through . . . a kaleidoscope? I always think it’s kind of neat, the way everything is all jumbled up, and then you move it just a little bit, and everything just falls into place and makes this real cool design. And sometimes, you know, life can be that way too. Especially when you have to make a difficult decision. Things can seem confusing at first; you might feel angry, depressed, relieved, scared or you might not want to admit what is happening. (“You” video) With this metaphor, confusion is not resolved by one particular choice, but by the exploration of all the options and the making of any choice.

The video goes to great effort to reassure the minor that making a decision that is informed will provide some relief. As the narrator explains, after she talks to people she trusts and then “thought everything through, I make a decision that’s right for me. Anyway, doing these things doesn’t make the decision any easier, but I usually feel better knowing that I’ve thought everything through to make a choice that works for me.” Here, relief/redemption comes not from making a decision proscribed for you by others, but by making the decision on one’s own. And, the possibility that a range of choices are acceptable, determined by the conditions and experiences of the individual, is highlighted.

Within each section, the video also highlights the experiences of an actual girl/woman who made each of the decisions. In other words, the girls/women are centered visually by the video. They appear on the screen, talking for themselves.

For example, the abortion segment opens with a discussion of the medical and emotional issues involved. It closes with the comments of a woman, Audre, who underwent an abortion as a minor. She explains:

Well I feel that having an abortion was personally the right decision for me for a lot of reasons. First of all, though I felt I was a fairly mature teenager, I was well aware and insightable [sic] enough to realize that I was not emotionally ready in any way to have a baby. And I certainly was not mentally or financially ready to have a baby. I was also fortunate I never regretted it . . . I never was upset about it or cried about it. It was just a decision I made and it was said and done and that was it and I went on with my life and as I look back, I'm grateful at that because I did get to go to school and I did have a child when I was financially and emotionally ready and that turned out to be a positive experience instead of a negative experience because I was ready at the time. Again, the issue of choice is highlighted. The realities of the girl are made central to the decision to abort. And, she is the image that fills the screen.

In the "becoming a parent" segment, the segment opens not on the health risks to the girl/woman associated with pregnancy, but on the risks to the fetus. The girls are encouraged not to smoke or drink, to eat well, and to employ good prenatal care. Only then does the video discuss the risks of pregnancy to the girl, but those risks are minimized. The video explains that good prenatal care can make the risks of childbearing relatively similar regardless of one's age. After a discussion of the other medical and emotional elements, the video shows Cindy, who explains:

I feel it was a really good decision because I have a lot of fun with my daughter now. . . I'm really glad that I did decide to make that decision. She's a part of me and she'll always be a part of me and it gives us a lot of sharing time together and things to do.

After these comments, the narrator explains that, "Just like abortion, choosing to have the baby and become a parent isn't always an easy choice to make and there are others who should be involved in making that decision."

The final segment, "A Choice: Adoption," is one of the few places where the fetus is referred to as a baby. The segment opens with the narrator explaining: "Carrying the baby to term and placing the baby for adoption is another one of your options." The legal elements, as well as emotional and medical, are discussed. And, like in the other segments, this one closes with the comments of a

girl/woman who made this choice. Paula reflects on her decision this way:

I have gone on to establish a career for myself, a very good career. And, I think within my situation, having a baby and a child to take care of, it would have been harder to accomplish those goals . . . I read a lot about adoption and I also read about parenting and I just decided that, for me at the time, adoption was the best thing to do. Again, the girl/woman is made central, and the unique conditions of her life are noted.

The video then concludes with a review of the decision making process, which includes:

- * Gather as much information as you can.

- * Then, consider the impact your decision is going to have on your life and others involved.

- * And talk things over with at least one person you really trust, someone who can help you put things in perspective.

- * And, then, when you've really thought everything through, make a decision that's right for you.

Choice is offered, the girl is made central, and, hence, the video does not model anti-abortion discourse either visually or rhetorically.

4. Conclusion

In many ways, the "You are not alone" video, in form and content, departs from the descent-ascent pattern inherent within guilt-redemption rhetoric and it also does not foreground the fetus. In terms of the moral pattern, it does not see childbirth as the solution to a descent into promiscuity, but instead sees moral absolution in the making of an informed decision. Its content offers three paths, each equally possible and presented as equally acceptable. Its form enacts choice by offering three choices as neutrally as possible. Redemption is not found in making a particular decision (i.e. not to abort), but in any decision at all. And, the fetus is not spoken for. In fact, young girls are presented as important and valuable, and as capable of making a wise choice. And, it is the young girls who are continually foregrounded, with no images presented of the fetus.

However, this does not mean the video is unproblematic. At any point in which state intervention in a pregnancy occurs, one has to ask what is left of the girl or woman. Again, Barbara Duden's work is useful here. After watching a counseling session in Harlem for an immigrant who was pregnant, she concludes: Actually,

the better the counseling, the more authoritatively convincing are certain modern ideas: that prenatal procedures are good, that pregnancies can be classified, imply risks, demand supervision, impose decisions, and require a large bureaucratic apparatus to arrange one's passage through the maze. What kind of woman remains after these notions are internalized? In what sense is it possible to call this being a woman? (1993: 26). While pro-choice advocates might be relieved that informational videos do not replicate the rhetorical patterns of anti-abortion discourse, concern should still arise because the videos continue the management of pregnancies in ways that are relatively new, relatively unseen, and relatively damaging as Duden points out. After viewing this video, one might ask: What type of girl is left once she is convinced that prenatal procedures are good (as discussed in the adoption and parenting segments)? What type of girl is left once she is convinced that pregnancies demand supervision, impose decisions, and require a large bureaucratic apparatus to arrange one's passage through the maze (especially since, for minors, medical professionals, state health officials, officers of the court, and family service employees are all involved). While what is left after the video may be a girl capable of making a choice, for what, for whom, and from where is the choice being made?

NOTES

- i.** As noted in the January 8, 1997, report to the legislature, the committee used a "consensus building process . . . to determine the content of the video and written materials." As a result of this process, the committee gave unanimous approval to the final products on January 7, 1997.
- ii.** The phrase "objective and empathetic" replaced the word "unemotional" in an earlier draft of the vision statement (Report to the Legislature, September 7, 1996).

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ISSA Proceedings 1998 - Pretending And Port-Royal Logic (Bad Reasoning And Pretend Reasoning)



The standard and approved ways of looking at fallacies start us off with a list of “tidy-looking dichotomies” (Austin 1964: 3). Reasoning is either *good* or *bad*, *cogent* or *non-cogent*, *correct* or *incorrect*, *sound* or *unsound*, *valid* or *invalid*. Sets like convincing or unconvincing can be found in some versions of the approved ways but not in all. And there are some versions that will include things like *misleading*, *deceptive*, and *blighted*, but their partner-words hardly ever show up.

It's easy to see that one side of this division is positive and the other, negative. Cases of reasoning put on the positive side are cases of 'good reasoning'. Cases put on the negative side are cases of 'bad reasoning.' Good reasoning is just good reasoning. Bad reasoning gets a special label. It is fallacious reasoning. It is easy to turn this all around and call a fallacy a case of bad reasoning. Sometimes it indisputably is. But sometimes it may not be. Or, anyhow, it may not be *just* a case of bad reasoning. Getting clear about the times when it is not and why it is not is

what this paper is about. It's a matter of being fair to fallacies.

First a word about some long standing complaints concerning the standard, approved ways. In the early 1980's Woods and Walton complained that standard treatments of fallacies failed to provide a non-arbitrary way for sorting out cases of correct reasoning from fallacious ones. The standard treatments were mostly happy to take up the inherited list of names, usually in Latin but sometimes very colloquial - remember Flew's "No-true-Scotsman" (1977: 47) - and give supposedly illustrative examples. Most of these examples were contrived or made up to suit the names and many were so obviously bad that they provided more fun than instruction. And some turned out to be not bad at all.

More importantly, however, clear guidelines and explanations for sorting, for putting this case on one side and another case on the opposite side, were said to be remarkably absent from the standard treatments. For Woods and Walton, this absence came, in large part, from the lack of an adequate model of correct reasoning or argument. They saw their job to be that of providing such a model. This would involve setting out precisely formulated rules, procedures, requirements, and the like for correct (good) reasoning. With such a model firmly in place, it should be a bit of snap to get non-arbitrary guidelines and explanations for sorting the cases of correct (good) reasoning from incorrect (bad, fallacious) reasoning (1982: v).

So we now have a sure-fire, fail-safe way for detecting cases of bad reasoning and for sorting them out into two piles. Moreover, we can give reasons for putting this case in one pile and that case in the other. Clearly, this is much better than what we are said to get in the standard treatments where it was mostly a matter of matching cases or samples with patterns.

The piles, however, have not changed. There are still two of them. And, by and large, we find in the pile of incorrect reasoning the same old list of patterns to which we have to match our samples. It may not be uninteresting to call attention to the similarity between this team's complaints and those formulated more than three hundred years ago by another team, the Port-Royal team. Arnauld and Nicole, too, complained about the contrived character of the stock examples found in the standard treatments (1970: 49,53).

Like the contemporary team, they believed that the standard treatment was disorganized, heteroclitic, and uninformative. Sorting, as they inherited the business, was more a matter of tradition and habit than of reasoned detection. They, too, thought the business needed fixing.

To fix it, Arnauld and Nicole, like the other team, gave priority to the model of correct reasoning. Correct reasoning or good reasoning was the standard or the norm. Bad reasoning or fallacious reasoning was just the opposite, it was non-standard, abnormal reasoning.

However, the older team gave a bit of a twist to their proposed renovation and they started out at a different point. Good reasoning, normal reasoning was mostly unproblematic, indeed, it was natural. There were no bogs here. The model was all right. Trouble came up when they noticed just how well bad, fallacious reasoning fared - even the wisest of the wise could find themselves on the wrong side of the divide. So this team got started not by proposing to fix the model, but by asking why or how anyone reasoned badly and why or how anyone would be tempted to follow bad reasoning.

Given the fact that good reasoning was natural and that nothing could possibly go wrong in its operations or procedures - the reasoning machine, like a computer, pretty much guarantees impeccable results - Arnauld and Nicole looked to the users. They drew the conclusion that if reasoning goes bad, it must be because users put bad stuff in the machine. When they asked why bad stuff was put in the machine, they answered by pointing to defects in the users. They were, we are, afflicted with weak or unruly wills. And so they (we) let passion, bad faith, interests, and the like take over the nest and let the bad stuff in. This will be how and why reasoning becomes fallacious. Shared passions, bad faith, interests and the like, along with a penchant for the bad stuff anyway, make it easy for everyone to follow fallacious reasoning.

Put another way, if reasoning cannot go bad in terms of, or on the level of, its rules, procedures, or requirements, something about the ways in which we follow the rules and procedures and satisfy the requirements must make what we did abnormal. Qualifiers like insincerely or self-interested, pick out the ways in which what we did become abnormal. So, as it is easy to see, sorting out cases of reasoning in the old way is clearly different from sorting them out in the new way. Still, there are only two piles, bad reasoning is another name for fallacious reasoning (sophisms or paralogisms are thrown in too). Patterns of fallacious or bad reasoning remain the same, and the positive terms really do all the work (Austin would say they wear the pants, but that expression may no longer be available).

In this paper, I will not take these teams as 'stalking-horses.' I mention them so as

to show that both the dichotomies and the assimilation of fallacies to bad reasoning have been around for a long time and are still kicking (*plus ça change ...*). But I mention them, too, because they make it easy to see that, should one team reproach us for having produced a case of bad reasoning, the things we can say, or have to say, if we are to get ourselves off the hook will be very different from the things we can, or have to say, should the other team lay charges. Our 'outs' on one side are really kind and gentle. On the other side, either we may not be able to get out or there may be no point in trying to get out.

Looking at the allowable pleas should take us some distance in making clear that there may be more to fallacies than bad reasoning. Having made that clear, it may turn out that we are not any better off. Still we should take a look.

Looking may be easier if we clean up the place and rearrange the furniture a bit. The list of "tidy-looking dichotomies" can be seen not as a list of opposed features of reasoning but as a list of criteria for applying the labels, *good* reasoning and *bad* or *fallacious reasoning*. If we take the approved list, which is good enough for our purposes, *good reasoning* will be reasoning that is cogent, correct, sound, valid, and the rest. *Bad, fallacious reasoning*, of course, will be the opposite or the negation of good reasoning. It will not be cogent. It will be incorrect, unsound, invalid, and the rest. So we have two piles and the criteria for putting cases of reasoning in one or the other.

We may want to take some of these items off the list or add others, but it is easy to see that the items are just the rules, procedures, or requirements of good reasoning. These will be the criteria. Set out in negative terms, as opposites, they will be the criteria for applying the negative, bad label. So reasoning will be said to be bad when the rules or procedures are not followed or the requirements not met, whatever those rules, procedures or requirements might be.

What are some of the ways in which we can not follow the rules and procedures or fail to meet the requirements? I suppose we could say that these things can be done in much the same way as spilling ink can be done: *intentionally, deliberately, or on purpose*. We may, of course run a red light or move a pawn three squares in any of these ways. But it is hard to think of anyone intentionally or deliberately, reasoning in a non-cogent or incorrect or invalid manner, or of producing an unsound case on purpose. So, maybe when a case of bad reasoning turns up, we will be better off to think of things like *mistakes, errors, oversights, slips, blunders, misinterpretations*, and the like.

Now, should anyone be charged with bad reasoning, it will be open to them to

plead mistake, error, blunder, slip, and the rest. Such pleas may make them look stupid or silly or negligent, but the nice thing about these pleas is that they delimit a range of defects or shortfalls that can be, in principle, both detected and corrected. And when they are corrected, not only will anyone who slips be out of the frying pan, they may be out of the fire too. Things will be as they should. They will be back to normal.

So, taking fallacies to be cases of bad reasoning has an upside. If we have a full enough set of criteria, and if the criteria are clearly and precisely formulated, in principle if not always in fact, fallacies will be easy to detect. Moreover, if fallacies are cases of bad reasoning, fallacies will be both detectable and correctable. They can be fixed, made good, and that will be the end of it. It's rather like moving the cursor back and deleting this or that letter, word or sentence, or adding something, or changing the order, and so on. Once it's fixed, there's nothing bad left. This is a pretty happy, kind and gentle story. Still some versions of the approved list include, on the negative side, criteria like *misleading* and *deceptive*. They, however, look quite different from all the other couples.

In the case made famous by Austin and Hart, Finney made a mistake in the taps with the result that Watkins was scalded (Austin 1979: 195-197). In the same way, we may make a mistake, for example, in the grounds we give for some claim we put forth. One possible result of our mistake may be to mislead or deceive our audience. However, if we see "scalding Watkins" not as something Finney did, but rather as *something that happened*, as *an accident*, then, "misleading or deceiving the audience," if it is the result of a mistake, *will not be something we do*. It, too, will be an accident. Looked at in this light, it is pretty clear that misleading and deceiving and all their neighbours can not be, just like that, criteria for grading or classifying cases of reasoning as bad any more than scalding Watkins *by accident* can be, without qualification, a criterion for putting Finney away. **[i]**

However, Finney would never had been brought to trial had it not occurred to the prosecutor that Finney might not have made a mistake in the taps at all. He might have turned the hot water tap just so as to scald Watkins. So, too, *we may not overlook* some piece of information, but *withhold* it (it's hard to do that by mistake or inadvertence) just so as to mislead our audience. We may *cook* the books (this, too, is hard to do by mistake or inadvertence) just so as to deceive our audience or the accountants.

Misleading and deception are things that we can do. Sometimes they happen as

the result of something else we did. Sometimes we do them inadvertently. Then they are things we did not exactly do. Sometimes, however, we do them by design. We can work hard at doing them. Now we have a rather different story. Suppose *misleading* and *deception*, for example, are not put on the list of criteria just so as to warn us off bad reasoning, to point to the bad things that might result from bad reasoning. They are put there because they really are criteria for applying the label *bad, fallacious reasoning*.

Of course, the label can not be applied if misleading and deception are thought to be the result of a mistake of some kind. So, should someone say: "Your argument is bad, fallacious because it is misleading and deceptive," they must believe that misleading and deception were part of my plan and not at all the result or consequence of some mistake or slip or whatever. What can I do? Deny it? (But what will I deny?) Apologize? Hang my head in shame? Run away? Make amends? Whatever I do, I may never be able to fix the damage I am said to have done. If my plan was to mislead or deceive by arguing as I argued, I can not correct anything. There is nothing really correctable, nothing that I would want to correct. This, then, is pretty clearly a very different story. Maybe it is a darker, more distressing story, one that may make us look pretty bad. But it is a story that must be told.

Arnauld and Nicole championed this story. They, too, put fallacies in the bad reasoning pile, but their criteria for doing so turn out to have little to do with the rules, procedures, and requirements of reasoning or argument. Although we should take time to fully savour the procedures followed by the Port-Royal logicians, how they say one thing and then take it back, it may be enough to recall that they praised Aristotle for having picked out the fallacy of *ignoratio elenchi* and then went on to chide him for having put his foot in it. Arnauld and Nicole were really not so much concerned about Aristotle's putting his foot in it as they were intent on pointing out how his foot got there.

Aristotle, Arnauld and Nicole said, refuted Parmenides and Melissus by attributing to them doctrines they did not hold. Then they went on to say that Aristotle *insincerely* reported these doctrines. In saying this, they clearly rule out such things as distraction (Plato rang him on his cell phone just as he was transcribing these doctrines), poor light (power failure), fragmentary documentation (library rats made a meal of the manuscripts), mistakes (Aristotle took the wrong books). But they clearly ruled in the possibility that Aristotle put contaminated materials in the machine. His premises were false, but they say he

made them that way. So Aristotle could not plead accident, mishap, or anything resembling these pleas. *Insincere* reporting is not something that can be done in any of those ways anymore than tying a string across the top of the stairs can be done unintentionally, accidentally, or inadvertently (Austin 1979: 275).

Anyhow, Arnauld and Nicole, pressed or not by the time-frame of their little wager, were anxious to say something else. Namely that *insincerity* and all the other bad ways of doing things have darker, maybe deeper, causes in the form of passion, bad faith, and the desire to be right (for a fuller list see: Arnauld and Nicole 1970: 304ss). And all this comes from a weak and unruly will, not from stupidity or ignorance of the rules, procedures or requirements of good reasoning. If we still want to call a fallacy a case of bad reasoning, we will have to add more rules to our list. But such rules will have little to do with reasoning and much to do with the ways we expect everyone to do the things everyone does. Violating these rules gets us into another kind of trouble. Trouble that we can hardly get out of. In a way this is the line Arnauld and Nicole took. They say that we expect *l'homme de bien* to be sincere (1970: 304). But they give the line a rather special pitch or twist and it becomes unclear whether we are willing to let our passions, interests, and desire to be right run the show or whether we are so inclined. *Willingness* calls for reformation, more stringent rules, or a larger, vigilant police force. *Inclination* calls perhaps for genetic engineering or outside help.

Outside help is what Arnauld and Nicole called for. They made this appeal because they saw part of our nature as disposing us, even pushing us to give first place to our passions, interests, tribe, and the rest. So, with this story, *either* nothing we say can get us out of what we did - what can we say to the charge of insincere reporting, other than denying it? - *or* what we did comes naturally and there is not much point in trying to put a stop on doing what comes naturally (although we might want to cover it up or hide it). I have no inclination to follow Arnauld and Nicole along either of these paths, even though they may have correctly taken the lay of the land and set the terms of a wager. But I do believe Arnauld and Nicole were on to something that their inherited commitment to the dichotomy - good reasoning-bad reasoning - may have made it difficult to fully articulate. They alleged that Aristotle was really interested in making himself look good by making his predecessors look bad, not in getting at the truth of the matter. They said, in other words, that Aristotle was *putting down* his predecessors, not arguing with them. They went on to say that Aristotle

consequently messed up his argument. That he used false premises, premises he made up. The result of which was a clear-cut case of bad, fallacious reasoning.

Arnauld and Nicole might have said that Aristotle was *not exactly* arguing, but doing something else. Had they really said something like this, they would have been able to see that the opposition is not between good and bad reasoning but between reasoning and something else, the something else being that which was really done. Then they might have drawn the distinction between a case that is a *faux raisonnement* and a case that is a *raisonnement faux*. It would, then, have been clear that the inherited dichotomies, patterns and stock samples put different fish in the same kettle. Arnauld and Nicole, of course, did not follow this line. But it is a line Austin followed and was quite good at following. That is where the next pull, not to say light, will come from. "That chap over there, he's all right I suppose, he's cleaning the windows, eh?" "Ah, *him*, he's *pretending* to be cleaning the windows right enough, cleaning 'em a treat too: but I see him taking note of the valuables through 'em all the time" (Austin 1979: 259).

Pretending to be a hyena at a party and pretending to be cleaning the windows are different cases. Success at the party depends on satisfying one set of criteria. Success at the windows depends on another, different set of criteria.

Pretending to be a hyena and taking a bite out of someone's calf, "taking a fair sized piece right out of it" (Austin 1979: 256) will be carrying the pretence too far, but really cleaning the windows may be a necessary part of pretending to be cleaning the windows. The case is different, too, when on the stage we pretend to saw someone in half. Here delivering the genuine article will get us on the news or guarantee our 15 minutes of grim glory. There are, I believe, some important lessons to be drawn out. The lessons do not require imitating Austin's "hounding down the minutiae." Broad outline should be good enough.

Firstly, successfully pretending to be a hyena supposes a certain transparency in the pretending so that there will be little possibility of confusing the pretence with the genuine article. Something like this is certainly true of the magician also. What we admire is the skill in bringing the trick off, where bringing the trick off is being like the genuine article without the grim consequences. Cleaning the windows is different still. Here the pretence can not be transparent in just these ways. Indeed the window cleaner, if the pretence is to be any good, had better deliver the genuine article.

If the genuine article has to be delivered, why talk about pretence? Because the pretence covers over something else, it dissembles what is really being done

(taking note of the valuables). If this is the case, there is no room for the window cleaner to slack-off or make mistakes. Austin's window cleaner clearly muffed his pretence. Something about the performance gave it away. Window-cleaners don't ordinarily stop cleaning the windows to take notes. They know the difference between a squeegee and a mop, Windex and motor oil. The successful pretend window cleaner does such a good job that no one knows what they were up to - until the valuables disappear.

Secondly, it is clear that pretending to clean the windows and taking note of the household treasures are not opposed to one another in any intelligible way. One is used to mask, dissimulate the other. We do one thing so as to hide the fact that we are really doing something else. This is where Arnauld and Nicole get back in. Aristotle, they might now say, just pretended to argue while what he was up to all the time was a 'put-down' of his predecessors. He cast the 'put down' in the form of Bocardo (or maybe it was Barbara), it looked good and genuine and got by for a long time. Parmenides and Melissus did look bad until someone checked the original documents. So we might pretend to argue while all we are really doing is putting someone down, venting our passion, protecting or promoting our interests, or any of the other things we do but do not want to come right out and do. Clearly, if we are to do these things, if they are to get by, our pretence had better be convincing. It had better be enough like the genuine article to get by.

The next case is different. Here there is an opposition between the genuine and the sham, the spurious, or the fake. What is hidden or dissimulated is the sham, spurious or fake article. An example might be, if we are materially inclined, an imitation Rollex or a counterfeit bank note. These things had better be enough like the genuine article to get us to be tempted by a good deal, or to give the man two tens for the twenty without asking any questions. The more intellectually inclined will want another example. Here we need only think of a bad argument disguised as a good one or that is passed off as a good one. In this case, the resemblance hides the fake, spurious article. In the first case, the genuine article hides or dissimulates something else. It may be hard to keep these apart, but they are clearly different cases.

When we encounter a case of bad reasoning what we ordinarily do is pick out the mistakes, errors, slips, and the like and then correct them or try to get them corrected. Sometimes we get thanked for doing this, perhaps not right away, but thanks usually do come eventually. We may, of course, also chide the bad reasoner on not knowing things we think they ought to know, or for not

interpreting information in the ways, given their training and experience, they are expected to interpret information. We may chide them on many other things, all of which will be related in some way to getting the argument fixed and reasoning straight or back on track.

When we encounter a case where someone is taken to be pretending to argue, we may indeed look for mistakes, errors or slips that will give the little pretence away (nothing so gross as a bearded queen on a bank note), but, also, ordinarily, we will try to bring out into the open whatever it was they were hiding (the fake bank note, the bad argument, the break-in, the put down, et cetera). We will chide them not on their mistakes or slips (we may be happy that they forgot that the queen does not have a beard), but on the abuse they have made of a perfectly honourable trade, window cleaning, engraving, arguing, or whatever. We will denounce them or turn them in. When we do, we do not expect any thanks from them (pace Hegel). Indeed, when we do point out the pretence, reveal the agenda or party line, all we may get is denial - "That's not what I was doing" or a shifting of the load, "You don't understand." **[ii]**

Of course, there may be cases where we do pick out the mistakes, errors, slips, and the rest without getting any thanks at all and, as it turns out, we lose the promotion or the job to boot. Then we may wonder what the bad reasoner was really up to in the first place.

This takes us back to the beginning. In the *De sophisticis elenchis*, Aristotle distinguished not between good reasoning and bad reasoning but between *genuine* reasoning and reasoning that only seemed to be so. Reasoning that only seemed genuine is *sham* reasoning. Sham reasoning, Aristotle said, makes up a different class of arguments. Another name for sham reasoning was *fallacious reasoning*.

Right at the start, then, there were more than two piles into which arguments could be sorted. It will be easy to see why there are more piles if we remember Aristotle's striking example of the difference between the genuine and the sham: there are beautiful people who are beautiful thanks to their beauty, while others seem to be so by dint of embellishing themselves (164b, 21).

Clearly *looking beautiful* is not the *opposite* of beautiful, so we will not call the embellished person an ugly person but a person who looks beautiful by dint of embellishment. So, too, the opposite of a fallacy will not be a good argument, it will be a *genuine argument*. If this is the way it is, when we sort out cases of arguments, taking into account the distinctions and differences that show up, we

will need *more and different* piles than the approved dichotomies allow for.

Moreover, it will appear that a fallacy need not be a bad argument, but only an argument that looks genuine by dint of a certain likeness to the genuine. Indeed, it may be the case that a fallacious argument is a good argument. But, whatever the case, there will have been both dissimulation and abuse of sorts (misuse and misconduct). This, without doubt, is what got Socrates' ire up.

Equating fallacies with bad reasoning will be unfair to fallacies. We will, moreover, be making a mistake, not as serious perhaps as the one that comes from assimilating winning a war to sneezing or horses to beds, but still serious enough (cf. Austin 1979: 179). It will be one that misleads us. For we may look for mistakes when we ought to be looking for misuse or abuse, we may call for corrections when apologies are needed and call for apologies when corrections will do. This is unfair to fallacies.

To be fair to fallacies, we may have to work harder at keeping *grading* separate from *sorting*, *classifying* or *cap-fitting*. Determining worth and merit using some scale - good to bad, strong to weak, 10 to 1, or whatever - is clearly different from putting things, good or bad, strong or weak, 10's or 1's, into different piles or putting caps on the different cases that appear. It may happen that some stock caps, off-the-shelf, made up in the shop before the customers come in, don't really fit. Can we pretend that the caps we have on hand will fit every head that appears? To be fair and honest we may have to tailor-make some caps.

NOTES

i. Moreover, it is equally clear that the thing to do in Finney's case is to fix the taps, to make them such that mistaking one for the other will be less likely. In the case of mistaken grounds, whether anyone gets taken in by them or not, the thing to do will be to correct the mistake or get it corrected. But even setting things straight will not be a guarantee against misleading and deception. After all, an impeccable calculation may mislead. Remember Austin's 3.75 men needed for building a cistern (1979: 194) and many of us know that telling someone your place of birth may mislead them about your first language or your genetic stock.

ii. Check the letters in the New York Review of Books where reasoned exchange is the major product. We find reproaches like blasé disregard, academic arrogance, hint, innuendo, caricature, larded with political and religious motives, bluff and posturing, and protective wall of unbreakable a priori conclusions. Such reproaches rarely give rise to corrections or straightforward rebuttals, they are

mostly rebuffed, denied.

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