ISSA Proceedings 2010 – Vagueness Of Language And Judicial Rhetoric

1. Introduction

The purpose of this paper is to reflect on the relationships between the vagueness of language and judicial rhetoric. To this end, the discussion will be organized as follows.

1) I shall briefly analyse the vagueness of language, seeking to show its nature and characteristics. It will obviously not be possible to analyse all the various theories of vagueness. Hence the discussion will be restricted to a number of fundamental issues.

2) I shall then concentrate on legal controversy and on the logical method that regulates its conduct: that is, the rhetorical method. I shall expound the theory developed in Italy by Francesco Cavalla, according to which the rhetorical method is a rigorous logical procedure, structured in different and successive phases, and in which the rhetorician/lawyer must gradually persuade the audience to agree with his argument.

3) I shall thus analyse the various phases of the rhetorical method – which is a combination of topic, dialectic and rhetoric – to clarify how the rhetorician persuades the audience to agree with him and overcomes the objections of the adverse party. I shall pay particular attention to the relationship between rhetoric and truth.

2. The vagueness of language

The first thing that strikes one when studying vagueness is that it is not susceptible to a single definition. Various theories have sought to explain the nature of vagueness and each of them has furnished its own definition of vagueness. It is not possible here to examine these various theories (on which see Williamson 1994). However, there is a broad definition of vagueness which is presumably acceptable.

"Very roughly, vagueness is deficiency of meaning […]; there is general agreement that predicates which possess borderline cases are vague predicates" (Sorensen 1985, pp. 134-5). This can be understood very well if one considers the

classic example of vagueness: that of the sorites paradox. What is it the exact number of grains of wheat necessary to form a heap? We do not know. In fact, if I pile up grains of wheat, a heap will be gradually formed. But I cannot know or say which grain of wheat is the one that changes the non-heap into a heap.

There is consequently an indefinite series of "borderline cases" that pertain both to the heap and the non-heap. The distinction is not clear; it is, as said, vague. We are therefore in the presence of vagueness when we cannot *exactly* state the objects to which the predicate applies and those to which it does not apply. "The vagueness of a predicate 'Fz' consists in there being no sharp distinction between the objects which satisfy it and those which do not" (Heck Jr. 1993, p. 201). Hence the vagueness of language entails a lack of precision.

The vagueness of language is therefore a problem for those who wish to construct certain and precise logical systems. It was so, for instance, for Frege and Russell, the "fathers" of formal logic, who adhered to the principle that "logic only applies to non-vague predicates" (Sorensen 1985, p. 136). Formal logic, they maintained, must be precise and certain, and vagueness must be eliminated in order to formulate a non-vague language. Yet this is not possible; and today the idea that an absolutely non-vague language can be formulated has faded away. Let us see why.

The principle that "logic only applies to non-vague predicates" is untenable. In fact, it would "work" only if it were possible to distinguish sharply between vague terms (the terms to which logic may not be applied) and non-vague terms (those to which it may be applied). But distinguishing between vague and non-vague terms is impossible. It is so for the following reason.

The term "vague" means "not precise or exact in meaning". Not only, therefore, does it denote what is vague, but it is itself vague. But also the term "non-vague" is in its turn vague. In fact, according to the principle of compositionality, if a statement contains a vague term, the statement as a whole is vague. Hence, precisely because the lemma "non-vague" contains the term "vague", it is itself vague.

Frege and Russell's principle ("logic only applies to non-vague predicates") comprises the term "non-vague", which, as just said, is vague. On the basis of the rule stated by Frege and Russell, therefore, one must deduce that logic cannot be applied to their principle because it is vague. Which, however, is a problem; for this deduction would be possible if and only if logic could be applied to the

principle itself.

But this is a vicious circle. The result is that "if logic applies to the statement, the statement is incorrect. If logic does not apply to the statement, then the 'restriction' is without force; for it has no implication as to what is ruled in or ruled out. Since a restriction must rule something out, the 'restriction' would not be a genuine restriction" (Sorensen 1985, p. 137).

Hence, because it is not possible to distinguish between vague and non-vague terms, it is also not possible to state that "logic only applies to non-vague predicates". One consequently understands why it is impossible to conceive of a non-vague language. Moreover, as shown, not only is vagueness impossible to eliminate but it is omnipresent in language. "Any type of expression capable of meaning, is also capable of being vague; names, name-operators, predicates, quantifiers, and even sentence-operators" (Fine 1975, p. 266).

My thesis in this paper, however, is that contrary to what the founders of modern formal logic believed, vagueness is not necessarily a negative characteristic of language. It is not necessary to eliminate vagueness to obtain a form of controllable and certain discourse. I maintain, in fact, that it is possible to "live with" the vagueness of language and to "work" with it. From this point of view, vagueness and precision are not mutually exclusive. One can instead attain a satisfactory exactness of language, and therefore of communication, without eliminating vagueness. This is made possible by dialogue.

2.1. Vagueness of language and controversy

As said, there is a very close connection between vagueness and dialogue – or, better, controversy. In effect, the impossibility of eliminating the vagueness of language always entails that something can be discussed and disputed. The fact that the terms which we use are semantically vague is one of reasons why disagreements arise. This may seem to be a negative factor. On the other hand, however, it is precisely because our language is vague that it is possible for people to discuss matters, seeking to achieve sufficient clarity for mutual understanding. And this is a positive factor. Hence vagueness at once causes and enables controversy and dialogue.

It might be thought that this does not apply in axiomatic-formal contexts, given that the distinctive feature of such contexts is the extreme precision and non-vagueness of the language used, and of the rules of inference applied. Nevertheless, apart from the fact that (as seen) it is never possible to eliminate

vagueness entirely, some important considerations should be borne in mind. Symbolic-formal languages are indeed very precise. But they are so because they have been established by convention. But to establish a convention there must first be dialogue: the process by which the symbolic-formal convention to adopt is agreed and stipulated.

Hence, the logical-formal certainty of axiomatic systems does not eliminate dialogue; rather, it presupposes dialogue. Put otherwise: in axiomatic-deductive systems dialogue is suspended until it is decided renegotiate the agreed-upon stipulation – for instance to falsify a particular theoretical model.

From this point of view, therefore, the connection is confirmed between the ineliminability of vagueness and the ineliminability of the dialogue which precedes and follows the stipulatory moment. The implications for the relationship between rhetoric and the exact sciences are evident: even in formalized and axiomatized contexts there is space for dialogue, and therefore for rhetoric. Perhaps, therefore, the "two cultures" are not as distant as modernity thought.

3. Vagueness of language and law: legal logic and rhetoric

We have seen what constitutes vagueness, why it cannot be eliminated, and the connection between vagueness and controversy. If, as just said, this connection is also decisive with regard to formalized contexts, one well understands the importance of vagueness in contexts where not a formal language, but a natural one is used.

The "weight" of vagueness is very apparent also in the legal domain, where a "technical" or "administered" language is used.

Of course, when discussing law and vagueness, it is first necessary to clarify the standpoint from which the law is considered. Here there is insufficient space to give thorough account of the diverse philosophical-legal theories that have dealt with the topic of vagueness (for details see Endicott 2000 and Luzzati 1990). Suffice it to point out, however, that the issue has been addressed differently by those who adopt a legal-positivism perspective, espousing an anti-realist epistemic conception of vagueness; those who adopt a natural-law perspective, espousing a realist epistemic conception of the vagueness; and those who adopt a legal-informatics perspective, espousing at times a semantic conception of vagueness.

For my part – although I cannot set out my reasons here (see Moro 2001) – I do

not agree with any of these approaches to the law, all of which essentially share the idea that the law – regardless of its source – corresponds to a set of legal norms. My position, does not identify the law with its norms; and it is therefore at odds with those mentioned above. Known in Italy as the "trial-based perspective on law", this is a tradition of thought developed by Giuseppe Capograssi, Sergio Cotta and Enrico Opocher, and whose principal representatives today are Francesco Cavalla and his pupils working at the Universities of Padua, Verona and Trento under the aegis of the CERMEG-*Research Center on Legal Methodology.*

According to this legal-philosophical perspective, the *proprium* of the law is not the norm but the trial. Norms, however, are not excluded from juridical reflection. Rather, they are framed with the trial, which is a regulated form of controversy settlement (see Cavalla 1991 and Moro 2004).

The method which regulates and controls the discourses that develop during a trial (the discourses of the judge and those of the parties) is the "rhetorical method". Here, therefore, "rhetoric" is "legal logic": the logic that studies the criteria with which to regulate and to control legal discourse and legal reasoning (see Cavalla 2006).

It is necessary to distinguish this conception from those (however authoritative) which in the twentieth century sought to reinstate rhetoric as legal logic. There are important differences between the theories of, for instance, Perelman and Viehweg, on the one hand, and the theory of Francesco Cavalla on the other. For Cavalla (and for myself):

1 rhetoric is always a tripartite logical procedure consisting of topic, dialectic, and rhetoric in the strict sense

2 rhetoric is the distinctive form assumed by legal logic;

3 rhetoric – in accordance with the teachings of classical antiquity**[i]** – is the best means with which to ascertain the truth.

For Perelman and Viehweg persuasion is solely a psychological process, and argumentation has nothing to do with the truth. They maintain that "truth" is synonymous with logical certainty and concerns only the formal sciences.

But I believe that persuasion also has a logical validity and is consequently verifiable, *mutatis mutandis*, like a mathematical proof. It therefore only makes sense to talk of argumentation in relation to the truth. But what is meant by truth?

Here, by "truth" is meant "the non-contradictable conclusion of the dialectic between the parties to a trial conducted before a third and impartial subject" (Cavalla 2007, p. 23). From this point of view – given the indissoluble structure of topic, rhetoric and dialectic – the trial debate is, "more than a procedure, the essential principle of the legal order" (Manzin 2008, p.13), the crucial means to ascertain the truth.

Truth is therefore being talked about here; but in no way is the vagueness of language eliminated, because truth and the vagueness of language are not mutually exclusive. Vagueness does not rule out the possibility of producing a clear and univocal discourse that can be verified by legal logic and therefore said to be "true". Now let us explain how it is possible.

4. The characteristics of rhetoric: Francesco Cavalla' s theory

Firstly, drawing on a recent study by Francesco Cavalla – whose arguments are set out in what follows**[ii]** – it will be useful to provide further definition of the nature of rhetoric and its purpose.

Rhetoric is a way to organize ordinary language (which is vague) using a method intended to substantiate particular conclusions. It concerns itself with persuasion. Persuasion is a fact: the fact that the listener agrees with the arguments of the orator. As said, agreement by the listener with the orator's arguments does not have solely psychological validity. Persuasion is not coerced agreement; it is not the result of an emotional choice. In this regard, Plato and Aristotle distinguished between sophistry and rhetoric, maintaining that true persuasion is the persuasion of rhetoric.

The persuasion of rhetoric ensues from a rigorous process of rational selection which uses the tools of topic and dialectic. In fact, the rhetorician topically selects the arguments that constitute his discourse. The listener then dialectically assesses the arguments of the rhetorician, considering their merits, discarding contradictory arguments and saving the logically valid ones. Such dialectical control is very stringent because it is founded on the principle of non-contradiction, which Aristotle called "the most certain principle" (Arist., *Metaph*, IV, 3 1005 b, 23)

Rhetoric is a procedure that moves through logically sequential and consequential phases. The rhetor must progressively obtain agreement on his arguments, overcome the audience's objections, and dispel every doubt concerning the definition of a certain occurrence.

Before examining what these logically sequential phases are, I must first clarify some characteristics of rhetorical discourse. This will aid understanding of the relationship between rhetoric and truth.

4.1. Rhetoric and topic: "possible discourse"
The rhetorician speaks in a dialogic-controversial setting where it is impossible to stipulate hypotheses and axioms. The starting points of rhetorical discourses are not axioms, therefore, but *topoi* or *loci argomentorum*. These are defined by Aristotle as opinions worthy of note because they are professed by the more authoritative actors in a certain setting. As such, *topoi* are "commonplaces" in that they are encountered and recognized by the people who act in that particular setting. The *topoi* constitute the historical, cultural or linguistic factors which condition the setting and therefore every argumentation within it. In law, for example, this role is performed by precedents, in particular those established by the high courts, or by the most authoritative scholarly studies, or again by the law itself.

The discourse which starts from *topoi* – that is, the rhetorical discourse – has the initial status of a "possible discourse" (Cavalla 2007, pp. 21-44). It is in fact only "possible" that it will be accepted by the audience; it is not necessary that it will be so. Moreover, it is only "possible" because, although the *topos* signifies something, it does not rule out alternatives: normally, in fact, one rhetorical discourse is contraposed by another rhetorical discourse. An argument can always be opposed by another one, so that they contradict each other. This is controversy. Consequently, the finding of shared *topoi* is not enough for persuasion to come about. It is necessary to argue on the validity of the *topoi*, countering the criticisms of the other party, and then criticising the other party's arguments in their turn.
A "possible" discourse is therefore neither a "necessary" discourse nor an "impossible" one.

"Necessary discourse" is the type of discourse to be found, for example, in the conclusions of a mathematical proof, which, with its abstract determinateness, does not admit to alternatives. It is tautological and hence necessary: once the hypotheses have been selected and stipulated, the conclusion cannot but be the one that they implicate. In the case of a "possible discourse", by contrast, in is impossible to stipulate any initial hypothesis, and the conclusion may be different from that implicated by the *topoi* that have been chosen. The adverse party may

therefore win the argument.

But "possible discourse" is not "impossible discourse" either. "Impossible discourse" is contradictory discourse unable to refer to anything determinate, and therefore unable to stand as an alternative to any type of statement. In effect, to recall the principle of non-contradiction, we may state that someone who at the same time, in the same regard, on the same subject, affirms and denies the same predicate, may be uttering words but he is saying precisely nothing. "Possible discourse", instead, refers to something determinate but which, by itself, in the topical phase, is still not a preferable alternative to the contrary discourses, which are just as "possible".

In judicial controversy, therefore, a clash arises between the "possible discourses" of the parties. The purpose of each party's discourse of to overcome the objections of the adversary and to attack the discourse. The aim is therefore to have one's own "possible discourse" become the only one that is acceptable.

As long as a possible discourse admits to alternatives (the other "possible discourses"), it cannot lay any claim to truth. However, during the rhetorical procedure, it can be shown that the alternatives proposed by the counterpart are inconsistent. When this happens, the possible discourse ceases to be merely possible and becomes true.

This possible discourse will no longer encounter – in that moment, for that audience, for that time – any alternative. For the rhetorician will have shown that the alternative discourses are untenable. Hence, only one remains of all the initial possible discourses. And it must be accepted. The initial "possible discourse" will therefore no longer be just one discourse among others; it will be the only rationally valid discourse. Being recognized as such, it must be accepted by the parties.

4.2. Overcoming objections

Having clarified these matters, we may return to analysis of the rhetorical procedure. The rhetorician defeats his adversary through a sequence of steps in which he acquires increasing agreement with his arguments. These aspects of the discourse are its existence, its capacity to furnish a solution to the case, and its preferability to any other thesis.

As said, the first stage of the rhetorical procedure is topic: the first thing that the rhetorician must do, in fact, is determine the *topoi*. The *topos* is therefore the

premise of the rhetorical discourse; and it is from the *topos* that the rhetorician must start in gaining agreement with his discourse.

When the rhetorician begins his argumentation, therefore, he must find the most efficacious *topoi*: those are most widely accepted. These are very useful because they make the discourse more easily recognizable by the listener, and therefore more acceptable. However, contrary to the opinion of some contemporary scholars, topic is not enough in itself. Finding the most efficacious commonplace, in fact, does not suffice for the purposes of rhetorical argumentation, because every discourse must subsequently undergo the scrutiny of the dialectic and the opposition raised by the adversary. Consequently, as every lawyer knows, having identified the favourable case law is not enough to win a trial.

There are numerous *topoi*, and they are of diverse types. It is just as well that they are so, because the rhetorical discourse must be defended against the various kinds of attack that Francesco Cavalla calls "objections". According to the type of objection that the rhetorician encounters during his argumentation, he will have to choose the commonplace best suited to overcoming it.

The objections that the rhetorician may encounter can be broadly classified among the following four types:
objection by indifference
objection by ignorance
objection by generic doubt
objection by specific doubt.

As the rhetorician overcomes each of these objections, he obtains increasing agreement with his argument. These types of objections are now discussed.

4.2.1. Objection by indifference: aesthetic rhetoric

Objection by indifference is the most common type. It concerns the listener and consists in his lack of interest. It arises when the adverse party has not yet raised a specific challenge against the rhetorician's thesis but has instead simply ignored it.

Used to overcome objection by indifference and to gain the listener's attention is the variant of rhetoric which goes by the name of "aesthetic rhetoric". This consists in a series of actions intended to attract the listener's attention: a joke, a

witticism, a studied gesture, a refined tone of voice, and so on. This is what is conventionally regarded as rhetoric *tout court* and gives it a pejorative connotation. Indeed, where rhetoric to stop here, it would be no more than sophistry; for it would be mere emotional captation, and therefore used with ill-concealed psychological violence.

4.2.2. Objection by ignorance: didascalic rhetoric

Instead, once the rhetorician has gained the listener's attention, he may be faced by the second type of objection – that by ignorance

Objection by ignorance arises when the listener to the discourse does not yet know whether its content is possible. In fact, at a first level, the rhetorical discourse may be contested either because the listener does not have the resources to understand the meaning of the conclusion or because he does not have the cultural wherewithal to substantiate it.

In this case, the rhetorician overcomes the objection and makes himself understood by means of "didascalic rhetoric". This consists in the use of all the devices – such as examples or figures of speech (primarily metaphors) – able to convey the sense of the rhetorician's discourse and to explain obscure or particularly complex arguments.

During a trial, this type of rhetoric is used in the presence of a jury with insufficient legal knowledge to understand complex points of law. Or it is used when highly technical scientific evidence requires the judge to apply specialist knowledge which he does not possess. In both cases, the counsel must explain the sense of his discourse and the meaning of expressions which the audience does not understand because of its ignorance. The counsel must therefore furnish the listener(s) with the specific knowledge that they lack so that they can understand the sense and reference of the argument: obviously, if they cannot understand what is being said, they cannot agree with the counsel's argument. Making them understand is therefore crucial (Quint., *Inst.*, VIII, 2 24).

4.2.3. Objection by generic doubt: the "peroration"

However, once the rhetorician has gained attention, and once the listener has understood the sense of the discourse, objection by generic doubt may be raised. The listener is attentive; he has identified the argument to evaluate; and he recognizes its feasibility because he is now knowledgeable about its content. Nevertheless, he still does not have sufficient reasons to approve this argument rather than a different one. The doubt is "generic" because the listener does not

have a specific alternative to oppose against the argument; yet nor does he have grounds to deem it preferable to its negation. The rhetorician overcomes this type of objection with what since Cicero has been known as "peroration", and which consists in further justification for one's discourse. In this phase, in fact, it is necessary further to specify the reasons why the premise proposed can resolve the case under discussion and is therefore preferable to others.

This phase is of central importance in regard to the theme of the vagueness of language with which I began. As said, it is by virtue of its vagueness that language can be clarified so that a discourse is made comprehensible. This happens at every stage of the rhetorical procedure, but it does so especially in the peroration.

The peroration stage is characterized by what has been called a "procedure by accumulation" (Cavalla 2007, p. 58), the purpose of which is exactly that of reducing the vagueness of the discourse so that a univocal meaning can be constructed.

When the rhetorician perorates his cause, he fashions an "argumentative-semantic web" – so to speak – able to "capture" the meaning best suited to framing the case in question. The tighter the mesh of this web, the more it is efficacious, and the closer its nodes, the less room for manoeuvre will be available by the adverse party, who in his turn will seek to "free" the listener from the other's web and bring him into his own.

Metaphor aside, in this phase the orator must seek to connect the vague terms of his discourse so as to construct an association of concepts which "by intersecting with each other produce an overall message that comprises only one particular portion of the reality – i.e. the object of the communication – while everything that is extraneous is left at the margins" (Cavalla 2007, p. 37). This point is now explained in more detail.

4.2.3.1. "Generalization"

As we saw earlier, the extension of a vague term is uncertain, and vagueness can never be eliminated. Nevertheless, the vagueness of a term can be reduced by the concurrent contribution of another term, and then another one, and so on. The speaker must proceed until he has achieved the degree of clarity required to create a set of meanings worthy of approval because it unequivocally defines the specific case. This meaning construct is called "generalization" (Cavalla 2007, pp. 59-61).

A generalization is acceptable if it omits none of the properties that have been attributed to the particular case during the discussion, maintaining a relationship of inclusion with it – that is, presenting it as a sample of the series defined (Arist., *Soph. el.*, VI, 168a 22).

By way of example, consider the discussion during a criminal trial of legitimate self-defence. Like all legal notions, this derives from the criminal code, case law, and jurisprudence. Yet the notion is not precise, but vague: for were it not vague, there would be no discussion. Nevertheless, what constitutes legitimate self-defence is frequently discussed in criminal trials for the purpose of determining whether or not the defendant's behaviour was justified.

Hence, in pleading his case, the defence lawyer will seek to define what is meant by mitigating circumstance, by legitimate self-defence, by threat, by proportionality between threat and defence, and so on. These too are vague concepts, so that the lawyer must take care to construct generalizations able to "comprise" the legitimate self-defence under discussion.

Yet anyone who frequents courtrooms knows perfectly well that whenever the defence counsel pleads self-defence, a new generalization must be constructed. There does not exist, in fact, either at general or particular level, *the* definition of legitimate self-defence which can be cited. There exist, in fact, different definitions of legitimate self-defence, and in abstract all of them are worthy of consideration: initially, all of them are "possible", but none of them is "necessary". What is meant by "possible discourse" thus becomes clearer: whoever believes that a definition which states all the characteristics of the object in question is the only one possible is mistaken. There are numerous alternatives: and since there are so many of them, the rhetorical procedure must demonstrate that only one of them is worthy of consideration because it is better than the others: it applies to the case under examination. One case is different from the next, so that it cannot be claimed *a priori* that there is a definition of legitimate self-defence which holds in all cases as an indisputable generalization.

If this were the case, we would be in the domain of necessary discourse – that of science. In effect, there is also generalization in necessary discourses. But the generalization of analytical-deductive discourses has universal value. It is characterized by the fact that what can be stated of a set of objects is all and only the properties of the class in question. When this happens, the presence of a defined series entails that the objects belonging to it have always, without

exception, all and only properties of the series. Hence, in Euclidean geometry, for example, a "triangle" can be defined as a "polygon with three sides, the sum of whose internal angles is 180°". Yet any figure with these, and only these, properties is inevitably a triangle. Hence, whenever I encounter a polygon with three sides and with internal angles summing to 180°, I am certain without a shadow of doubt that it is a triangle. The matter is beyond dispute. Only to be discussed is whether it is intended to build another system: that is, another definition in which, for example, the sum of the internal angles is more or less than 180°. But in this case, I will have constructed another generalization – that of a non-Euclidean geometry – which will have universal value within that system of reference.

In rhetorical generalization, however, the rhetorician can never state all the properties of the series, because the generalization constructed, being typical of a possible discourse, comprises some properties but inevitably omits others. This, therefore, is not a universal generalization (which "holds for all cases") but a particular generalization (which "holds only in this case"). In rhetoric, in fact, vagueness cannot be reduced by any sort of initial stipulation.

Hence the rhetorician must demonstrate that the particular case being debated has *at least* the properties listed in the generalization, and not others which at the time are not relevant or not in discussion. Thus, a particular event will belong to the series if it possesses at least those properties with which the series has been defined, developed, and made knowable.

To return to our example: *if* by legitimate self-defence is meant an otherwise criminal act committed because the perpetrator has been forced to defend himself or others against the threat of injury with due proportionality; and *if* the case in question exhibits at least these characteristics of necessary defence, proportionality between defence and offence, and the actuality of the danger – each of them clarified by a particular generalization –; *then* the case in question must be regarded as belonging within the series "legitimate defence", with the result that the accused must be acquitted.

This bears out what has already been said: the vagueness of language is not the negation of clarity (as the formal logicians thought). Precisely because language is vague, the different terms of the language can collaborate with each other to construct a sufficiently clear and unambiguous meaning. That is to say, construct a sufficiently exhaustive generalization.

However, as said, there are at least two parties to a legal controversy. There is never just one rhetorical discourse, never just one generalization in a trial. There are always at least two of them: the generalization constructed by one counsel clashes with that of the other.

4.2.4. Objection by specific doubt: dialectic and confutatory rhetoric

We thus come the fourth type of opposition – opposition by specific doubt. This arise when a discourse, however well-founded, is opposed by a contrary thesis which has another premise, equally sound and apparently well-founded, which at least at first sight can also reasonably claim to efficaciously frame the case in point.

It is in this last stage of the rhetorical procedure that we find the use of what was classically known as "dialectic", and which uses "confutatory rhetoric" to demonstrate, on the basis of common knowledge, that the contrary thesis is untenable (Arist., *Soph. el.*, V, 167a 20-25).

To this end, the rhetorician may show that the adversary's discourse is based on a commonplace too vague for the case in question; or he may show that the adverse commonplace is clear but not relevant to the adversary's thesis; or again, he may demonstrate more specific fallacies or contradictions in the adversary's argument.

To return again to our example, if the defence counsel claims legitimate self-defence by the defendant, he invokes an institute whose existence requires the concurrence of several circumstances. Simultaneously present must be the necessity of self-defence, proportionality between defence and offence, and the actuality of the danger. Rhetorically, the defence counsel must construct a generalization able to show that the defendant's behaviour fulfilled all these criteria, which in their turn must be defined. But if the defence counsel forgets one of these elements (or is unable to demonstrate it), the prosecution will not find it difficult to prove the non-existence of legitimate self-defence and obtain a conviction.

In short, confutation consists in an assault on the other party's argument in order to demolish it. The rhetorician makes elenctic use of the principle of non-contradiction to demonstrate the unsustainability of the adversary's argument so that, between the two contending discourses, only his own remains. Thus the possible discourse eliminates its alternative. Hence, the alternative having been removed, the possible discourse attains the status of true discourse. If then, as

may happen, the judge nevertheless does not recognize the truth of the rhetorician's discourse, the condition is in place for the sentence to be impugned, and therefore for the sustainability of the rhetorician's argument to be asserted elsewhere.

It is evident that meeting this fourth type of objection is indispensable. Overcoming the other three types of objections leads only to the dialectical phase. Dealing with the first three objections is necessary, but not sufficient. Moreover, the rhetorician may not necessarily encounter all four of the objections described. It may happen that he is heeded immediately or that it is not necessary to explain the terms of his discourse. What is certain, however, is that the need for confutation will always arise: it will never be the case that confutation is not necessary.

During a trial, therefore, every discourse, however well constructed and appealing, will fail in its argumentative purpose if it does not overcome the dialectical opposition raised by the adversary. Just as rhetoric cannot do without the topic in order to state the premises of the discourse, so it cannot do without the dialectic to demonstrate the validity of the discourse.

In all cases, therefore – as suggested by the etymons of the Greek term *elenchos* and the Latin term *confutatio* – the rhetorician must raise obstacles against the adversary's claims while demolishing his defences. In this sense, even a mere procedural objection is authentically a rhetorical discourse: it demonstrates that the adverse party's argument is so weak that it does not even warrant discussion during a trial.

5. Rhetoric and truth

I conclude with a note on the term *"truth"*. When Francesco Cavalla discusses truth, he defines it as "instantaneous" (Cavalla 2007, pp. 80-84). As soon as a discourse is pronounced and recognized as true, it is liable to re-discussion and possible disproval.

Truth in this sense is not something that never changes, that is immovable and distant from experience. Rather, like experience, truth is always and constantly *"in motion"*.

From another point of view, we can also say that truth is a matter of quality and not quantity: there is no "partial truth" or "trial truth" that is inferior to a purported "material truth" or "factual truth". There exists only "truth": what may differ are the methods used to establish it. And the trial method cannot but be the

rhetorical method, which is not inferior to that of the exact sciences.

NOTES

[i] The term "classic" or "classical" is used here not in the chronological sense but rather in a category-specific one. Hence "classical" denotes a thought able to maintain its assumptions and conclusions valid despite the march of time. This does not imply that a classical thought is indisputable: instead, when we debate a thought, we recognize it as classical because we again confirm its validity.

[ii] I summarize Francesco Cavalla's theory and expound his conception of rhetoric: all definitions used are taken from Cavalla (2007).

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ISSA Proceedings 2010 – A Semantic Structure For Points Of

View: About Linguistic Constraints On Argumentation
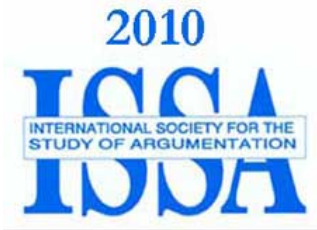
With almost no exception, all the approaches of argumentation acknowledge that utterances and discourses of natural languages play a role in argumentation; this role, which can be called *"argumentative power"*, is often considered to comprise *argumentative orientation* and *argumentative force* (see, for instance, Ducrot 1973). Pieces of evidence that the structure of natural languages constrain the possible argumentative power of utterances and discourses have been discussed since the mid '70s, in connection with so called *'grammatical words'*, like connectives or operators, mainly (but not only) within the framework called *"Argumentation Within Language"* (AWL) initiated by Oswald Ducrot (see, for instance, Anscombre and Ducrot (1976), Bruxelles *et al*. (1979), Ducrot (1980), Kay (1990)).

Oddly enough, according to their initiators, these discussions seemed to suggest that, *because* natural languages constrain argumentation, semantics should be *'pragmaticized'*. In this paper, I will show that that suggestion is a mistake, even from the point of view of AWL, and that there are strictly-semantic constraints on the argumentative power of discourses, imposed by those language units. In addition, I will give more evidence that language units constrain argumentation in a very precise way, and will show that not only *'grammatical words'*, but also all kinds of usual lexical items impose precise constraints on the argumentativity of the utterances in which they appear. To achieve this aim, I will introduce two technical concepts related to the usual blurry notions of *point of view*, and *ideology,* respectively; though the aim of the paper is not to give precise definitions of these concepts, the discussion will give elements for such definitions. In any case, the relationship between argumentation and those two concepts will be clarified, leading to a precise characterization of what *semantic constraints on argumentation* could look like. Several practical consequences of this approach will be discussed and, in particular, consequences on the notion of metaphor and its role in argumentative discourses.

1. Marks of argumentation in languages: an old story re-told

At the end of the seventies, Ducrot showed that some so-called grammatical

words, such as the French *peu* (*little*), *un peu* (*a little*), *mais* (*but*), etc. had to be described in terms of constraints on the argumentative power of the utterances of the sentences of which they are a part (*cf.*, for instance, Ducrot 1980). Typically, the argument is based on facts such as the following ones:

Original facts and first consequences

The difference between an utterance of (1) and an utterance of (2) in the same situation

(1) Max ate a little

(2) Max ate little

is not a matter of quantity eaten by Max

Among the very many evidences for that, is the fact that a disagreement between two observers may end up with

(3) Ok, he ate little but he ate a little

as well as with

(4) Ok, he ate a little but he ate little

none of them being contradictory...

What differs between the interpretations of utterances of (1) and (2) in the same situation is whether the speaker considers the quantity eaten as sufficient or not, *whatever that quantity is*.

In fact, (1) (weakly) suggests that Max can wait before eating more, but cannot be used to suggest that Max should eat more now.

On the contrary, (2) suggests that Max should eat more now, but cannot be used to suggest that Max can wait before eating more

Thus, the difference between "little" and "a little" cannot be expressed in terms of truth conditions, nor of reference, but rather in terms of argumentative orientation, or *points of view*.

Similarly, the difference between

A but B and

B but A,

as illustrated in the contrast between (3) and (4), is a matter of preference of the speaker and not a matter of truth or reference.

Examples of this kind could be multiplied infinitely and there is, of course, no point in invoking or consulting corpora for that matter: what has to be observed is the contrast between two possible interpretations, treasure that cannot be found

in a corpus, exactly in the same way as gravity cannot be found in a basket of apples, even if they came from Newton's orchard…

As a consequence of these observations and of many others, the semantic description of a rather large set of words of natural languages (namely connectives and operators) must integrate constraints on the argumentative orientation of the utterances that may use them.

In order to take these facts and their consequences into account, Ducrot and some others thought they had to introduce the notion of *integrated pragmatics*. As a motivation for that move, Ducrot (1980, p. 72) says:
« *Non seulement la valeur argumentative d'un énoncé est, dans une large mesure, indépendante de son contenu informatif, mais elle est susceptible de déterminer partiellement ce contenu. Ce qui amène à refuser la séparation entre sémantique, qui serait consacrée aux notions de vérité et la valeur informative, et la pragmatique, qui concernent l'effet, notamment l'influence argumentative, que la parole prétend posséder ».*

Almost ten years later, Anscombre (1989, p. 13, footnote 3) insists:
« *Nous réservons ce terme [« sémantico-pragmatique »] à la partie de la sémantique qui fait jouer éventuellement des facteurs d'origine pragmatique, qu'ils apparaissent dès le niveau de la structure profonde (la pragmatique intégrée que nous défendons avec O. Ducrot) ou non ».*

Their erroneous reasoning can be reconstructed in this way:
a) Argumentative description belongs to pragmatics
b) Semantics must integrate elements of argumentation
Therefore
c) Semantics must integrate pragmatics

This reasoning carries two important errors which lead to the same:

- Since Morris (1938), semantics is construed to be the discipline which studies the relation between the signs of a system and what they mean within that system while pragmatics is the discipline which studies the relation between the sign system and its users in the situations where the signs are used. It follows from that that *semantics* and *pragmatics* are not observable entities but *constructed concepts*; and that they are constructed to be complementary: by definition of the terms, what is

semantic is not pragmatic, and vice versa. Now, suppose we construct A and B such that that AÇB=Æ, and suppose that, at some moment, we believe FÌB; if we discover that $x such that xÎF and xÎA, then, there is no way to avoid cancelling the belief that FÌB. Re-designing the construction of A and B differently, in order to get a new-A and a new-B which be no longer disjoint, would not help: new-A would no longer be A and new-B would no longer be B...

- Except if P is a catholic dogma, and the believer is the Pope, the *belief* that P does not guarantee the truth of "P": it is then clear that, since the belief that argumentation belongs to pragmatics is not a catholic dogma, even if all of us were the Pope, that belief would not guarantee the truth of "argumentation belongs to pragmatics"... Again, if something supports the falsity of some belief, then, the belief *must* be suspended, and not the definitions changed.

The correct reasoning should go this way:

- We have just seen evidence which supports the idea that at least some aspects of argumentation must be described within semantics

therefore

- Not all aspects of argumentation can be considered as belonging to pragmatics: on the contrary, some of them belong to semantics.

We will now see that that conclusion is reinforced by the fact that words of all sorts of other kinds also constrain the argumentation of the utterances of the sentences which contain them.

2. Other marks of argumentation in languages: points of view as lexical roots of argumentation

The argumentative orientation, which is constrained by the words of natural languages, characterizes not the real world entities about which the discourses talk, but rather the way those entities are approached through those discourses**[i]**. These points of view imposed by the discourses had been observed by Mikhaïl Bakhtin at the end of the 1920s and were one of the motivations of his notion of *inhabited words*. Commenting on Bakhtin's thought on word dialogism, Tsvetan Todorov drew the attention on the fact that

« *Aucun membre de la communauté verbale ne trouve jamais des mots de la*

langue qui soient neutres, exempts des aspirations et des évaluations d'autrui, inhabités par la voix d'autrui. [...] il reçoit le mot par la voix d'autrui, et ce mot en reste rempli. Il intervient dans son propre contexte à partir d'un autre contexte, pénétré des intentions d'autrui. Sa propre intention trouve un mot déjà habité. » (Todorov 1981, p. 77).

In particular, as the discussion below illustrates it, some words have the strange property of being such that, when used in an utterance, they are able to modify the word meaning of other words used in the same utterance. What they really modify is the point of view through which the object of discourse is supposed to be seen. Thus, if we consider, for instance, the meaning of the English word *friend*, we do not see, in principle, anything negative with it; however, very few people would have positive feelings towards Max's friends after hearing an utterance of (5):

(5) Max is rich : he must have a lot of friends

It appears clearly that the presence of the word *rich* is responsible for that negative feeling towards Max's friends: the point of view triggered by "rich" is that of a certain power, degrading (if the reader forgives the moral negative point of view introduced by my use of this lexical item…) the meaning of *friend* to refer to a relation of profit. This way of explaining the semantic effect of (5) is reinforced by the strange effect provoked by utterances of (6):

(6) This baby is rich

in spite of the fact that (7)

(7) This baby inherited a big fortune

does not sound strange and that it logically implies (6): what is strange with (6) is not the fact or situation it refers to, but the *way* of referring to it (see Raccah 1998 for a contrastive discussion of Spanish *Rico* vs. French *Riche*).

Since (7) logically implies (6) and utterances of (7) do not provoke any strange effect, while utterances of (6) do provoke a strange effect, in order to account for the contrast between (6) and (7), we clearly have to rule out, without possible discussion, the possibility of a correct truth-conditional description of the semantics of words such as *rich*, even for sentences and phrases without connectives or operators. As the reader can easily realize (for instance, opening an English dictionary), the case of *rich* is not a hapax. Altogether, the different linguistic data allow to generalize what was said about *rich* and strongly suggest both that (i) at least a part of the semantic description of words and phrases must

directly evoke their role in the argumentative effect of their utterances, and (ii) that such a description, at least in the numerous cases observed, must be based on constraints on the points of view that the utterances may evoke.

If we see argumentation as suggesting or imposing points of view and relations on points of view, these two prescriptions yield to a semantic conception of argumentation[ii], based on linguistic constraints on points of view: the *ViewPoint Semantics*. In such a framework, as we will see in more details, the so-called grammatical words impose constraints on the relationship between points of view, while other words impose the points of view through which the argumentation of the utterances will be built.

Before going into some technical aspects of the construction of utterance argumentation, it may be interesting to consider a few properties concerning points of view, culture and ideology.

3. Points of view, culture and ideology
a) The points of view carried by words, which combine to yield to the argumentation of utterances are *implicit*: they are not the object of the discourse, but are necessary to accept (perhaps very provisionally) in order to *understand* the utterance. For instance, a non English speaker who did not associate *power* with the English word "rich" would not understand properly utterances of example (5).
b) Some points of view are imposed by all occurrences of a word belonging to the lexicon of a given language. They are part of the common culture of the speakers of that language.

They are said to be *crystallized* in the word, or *lexicalized*. The point of view discussed in connection with example (5) belongs to that kind. However, some points of view are imposed only in some discourses containing a word, but not in all of them: the hearers of such discourses, especially the ones who do not share the points of view those discourses impose, understand them to belong to the speaker's *ideology*. Examples (8) and (9) below illustrate this point. Utterances of (8):
(8) John is a republican but he is honest
generally force the hearer to accept (at least provisionally) that, in general, republicans are not quite honest (this is why some utterances of (8) may provoke aggressive reactions among republicans...). However, this is not a property of the

English word "republican", since utterances of (9):

(9) John is a republican but he is dishonest

which force the hearer to accept (at least provisionally) that, in general, republicans are rather honest, is also understandable. It follows that, contrarily to what happens with "rich" and the point of view according to which possession gives power, the English word "republican" does not impose the point of view according to which republicans are not quite honest (nor the opposite one, for that matter). Hearers of utterances of (8) or (9) understand that their speakers speak out of their ideological standpoint; the farther they are from that standpoint, the easier it is for them to understand that...

Since they are not situation-dependant, the points of view which are associated to all occurrences of a word must be described in the lexicon of the language; those which are associated with only some of them are related to specific ideologies and must all be excluded of the lexical description.

c) When a point of view really belongs to a word of some natural language, then, discourses using that word, even if they express some opposite point of view, clearly acknowledge the lexicalized point of view. Example (10) illustrates that point:

(10) Me gusta el bochorno (*I like scorching heat*)

Understanding an utterance of (10) implies understanding that what the speaker says (s)he likes is a kind of heat which is normally disliked: though utterances of (10) express a positive point of view towards that kind of heat, the negative point of view lexicalized in the Spanish word "bochorno" is acknowledged by them.

4. From lexicalized points of view to argumentation

Reminding that the concept of *point of view* used in this paper is intended to grasp *the way entities about which the discourses talk are approached through those discourses*, I will now sum up the explicit and implicit properties which, according to what has been stated, a 'viewpoint calculus' must meet in order to fulfill the tasks assigned to it (*i.e.* account for the argumentative properties of a discourse, through a semantic calculus on the lexicalized points of view). We will then see two additional properties of points of view, which will be of great help for that 'calculus'.

1) The point of view of a word must be able to 'propagate' (within the linguistic unit of which it is part) in order to contribute to the argumentation of the

utterances

2) However, the point of view of a word must not be necessarily that of its utterances

3) Though it must leave a trace in the argumentation of the utterance, even when they are distinct

4) Constraints on argumentation must be expressible in terms of relationship between points of view

5) Relations between discourse points of view must be able to express ideologies

6) Relations between word points of view must be able to express cultural items

7) Some words impose points of view on what they refer to

8) Other words (connectives, operators) impose constraints on the possible points of view expressed by the parts they connect, or on which they operate

The requirements summed up above seem hard to meet, especially the first three points. However, two interesting properties of points of view will help build an appropriated descriptive system.

The first property can be stated as follows:

P1: *Some points of view are mere positive or negative judgments about an entity*

These *elementary* points of view are completely determined by the pair <entity, *good*> or <entity, *bad*>. This is the case with the point of view imposed by the word "honest", which is completely determined by the pair <behavior, *good*> (while the point of view imposed by "dishonest" is completely determined by the pair <behavior, *bad*>)

The second property of points of view can be stated as follows:

P2: *A point of view on a certain entity can serve as a bias to view another entity*

We will shortly see why this property is important in order to meet the requirements: let us first see why this property is true of all points of view (actually, we will only *illustrate* here the property and *suggest* why it is true...). Suppose we accept that power is good, that is, suppose we see *power* as *good*. Now, if we accept that possession brings power, that is, if we see *possession* through the *power* it brings, we then see *possession* as *good* (and, obviously, the converse is true if we see *power* as *bad*).

The combination of these two properties allows building chains of embedded points of view, whose most embedded item is an elementary point of view. In such

chains, the value (*good* or *bad*) contained in the most embedded point of view spreads up to each of the embedding sub-chain, and marks the chain itself (the recursive definition of these chains is unchanged with respect to the one proposed, in Raccah 1990, for an earlier version of the descriptive system). The point of view imposed by the word "rich" illustrates this phenomenon: according to whether one activates the elementary point of view

<power, *good*>

or the opposite elementary point of view

<power, *bad*>

one can build two different chains for the point of view imposed by "rich":

either <possession, <power, *good*>>

or <possession, <power, *bad*>>

It is interesting to note that these two chains characterize two different uses of the word "rich" which are actually attested. These uses are often considered to be pragmatic variations, but, since we now have a way to treat them systematically at the level of the lexicon, nothing prevents us to describe the word "rich" with two different meanings, related to the two different chains. Obviously, many other words would then happen to be ambiguous, for the same reason...

Whether there is a limit in the length of the chains which might be associated to the words of a given language, is an empirical question which has not been answered yet (the answer needs not be the same for all human languages). Among the five languages about which the author may claim to have semantic intuitions, no chain greater than 3 has been found.

5. Conclusion(s)
As a conclusion (or as a set of conclusions...) I will sketch several theoretical and practical consequences of this approach to semantics and to argumentation.
a) On the analysis of cultures and ideologies
From a strictly linguistic perspective, both ideology and culture express themselves, in discourse, through implicit points of view: in spite of the difference we may strongly feel between the two notions, they are linguistically undistinguishable. This is not as surprising as it seems: if they were linguistically

distinguishable, there ought to be linguistic markers of ideology and/or linguistic markers of culture; these markers would certainly be very useful to anthropologists, ethnologists, knowledge engineers, sociologists, etc. but, unfortunately (?) they do not exist... The distinction relies on extra-linguistic knowledge or beliefs of the observer (anthropologist, linguist, knowledge engineer, or else...).

However, observers normally know when they are studying ideology or culture: what they need is a way to determine the content of that ideology or of that culture. If the semantic analysis of discourses and texts can exhibit the implicit points of view with which they are committed, then knowledge management, cultural studies and ideological studies receive a great empirical help. And this is precisely what the framework presented here does (see Chmelik 2007 for more on ideology within this framework).

b) On communication: getting rid of the conduit metaphor...
Most linguistics teachers still present an obsolete model of linguistic communication, the 'conduit metaphor' (*cf*. Reddy 1979) as the base of any semantic work on human languages: according to that model, usually presented as Jakobson's model, linguistic communication would consist in encoding, transmitting an then decoding some message. All of the linguists I have talked with confess they know that that model is wrong (some of them even know that the aim of Jakobson was to try to better that model, which was not created for linguistic communication but for signal transmission...), but they keep teaching it because, as they say, there is no better alternative... Without commenting on such attitude, it may be interesting to inform them that the model of communication underlying the framework presented here *is* an alternative to the 'conduit metaphor' (see Raccah 2005 for a discussion on the subject).

The conception of linguistic communication underlying the ViewPoint Semantics does not suppose any encoding or decoding, nor transmission of anything (but sound...): it considers speech as a tool to have the hearer adopt the points of view that the speaker wants him/her to adopt. The most appropriated metaphor which would sketch this conception of communication would be that of *manipulation*... Contrarily to the 'conduit metaphor', the 'manipulation metaphor' does not suppose any 'message' which the speakers intend to 'convey' to the hearers' mind: discourses are seen as tools which are used by the speakers in order to have the hearers adopt the points of view the speakers intend them to adopt. The

language units which are uttered by the speakers instruct the hearers to build and relate points of view: though the hearers can reject part or all of these constructions afterwards, their ability to understand the language in which the discourses are uttered forces them to consider those points of view and relations.

c) On metaphor: getting rid of the notion of metaphor in semantics
The notion of metaphor, which is rather useful in literature, begs the question in semantics: if, in a metaphor, the metaphorical word changes its meaning, then there is no longer any metaphor… Obviously, a careful discussion of that problem would need at least a long paper on that subject (see Schulz 2004 for an example of such a discussion); I will only say a few words here about how the problem can be avoided.

In the ViewPoint semantics framework, since words introduce points of view, the metaphorical effect of some combination of words can be explained by a gap between the points of view activated by those words (see Raccah, forthcoming, for a detailed description).

This reconstruction of the metaphorical effect has two additional advantages: (i) it explains why metaphors can die (the gap narrows when it is no longer surprising), and (ii) it predicts that, though not all utterances are argumentations, all metaphorical utterances *are* argumentations (they impose a specific point of view on what they speak about). This prediction is interesting because it is falsifiable (though it hasn't been falsified yet) and may, thus, be useful to test the framework.

NOTES
[i] If the reader finds a similarity with Frege's distinction between *Sinn* and *Bedeutung* (sometimes translated into English by *meaning* and *reference* respectively), I would have no objection, on the contrary: my interest for the semantics of argumentation is, actually, rooted on my study of Frege (and, in particular, of Frege 1892). Frege's nowadays classical example *Abendstern* vs. *Morgenstern* (*evening star vs. morning star*) illustrates the fact that identity of reference is not identity of meaning and that, in the latter, one has to consider the *way in which* the former is accessed (*Art des Gegebenseins des Bezeichneten)*. The way in which the referent of a discourse is accessed by the hearer is indeed influenced (or partially determined) by the point of view (s)he has. The example of the morning/evening star illustrates that very

nicely...

[ii] From what has been said so far, it should be clear that what the expression *"semantic conception of argumentation"* refers to here does not suppose that *all* of argumentation is semantics: acknowledging that some aspects of the argumentative phenomena do belong to semantics, we use the quoted expression to refer to the study of these aspects.

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ISSA Proceedings 2010 – The Paradox Of Sherman Alexie's Reservation Blues

In the one hundred and eleven years since the creation of the Spokane Indian Reservation in 1881, not one person, Indian or otherwise, had ever arrived there by accident. *Reservation Blues*, p.3.

Sherman Alexie's (1995) (Spokane/Coeur d 'Alene) *Reservation Blues* (*RB*), the saga of the rise and fall of an American Indian blues band named Coyote Springs, opens as a "black stranger" with a "guitar slung over his back" stands at a "crossroads," waving "at every Indian that [drives] by" until Thomas Builds-the-Fire, the "misfit storyteller of the Spokane Tribe" (pp. 3, 5),**[i]** stops. Characters, scene, and their conversation intimate the novel's trajectory:

"Are you lost?"

"Been lost a while, I suppose."

"You know where you're at?"

"At the crossroad," the black man said (pp. 3-4).

The visitor is bluesman Robert Johnson, not dead in 1938 as advertised, but alive and seeking an "[o]ld woman [who] lives on a hill." He needs her help because he "sold [his] soul to the Gentleman so [he] could play . . . [his] damn guitar better than anybody" (pp. 5, 8). The historical Johnson**[ii]** was the paradigmatic blues artist: a "trickster, hoodoo man, . . . the devil's son-in-law, too lazy and too proud to work for a living" (Pearson, 1984, p. 122). Johnson leaves his guitar behind because it rules "its possessor like a drug" (Pasquaretta, 2003, p. 286), ascending the Spokane reservation's Wellpinit Mountain to find respite with Big Mom, a pan-Indian figure who's been around for centuries and who's not only "a part of every tribe" (p. 199) but also "the teacher of . . . [the] great musicians who shaped the twentieth century"- Elvis, Janis Joplin, Jimi Hendrix, Diana Ross, Paul McCartney (p. 201). Johnson's guitar, which fixes itself *and* talks to people, continues to wreck havoc as it impacts the fate of Coyote Springs. Populated by more or less normal beings as well as supra-natural figures, *RB* literally is a blues-based work that embodies an argument grounded in paradox that warrants Alexie's contention that a "shared history of pain and oppression between African-Americans and the First Nations. . . gives Natives the right to perform the blues, and the knowledge to perform it well" (Cain, 2006, p. 2).

The survivor of both surgery to correct hydrocephalus and alcoholism – his father's and his own, Sherman Alexie received a mostly mainstream education because his mother saw such a route as the road to success and survival (Grassian, 2005). After shifting from medicine to a career in writing, he became a prominent literary figure in the 1990s with the publication of a book of short stories titled *The Lone Ranger and Tonto: Fist Fight in Heaven* (1993) which subsequently served as the basis for his collaboration with Chris Eyre (1998), on the film *Smoke Signals*, the first feature film created/controlled exclusively by American Indians to do well at U.S. box offices. Writer of poetry, fiction, and films,**[iii]** his performances and written works challenge mainstream literary and popular discourse. From Captivity narratives to the novels of James Fennimore Cooper, from Buffalo Bill's Wild West Show to Nickelodeon shorts, from films of D. W. Griffith to John Ford's *The Searchers* to *Little Big Man* to *Dances With*

Wolves, imaging of Indians justified Eurocentric expansion across the western United States. Slotkin (1973) tellingly argues that the structuring metaphor of America's frontier legacy is/was "regeneration through violence" (p. 5). This orientation also situates a homogenized Indian in a distant past, portraying peoples vanishing through the "inevitable demise of Native cultures in the face of Euro-American progress" (Luethold, 2001, p. 57). The inability to distinguish among indigenous Nations while relegating them to the past creates a pernicious marginalization. That today's Indians have internalized such images hardly is surprising. The producer of a television documentary, for example, describes actresses mimicking Disney's version of Pocahontas whose male counterparts sport long hair with a vest or ribbon shirt, thus pandering to mainstream expectations (Aleiss, 2005). Equally telling is Alexie's description of childhood play: "I rooted for the cowboys just like everyone else. . . . Only the unpopular kids played Indians" (aqi Newton, 2001, p. 422).

In contrast, American Indian discourses, especially fiction, embody five general characteristics that capture commonalities attendant on the materiality and diversity of indigenous peoples. First, an emphasis on everyday dialogue as well as on ceremony and myth reflects a spirituality based in an oral tradition. Second, place, literal or imagined, grounds the life worlds depicted. Simon Ortiz (Acoma) (Ortiz, Manley, & Rea, 1989), for example, describes "land" as not only "a material reality" but a "philosophical . . . idea or concept" central to "identity" (p. 365). Third, American Indian writings foreground the exigency of survival as manifest in preoccupation with "daily hurting and healing" (Roemer, 1991, p. 586), a concern rooted in a history of genocide and suppression. Fourth, such discourse constitutes a "resistance literature" that enacts "liberation" through "cultural resistance" constituted in the articulation of "Indian values, concepts, . . . [and] intonations" (Ortiz, Manley, & Rea, 1989, p. 365). Finally, characters tend to be multiethnic, thereby mirroring current Indian populations.

Alexie's works find an uneasy home within this literature. Although he deconstructs "myths . . . [such as] steward of the earth, stoical warrior, shaman, [and] savage" (Alexi & Jaggi, 2008, par. 2), he also dissociates his fiction and poetry from more mythic/epic writings, telling Frasier (Alexie & Frasier, 2000/2001) that "[y]ou throw in a couple of birds and four directions and corn pollen and it's Native American literature, when it has nothing to do with the day-to-day lives of Indians" (p. 63). Additionally, he avoids depicting traditional rites

because he believes writing about "spiritual practices" is "dangerous" because "it's going to be . . . used in ways . . . you never intended" (Alexie & Purdy, 1997, p. 15-16). Rather, he foregrounds the challenges faced by today's rural *and* urban Indians.**[iv]** His life worlds are those of the Spokane Reservation, of the streets of Seattle and Spokane. They embody the angst involved in negotiating Indian survival as well as identity. Thus, they contrast with iconic works like Silko's (1977) (Laguna) *Ceremony*, Momaday's (1968) (Kiowa/Cherokee) *House Made of Dawn*, and Erdrich's (1984, 1993) (Chippewa) *Love Medicine*, which stress the strength and resilience of Indian cultures.

This difference plays out in diverse reactions to *RB* and to his work generally. Egan (1998) interviewed Spokane who talked of it "hurt[ing]" and "wounding" a lot of people, of wishing Alexie would write "something positive" about reservation life. Various Indian academics concur: Owens (Choctaw/Cherokee) (1998), says that Alexie too often simply "reinforces . . . stereotypes" (p. 79); Bird (Spokane) (1995) takes issue with his adapting cinematic forms that distort Indian discourse and culture; and Cook-Lynn (Lakota) (1998) laments his use of the "deficit model of Indian . . . life" (p. 126). Hence, they object to his supposedly replacing the vanishing evil/noble savage with stereotypes of sad figures who are "social and cultural anomalies" (Bird, 1995, p. 49).

In contrast, Silko (Laguna) (1995) lauds *RB* for satirizing the illusion of success "in a greed-driven world" (p. 856); Patel (1997) contends Alexie's project addresses ways Indians can "transform" their cultures "into emergent [ones] capable of challenging . . . the mainstream" (p. 3); Evans (2001) labels him a "moral satirist" for his "[b]old depictions of . . . contemporary reservation life" (pp. 48, 46); and Coulombe (2002) argues his humor "reveal[s] injustice, protect[s] self-esteem, heal[s] wounds, and create[s] bonds" (p. 94). My reading of Alexie's work, and especially of *RB*, squares with the latter position. I argue that *RB* uses the blues' paradoxical nature as expressed through its form, history, and ideology to warrant social commentary that speaks to the reality of oppression as it simultaneously affirms the value of individuals who face such conditions. The purpose of this essay, then, is to shed light on the way the novel creates a paradoxical ordering as it appropriates dialectical tensions characteristic of the blues to "reveal injustice, protect self-esteem, heal wounds, and create bonds." In the pages that follow I .. .

1. Paradoxical Pairs in Reservation Blues

Since emergence of the blues between 1880 and 1900, historians have debated its socio-political functioning. The product of specific artists, the genre is personal and individualistic, especially as compared with more communal forms like Gospel and spirituals. Scholars such as Oliver (1997) and Ramsey (1960) view it as an accommodation to segregation under Jim Crow, reflective of people too consumed with daily life to engage in protest. Various Black scholars, however, see it as evidencing a resistance misinterpreted because of its expression through "subtleties of black music" drawn from "traditional oral culture of African Americans" and/or forms of protest differing from those of white activists. Later thinkers argue that the blues "*both* preserved and innovated, *both* acquiesced and resisted" (Lawson, 2007, pp. 56, 58). This stance sees such tendencies as dialectically related, thereby reifying lived experiences *and* functioning as an "antidote to . . . racism and class segregation" (Gussow, 2006, p. 37). This paradox is emblematic of other juxtapositions associated with the blues, relationships between past and present, sacred and secular, and despair and hope. In the following pages, I detail the way these dialectical pairs play out in the argument Alexie crafts through his appropriation of the blues and conclude by addressing how the resulting paradox functions argumentatively.

1.a. Past and Present

Alexie's affirmation of American Indians' right to perform the blues rests on a shared legacy of suppression. Paralleling black slavery and segregation is an indigenous narrative marked by war, disease, and U.S. policies aimed at relocating and/or transforming Indians through assimilation. Disease and military campaigns killed hundreds of thousands. Legislation in the 1880s uprooted whole nations and later appropriated their lands, eliminated tribes as legal bodies, and mandated individual rather than communal control of property. Although policies under FDR in the 1930s mitigated this trend, similar measures returned after World War II when the U.S. Congress revived relocation – this time to cities, and initiated the termination of some reservations, an aggressive policy aimed at detribalization. Subsequent measures more supportive of political and cultural sovereignty have not erased the impact of better than a century of repressive policies (Rasmussen, 2010).

Additionally, early colonists enslaved native peoples alongside Africans, a practice that continued until the late 1600s. Although fears of slavery and treaties requiring the return of runaway slaves impacted tribes, "acceptance and sharing"

"often characterized" the "associations of blacks and Indians" (Pasquaretta, 2003, p. 282): they intermarried, shared languages and cultural practices, and slaves sometimes found refuge in Indian country. Musical icons like Jimi Hendrix, Duke Ellington, and Tina Turner are mixed race individuals whose art reflects their heritage. Toni Morrison's novels not only address this linage, but employ motifs grounded in the blues (Pasquaretta, 2003). Alexie portrays the blues as starting with Africans and then being "transferred to Aboriginals, whose performance adds to the . . . canon" (Cain, 2006, p. 2). For both Morrison and Alexie, "the blues . . . function[s] as signs that call attention to the . . . alliances of Africans and Indians as well as to the silences and omissions that have . . . resulted from a shared history of dispossession, slavery, and oppression" (Pasquaretta, 2003, p. 279).

Originated by blacks in American South in the late1800s, the blues express the "experiences, pleasures, and pains of working people from rural sharecropping and segregation to urban . . . migration to Civil Rights" (Garabedian, 2000, p. 98). It draws on oral forms from the past – field hollers, *griot* music, folksongs, spirituals, and gospel. Its roots thus reside in communal expressions that integrate "traditional African . . . practices" with elements "appropriated from . . . white culture," an integration that was "essential to . . . survival . . . during slavery" (Barrow, 1989, p. xi). As blacks migrated to cities, rural blues became the urban blues of major metropolitan areas. Lomax (1993) describes this transformation as an "aesthetic conquest" through the "creative deployment of African style in the American setting" (p. xiv). Alexie posits a similar layering of past and present in *RB*.

The novel recounts events from U.S./Indian Wars, drawing them forward to argue that the genocide of the past manifests itself in contemporary cultural appropriation and commodification by mainstream forces. Such events involved campaigns against tribes in the Northwest by Generals Sheridan and Wright. The novel's first chapter presents Big Mom's experience of them:
One hundred and thirty-four years before Robert Johnson walked onto the Spokane Reservation, the Indian horses screamed. . . [Big Mom] had taught all of her horses to sing, . . . but . . . [this] song sounded so . . . tortured that Big Mom could never have imagined it before the white men came (p. 9).

She runs to a clearing to witness troops finishing the slaughter of hundreds of horses:

One soldier . . . . walked over to [the] last remaining colt . . . . [that] shivered as the officer put his pistol between its eyes and pulled the trigger. The colt fell to the grass, . . . to the *sidewalk outside a reservation tavern*, to the *cold, hard coroner's table* in a Veterans Hospital (p. 10, emphasis added).

Alexie thus grounds present conditions in the past.

Parallel oppression plays out as Coyote Springs struggles for success. Thomas experiments with Johnson's guitar only to have it broken by bullies Victor and Junior. But the guitar fixes itself and talks Thomas into asking the belligerent pair to help him start a band. With Thomas on bass, Junior on drums, and Victor now the property of the guitar, the band gains enough popularity to get a gig on the Flathead Reservation in nearby Montana where they acquire two other members, Chess and Checkers Warm Water. After the group wins a competition in Seattle, they return only to face opposition from their own people. Their fortune apparently shifts when "Phil Sheridan and George Wright from Cavalry Records in New York" offer them a "recording contract." Sheridan and Wright pitch the band to Mr. Armstrong (Custer's **[v]** middle name): Chess and Checkers will have an "exotic, animal" appeal; Junior is "ethnically handsome"; Victor has a "grunge/punk" image; Thomas contrasts with "Buddy Holly glasses and crooked teeth" (pp. 189-190).

Coyote Springs self-destructs during their New York audition. Playing "Urban Indian Blues," they start well enough, "drop[ing] into a familiar rhythm" with Thomas on bass, Chess and Checkers on keyboards, Junior on drums. But they need lead-guitarist Victor "to define them." His talent, however, is courtesy of the guitar. "At first, the music flowed . . . like a stream of fire through his fingers. . . . But then . . . the guitar bucked in his hands, twisted away from his body." Stunned they regroup, but "Victor's guitar [keeps] writhing . . . until it . . . [falls] to the floor" (pp. 225-226). Disgusted, Armstrong leaves and the band returns to the reservation as failures.

Cavalry Records, however, doesn't give up on Indians. Wright and Sheridan had checked out a "[c]ouple of white chicks," blonde groupies who followed Coyote Springs named Betty and Veronica.**[vi]** Sheridan argues that since their "grandmothers or something . . . were Indian, . . . [Cavalry Records] can use . . . [them because they] have the Indian experience down." With time in the "tanning booth" and "a little plastic surgery" the company will have a safe, manageable product. Betty and Veronica want to play their own music but when told that they

cooperate or they "don't play at all" they suddenly "hear the drums." Near novel's end, Thomas gets a package with a tape of a song that features "a vaguely Indian drum, then a cedar flute, and a warrior's trill, all the standard Indian soundtrack stuff" backing inane lyrics that talk about being "Indian in my bones" (pp. 193, 269, 273-274, 295-296).

Such events speak to victimization, commodification, and appropriation of Indians and their culture. Seeing Coyote Springs as "merely artifacts" (Delicka, 1999, p. 79), Armstrong, Sheridan, and Wright cast them aside when they no longer appear to be moneymakers. New Agers Betty and Veronica can take on Indianness without incurring its burdens. Betty says she envies Chess and Thomas because they "live at peace with the earth," to which Thomas responds, "you ain't really Indian unless, at some point in your life, you didn't want to be" (p. 97). Such appropriation is far from benign. As Chess explains, wannabes and "fractional" Indians can *come out to the reservation . . . and remind . . . [us] how much we don't have. . . . [They] get all the Indian jobs . . . because they look white***[vii]** (pp. 169, 283).

RB, then, argues that contemporary commodificaiton and appropriation are extensions of the past. Interestingly, however, Alexie introduces ambiguity in his treatment of both success and white hegemony. Thomas and Chess are uneasy about seeking stardom: when their van refuses "to go more than forty miles per hour" while they travel to Seattle, Chess wonders whether it is "the only smart one"; similarly, Thomas says he's afraid because, although the band could make them "rock stars," it also could "kill" them; and in a dream he wonders whether they *should have something better in mind,"* worrying that if they don't *"something bad"* will happen (pp. 133, 211, 72). The novel thus critiques rampant materialism. In addition, whereas "Sheridan continues to enact old patterns of genocidal racism," the reincarnated Wright evolves into a "penitent seeking to make amends" (Richardson, 1997, p. 46). When Sheridan gets Armstrong to take on Betty and Veronica, Wright walks out and takes a cab to a "cemetery in Sacramento, California." There he looks at his grave dated July 30, 1965. He lies down to be comforted by his long-dead wife as he weeps, remembering "all those horses who had screamed in the field so long ago" (p. 271).

1.b. The Sacred and the Secular
The relationship between music like spirituals and Gospel and the blues is paradoxical, for they possess sameness in their difference. Religious folk saw

trickster-like bluesmen (and women) as disciples of the devil whose music therefore was blasphemous (Barrow, 1989). Yet blues and sacred genres share commonalities. Gospel, while proffering a Christian message, embraces a musical style grounded in African and slave discursive forms; similarly, the blues, while embracing Western individualism lyrically, simultaneously reifies a "distinctive Afro-American [communal] musical style" (Levine, 1977, p. 223). In addition, sacred and blues events serve parallel functions: both are supplications, one to God, the other to humans. Each involves sharing of personal experience, a speaking to God and community, respectively (Levine, 1997).

Levine's (1977) telling description of a Louis Armstrong performance captures the blues' sacred import:

Armstrong['s] . . . trumpet solo [rose] clear and solid above the ensemble. It seemed like a terrible weight was on him and he was lifting it higher and higher. . . . A girl had her eyes half closed. . . . The song came out of her throat in a boom from deep within her bosom. . . . [H]er voice, and other vibrating voices, were . . . part of the inflecting band that gave Armstrong the base to improvise. . . . Nobody was alone. Each spine passed on its . . . feeling to another (p. 236).

Thus, blues performers "articulate deeply-felt private sentiments," thereby promoting catharsis and "feelings of solidarity" (Firz & Gross, 2007, p. 429). Hostility toward the blues tended to be stronger than objections to other kinds of nonsacred music because it advanced a "gospel of secularization" (Barrow, 1989, p. 5) through ritualistic expression that "successfully blended the sacred and the secular" (Levine, 1977, p. 237), hence invading the church's domain.

RB's first chapter links music and stories with healing. Given that "nobody [believes] in anything on [the] reservation anymore," Thomas shares "his stories with pine trees because people [don't] listen." To combat willful forgetting and denial, he repeats his stories so much that "that the words [creep] into [peoples'] dreams." Thomas is dedicated to stories and songs because they can "save everybody." Similarly, Chess's default setting when facing a dilemma is to "[s]ing songs and tell stories" because that's all anyone "can do" (pp. 28, 15, 101, 212).

The Spokane are no more open to Coyote Springs's music than they are to Thomas's stories. After a few rehearsals, "a dozen . . . showed up and started to dance. . . The crowds kept growing and converted the [session] into a semi-religious ceremony . . . [which made church people] very nervous," so much so

that some "Indian Christians" started to "protest the band." One woman tells Checkers that "rock and roll music is sinful," that "Christians don't like . . . [the] devil's music, . . . [and] traditionals don't like . . . white men's music" (pp. 33, 179). Like many in the black community, Indian religionists object to the "devil's music" while non-Christian traditionalists are angry at a group they see as selling out to the dominant culture.

RB critiques certain manifestations of religiosity. For example, Thomas recounts dreaming about going "to the church one day and [finding] everybody burning records and books. . . . *These are the devil's tools! . . . Thomas! . . . Come forward and help us rid this reservation of the devil's work!*" In like manner, priest Father Arnold dreams of missionaries showing him how to make sure his congregation listens. "He preached for hours without effect" until the missionaries "walked in with black boxes in their arms." "Whenever an Indian's mind wandered [they] . . . threatened to open the black boxes." Their secret is that they "*told the Indians the boxes contained smallpox.*" When Father Arnold protests, "*[w]e should teach through love,*" they respond, "*Don't be such a child. Religion is about fear. Fear is just another word . . . for God*" (pp. 146, 164-165).

The novel's antidote for lost spirituality and for misuse of religion rests with Father Arnold and Big Mom who both promote love, healing, and cooperation. The priest tries to deflect his parishioners' antipathy toward Coyote Springs, telling them that "rock music" probably is "somewhere down near the bottom" of God's "list of things to worry about." He responds positively when "the oldest Spokane . . . Catholic, [presents] him with a dreamcatcher . . . decorated with rosary beads." Alexie links Big Mom to several Biblical figures: like Moses she descends a mountain; like Christ she walks on water, feeds the masses – with fry bread, not fish, and heals others. But she's not divine. She's "just a music teacher" (pp.34, 250, 209) who provides a "ritual site where music and healing" merge (Pasquaretta, 2003, p. 286). Big Mom plays a new flute song each morning to remind her people that "music created and recreated the world daily" (p. 10).

Shortly after Coyote Springs's return from New York, Junior commits suicide because, as his ghost tells Victor, he "wanted to be dead" because "life's hard" and because he "didn't want to be drunk no more." Big Mom persuades Father Arnold to help her comfort the band, telling him that they'll "make a great team" since he can "cover all the Christian stuff" and she can handle "traditional Indian" rites. They preside at Junior's funeral, an event attended by the remaining

members of Coyote Springs, reservation drunk Lester FallsApart, and three dogs named "the Father, the Son, and the Holy Ghost" who howl until Big Mom "whisper[s] to them" (pp. 290, 280-281). The novel thus enacts a complex concept of divinity (Jorgensen, 1997) as it portrays "two distinct worldviews" interacting and informing one another. Alexie tellingly places the Catholic Church at a crossroads, thereby foregrounding its potential for "interchange as well as interference and obstruction" (Ford, 2002, p. 204).

1.c. *Despair and Hope*
A "music of the downtrodden and disenfranchised," the blues articulates the "experience of loss and hardship" (Keegan, 1999, p. 121) as it reflects and comments on economic, political, and social oppression (Barrow, 1989). Its simple, repetitive lyrics often address "injustice, despair, loss, absence, [and] denial" (Baker, 1984, p. 7): Charlie Patton's "High Water Everywhere" describes a flood's devastation; Robert Johnson sings "Me and the Devil Blues" and "Hell Hound on My Trail" (Davis, F., 1995); Billie Holiday's theme song "Strange Fruit" presents images of lynching; and Gertrude "Ma" Rainey's repertoire includes songs about bad luck, moonshine, and misery (Davis, A. Y.,1998).

Blues sounds form a counterpoint of energy which contrasts with its lyrics and heightens its impact: guitar, harmonica, fiddle, bass, harp, and singers produce melodies that "express rising emotions with falling pitch" punctuated by blues notes and the use of "guttural tones" or "falsetto" (Barrow, 1989, pp. 3-4); cross and poly rhythms often counter melodies, thereby adding complexity and tension; percussive elements – drums, molasses jug, washboard, train bells and whistles, make "onomatopoeic references." Hence, even as blues performances "speak of paralyzing absence, [they] . . . suggest . . . unlimited and unending possibility" (Baker, 1984, pp. 7-8). Such tension intimates that pain can be the ground for transformative healing.

RB reflects the despair attendant on the lives of many contemporary American Indians who experience high rates of malnutrition, alcoholism, infant mortality, unemployment, and premature death (Krupat, 1996). The novel focuses in particular on the ravages of alcoholism, featuring its impact on Junior, Thomas, and the Warm Water sisters. Junior dreams of his siblings' running off to "other reservations," to "crack houses" where they lie "down in the debris," to "tall buildings" from which "they [jump]." Coyote Springs returns to Thomas's house to find his father Samuel passed out on the lawn. Thomas tells them that Samuel

once was a talented basketball player, the reservation hero; but without basketball he had nothing, so he drank, deteriorated, and lost jobs. As the band members keep watch over the result–an "overweight Indian" with "dirt under his fingernails" and "darkness around his eyes," they hold a "wake for a live man." Chess and Checkers lost their younger brother to poverty, their parents to resulting alcoholic despair. Chess tells Thomas that Luke Warm Water walked out into a raging storm seeking help for his dying child even though "[t]here weren't no white . . . or Indian doctors" and the "traditional medicine women all died years before." When he returned to find his son dead he "started to scream, a highly-pitched wail that sounded less than human." He and wife Linda turned to drink and rage until she "walked into the woods like an old dog and found a hiding place to die" (pp. 111, 98, 64-65, 69).

Heavy on despair, *RB* still proffers hope. At novel's end Junior commits suicide and Victor tries to quit drinking but relapses when a tribal leader refuses to give him a job and a chance. The novel, however, lays the ground for a more promising alternative as it posits parallels between Robert Johnson and Thomas. Early in *RB* when Thomas asks Johnson why he needs to find someone to fix him, the latter explains that he made a bad deal after which he "[c]aught a sickness" he's been unable to shake. Thomas identifies, for he

knew about sickness. He'd caught some disease in the womb that forced him to tell stories. The weight of those stories bowed his legs and bent his spine a bit. Robert Johnson looked bowed, bent, and more fragile with each word (p. 6).

The two men's burdens – music and stories, are different yet share the potential for creation and healing.

The close of *RB* comes full circle, back to Robert Johnson and Thomas at a crossroads. As Thomas, Chess, and Checkers prepare to leave the reservation Big Mom persuades them to go with her to a "feast at the Longhouse" because, knowing they're hungry, she thinks they "should eat before" they depart. The three encounter Johnson dressed in a "traditional Indian ribbon shirt, made of highly traditional silk and polyester." He tells them he's decided to stay because he thinks he "jus' might belong," that "the Tribe's been waitin' for [him] a long time," that they might need his music. Earlier the Spokane had resisted the blues because such songs "created memories" that they "refused to claim." Although the "blues lit up a new road," they "pulled out their old maps" because they wanted to forget "generations of anger and pain" (pp. 299, 303, 174). Johnson has

found a measure of peace for himself. Perhaps he will be able to help his adopted tribe hear so they can heal.

When Big Mom takes up a collection to help Chess, Checkers, and Thomas start their new life in Spokane, people give "a few hundred dollars" "out of spite, . . . guilt, . . . and . . . kindness." So the three set forth buttressed by support – albeit qualified, from those they leave behind. As they depart, the horses appear, this time as "shadow" horses "running . . . close to the van," leading them "toward the city, while other Indians were traditional dancing . . . after the feast, while drunk Indians stood outside the Trading post. . . . Big Mom . . . sang a protection song, so . . . no one would forget who they" were. The novel's last two paragraphs merge dream and the present. In the dream, Thomas and the sisters attend a powwow with Big Mom, learning from her "a song of mourning that would become a song of celebration" declaring "we have survived, we have survived." Big Mom "plays her flute, one note for each of the screaming horses," for "each of the dead Indians." In the present the three sing together "with the shadow horses" because they're "alive" and will "keep living." Chess and Checkers reach "out of their windows" and hold "tightly to the manes of [the] . . . horses running alongside the . . . van" (pp. 304, 306). The ghosts of the horses that have screamed "like an open tribal wound" throughout the novel become spirits that lead them into an uncertain but hopeful future (Cox, 1997, p. 62).

2. Paradox as Ordering Principle in Reservation Blues
An "apparent contradiction," paradox goes "beyond opinion and beliefs . . . by challenging accepted ways of thinking and knowing" (Moore, 1988, pp. 19, 18). Chesebro (1984) argues that it manage tension between contradictory concepts in a way that "mediates" their interrelationships without "eliminating the tension of [their] opposition" so as to create "a kind of 'order' among phenomena typically felt to be at odds with one another." This ordering is a means of rendering the complexity of uncertain/complicated situations comprehensible through "paradoxical vocabularies" such as that of the blues which can give order to chaos (p. 165). The way paradoxical pairs central to the blues play out in *RB* functions argumentatively to define the roots of oppression (past-present), advance a potential antidote (sacred-secular), and posit an uncertain resolution/future (despair-hope), thereby making sense of a complex, uncertain life world.

Alexie's conflating of military oppression with contemporary makes past and present by *almost* (but not quite) *parallel*. He foregrounds cultural appropriation

and commodificaiton through Coyote Springs's being cast aside by Cavalry Records in favor of pseudo-Indians that reinforce Eurocentric images of Indianness. Coyote Springs's popularity grew because they shifted from doing covers**[viii]** to creating their own "tribal" music which appealed to both Indians and whites, to an "audience . . . [of] brown and white hands that begged for more music, hope, and joy" (pp. 79-80). Cavalry Records wants neither real Indians nor their authentic music. Hence, Alexie's paralleling of past and present enacts a cautionary tale, a warning intuited by both Thomas and Chess, about the pitfalls involved in efforts to "carve out spheres of agency and authority" (Garabedian, 2006, p. 98), thereby affirming the dominant culture's materialism. In addition, the novel stops short of imaging a monolithic, unilaterally repressive hegemony in its presentation of Wright's penitence and refusal to continue to participate in repression of American Indians. Viewed in this way, it implies that both Indian and white can avoid making a deal with the Devil, so to speak. Thus, it retains the tension between past and present in a narrative of flux and change implying that they *may* but not necessarily *will* parallel each other.

The novel possibility of redress rests in two moves which *blur* boundaries typically dividing sacred and secular. First, it follows the blues in embodying a spirituality that breaks down divisions between everyday and sacred because it implies that the sacred permeates all existence rather than inhabiting a realm of its own. Big Mom is both mythic figure and (sort-of) ordinary person – she's a music teacher who has extraordinary skills, wisdom, insight, and longevity, but neither foretells the future nor controls others. Second, its spirituality has room for multiple ways of healing body and soul. Father Arnold is open to the power of dreamcatchers; he and Big Mom cooperate as they perform funeral rites; both see music as a way to bridge the gap between people and God. Their actions effect cooperation between a Eurocentric religiosity that posits a linear *telos* moving toward salvation and an American Indian spirituality grounded in a cyclical ontology aimed at maintaining harmony (Allen, 1986). Thus the novel's blurring of spiritual boundaries advances a "complex concept of divinity" which in turn intimates the possibility that differing cultures can complement each other (Jorgensen, 1997, p. 23). This blurring of boundaries redefines paradoxical tension between sacred and secular through a reconfiguration that contrasts spiritual/spirituality with the profane or blasphemous through its critique of divisive religious practices.

The relationship between despair and hope in *RB* initially appears to affirm the

conventional structuring of paradoxical opposites since the novel's resolution enacts a both/and dialectic that places them in perpetual tension with each other. Junior and Victor play out narratives of despair marked by escape through suicide, whether directly or on the installment plan via alcoholism. Johnson, Thomas, Chess, and Checkers look toward a hopeful future likely fraught with pitfalls and roadblocks as they embrace the healing power of music and stories within the confines of community. These competitive options, however, also are complementary. Blues artists were "oracles of their generation" who contrasted "the promise of freedom with the reality of . . . harsh living conditions" (Barlow, 1989, p. 6), thereby expressing "both the agony of life and the possibility of conquering it" (Ellison, 1953, p. 94). Similarly, *RB's* juxtaposition of despair and hope makes the former not only the precursor to its own continuance but also the grounds for a survival arising out of the strength necessary to meet life's challenges. The music and stories to which characters (and readers/audience) can choose to attend may resurrect painful histories but such confrontation also is necessary for healing to begin. The novel's closing paragraphs emphasize this paradoxical tension. Afraid of the unknown they've chosen, Thomas, Chess, and Checkers hold "their breath as they [drive] over the reservation border. Nothing [happens]. No locks [click] shut behind them" (p. 305). Instead, they meet the shadow horses as they collectively sing their affirmation of being alive, of survival. Thus, Alexie's appropriation of the paradox that is the blues makes it "Indian . . . in the truest and most authentic sense" because such appropriation renders the lifeworld he presents "meaningful in . . . terms" (Ortiz, 1981, p. 8) that speak respectfully to the lives of everyday American Indians.

Jace Weaver (1997) captures the potential import of American Indian literary efforts when he observes that because such work "prepares the ground for recovery," such authors "write that the People might live" (53). Alexie's *Reservation Blues* sheds light on how paradox can help make sense of postmodern conditions marked by fragmentation and ambiguity. The parallel relationship between past the present *reaffirms* their tension because it stops short of conflating the two by joining similarity and difference–similarity since the genocide of the past plays out in cultural death through contemporary appropriation and commodification but difference given that the narrative's *telos* intimates the possibility of rapprochement and survival. It redefines the dialectic between sacred and secular through a *transformation* that minimizes otherizing as it contrasts Native and Eurocentric spiritualities collectively with profane

and/or blasphemous practices born of rigidity and intolerance. And it reconfigures the dialectic between hope and despair by depicting pain as prerequisite to healing, thereby *transcending* the dialectic so as to make despair the source of strength and therefore hope. These ways of managing the tension characteristic of paradox—reaffirmation, transformation, and transcendence, point to diverse ways in which it can make sense of uncertain times through expressing the conventionally inexpressible in ways that make the enigmatic explicable.

NOTES

[i] References to the novel appear inserted parenthetically into the text of this essay.

[ii] Robert Johnson died at age 27, allegedly poisoned by a jealous husband. Perhaps greatest among blues artists, he recorded only twenty nine songs before he died (Lawson 2007).

[iii] To date he has authored twelve poetry collections, four novels, two screenplays, and four books of short stories

[iv] Because he sees the label Native American as indicative of white guilt, Alexis prefers Indian or American Indian.

[v] George Armstrong Custer was the cavalry commander whose troops were defeated by the Lakota at the Battle of the Little Big Horn in 1876. Although the darling of the American public during the Indian wars, he symbolizes white cruelty and greed in works like the film *Little Big Man* and the surprisingly long-running television series *Dr. Quin, Medicine Woman*.

[vi] Betty and Veronica, characters in the Archie comics, epitomize the girl-next-door and the WASP princess, respectively.

[vii] The novel uses italics when narrating dreams or dream states.

[viii] Playing "covers" refers to performing the music of others rather than one's own.

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ISSA Proceedings 2010 – Making History By Analogy: Frederick Douglass Remembers William The Silent

More than 150 years ago, Charles Darwin aptly noted that *"analogy may be a deceitful guide"* (1859/1996, p. 391). Yet comparison is so fundamental to human experience that even our immune systems operate by classifying invaders according to their similarities to or differences from previous assailants (Mitchell 2001). Cognitively, humans seem to manage the surfeit of information that we receive by making schematic and analogical linkages, creating structures of knowledge that allow us to make sense of our world (Khong 1992, p. 13). It is not surprising, then, that analogical reasoning and its subset, analogical argument, are topics of great interest to scholars from a wide array of disciplines, from argumentation theory to cognitive science, from mathematics to linguistics, from philosophy to artificial intelligence (Guarini et al. 2009; Walton et al. 2008, p. 40). Rhetorical scholars also find analogies compelling, noting their power to generate and extend thought (Perelman & Olbrechts-Tyteca 1969, p. 385), to provide psychologically and rationally appealing evidence for claims (Campbell & Huxman 2009, pp. 90-92), or to persuade by linking the familiar with the new (Zarefsky 2006, p. 406). The basic character of an analogy – the fact that it "expresses the *similarity* of *different* things" (Burbidge 1990, p. 4) – means that it can be logically weak (see Walton et al. 2008, pp. 43-86) yet imaginatively engaging and profoundly influential.

When scholars of U.S. political and rhetorical history have examined the analogy, they have usually emphasized the ways in which historical analogies have affected elite policy-makers in moments of crisis. At such times, analogies have allowed elites to create shallow and misleading interpretations of current events, upon which they then base illogical, misguided, or pernicious decisions for action. U.S. policy-makers use analogies badly: that is the recurring conclusion of scholars, whether they are examining Woodrow Wilson's framing of the early days of World

War I as similar to the War of 1812 (May 1973, p. ix), Harry Truman's understanding of the North Korean invasion of South Korea in 1950 in light of the events in Europe in the 1930s (Neustadt & May 1986, pp. 34-57), the U.S. State Department's comprehension of events in Vietnam through comparison to various world crises from the 1930s through the early 1960s (Khong 1992, pp. 58-62), George H. W. Bush's interpretations of the Gulf War of the early 1990s alongside remembrance of World War II and Vietnam (Stuckey 1992), or George W. Bush's invocations of World War II in speaking of 11 September 2001 and its aftermath (Noon 2004). Scholars have different recommendations concerning the use of historical analogies by policy-makers (compare, e.g., Neustadt & May 1986 with Khong 1992), but there is a general consensus that the deployment of such analogies for political decision-making is fundamentally problematic, encouraging gross simplification and mistaken conclusions. David Hooglund Noon puts it succinctly: analogies in such cases, he writes, often prove powerful because they bypass "serious intellectual engagement" with complex phenomena (2004, p. 355).

I am sympathetic to this line of scholarly thinking, and I support efforts to encourage greater historical awareness among policy-makers and the public so that the complexity of the past can more often be a legitimate resource for understanding the present. In this paper, however, I also wish to revisit the potential of the historical analogy to promote, not only to suppress, thoughtful reflection on the past and the present. I propose to do this by examining a different kind of rhetorical text and rhetorical situation than those typically treated in the literature on historical analogies. Rather than studying the discourse of elite policy-makers in moments of crisis, I will foreground a popular lecture by a social commentator who was interpreting the recent past in light of distant history. Rather than emphasizing brief analogical references that assert similarity in casual ways, I will offer an illustration of an intricate comparison that highlights difference as well as likeness. And by situating a historical analogy within the "rhetorical trajectory" (Griffin 1984) of the commentator's own rhetorical practice, I hope to show how such an analogy can affect the development of subsequent claims. Putting it in other terms, I hope to suggest how a historical analogy can generate structures of knowledge (see, e.g., Schank & Abelson 1977), making sense of the world in new ways through associative and inferential means. Finally, drawing upon the dynamics of the case studied here, I will posit some general recommendations for future studies of analogies and

analogical argument.

1. Background of the Case

The central subject of this paper is a 19th-century public lecture written and delivered in the United States and entitled "William the Silent."**[i]** It narrates European history from the abdication of the Spanish king Charles V in favor of his son Philip II in 1555-56 through the death by assassination of the Dutch leader William of Orange in 1584. William, Prince of Orange, Count of Nassau (1533-84), was the first of the hereditary stadtholders of the United Provinces of the Netherlands, and he led the Dutch in the revolt against the Spanish empire of Philip II. Known today as the Father of the Netherlands and commemorated in the Dutch national anthem, he was called "the Silent" because of a tendency to keep his own counsel in political affairs.**[ii]** The lecture "William the Silent" was written by the American author and social reformer Frederick Douglass (1818-95), probably in the summer of 1868 (see Blassingame & McKivigan 1991, p. 445). Douglass delivered this lecture to fee-paying popular audiences throughout the northeastern and north central regions of the United States during the 1868-69 lecture season and periodically thereafter, throughout the 1870s and at least as late as the mid-1880s. The lecture not only chronicled European history that was three centuries old at the time, but it also analogized that history to the recent U.S. Civil War (1861-65), correlating the experiences of the Netherlands and the U.S. North and linking William of Orange to the U.S. Civil War president, Abraham Lincoln (1809-65). Douglass's analogies provided the premises for a broader argument from classification (see Walton et al. 2008, pp. 66-70), which proffered the conclusion that both wars, and both men, served a progressive impulse for human liberation.

Such an assertion comported with the emphases of Douglass's life and rhetorical practice. An autobiographer, newspaper editor, and social activist, Douglass was best known to the public as a "self educated fugitive slave" (Douglass 1871). He had escaped from slavery in Maryland in 1838 and had written and lectured on behalf of emancipation before and during the Civil War (McFeely 1991). He began delivering public lectures to lyceum audiences in 1854 (Blassingame 1979, pp. lxiv-lxix), and after the war his travels as a lyceum speaker occupied a considerable part of his time during the lecture season in the autumn and winter each year and provided a reliable source of income (Ray 2005, pp. 114-23).

U.S. lyceums of the postwar period functioned as a kind of mass media network of

their day (Ray 2005, pp. 13-47). These local voluntary associations sponsored regular public lectures often delivered by traveling celebrities. Audiences in town after town saw the same speakers and heard virtually the same lectures, and newspapers vigorously promoted lyceums. Even in the postwar era, when lyceum lecturing was becoming increasingly commercialized with the advent of lecture management bureaus (see McKivigan 2008, pp. 113-43), the expectation that lyceum lectures would offer an edifying or educational message still prevailed, a vestige of the lyceum's heritage in the antebellum movement for public education. Douglass responded well to these conventions, producing closely argued, written texts, designed to provide instruction and entertainment. On the platform, he performed these texts with verve (Ray 2005, pp. 121-22).

As a commercially successful lyceum lecturer, Douglass generated performances that appealed to the white Protestant middling classes that were the lyceum's most stalwart supporters, and at the same time, he adapted reformist messages to address these audience members in ways that challenged them to change their attitudes and behaviors so as to recognize and incorporate the desires and ambitions of African Americans in public life (Ray 2005, pp. 113-42). His postwar lyceum lectures, like his other public discourse, promoted racial equality partly through an interpretation of recent history.

2. Remembering Abraham Lincoln

A key element in Douglass's rhetorical efforts to make a place for African American people in the national polity of the postwar era was his vigorous participation in ongoing struggles about how the U.S. Civil War would be remembered. His contributions to these struggles are well documented, and traces of them can be located in his writing, his speeches, and reports of his self-presentation. Historian David Blight, for example, demonstrates Douglass's emancipationist vision of the war: the war, for Douglass, had been always and primarily a war to free the slaves. This perspective contrasted sharply with the reconciliationist and white supremacist visions of many of his contemporaries (Blight 2001; see Blight 1989, p. 240). Douglass's repeated characterization of the war as an "abolition war" was not only an effort to nurture a certain interpretation of the past, but he also offered that way of remembering as a program of action for the present and the future (see Schwartz 1997, p. 492). Americans should follow their "abolition war" with an "abolition peace," Douglass maintained, and even during the armed conflict of 1861-65 he was clear that that

vision entailed not only an end to chattel slavery but the right to work, to participate fully in political decision-making, to reject colonization pressures, and to reside peacefully at home in the United States. In a lyceum lecture of 1863-64 entitled "The Mission of the War," he called for "liberty for all, chains for none; the black man a soldier in war, a laborer in peace; a voter at the South as well as at the North; America his permanent home, and all Americans his fellow-countrymen" (Blassingame & McKivigan 1991, p. 24).

Interpretations of the war and the peace changed irrevocably on 15 April 1865, when President Lincoln died by assassination in Washington, D.C., only six days after the war formally ended with the Confederate surrender at Appomattox Court House, Virginia. From the moment of Lincoln's death, Douglass's public discourse about the war, like the discourse of his contemporaries, had to make sense of the legacy of the martyred president (see Peterson 1994, pp. 3-35). During Lincoln's life, Douglass had often differed sharply with him. For example, he had written in frustration after Lincoln's First Inaugural Address in 1861, a speech that attempted reconciliation with slaveholders, that the president was "the most dangerous advocate of slave-hunting and slave-catching in the land" (Douglass 1861, p. 434). Although the war years had given Douglass cause to praise as well as to criticize Lincoln, on the day of Lincoln's death Douglass eulogized him impromptu at a meeting in Rochester, New York, briefly lauding the fallen president as "one of the noblest men [to] trod God's earth" but avoiding an extended discussion of his character or his policies. Instead Douglass focused on interpreting the event of the assassination as yet another "demonstration of the guilt of slavery" and urging the nation against a reconciliation that neglected the interests of black Americans (Blassingame & McKivigan 1991, pp. 76, 78).

Over the next three decades Douglass spoke often of Lincoln, regularly recounting the common, popular story of Lincoln as a self-made man, born in a simple frontier cabin and attaining national prominence through his diligence and self-education. Douglass also spoke of the president's wartime experiences as a process of learning. In late 1865 Douglass said that if Lincoln "did not control events he had the wisdom to be instructed by them" (Douglass 1865, p. 13). Learning from experience – being instructed in the great school of life – was a familiar image in Douglass's public discourse (Ray 2005, p. 129). As his interpretations of Lincoln's life grew in scope and complexity, this image proved resilient: Douglass argued that the war gave Lincoln wisdom about racial justice

and recommended that his surviving countrymen learn from the late president's example.

In considering Douglass's interpretations of Lincoln, scholars of U.S. rhetorical history are most familiar with his oratorical masterwork of 1876, delivered on the occasion of the dedication of the Freedmen's Monument in Washington, D.C. (Blassingame & McKivigan 1991, pp. 427-40; see Wilson 2000). The bronze monument by sculptor Thomas Ball was erected with funds contributed by freedmen and women, although white patrons controlled the choice of the design (Savage 1997, p. 92). The monument –controversial in its own day and in ours – depicts Lincoln, holding the Emancipation Proclamation in his right hand, standing with his left arm extended above a crouching male slave. Douglass's oration at the dedication avoided a discussion of the monument itself and instead offered a thorough, elaborate review and assessment of Lincoln's record on racial justice.[iii] Douglass provided a harsh indictment of Lincoln's tardiness in promoting emancipation and his frequent opposition to racial equality. At the same time, he celebrated the attributes that, according to him, made Lincoln uniquely fitted to save the Union and to free it "from the great crime of slavery" (Blassingame & McKivigan 1991, p. 436). Historian James Oakes aptly notes Douglass's evolving characterizations of Lincoln in this speech, from the varying perspectives of a crusading abolitionist, a black leader, and a Republican Party loyalist (Oakes 2007, pp. 266-75).

The Freedmen's Monument address has emerged as the text that best exemplifies Douglass's complex evaluation of the actions of the deceased president, and it remains one of the most nuanced assessments of Lincoln's ambivalent connections to racial equality. Yet its stylistic polish and the striking interplay of its themes may obscure the rhetorical trajectories from which it emerged. Furthermore, whereas contemporary scholars and students easily explain Douglass's condemnations of Lincoln, it is sometimes more challenging to understand why he also praised him (see Wilson 2000, p. 16). Douglass's own wartime experience, his direct interactions with Lincoln, and his recognition of the sociopolitical importance of linking postwar civil rights efforts to Lincoln's legacy explain a great deal about why he evaluated Lincoln as he did in 1876 (Oakes 2007). Yet the evolution of Douglass's assessments of Lincoln can be usefully clarified through an investigation of his public discourse before the 1876 oration. So in addition to recovering the potential utility of historical analogy, this

paper also posits a revised understanding of Douglass's evaluation of Lincoln, by recuperating a text preceding the Freedmen's Monument address that illuminates the development of Douglass's thought. That preceding text is his lyceum lecture of 1868-69, "William the Silent."

3. Reading the U.S. Civil War via 16th-century Dutch History
Douglass's "William the Silent" drew heavily from *The Rise of the Dutch Republic,* a dramatically written three-volume history by the U.S. diplomat John Lothrop Motley (1814-77) that had been published to critical and popular acclaim in 1856.**[iv]** Perhaps owing to the widespread circulation of Motley's prewar volumes and reviews of them, both in Great Britain and in the United States (Holmes 1879, pp. 74-81), basic facts about William of Orange were sufficiently present in U.S. public consciousness during the Civil War that Union troops sometimes referred to General Ulysses S. Grant as Ulysses the Silent (Porter 1897/1986, p. 196). In fact, when Douglass began delivering his "William the Silent" lecture in 1868, a newspaper at the University of Michigan reported that he was speaking about "William the Silent – the Grant of the Netherlands" ("Fred. Douglass" 1868). This popular, casual analogy had doubled back on itself: Grant's wartime reticence had provided the premise for a claim of similarity to William, and now William was explained via Grant, albeit based on only one simplified attribute (see May 1973, p. xi). Although Douglass's lecture barely refers to Grant (see Douglass n.d., p. 24), ephemeral references to the Union general and to William in public media suggest a cultural awareness of William of Orange among the U.S. public of the 1860s. Thus, the lecturer's choice of topic may have seemed more relevant to his contemporaries than we might imagine.**[v]** Certainly history and biography had been popular lyceum topics for several decades (Ray 2005), and although "William the Silent" represented Douglass's only foray into lecturing on the distant past (see Blassingame & McKivigan 1991, p. 445), it is not difficult to imagine why he might have thought the subject would be intellectually engaging and financially profitable (see Ray 2005, p. 118).

Motley's 1856 history of the 16th-century war between the Netherlands and Spain emphasized the religious conflicts of Roman Catholicism and the Protestant Reformation and unabashedly took sides, celebrating the heroism of the Dutch Protestants and vilifying Catholic Spain. (Later scholars would modify Motley's assessment to emphasize legal and economic factors as well as religious ones as causes for the conflict.) Douglass's lecture followed Motley, foregrounding

religious turmoil and identifying Protestantism with liberty and Roman Catholicism with "bigotry" and "cruelty" (Douglass n.d., pp. 5, 6). This dualistic thinking struck a familiar chord for 19th-century U.S. lyceum audiences, reflecting and supporting the anti-Catholic sentiment (and its counterpart, anti-immigrant feeling) that was common among native-born U.S. Protestants (Jenkins 2003, pp. 27-30). Anti-Catholicism was also prominent in the Republican Party of Lincoln and Douglass, which had absorbed former members of the antebellum nativist American Party (Jacobs 2009, p. 63). The expressed hostility to Catholicism in Douglass's lyceum lecture, then, linked it with mainstream Protestant and Republican thought and also drew upon antebellum notions that the founding of the United States was the "climactic achievement" of the Protestant Reformation (Drury 2001, p. 105). Thus, in praising the Reformation, it was possible allusively to celebrate American exceptionalism, a common undercurrent of lyceum lectures generally and of Douglass's lectures specifically (Ray 2005, pp. 135-39). Yet the anti-Catholicism of Douglass's lecture undercut his frequently expressed views about universal equality and made the champion of human rights vulnerable to claims by Catholics that he was, ironically, launching a "foul attack of rampant bigotry" (Bower 1869c).

Douglass's lecture itself, however, does not debate such points. It correlates "freedom of thought" and "freedom of religion" unabashedly with Protestantism and expresses American gratitude to the Dutch for its defense, although it does criticize the excesses of the Protestant iconoclasts who defaced and destroyed Catholic churches in the Netherlands of the 16th century (Douglass n.d., pp. 2, 30). Many of Douglass's commercial lyceum lectures exhibit the difficulties of articulating positions that mesh dominant ideals with reformist messages (Ray 2005, p. 141), and "William the Silent" is no exception. Sixteenth-century Protestantism emerges as imperfect but triumphant, and in this guise it could appeal to many in Douglass's audiences who then might be prepared to find plausible his claims about 19th-century liberation.

Embedded within Douglass's narration of the Dutch Revolt and William of Orange are analogies, both overt and subtle, to the U.S. Civil War and Abraham Lincoln. Not only do the comparisons frame 16th-century Dutch history in a way that 19th-century American audiences might be imagined to find accessible, but the features of Dutch history also lead Douglass to emphasize certain attributes of the recent past while suppressing others. Rather than explaining the unknown

through comparison to the known, then, Douglass's historical analogy invites a revised interpretation of what is purportedly familiar – the recent American conflict and the recently assassinated U.S. president – by reframing them in terms of a distant place and time (see Perelman & Olbrechts-Tyteca 1969, p. 373). Thus Douglass's "William the Silent" not only can be read productively as a precursor to the Freedmen's Monument address, but it can also shed light on the ways that juxtaposing the elements of analogies helps to create meaning about the past. Sociologist Barry Schwartz (1997) notes that pairings of figures in commemorative action organize the field of meanings publicly available for making sense of those figures, and similarly, Chaim Perelman and Lucie Olbrechts-Tyteca (1969, p. 381) claim that the elements of analogies often interact, affecting interpretations of each. By highlighting the key characteristics of Douglass's comparisons, I hope to show the ways in which he generated his unique sense of history.

Douglass's "William the Silent" begins by identifying three wars – the war of the Netherlands against Spain, the American Revolution, and the U.S. Civil War – as examples of conflicts that resulted in the increase of "the liberties of mankind." Early in the speech Douglass links these examples through an allusive claim of classification: he gives all these wars biblical stature, saying that "the Red sea lies ever between the pilgrim and the promised land" (Douglass n.d., p. 1).**[vi]** In a lecture that lasted two or more hours (Mead 1951, p. 223; Bower 1869a; "Hon. Fred. Douglass" 1885), Douglass endorsed violent resistance to oppression and lamented the human propensity to visit horrors on other people for the sake of religion.

Although Douglass initially follows Motley in analogizing the war in the Netherlands with the American Revolution (see Motley 1856, 1:vi, 3:625; Holmes 1879, p. 144), as the speech unfolds Douglass's own analogies to the U.S. Civil War become dominant. Amid his chronicle of 16th-century events, he claims that early in each conflict, Dutch and Union statesmen were adrift, without clear policies or principles, and unable to announce a purpose of liberation until their suffering taught them what their goals were. Douglass analogizes obstacles to success, saying that "the doctrine of the divinity of kings deterred the people of the Netherlands, and the doctrine of the divinity of slavery appalled and retarded us. . . . The abandonment of this divine right error was the turning point in the fortunes of both wars" (n.d., p. 9).**[vii]** According to Douglass, the Netherlands

and the U.S. North both suffered from internal division, "raw recruits, incompetent generals, inferior arms, and an empty treasury." Douglass calls the Netherlands war "the irrepressible conflict of the sixteenth century" (p. 14), a phrase that his auditors would hear clearly as an allusion to a well-known 1858 speech by William Henry Seward, then a U.S. senator, in which Seward asserted that the two American economic systems of free and slave labor were on a collision course toward "an irrepressible conflict between opposing and enduring forces" (Baker 1884, p. 292).**[viii]** Even as Douglass rhetorically joins the two wars as constituents of a single enterprise for liberty, however, he also notes distinctions between the horrors of the Spanish Inquisition and the horrors of Confederate prisons, claiming a particularly vicious cruelty in the former case as a result of religious motivation (n.d., p. 15).

Douglass openly tests the quality of the analogy, mentioning difference as well as likeness (see Neustadt & May 1986, p. 41), but as his lecture unfolds, analogical similarities prevail. A portrait gradually emerges of two wars fought for liberty: the earlier, for religious liberty; the later, for liberty from bondage. This framing elevates the U.S. Civil War to a world historical status, coincides with Douglass's emancipationist vision, and implies a future course of action to sustain hard-won freedoms. The historical analogy asserts teleology (see Zarefsky 2010): for those auditors who were ready proudly to celebrate the conclusion of the Protestant Reformation in the American experiment – and many auditors were – Douglass's analogy invites commitment to the goal of freedom in the wake of the most recent war for liberty, to ensure the next step of human progress.

Douglass's comparison and contrast of the two principal characters of the dramas – William of Orange and Abraham Lincoln – create a climactic moment of the speech. He first asserts the analogy, claiming that Lincoln bears a unique resemblance to William. Then Douglass immediately shifts to an assessment of the claim of similarity, identifying ways in which the two men differed. William was a well-educated, wealthy prince; Lincoln, a self-made laborer. William led public sentiment; Lincoln, Douglass says, responded to it. Yet each man's character traits were appropriate for the moment, and so, Douglass claims, the two were "appointed to a common mission in the world" (n.d., p. 25). It is this commonality – their shared position at the center of a conflict for liberation – that becomes the defining characteristic of the analogy and the foundation of the key claim of similarity. Douglass notes that both men were called "Father" and were trusted

by their people, they were both admonished for joking, and they both died at the hand of an assassin (pp. 25-27).

After claiming that William "died invoking mercy and pardon for his guilty murderer" (Douglass n.d., p. 27) – an assertion that conflates a myth about a 1582 assassination attempt against William with the successful attempt in 1584 – Douglass uses a quotation from Lincoln's Second Inaugural to invent a new death scene for Lincoln.**[ix]** He says: "Could our own Lincoln have spoken after the assassin[']s bullet went crashing through his brain, it would have been entirely like him to have implored mercy for his merciless murderer. 'Malice toward none, charity toward all,' was his motto in life and in death" (n.d., p. 27).**[x]** This passage demonstrates the ways that historical analogy offers inventional resources for the creation of memory: continuing the claims of similarity between William and Lincoln, Douglass draws on William's purported response to an attack against him in order to extend the comparison and to reiterate his assertion of the two men's similar characters. Lincoln's own phrase, extracted from its inaugural context, supports Douglass's interpretation. The passage is grammatically marked as hypothetical, but yet it provides a new means for comprehending the character and the legacy of the martyred president, one entirely in keeping with popular, familiar hagiography. Yet at the same time, this invented deathbed scene offers Douglass himself a challenge to his own interpretations of Lincoln's assassination as a manifestation of a spirit of slavery. Showing mercy to a misguided individual is different from reconciling with a disembodied slave power. At this point Douglass's own rhetorical choices subtly present him with the dilemma of the war's inconclusive end.

Despite my choice of emphasis in this paper, Douglass's "William the Silent" is not *primarily* an extended historical analogy. In fact, a chronicle of the actions of Philip II and William of Orange, absent the intrusion of explicit analogy, occupies the greater proportion of the lengthy lecture. Even in the passages without analogical claims, however, Douglass was working with historical resources that, via unexpressed analogical linkages, may well have affected the development of his assessment of Lincoln. For example, Douglass defends William against charges of an overweening ambition and the employment of spies, and he explains in some detail William's slow shift to support of the Protestant Reformation (n.d., pp. 28-31). Attentive auditors – and Douglass himself – may have imaginatively elaborated the analogical claims to perceive this defense as it correlated to the

life of Lincoln, who was frequently accused of excessive ambition, castigated for his deployment of harsh presidential powers during wartime, and denounced by frustrated emancipationists – including Douglass – for being so slow to adopt emancipation as a war aim.

Although the specific historical conditions experienced by William of Orange and by Abraham Lincoln were too varied for a point-by-point comparison, Douglass's later characterizations of Lincoln in the Freedmen's Monument address, which exhibit a considerable degree of retrospective understanding of Lincoln's difficult political choices, can be read in light of the history of the 16th-century Dutch prince that Douglass details in "William the Silent." It seems likely that in generating the analogies of his lyceum lecture, Douglass found the linkages to be substantive and credible, and hence the precedent of William could modify Douglass's perspective on the faults of Lincoln, which now could be explained by political circumstances, just as Douglass explained William's case (see Zarefsky 2010). Furthermore, the language that Douglass used to speak of the two men's significance was similar. In the lyceum lecture, Douglass said of William, "Happily, the character required by the crisis, was readily supplied by the country. The hour and the man were well met" (n.d., p. 20). Of Lincoln he would remark in 1876 that, "in the light of the stern logic of great events . . . we came to the conclusion that the hour and the man of our redemption had met in the person of Abraham Lincoln" (Blassingame & McKivigan 1991, p. 434).**[xi]** In Douglass's vision of greatness, men such as William of Orange, the American revolutionary leader George Washington, Haiti's Toussaint L'Ouverture, and Abraham Lincoln were renowned less because of intrinsic personal qualities and more because their characters were appropriate for pivotal moments of world liberation. Historical analogies thus support an argument of classification, folding several sanguinary wars and several historical figures under a broader rubric of world historical events and individuals who fostered freedom.

4. "William the Silent" and Its Influence
Douglass's "William the Silent" thus reveals the conjunctions of history and memory: the historical record, particularly as that record generates a basis for productive analogies, provides resources for and limitations on the development of remembrance. Further, analogical claims about varied characters across space and time create networks of comprehension, and Douglass's portrayal of William of Orange augments and is augmented by his depiction of Abraham Lincoln.

Douglass characterizes Lincoln in ways compatible with narratives about the 16th-century Dutch leader, and the elements from Motley's story of William that Douglass selected for "William the Silent" often correspond to topics salient in the mid-19th-century United States. The two figures are not collapsed into one – the analogy steers well clear of a claim of identity – but the meanings attached to each man affect what is possible in interpreting the other. The identification of similarities as well as differences, and the selection of analogical similarities that support broader classificatory claims, permit the analogy to function as a tool with which to construe the distant and the recent past.

Whereas Douglass's "William the Silent" can be read as a developmental stage in his generation of a complex and compelling narrative of Lincoln and the U.S. Civil War, the evidence of its public reception constrains us from claiming too much about its influence on others. Highly variable opinions characterize the extant commentary. Although some reporters praised the lecture, it appears that some of Douglass's contemporaries found it dull and that he himself regarded it as a popular failure. The woman's rights activist Elizabeth Cady Stanton, a lyceum lecturer herself, wrote in 1869 that "we hear [Douglass's] lecture on 'William the Silent' much praised" (1869, p. 178), but she later recalled that "some of his friends said he might as well be silent, as none of his old-time fervor was ever roused by that lecture" (1884, p. 5). The *Boston Advertiser* found the topic of 16th-century Dutch history overly familiar, since it had been covered "remarkably well . . . by great writers before" ("Frederick Douglass" 1868). Douglass, in a later lyceum lecture called "Our National Capital," poked fun at his "William the Silent" for making audiences drowsy (Blassingame & McKivigan 1991, p. 445). The lecture did provoke public controversy, not about its assessments of the U.S. Civil War but instead about its critique of 16th-century Catholicism (see Sprague 1869; Bower 1869a,b,c; Douglass 1869a,b). Douglass's statements comparing William and Lincoln were noted in newspaper reports of the lecture (e.g., "Frederick Douglass" 1868; "Lecture Season" 1869; "William the Silent" 1869; "Hon. Fred. Douglass" 1885), but currently available evidence does not suggest further public circulation, adaptation, or reuse of Douglass's analogical claims about 16th-century Dutch history and 19th-century American experience.

Nonetheless, despite the dismissal of many of Douglass's contemporaries and the neglect of subsequent scholars, it may well be that the shade of William of Orange lurks as a silent shadow behind Douglass's assessment of Lincoln and, to the

extent that we accept Douglass's evaluation, to our own understanding of the wartime president and the struggle for racial justice in the United States. The primary utility of historical analogy, in this case, lies in its power to generate new mental frameworks for Douglass, frameworks that supported his social and political goals. By parsing the analogical relations that are present in "William the Silent" – some expressed directly and others more allusively – and then by contextualizing those linkages within the development of Douglass's postwar discourse and the conditions of his time, we can better understand the power of analogy in creating structures of thought. George N. Dionisopoulos and his colleagues note that "rhetoric designed to move others *also* works to propel the rhetor along a certain course of symbolic action" (1992, p. 95). In Douglass's generation of memory of the U.S. Civil War, the analogy to a 16th-century European conflict and its assassinated leader provided the resources for him to make a usable history. If the U.S. Civil War could be understood as a war of liberation of world historical importance, then a postwar situation that restored or reproduced prewar conditions would be a failure of world historical dimensions.

The utility of historical analogy in this case lies more in its capacity to aid the development of individual thought than in its ability directly to capture popular imagination. Douglass's analogy posits similarities but explores differences, and it lacks a defining term or phrase – a sound bite – that might crystallize complexity into a simplified form. Indeed, it is the retention of complexity and the enacted commitment to thoughtful comparison and contrast that likely explain the power that the analogy seems to have had in the development of Douglass's own thought. At the same time, these features may also help to explain the lack of public uptake. For present-day scholars of analogical reasoning, this case suggests the importance of assessing historical analogies according to form (e.g., simple, casual, detailed, elaborate), function (e.g., to suggest policy decisions, to rally support, to create structures of thought), and key audiences. Historical analogies are ubiquitous, and it is inevitable that human beings will look to the past to make sense of the present. Those who study and teach such processes of reasoning can help to explain the multiplicity of ways in which historical analogies can prove powerful, can generate new cognitive structures, can lead us astray, or can fruitfully make meaning.

NOTES
[i] Seven folders containing undated texts of Douglass's "William the Silent" –

some complete, some partial – are in the Frederick Douglass Papers at the Library of Congress, and several stenographic reports appear in newspapers, especially from 1868-69. The text quoted in this essay is a complete version from the Douglass Papers. Some internal evidence suggests that it is likely a later version of the speech, although its content closely matches that described in newspaper reports of the late 1860s.

[ii] William the Silent's own public discourse has received some analytic treatment by scholars of argumentation (van Eemeren & Houtlosser 1999, 2000).

[iii] John W. Cromwell, a historian present at the 1876 dedication, recalled that Douglass made one extemporaneous remark about the monument that did not appear in the text of his address. Cromwell reported that Douglass said that "he did not like the attitude [of the monument]; it showed the Negro on his knees, when a more manly attitude would have been more indicative of freedom" (quoted in Murray 1916, p. 199).

[iv] Motley, an 1831 Harvard graduate, held U.S. diplomatic posts in Russia in 1841, Austria in 1861-67, and Great Britain in 1869-70 ("Motley" 2005). In addition to *The Rise of the Dutch Republic,* Motley published *History of the United Netherlands* in four volumes (Motley 1860-67).

[v] The Prince of Orange most commonly discussed in history courses in the United States today is William the Silent's great-grandson, William III (1650-1702). William III, a stadtholder of the United Provinces of the Netherlands, was king of England, Scotland, and Ireland. He reigned jointly with his spouse, Queen Mary II, until her death in 1694. The namesakes of William III in the United States include the town of Williamsburg, Virginia, and the College of William and Mary.

[vi] It is possible that Douglass alludes to Lydia Huntley Sigourney's 1859 poem memorializing Sarah Spencer Morton. Sigourney writes of physical pain that "with a barb'd and subtle weapon stood / Between the pilgrim and the promised Land" (Sigourney 1862, p. 163).

[vii] Lincoln had connected the divine right of kings to a reverence for slavery in his 1854 speech at Peoria, Illinois, and in his 1858 debate with Stephen Douglas at Alton, Illinois (Basler 1953-55, 2:278, 3:315). His links were general rather than historically specific.

[viii] Seward was U.S. Secretary of State in the presidential administrations of Abraham Lincoln and Andrew Johnson.

[ix] Jardine (2005, pp. 52, 65) notes that the tales about William's words are likely apocryphal (compare Motley 1856, 3:539, 609-10).

[x] The precise Lincolnian phrase is "with malice toward none; with charity for all" (Basler 1953-55, 8:333).

[xi] Douglass made similar remarks about U.S. abolitionist William Lloyd Garrison (see Holland 1895, p. 43; Blassingame & McKivigan 1991, p. 508).

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ISSA Proceedings 2010 – How Dialogues Create Arguments

1. Introduction

The goal of this paper is to demonstrate how argumentation dialogues of various types can construct a shared map or a shared understanding of an issue under discussion. In the language of O'Keefe (1977), the goal is to show how arguments$_2$ create and update arguments$_1$. The approach turns upon two issues. First, that the connection between locutions in a dialogue has an inferential component beyond any that may hold between the contents of those locutions; and second, that the connection between the components of an argument$_1$ and the components of an argument^2 is rich and complex – but can be explained by speech act theory. The work is part of a project which aims to build infrastructure for an online *'Argument Web'* which will support both the analysis, manipulation, assessment and display of billions of arguments$_1$ and also the conduct of millions of concurrent arguments$_2$.

The distinction between argument$_1$ and argument$_2$ originated in an important discussion about the ambiguity of the English word, *argument*, between W. Brockriede (1975, 1977) and D. J. O'Keefe (1977):
On the one hand it [the word "argument"] refers to a kind of utterance or a sort of communicative act. This sense of the term I will call "argument^1". It is the sense contained in sentences such as "he made an argument." On the other hand, "argument" sometimes refers to a particular kind of interaction. This sense, "argument$_2$", appears in sentences such as "they had an argument" (O'Keefe 1977, p. 121).

D. Hitchcock (2006) shows that this ambiguity is not present in other languages:
In classical Greek, for example, the reason-giving sense is expressed by the word *logos* (e.g. in Plato's *Phaedo*, at 90b-91c) in one of its many senses, whereas the disputational sense is expressed by the word *amphisbêtêsis* or *antilogia*, "dispute" or "controversy". In Latin, the reason-giving sense is expressed by the word *argumentum*, "proof" or "evidence", the disputational sense by the word

disputatio, "debate" or "dispute". In French, as Plantin (2003: 174) points out in detail, the reason-giving sense is expressed by the verb *argumenter* ("to argue [that]") and its cognates, the disputational sense by the verb *discuter* ("to discuss", in an aggressive way). In Spanish (Claudio Duran, personal communication), the reason-giving sense is expressed by the word *argument*, and the disputational sense by the words *discusión* (discussion) or *controversia* (controversy) or *disputa* (dispute). In Russian, the reason-giving sense is expressed by the word *dovod* (supporting reason), the disputational sense by the word *spor* or *ssora*. In German, the reason-giving sense is expressed by the word *Argument*, the disputational sense by the word *Disput*. (Hitchcock 2006, p.102). These two kinds of arguments have different properties, e.g.: arguments$_1$ can be refuted, invalid or fallacious, while arguments$_2$ can be pointless or unproductive (O'Keefe 1977, p. 121).

We want in this paper to explore a little of the connections between the components in argument$_2$, rather more of the relationship between arguments$_1$ and arguments$_2$. For whilst the *distinction* between argument^1 and argument^2 is well-known, the *connection* between them is little understood. After motivating the problem in the next section, sections 3 and 4 provide the pragmatic and computational foundations, and sections 5 and 6 describe how the key challenges are addressed.

2. Motivation

Analyzing argumentation in the context of dialogue provides insight into its important properties which are not expressible in a model of monologic argumentation. Firstly, in the real-life practice an argumentation is commonly related to and therefore dependent on a dialogue: "Most often, argument occurs in dialogue. (...) to understand an argument, it is very often highly important to know something about the context of dialogue in which the argument has occurred" (Walton 1990, pp. 411-2). Moreover, the context of a dialogue is especially important, when we want to evaluate the argumentation: "In order to evaluate an argument as correct or incorrect, it is vital to know the context of conversation [i.e. dialogue] in which this argument was used" (Walton 1995, p. 98). Walton describes the case of a television program "Infomercial" as an example of how a dialectical context influences the evaluation of an argument (Walton 1995, pp. 120-3). The infomercial was transmitted on TV as a half-hour

talk-show, while in fact it was a commercial. The authors of this program expected to make use of the dialectical shift, i.e. that arguments presented during the infomercial would be evaluated by its viewers in the context of one kind of dialogue, while in fact the other context should be considered. In that case, the program was suggested to be a talk show which assumes the (comparative) objectivity of presented information, while the real context was a sales pitch which presumes one-sided promotion to make a viewer buy some product.

Generally, a lack of distinction between the argument[1] and the argument[2] may lead to a confusion in argument's specification and investigation. An example of such confusion was the framework proposed by Brockriede (1975). O'Keefe showed that six characteristics of an argument identified by Brockriede define not one phenomenon, but two different kinds of phenomena: "a confusion of the two senses of argument will obviously turn on a recognition of the differences between arguments[1] and arguments[2]. But Brockriede's elision of the two senses of 'argument' is important, because it is indicative of shifting concerns in the study of argument" (O'Keefe 1977, p. 126).

3. Pragmatic account
We adopt a view of arguments that is rooted in pragmatics. The central notion of pragmatics is the notion of utterance:
Pragmatics deals with *utterances*, by which we will mean specific events, the intentional acts of speakers at times and places, typically involving language. Logic and semantics traditionally deal with properties of *types* of expressions, and not with properties that differ from token to token, or use to use, or, as we shall say, from utterance to utterance, and vary with the particular properties that differentiate them. Pragmatics is sometimes characterized as dealing with the effects of *context*. This is equivalent to saying it deals with utterances, if one collectively refers to all the facts that can vary from utterance to utterance as 'context' (Korta & Perry 2006).

In the pragmatic account, an argument would not be a type, but a token. This assumes different levels of abstraction, at which we can look for an argument (see Table 1). At the most abstract level, there are logical schemes such as e.g. Modus Ponens: a, a®b, therefore b, or the scheme from witness testimony (see e.g. Bex et al. 2003): X asserts a, X is in a position to know whether a is true or not, therefore a. Those schemes, however, are not arguments$_1$. One can thus see an

argument as an instantiation of a given scheme. Yet an instantiation may be understood in two manners: as a type or a token. The logical accounts treat the argumentation as an argument type. That is, an instantiation of Modus Ponens such as: Harry was in Dundee, If Harry was in Dundee, then he was in Scotland, therefore Harry was in Scotland, is a reasoning or an argument, which properties (such as soundness, validity, etc.) may be analyzed by logical tools. It is, however, still not an argument[1] from the pragmatic point of view. The argumentation is the instantiation of a scheme *used in a given context*, e.g. in a context of a dialogue between Bob and Wilma. That is, an argument[1] is a token of the expression "Harry was in Dundee and if Harry was in Dundee, then he was in Scotland, therefore Harry was in Scotland" used (uttered) by Bob e.g. to convince Wilma that Harry was in Scotland. Similarly, a dialogue is not a type, but a token. Both kinds of arguments are real objects that are possessed by some agents (arguers): they are performed by someone (author, sender, proponent, etc.) and addressed to someone (hearer, receiver, opponent, audience, etc.). As Brockriede states: "Arguments are not in statements but in people" (1975, p. 179).

The level of abstraction	An example
Argument scheme	a, a®b,*therefore* b
Argument type	Harry was in Dundee, If Harry was in Dundee, then he was in Scotland,*therefore* Harry was in Scotland
Argument token	Harry was in Dundee and If Harry was in Dundee, then he was in Scotland,*therefore* Harry was in Scotland, *in the context of* a dialogue between Bob and Wilma

Table 1. Different levels of abstraction in argument analysis.

Argument-types may be "retrieved" by means of "abstracting" from a token of argument. That is, if we want to explore a particular argument-type, then any argument-token corresponding to this type can be chosen and considered in

isolation from its context (see e.g. (Hitchcock 2006, 107-8) for the discussion on the relation between an argument token and type).

According to the pragmatic theory of speech acts (see e.g. Austin 1962, Searle 1969, Searle & Vanderveken 1985), argumentation is a speech act. A speech act $F(p)$, such as claim(p), why(p), consists of an illocutionary force F and a propositional content p (Searle & Vanderveken 1985). An illocutionary force is related to an intention of uttering a propositional content. That is, the performer of a speech act may utter p with an intention of asserting, arguing, conceding, asking, promising, ordering, warning, and so on.

In general, speech acts are characterized by the locutionary, illocutionary and perlocutionary aspects. A locutionary act is one of performing an *utterance*. In a dialogue between Bob and Wilma, Bob may e.g. utter that Harry was in Dundee. An illocution is an act of performing an utterance with some *force*, such as e.g. asserting or questioning. For instance, Bob may utter "Harry was in Dundee" with an intention of informing an audience about Harry's visit in Dundee or with an intention of explaining e.g. why Harry wasn't in London at that time. Finally, perlocution is an act of causing an *effect* by performing the utterance. For example, Bob's utterance "Harry was in Dundee" may make Wilma regret that they didn't meet during Harry's visit in Dundee or make her question Bob's belief about Harry's visit in Dundee.

A speech act can be felicitous or infelicitous depending on whether or not it successfully performs a given action. For example, my act of promise that I met you yesterday is infelicitous. The rules that determines what constitutes a successful speech act are called the *constitutive rules*. Searle (1969) distinguishes four classes of those rules:
– propositional content rules: some illocutions can only be achieved with an appropriate propositional content, e.g. a promise may refer only to what is in the future and under the control of a speaker,
– preparatory rules: they determine what a speaker presupposes in performing a speech act, e.g. a speaker cannot marry a couple unless he is legally authorized to do so,
– sincerity rules: they tell what psychological state is expressed (e.g. an assertion expresses belief, a promise expresses an intention to do something) and a speech act is sincere only if a speaker is actually in this state,
– essential rules: they determine what a speech act consists in essentially, e.g. a

promise commits a speaker to perform act expressed in a propositional content.

Thus, my promise that I met you yesterday was infelicitous, since I did not fulfil the propositional content condition (the propositional content does not refer to a future action).

The essential conditions are then used to build a taxonomy of speech acts. Searle distinguishes five classes of speech acts:
– assertives express the speaker's belief and his desire that the hearer forms a similar one, they also commit the speaker to the truth of the propositional content,
– directives express the speaker's attitude about a possible future act performed by the hearer and the intention that his utterance be taken as reason for the hearer's action,
– commissives express the speaker's intention to do something and the belief that his utterance obliges him to do it, they commit the speaker to do something,
– expressives express feelings toward the hearer, and
– declaratives express that the speaker performs a given action.

Depending on the further characteristics of an illocutionary force, each class divides into various subclasses. For example, assertives split into claim(p), deny(p), guess(p), argue(p), rebut(p), etc.

The illocutionary acts can be divided into two categories with respect to the number of propositional contents that the illocutionary force refers to. First, the illocution may be an instance of a property of a content, such as in the following speech acts: claim(p), why(p) or concede(p). It may also be an instance of a relation between contents (cf. SDRT: Segmented Discourse Representation Theory, Asher & Lascarides 2003). Argumentation can be viewed as an example of the second category of the illocutionary act: argue(p, q). The speech acts may be also divided into simple acts and compound acts containing (constituted from) distinct kinds of acts. The dialogue is an example of the second category: it may be built from consecutive various speech acts. For instance, a dialogue may be a sequence: claim(p); why(p); argue(p, q); concede(p), i.e., the first move in the dialogue is an act of claiming that p holds, what is followed by questioning this claim, what is replied by an argumentation supporting p with q, and the final move is conceding the initial claim.

4. The Need for Unified Computational Representation

Artificial Intelligence has long been an idiosyncratic hybrid of pure theory and practically-oriented engineering. Nowhere is this more true than in computational models of argument. The mathematical theories of argument which originate in works such as (Dung 1995) have been enormously influential in theoretical models of reasoning in AI, because they provide the machinery for handling issues such as defeasibility and inconsistency in ways that traditional classical logics are not able to support. These same mathematical theories are, however, barely recognisable as theories of argumentation as the philosophical and communication scholarly communities would know them. Similarly, highly successful, engineered software tools that support debate and discussion, of which Compendium (Conklin 2005) is a prime example, are rest upon foundations which are both limited and largely unconnected with argumentation proper.

At the same time, AI is also home to applications of theories of informal logic (Gordon et al. 2007), of pedagogic critical thinking (Reed & Rowe 2004), of rhetoric (Crosswhite et al. 2003), of persuasion (Budzynska & Kacprzak, 2008) and of legal argumentation (Walton 2005): these applications are all rooted squarely in the tradition of argumentation theory as a discipline, and diverge from it in ways that are typically incremental and driven by practical necessity. Whilst the fecundity of the research area has been clear (see, e.g., (Rahwan and Simari 2009) for a representative set of papers), the diversity and sheer number of different systems has led, inevitably, to fragmentation.

It was this problem that led in 2005 to a workshop to explore possible means of harmonisation between approaches and systems. The remit of the meeting was avowedly practical: to try to find ways that these systems might start to work together. But practical, engineering issues turn very quickly to deep and open philosophical issues: What constitutes an enthymeme, a fallacy or an inference? What differentiates presumptions and assumptions in argument? How can linguistic and psychological conceptions of argument be reconciled? Are propositions the right atoms from which to construct argumentation complexes? What is the character of the rules that govern argument dialogues? And so on. Clearly, it is impractical to hope that these questions might be resolved once and for all, so the approach is in two parts.

In the first, computational developments are fixed upon what is currently the best understanding of the various issues. This work has also tapped into pragma-

dialectics, into speech act theory, and into the work of theorists such as Brockriede, Freeman, Goodwin, Groarke, Hitchcock, Johnson, Kienpointner, Krabbe, O'Keefe, Perelman and Walton amongst many others.

The second part of the approach is to tackle as little as possible at the first iteration – whilst still achieving something significant. For this minimal possible goal, the focus was upon representing arguments. Whilst there are many AI systems that reason with arguments, present arguments, render arguments in natural language, try to understand natural arguments, visualize arguments, navigate arguments, critique arguments, support the construction of arguments, mediate arguments, and so on, we cannot hope to solve problems special to each. It seems reasonable to assume, however, that all of these systems might want to store arguments in some structured format.

If we want to set out to try to support harmonisation between computational systems, and to do so in a way that is as closely tied as possible to current models from the theory of argumentation, then we start with a simple task that is common across most AI systems of argument: representation. In this way, we can aim at a coherent, unified, computational representation. Tackling the representation problem necessitates an understanding of the connection between argument[1] and argument[2] which is the focus of this paper.

5. Representing arguments

A group of computer scientists have been working to develop a common way of representing arguments for various AI applications (Chesnevar et al. 2006). It aims to harmonise the strong formal tradition initiated to a large degree by Dung (1995), the natural language research described at CMNA workshops since 2000 (see www.cmna.info), and the multi-agent argumentation work that has emerged from the philosophy of Walton and Krabbe (1995), amongst others.

The approach can be seen as a representation framework constructed in three layers. At the most abstract layer, it provides a hierarchy of concepts which can be used to talk about argument structure. This hierarchy describes an argument by conceiving of it as a network of connected nodes that are of two types: (1) information nodes that capture data (such as datum and claim nodes in a Toulmin analysis, or premises and conclusions in a traditional analysis), and (2) scheme nodes that describe passage between information nodes (similar to the application of warrants or rules of inference). Scheme nodes in turn come in

several different guises, including (2i) scheme nodes that correspond to support or inference (or rule application nodes), (2ii) scheme nodes that correspond to conflict or refutation (or conflict application nodes), and (2iii) scheme nodes that correspond to value judgements or preference orderings (or preference application nodes). At this topmost layer, there are various constraints on how components interact: information nodes, for example, can only be connected to other information nodes via scheme nodes of one sort or another. Scheme nodes, on the other hand, can be connected to other scheme nodes directly (in cases, for example, of arguments that have inferential components as conclusions, e.g. in patterns such as Kienpointner's (1992) "warrant-establishing arguments"). The approach also provides, in the extensions developed for the Argument Web (Rahwan et al. 2007), the concept of a "Form" (as distinct from the "Content" of information and scheme nodes). Forms allow the representation of uninstantiated definitions of schemes (this has practical advantages in allowing different schemes to be represented explicitly – such as the very rich taxonomies of Walton et al. (2008), Perelman and Olbrechts-Tyteca (1969), Grennan (1997), etc. – and is also important in law, where arguing about inference patterns can become important).

A second, intermediate layer provides a set of specific argumentation schemes (and value hierarchies, and conflict patterns). Thus, the uppermost layer specifies that presumptive argumentation schemes are types of rule application nodes, but it is the intermediate layer that cashes those presumptive argumentation schemes out into Argument from Consequences, Argument from Cause to Effect and so on. At this layer, the form of specific argumentation schemes is defined: each will have a conclusion description (such as "p may plausibly be taken to be true") and one or more premise descriptions (such as "E is an expert in domain D"). It is also at this layer that, as Rahwan et al. (2007) have shown, critical questions are handled. In addition to descriptions of premises and conclusions, each presumptive inference scheme also specifies descriptions of its presumptions and exceptions. Presumptions are represented explicitly as information nodes, but, as some schemes have premise descriptions that entail certain presumptions, the scheme definitions also support entailment relations between premises and presumptions following (Gordon et al. 2007).

Finally the third and most concrete level supports the integration of actual fragments of argument, with individual argument components (such as strings of

text) instantiating elements of the layer above. At this third layer an instance of a given scheme is represented as a rule application node, and the terminology now becomes clearer. This rule application node is said to fulfil one of the presumptive argumentation scheme descriptors at the level above. As a result of this fulfilment relation, premises of the rule application node fulfil the premise descriptors, the conclusion fulfils the conclusion descriptor, presumptions can fulfil presumption descriptors, conflicts can be instantiated via instances of conflict schemes that fulfil the conflict scheme descriptors at the level above, and so on. Again, all the constraints at the intermediate layer are inherited, and new constraints are introduced by virtue of the structure of the argument at hand.

6. Connecting argument$_1$ and argument$_2$

The next step is to extend our account to handle not just argument$_1$ but also dialogic argumentation in argument^2. In real-life scenarios, both kinds of argument coexist and interact with each other. Imagine the following dialogue between Bob and Wilma (i.e. an argument^2):

Bob: You know what? Harry was in Dundee.
Wilma: How do you know?
Bob: I saw him.

In this dialogue, Bob and Wilma jointly build argumentation structure (an argument$_1$): Harry was in Dundee, since Bob saw him in Dundee. Observe that Bob's utterance "Harry was in Dundee" could be left without justification (i.e. without forming an argument), if Wilma did not question it, i.e. if she did not express doubts whether it is true or false (or whether to accept it or not). In other words, the dialogue triggers the argumentation. Moreover, the context of the argument$_2$ enables keeping track of the agents' interaction which creates the argument$_1$: argumentation is invoked (the broken-line arrow in Fig. 1) by Wilma's speech act, and provided (the solid-line arrow in Fig. 1) by Bob's speech acts.

Representing both argument$_1$ and argument^2 in a coherent framework, however, presents significant challenges. Several preliminary steps have been taken to extend computational representation in the style of section 5 to tackle these challenges (Reed 2006), (Modgil & McGinnis 2008) and (Reed et al. 2008). But these approaches do not adequately address the links between argument$_1$ and argument$_2$. For clearly there are many links between argument$_1$ and argument$_2$, in

that the steps and moves in the latter are constrained by the dynamic, distributed and inter-connected availability of the former, and further, in that valid or acceptable instances of the former can come about through sets of the latter. An understanding of these intricate links which result from protocols, argument-based knowledge and performance of speech acts demands a representation that handles both argument$_1$ and argument$_2$ coherently. It is this that we need to provide here.
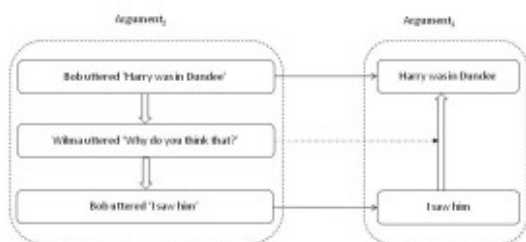

Figure 1. Interrelation between two kinds of argument.

The background framework for the argument$_1$ is logic (see Table 2). However, its meaning is adjusted to the pragmatic approach as described in Section 3. Consequently, argument$_1$ is interpreted as an instance (token) of reasoning. The basic type of units that describes argument$_1$ are built from propositions which may refer to any situation. They can describe someone's speech act (e.g. Bob's assertion that Harry was in Dundee) as well as to any other action or situation (e.g. Harry's presence in Dundee). The main types of relations between those units can be based on deductive rules (e.g. on Modus Ponens: Harry was in Dundee and If Harry was in Dundee, then he was in Scotland, therefore Harry was in Scotland), on defeasible rules such as argumentation schemes (e.g. on appeal to witness testimony: Bob asserts that Harry was in Dundee and Bob is in a position to know whether Harry was in Dundee, therefore Harry was in Dundee), or on rules for conflicts (e.g. a logical conflict among a proposition and its negation: Harry was in Dundee and Harry wasn't in Dundee).

	Background	Types of units	Main relations

argument$_1$	Logic	propositions describing the world (in particular – locutions)	– deductive rules (e.g. Modus Ponens)- argumentation schemes (e.g. appeal to witness testimony) – conflicts (e.g. logical contradiction)
argument$_2$	Dialectics	propositions describing locutions	– dialogue rules (e.g. protocols for PPD$_0$)
Connection between arg$_1$ and arg$_2$	Pragmatics	elements of arg$_1$ and arg$_2$	– illocutionary schemes (e.g. constitutive rules for assertion)

Table 2. The properties of arguments and their connections.

Argument[2] has a dialectical interpretation. The basic type of units that describes argument$_2$ are built from propositions restricted to refer to speech acts. The fundamental building blocks of dialogues are called individual locutions. In the context of the approach in Section 5, Modgil and McGinnis (2008) have proposed modelling locutions as information nodes. We follow this approach primarily because statements about locution events are propositions that could be used in arguments. So for example, the proposition, *Chris says, 'ISSA will be in Amsterdam'* could be referring to something that happened in a dialogue (and in a moment we shall see how we might therefore wish to reason about the proposition, *ISSA will be in Amsterdam*) – but it might also play a role in another, monologic argument (say, an argument from expert opinion, or just an argument about Chris' communicative abilities).

Associating locutions exactly with information nodes, however, is insufficient. There are several features that are unique to locutions, and that do not make sense for propositional information in general. Foremost amongst these features

is that locutions often have propositional content. The relationship between a locution and the proposition it employs is, as Searle (1969) argues, constant – i.e. "propositional content" is a property of (some) locutions. Whilst other propositions, such as might be expressed in other information nodes, may also relate to further propositions, (e.g. the proposition, It might be the case that it will rain) there is no such constant relationship of propositional content. On these grounds, we should allow representation of locutions to have propositional content, but not demand it for information nodes in general – and therefore the representation of locutions should form a subclass of information nodes in general. We call this subclass, "locution nodes". There are further reasons for distinguishing locution nodes as a special case of information nodes, such as the identification of which dialogue(s) a locution is part of. (There are also some features which one might expect to be unique to locutions, but on reflection are features of information nodes in general. Consider, for example, a time index – we may wish to note that Chris said, 'ISSA will be in Amsterdam' at 10am exactly on the 1st March 2010. Such specification, however, is common to all propositions. Strictly speaking, the sentence, It might be the case that it will rain, is only a proposition if we spell out where and when it holds. In other words, a time index could be a property of information nodes in general, though it might be rarely used for information nodes and often used in locution nodes).

Given that locutions are (a subclass of) information nodes, they can, like other information nodes, only be connected through scheme nodes. The types of relations between those units are based on dialogue rules (e.g. on a protocol for the system PPD_0; for instance, the protocol demands that a move claim(p) can be followed either by why(p) or by concede(p) (see e.g. (Prakken 2000)). There is a direct analogy between the way in which two information nodes are inferentially related when linked by a rule application, and the way in which two locution nodes are related when one responds to another by the rules of a dialogue. Imagine, for example, a dialogue in which Chris says, 'ISSA will be in Amsterdam' and Katarzyna responds by asking, 'Why is that so?'. In trying to understand what has happened, one could ask, 'Why did Katarzyna ask her question?'. Now although there may be many motivational or intentional aspects to an answer to this question, there is at least one answer we could give purely as a result of the dialogue protocol, namely, 'Because Chris had made a statement'. That is to say, there is plausibly an inferential relationship between the proposition, 'Chris says ISSA will be in Amsterdam' and the proposition, 'Katarzyna asks why it is that

ISSA will be in Amsterdam'. That inferential relationship is similar to a conventional inferential relationship, as captured by a rule application. Clearly, though, the grounds of such inference lie not in a scheme definition, but in the protocol definition. Specifically, the inference between two locutions is governed by a transition, so a given inference is a specific application of a transition. Hence we call such nodes transition application nodes, and define them as a subclass of rule application nodes. (Transition applications bear strong resemblance to applications of schemes of reasoning based on causal relations: this resemblance is yet to be further explored, but further emphasises the connection between inference and transition).

So, in just the same way that a rule application fulfils a rule of inference scheme form, and the premises of that rule application fulfil the premise descriptions of the scheme form, so too, a transition application fulfils a transitional inference scheme form, and the locutions connected by that transition application fulfil the locution descriptions of the scheme form. The result is that all of the machinery for connecting the normative, prescriptive definitions in schemes with the actual, descriptive material of a monologic argument is re-used to connect the normative, prescriptive definitions of protocols with the actual, descriptive material of a dialogic argument. With these quick introductions, the upper level of this model is almost complete.

One final interesting piece of the puzzle is how, exactly, locution nodes are connected to information nodes. So for example, what is the relationship between a proposition p and the proposition: X asserted p? According to the original specification, direct links between information nodes are prohibited (and with good reason: to do so would introduce the necessity for edge typing – obviating this requirement is one of the computational advantages of the approach). The answer to this question is already available in the work of Searle (1969) and later with Vanderveken (Searle & Vanderveken 1985). The link between a locution (or, more precisely, a proposition that reports a locution) and the proposition (or propositions) to which the locution refers is one of illocution. The illocutionary force of an utterance can be of a number of types (see Section 3) and can involve various presumptions and exceptions of its own. In this way, it bears more than a passing resemblance to scheme structure. These schemes are not capturing the passage of a specific inferential force, but rather the passage of a specific illocutionary force. As a result, we refer to these schemes as illocutionary

schemes. These schemes encapsulate constitutive rules for performing speech acts (see Section 3). The constitutive rules can be of a number of types depending on the type of illocutionary force which the performer of the speech act assumes. Specific applications of these schemes are then, following the now familiar pattern, illocutionary applications. To keep concepts distinct where in natural language we are often rather sloppy, we adopt the naming convention by which illocutionary schemes are referred to with gerunds (asserting, promising, etc.), whilst transitional inference schemes are referred to with nouns (response, statement, etc.), which both ensures clarity in nomenclature, and is also true to the original spirit and many of the examples in both the Speech Act and Dialogue Theory literatures.

7. Conclusions

The focus of this paper has been upon trying to develop an initial understanding of the connection between argument$_1$ and argument$_2$ and to do so in a way that is amenable to subsequent computational interpretation. To do this, the paper has reviewed just enough of the machinery of the computational representation approach to allow the reader to get a clear understanding of the philosophical masts to which it is nailing its colours. The extensions that support dialogue lean heavily on commitment-based models of dialogue developed by Walton, Woods, Mackenzie and others. There have been many examples of generalised machine-representable dialogue protocols and dialogue histories, e.g. (Robertson 2005), but these approaches do not make it easy to identify how the interactions between dialogue moves have effects on structures of argument (i.e. argument$_1$), nor how those structures constrain dialogue moves during argument (i.e. argument$_2$). Though there are still challenges of expressivity and flexibility, we have offered a foundation for representing complex protocols and rich argument structures, and have shown that the ways in which those protocols govern or describe dialogue histories is directly analogous to the ways in which schemes govern or describe argument instances. These strong analogies provide representational parsimony and simplify implementation. This is important because computational representations are far too detailed to create by hand, and the range of software systems that use them will stretch from corpus analysis to agent protocol specification, from Contract Net (Smith 1980) through agent ludens games (McBurney & Parsons 2002) to PPD$_0$ (Walton & Krabbe 1995). The success of the approach will be measured in terms of how well such disparate

systems work together. As the argument web starts to become a reality, the diversity of applications and users will place enormous strain on the representational adequacy of the infrastructure, so it is vital that that infrastructure rests upon a solid foundation.

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ISSA Proceedings 2010 – Three Kinds Of Polemical Interaction

In this paper, I will follow Marcelo Dascal's typology for different kinds of debates. His typology covers the main features of the basic kinds of polemical interactions. Other approaches, like Eemeren's pragma-dialectical or Pera's rhetorical approaches make important contributions to the subject; Eemeren, to the structure of what Dascal calls "discussion", and Pera to the use of rhetorical resources in what Dascal calls "controversy". However, Dascal's approach (Dascal: 2009, 2005a, 2005b, 2006, among others) deals with "soft" rationality without reducing it to the parameters of the logic of demonstration, the issue which is at the heart of all polemics about debates. He refers to 'hard' rationality as a concept of rationality which has standard logic and its application as its fundamental model, according to which there must be uncompromising obedience to the principle of contradiction; precise definitions; conclusive, deductive argumentation; formalization and similar parameters. "Soft rationality" covers the vast area of the "reasonable" and is the logic of presumptions which justify without proving, of the heuristics of

problem-solving and hypothesis generation, of pragmatic interpretation, of negotiation, of exercising 'judgment', and of countless other procedures (as Dascal says) for dealing with theoretical as well as practical situations where uncertainty and imprecision are the rule.

I intend to show how Dascal's typology applies to the following debates: Charles Darwin *versus* Joseph Hooker on the migration of organic beings to explain phenomena of geographical distribution, Charles Darwin *versus* Alfred Wallace on the meaning of 'natural selection', and Charles Darwin *versus* George Mivart on the origin of species. Dascal's types are ideal types which may smoothly pass from one to the other. But they are solid analytical referential. The analyses of these debates make explicit the role of some specific points, such as the role of presuppositions, or the presence or absence of audience (thus potentially putting at risk the reputation of the contenders), and even the kind of their personal relationship with each other. In order to bring these points to light, it is helpful to have in mind the more basic question which relates to the one more immediately at issue. In most cases, at this level of analysis the presuppositions involved arise naturally and reveal the contenders' differences or convergences, which guide much of the more immediate debate. In all of the three cases to be analyzed, the bottom problem is the explanation of how species are originated in Nature. A debate between friends can make the contenders more prepared to change their minds or to find a reconcilable solution. The presence of an audience makes the contenders worry about preserving their reputation. The Darwin *versus* Mivart polemic took place in public, and the presuppositions and world view of each of them were irreconcilable. The debate between Darwin and Wallace was restricted to their personal correspondence. It did not detract from the acceptability of Darwin's theory, but brought out some important issues related to the differences between their approaches, which have often been overlooked by their commentators. Darwin and Hooker's divergences were a *quasi*-epistolary episode, and their most heated arguments took place in their private correspondence. However, as Hooker had been invited to give a lecture on Darwin's theory at the British Association for the Advancement of Science, Darwin was afraid that their divergences might have public resonance, which could have affected the acceptability of his theory.

In order to make my guidelines clear, I will initially present one of Dascal's summarizing charts of his theory of controversies, which were presented in more

than one place, to which I have added an extra row related to the role of rationality which characterizes each kind of debate:

	DISCUSSION	CONTROVERSY	DISPUTE
AIM	Truth	Persuasion	Victory
EXTENSION	Localized	Generalized	Localized
PROCEDURE	Decision procedure	Debated method	No internal method
PREFERRED MOVE	Proof	Argument	Stratagem
ENDING	Solution	Resolution	Dissolution
POSSIBLE COGNITIVE GAINS	Elimination of mistaken beliefs	Clarification of divergence; conciliation of opposites;Emergence of innovative ideas	Discovery of irreconcilable positions / attitudes
RATIONALITY	*Hard* (logic of demonstration)	*Soft* (logic + dialectics + rhetoric)	??? (Irrationality? Mere eloquence?)

1. Charles Darwin versus Joseph Dalton Hooker

The sources (texts and co-texts) of the debate to be here analyzed are found in Charles Darwin's *On the Origin of Species* (Darwin 1859, 1861, 1866), in Joseph Dalton Hooker's *New Zealand Flora* (1853), *Flora Tasmaniae* (1859), *Insular Floras* (1867) [which was originally delivered as Hooker's lecture to the *British Association for the Advancement of Science* (Nottingham, 1866)], and in their *Correspondence* from 1866 (2004).

The problem to be debated is concerned with geographical distribution: how to explain the fact that organic forms which are similar to each other inhabit territories which are distant from one another and not connected to one another? The debate seems at first to be closer to a *discussion*, in the sense that the contenders agreed on many of the basic assumptions related to the issue, and on the central role to be played by "good evidence" in order to solve the question at issue.

The basic question is how species are originated in Nature. For Darwin, *species are only well marked varieties*, from which new species are originated by means of "natural selection" or the preservation of favorable variations and the destruction of the injurious ones. Darwin's argument in favor to his position consists in his entire theory exposed in the *Origin of Species* which he referred to as "one long argument". This consists of four main steps: I. Historical Sketch (added to the3[rd]. British edition, 1861), where he expounds his theory as the culmination of an evolutionist thought; II. Introduction, where he states his objectives and requires from a theory not only to marvel in face of the beauty and complexity of all adaptations and co-adaptations found in Nature, but to show how they actually happen; III. The development of the logical-conceptual framework of the theory (chapters I-V), where Darwin presents the concepts of Domestication, Nature, Struggle for Existence, Natural Selection, and the Laws of Variation; IV. The explanatory power of Natural Selection: IV.I The treatment of the difficulties the theory has to face (chapters VI-IX); IV.II The transformation of key unfavorable evidence into favorable evidence (Chapter X); IV.III. Cases clearly favorable to the explanatory superiority of the Darwinian theory (chapters XI - XIV); V. Conclusion, where he recapitulates his "one log argument" showing all of its articulations in one and the same breath.

Hooker had no theory about the origin of species, but focused more on varieties. Although his main insights on the subject were in disagreement with Darwin's in *New Zealand Flora* (1853), he came to agree with Darwin's answer in *Flora Tasmaniae* (1859). In 1853, on considering the arguments and evidence in favor of the permanent specific character in the case of flora, he did not find unchallengeable bases for asserting the contrary, i.e. the mutability of specific character. His argument at that time was based on the limited power of external forces to produce new species, and on the fact that entirely diverse species maintained their own character, as well as on the fact that individuals living within the boundaries of the area occupied by another species tended to disappear. The fact that bigger families have a greater or lesser distribution in proportion to their greater or lesser facility for their dispersion would be evidence in favor of the geographical fact of dispersion. In 1859, Hooker recognized the impact of the theories of Darwin and Wallace had had on him, and held the hypothesis that the hypothesis that species are derived and mutable. This amounted to saying that he supported the theory of natural selection. He found evidence for the mutability of species in the fact that Nature starts from variation:

it first multiplies, then destroys, and finally isolates, and that the power to change ceases only when the life of the individual ceases (this condition would explain the limits and laws of variation). At the same time, he admitted that species are (temporally or not) real. Generally speaking, Darwin and Hooker had no major divergences about the origin of species.

In the light of his theory, Darwin defended the hypothesis that the great fact of geographical distribution, namely, the similarity between organic forms living in territories far apart from each other and without any land connecting them, was explainable by the occurrence of the occasional means of transportation. Edward Forbes' theory of continental extension explained the contemporary geographical distribution of organic forms by supposing an earlier connection between the continents. Although this hypothesis might favor Darwin's theory of natural selection, he did not think that Forbes' theory was well supported by evidence. Darwin´s own solution to the problem led him to make a careful study of the occasional means of transportation of organic forms. Hooker thought that Darwin's theory about this transportation was not borne out by the available evidence, and initially (1853 and 1859) was in favor of Forbes theory. Later, Hooker changed his opinion.

The argumentation between Darwin and Hooker was based on a debate about "evidence", which took place only in their correspondence. Hooker alleged he (Hooker) was not in favor of the theory of continental extension just because he was against the theory of transoceanic migration. He said had yet not formed an opinion. All the difficulties Hooker raised against Darwin's theory were listed in *Insular Floras* and were previously reported to Darwin in July, 1866 (*Correspondence* 2004, p. 253, 260). Darwin analyzed the counter-evidence presented by Hooker in the cases of Madeira, the Azores and the Canary Islands; called attention to the cases of coral islands with vegetation, and to probable cases of chance means of transportation which were inexplicable by the opposing theory (*Correspondence* 2004, p.257, 271, 281). According to Darwin's own words, it was not a case of a "proof" of his theory, but of sufficient evidence in favor of it, without any valid objections, whereas he maintained there were valid and weighty objections against the opposing theory (*Correspondence* 2004, p. 272, 282). For his part, Hooker answered the difficulties Darwin raised by analyzing from his point of view the evidence of the Azores, Madeira, and the Canary Islands (*Correspondence* 2004, p. 276). He alleged that there was

evidence against what D. had said in the *Origin* (3ʳᵈ. edition) about the rocks in the Azores and birds in Madeira, and that there was no evidence against to what was demanded by Forbes' theory in relation to the flora of England and Ireland. The debate about evidence seems to characterize a "discussion", i.e. how to apply the criteria shared by both parties – what is a "good evidence" – to deciding the question.

However, as Darwin himself recognized, it was not a question of "proof" (as is the case with "discussion"). On the contrary, at the meta-level of their argumentation, when the two parties were evaluating the very principles which guided their argumentation, Darwin said that it was a matter of choosing the best explanatory alternative: "... we both give up creation & therefore have to account for the inhabitants of islands either by continental extensions or by occasional transport; now all that I maintain is that of these two alternatives, one which must be admitted as notwithstanding very much difficulty, that occasional transport is by far the most *probable*" (*Correspondence* 2004, p. 287). Hooker, in turn, assumed that Darwin expected the occasional means of transportation to be more than *a well established hypothesis*. (*Correspondence* 2004, p. 288). Hooker said that he intended to expound all the difficulties impartially and let the jury decide. "In my inmost soul" – Hooker said – I conscientiously say I incline to your theory – but I cannot accept it as an established truth, or unexceptionable hypothesis" (*Correspondence* 2004, p. 285). They both made it clear that it was not a case of a victory by conclusive evidence, but rather a matter of persuasion by offering alternative theories. Hooker recognized he made progress through the debate: "To be sure I have a very much clearer notion of the pros and cons on both sides (...) I see the sides of the well further down and more distinctly, but the bottom is obscure as ever" (*Correspondence* 2004, p. 288). In this way, the debate comes nearer to a "controversy", although it focused mainly on a localized question.

When we look at their argumentative strategies, we also find moves which are closer to those of a "controversy". They both tried to show the capacity of each one's standpoints for answering difficulties and objections; they both appealed to the explanatory power of the theory they defended as a whole. They both made use of emotional language. The day when Joseph Hooker was supposed to give a lecture on his own work and on his appreciation of the Darwinian theory of natural selection, was rapidly approaching. Up to this point, the debate had been a private one. Darwin feared their disagreement on the theory of means of transportation could become public and have a negative effect on the acceptance

of his theory: "In Nottingham, when you exorcize the occasional means of transportation, be honest and admit how little we know about this subject" (*Correspondence* 2004, p. 272). In another note: "If you do not come here (at Down) before Nottingham, if you do not come afterwards, I shall think myself diabolically ill-used" (*Correspondence* 2004, p. 287). Hooker answered that Darwin should not resent the fact that they each saw things in a rather different light (*Correspondence* 2004, p.285), and that "disputants seldom stop to measure the strength of their antagonistic opinions" (*Correspondence* 2004, p. 288). Hooker had said: "You need not fear my not doing justice to your objections to the Continental hypothesis!" (*Correspondence* 2004, p. 282). "Do not be afraid: I will do justice to your objections to the continental hypothesis". The day next to Hooker's lecture, Hooker wrote to Darwin: "the whole thing went off last night in a very good style" (*Correspondence* 2004, p.303). Hooker pointed out that Darwin's theory of migration provided an independent support for the Darwinian theory of natural selection, and that while Forbes' continental extension theory accounted for too much and then explained nothing, Darwin's theory, though it left unexplained a multitude of facts, offered a rational solution for many of the puzzling phenomena which were facts of no scientific interest in the light of Forbes' theory.

2. Charles Darwin versus Alfred Russel Wallace

Charles Darwin and Alfred R. Wallace had a great deal of background in common. They both spent several years as naturalists in other countries – Darwin spent five years on the Beagle, and Wallace eight years in Malaya. Both reached the turning-point of their careers in the tropics. Wallace read Darwin's "Voyage on the Beagle", and both read Lamarck, Humboldt, Malthus and Lyell. Like Darwin, Wallace became fascinated with the Galapagos Islands.

In the summer of 1858, Wallace sent to Darwin from the Malayan archipelago his essay *On the Tendency of Varieties to depart indefinitely from the Original Type*. "And his essay contained exactly the same theory as mine", said Darwin (Darwin 1993: 121). In fact, Wallace's paper put forward important points which were similar to those of Darwin's theory. The problem was solved with the help of Charles Lyell and Hooker. Wallace and Darwin jointly delivered their papers to the Linnean Society in June 1858. Then, Darwin hurried to finish his book *On the Origin of Species,* which was published in 1859. In spite of their similar background and the friendship which grew between them after Wallace's return

to England, they diverged on many points throughout their lives, as they did in their debate about the meaning of "natural selection".

This debate was restricted to an epistolary episode, with no public resonance. Wallace claimed: "natural selection is a confusing expression". He argued that it was inadequate for the "general public", required personification, and confounded "fact" and "agent". "Natural selection", he said, was a metaphorical expression and a more precise one was needed. "Natural selection" was rather the result of the process, and the expression "the survival of the fittest" would be truer to the facts. Wallace also pointed out that Darwin argued against himself when he said that it was not improbable that favorable variations sometimes occurred. Why did he not simply say that variations of all kinds always occur and leave the onus of the proof to his opponent? (*Correspondence* 2004, 227-230). (This suggestion would deprive "favorable" variations of a privileged status!)

More than precise meaning was at issue. Debating "natural selection" amounted to debating the basic question: "how do species originate in Nature?" The sources here analyzed are Darwin's *Origin of Species* (1872 and 1959), Wallace's *On the law which has regulated the Introduction of New Species* (1855), Wallace's *On the Tendency of Varieties to Depart Indefinitely From the Original Type* (1858), and their July 2 and July 5, 1866 correspondence (2004, pp. 227-230; 235-237).

We have already seen how Darwin answered the question concerning the origin of species. For Darwin "species" were "well-marked varieties" and "varieties" were "incipient species". New species were produced from common descent with modification by natural selection. For Darwin, "natural selection" was the process by means of which new species were produced in Nature. "Natural selection" was a process-and-its-result which implies, among other things, thinking about the kind of causal relationship involved (but that will be left aside here), i.e. an "agent" and a fact, with the objective dimension of a mechanism, and the power to act of a subject:
"I have called this principle, by which each slight variation, if useful, is preserved, by the term Natural Selection, in order to mark its relation to man's power of selection. *But the expression often used by Mr. Herbert Spencer of the Survival of the Fittest is more accurate, and is sometimes equally convenient.*" (Darwin 1872, 49) – we italicized the passage included since the 5th. edition, 1869.

In all the six editions he revised Darwin says:

"Natural selection acts only by the preservation and accumulation of small inherited modifications, each profitable to the preserved being." (Darwin 1872, p. 75)

"This preservation of favorable individual differences and variations, and the destruction of those which are injurious, I have called Natural Selection, or the Survival of the Fittest." (Darwin 1872, 63).

Wallace replaces "natural selection" with "the great law" or "the general principle of Nature". In his 1855 paper, *On the law which has regulated the Introduction of New Species*, he refers to the great law which explains all biological phenomena and the tendency of domestic varieties to revert to their *original type*: "every species has come into existence coincident both in space and time with a pre-existing closely allied species" (Wallace,1871, pp. 10; 25). In 1857, Wallace presented the general principle of Nature which explained all biological phenomena as follows:

"... a tendency in nature to the continued progression of certain classes of *varieties* further and further from the original type – a progression to which there appears no reason to assign any definite limits (...) by minute steps, in various directions, but always checked and balanced by the necessary conditions, subject to which existence can be preserved (...) so as to agree with all the phenomena presented by organized beings, their extinction and succession in past ages, and all the extraordinary modifications of form, instinct, and habits which they exhibit"(Wallace 1871, pp. 43-44)

Given a change in the external conditions, by means of a gradual process those individuals
"forming the least numerous and most feebly organized variety would suffer first, and (...) must become extinct. The same causes continuing in action, the parent species would next suffer (...) and (...) might also become extinct. The superior variety would then alone remain, rapidly increase in numbers, and replace the extinct species and variety." (Wallace 1871, p. 44).

The process by which new organic forms are originated was viewed rather as progression by elimination or extinction of those which are deficient, rather than by the preservation and accumulation of variations beneficial to those which bear them.

The "struggle for existence" was a basic factor for both naturalists since it

established the conditions for the release of the mechanism by means of which new species appear. For Darwin, however, "struggle for existence" is referred to as a network of organic and inorganic relations which provides a representation (a picture) of Nature as a complex system, and by this means allows for an inquiry into the ontological status of Nature. Right from the 1st edition of the *Origin*, Darwin conceives the "struggle for existence" as forming such a network (Darwin, 1872, Chapter III, p.50).

Wallace´s view of the "struggle for existence" is restricted to a state of affairs or a general fact to be found in Nature, and is related to the following factors (Wallace 1871, pp. 28-41): (1) The population of a species fluctuates, but a permanent increase is almost impossible, due to the search for food, prey-predator relationships, natural increase control, environmental changes; (2) The role of the individual organization and favorable (adaptive) and unfavorable variations; (3) Species are like individuals: only the fittest survive; (4) Extinction of the unfitted forms as a result of the "struggle for existence" explains progression and continuous divergence. However, if variations occur in parts which are unimportant for the preservation of life, varieties may develop together with their parental species; (5) Animals are better fitted (their powers are better exercised) in Nature than under domestication. (6)The analogy between Domestication and Nature is false, and we cannot infer from Nature to domestication.

In the *Origin*, Darwin gives two definitions of Nature which were included in the 3rd edition, 1861, and we can see it is objective and determined by dimension, as well as its dimension as an autonomous "subject":

" .. it is difficult to avoid personifying the word Nature; but I mean by Nature only the aggregate action and product of many natural laws, and by laws the sequence of events as ascertained by us."(Darwin, 1872, p. 63)

"Nature, if I may be allowed to personify the natural preservation or survival of the fittest, cares nothing for appearances, except in so far as they are useful to any being. She can act on every internal organ ..." (Darwin, 1872, p. 65)

This all-embracing view of Nature exhibits an order (as opposed to chance). Through the view of Nature as a complex system, domestication becomes a niche within Nature, and is subjected to Nature's law in spite of the particular conditions which pertain under domestication. Man's actions can interfere with Nature's selection, but he cannot act unless Nature gives him the variations.

There is an analogy between Nature and Domestication rendered by analogous circumstances and common laws, and we can infer from Domestication to Nature by making due allowance for the particular conditions of domestication (Darwin, 1872, chapters I, IV and V).

We can infer from Wallace's observation that Nature works on so vast a scale that the "doctrine of chances" applied to it is strictly accurate (Wallace 1871, p.37), that the "order" of Nature lacks the ontological connotations it had for Darwin. In Wallace's texts, "nature" figures mainly in the expression "state of nature", as opposed to the "state under domestication". For Darwin, Nature is more than a state: it is personified as an object to be determined by human beings, and as a subject which acts.

We can now understand why Darwin's meaning of "natural selection" became a serious problem for Wallace, and why Darwin could not accept the latter's insistent plea to replace "natural selection" with "the survival of the fittest". Darwin gave Wallace the following answer (*Correspondence* 2004, pp.235-237): that very few people would be sensitive to the confusion, and that his expression had certain advantages over Spencer's "the survival of the fittest". Darwin considered the impossibility of "the survival of the fittest" being "used as a substantive governing a verb" as a real objection to Spencer's expression (*Correspondence* 2004, p.235), and this amounts to criticizing the possibility of using it as an "agent". Implicit in Wallace's criticism was the fear that the general public might understand "natural selection" as being more than the result of the elimination of the unfitted. This would not be a problem for Darwin, for whom 'natural selection" was both a process and a result, an agent and a fact. He would not be concerned by the metaphorical character of "natural selection", as he explained in the 3rd edition (1872, Chapter IV). He agreed with Wallace that he had said too much about the preservation of *favorable* variations, but that Wallace had over-emphasized the elimination of the *unfavorable* ones.

Their debate seems to lie somewhere between a "controversy" and a "dispute". As is typical of a "controversy", it was generalized, and there were no pre-established decision procedures. Indeed, it showed Darwin and Wallace had opposing views about Nature, its principles, and the way they operated. This and the fact that the whole debate did not make them change their own positions are aspects typical of a "dispute". Nevertheless, the issue of the "audience" has a

different function here. Wallace had the "general public" (to be persuaded) in mind, while Darwin was not worried about this. Darwin told Wallace that he would revise his use of the expression "natural selection" in his next edition (the 5th edition, 1869). Their argumentative strategies could be used in a "controversy" as well as in a "dispute". Darwin answered the objections by disqualifying them and the sources on which they were based. For instance, he referred to as "metaphysicians" those who did not understand ordinary people, and said that, in Spencer's work, it was almost impossible to distinguish between the direct effect of external influences and "the survival of the fittest". Wallace's criticism was based on a defense of his own views. Both Darwin and Wallace made use of a strategy typical of those who criticize their opponent's views by affirming their own, i.e. leaving the onus of proof to the other party.

3. Charles Darwin versus George Mivart

I will briefly report on this polemic, which was presented at the 6th ISSA Convention, and examined in detail elsewhere (Regner, 2008). Here, it serves as a typical case of a "dispute" when compared with the other cases analyzed above. My sources are Charles Darwin's *The Origin of Species* (1872) and St. George Mivart's *On the Genesis of Species* (1871). In order to better understand the polemic, I will begin with some co-textual and contextual information.

The debate began with Mivart attacking Darwin's theory of natural selection as presented in *The Origin of Species.* In fact, these attacks had begun earlier. St. George Mivart was a former member of the Darwinian circle, and highly praised by Thomas Huxley, Darwin's great friend. However, he seems to have become disenchanted with natural selection. In 1845 he converted to Catholicism, and saw evolution by natural selection as detrimental to the Catholic faith. *On the Genesis of Species* was, in fact, a collection of criticisms of Darwin's theory published in the Catholic journal *The Month*, to which Mivart was a regular contributor. Mivart tried to reconcile his religious and scientific beliefs. Later, his relationship with Huxley deteriorated (due in part to Huxley's views on Catholicism), and Mivart was excluded from the scientific inner circle and started to write more about Catholicism. Mivart´s *On the Genesis of Species* had a strong impact on the public, and Darwin could not ignore it. Darwin delayed the publication of the 6th edition of the *Origin* in order to include a new chapter (1872, Chapter VII) which was mainly dedicated to answering Mivart's objections.

The focus of the debate was the following basic question: "how are new species produced in Nature?" In spite of apparently dealing with the same problem (the *origin* and *genesis* of species), what was at stake was more than a specific question. "Origin" and "genesis" were based on very different arguments which generate different sets of questions. Darwin's objective was to answer the specific question as a purely "natural" phenomenon. Mivart's goal was to reconcile scientific, philosophical and religious views, and in this way to reconcile Evolution and Theology, by removing misconceptions and adding another stone to the "temple of concord". It was necessary to attack the Darwinian evolutionary view, which *opposed*, according to Mivart, religious beliefs. In fact, Darwin wanted to keep them *apart from each other*, as belonging to different realms, and often declared in his correspondence that he did not think that evolution and religion, as different realms, were incompatible.

As the problem was different in each case, so were the answers to it. Darwin's answer depended on "natural selection" and left out the question of "creation", which Mivart stresses from the very beginning of his work. Mivart's proposal of a conciliatory path: a *tertium quid*, was a comprehensive view founded on a rational theism, according to which there would be two kinds of "creation": a supernatural or absolute creation, and a natural or derivative creation ("natural laws"). Mankind had a dual nature, biological and spiritual. In a general sense, the phenomena of specific forms could be explained by an internal force and a concurrence of laws. Mivart did not give a more detailed answer about the creative process. He concentrated his efforts on raising difficulties to Darwin's theory of "natural selection" rather than on proposing a theory of his own. Attacking Darwin's theory would pave the way to achieve his *tertium quid*.

When we look at their general arguments and argumentative strategies we can see that the entire argumentation consisted of Mivart attacking Darwin's theory and Darwin defending it on the basis of the structured "one long argument". In an attempt to construct a parallel between the two theories, Mivart describes the following structural steps: I. Introduction – where Mivart proposes to look for a *tertium quid*, reconstructs the Darwinian argument on his own terms, and examines the reasons for the wide acceptance of the Darwinian theory, which he maintains are basically founded on the ignorance of lay people; II. The scientific reasons for not accepting the Darwinian theory, and the plausibility of an alternative evolutionary view (I.Introduction, chapters II-XI); III. The main points of his proposal concerning "Evolution and Theology"(chapters IX, XI, XII). Mivart

integrated the defense of this own position with his attack on Darwin's position. He could not argue in favor of his own theory without attacking Darwin's.

Darwin had constructed a solid theory by making use of a consistent set of argumentative strategies in the *Origin*: I. The particular whole-part movement in assembling his argument; II The explanatory power as a whole; III The comparison of his view with those of his opponents; IV The treatment of difficulties/ objections / exceptions; V. The weight of reasons for both sides of any issue; VI. The interplay of the actual and the possible; VII. Appeals to the extent of our ignorance, to scientific authority, values and ideals, to the psychological conditions of scientific investigation, and to the revolutionary character of his theory. Mivart's strategies took place on two main fronts. I. Defending his theory: I. I. Alleging that "natural selection" does not exclude other kinds of explanation; I.II Separating the domains of physical science, philosophy, and theology as relating to different kinds of "proof"; I.III Establishing careful semantic distinctions, as in the case of "creation"; I.IV Appealing to well-known authorities. II. Attacking natural selection as an evolutionary approach: II.I Attacking Darwin on the bases of the concept of species and on the non-scientific credentials of his theory (Mivart mixed candor and irony in his comments); II.II Reconstructing Darwin's general argument (as modified by his own interpretation); II.III. Analyzing a list of the general and specific difficulties of Darwin's theory.

Darwin and Mivart also diverged on the presuppositions which determined their different positions. For Darwin, gradualism and naturalism were epistemological and ontological tenets, and evolutionism was the way of finding the answers to the origin of species, whereas for Mivart the general theory of evolution was "perfectly consistent with the strictest and most orthodox Christian theology", but could not be considered as "fully demonstrated". Darwin held a non-essentialist view of species, while Mivart held an essentialist view. Darwin had an interdisciplinary view of the support that evidence from different fields of scientific investigation could give to his theory, and advocated the separation of Science and Religion. Mivart's attempt to explain how new species are produced in Nature view rested on a harmony between religious beliefs and scientific background which would bring the two together.

Darwin and Mivart's debate is better classified as a "dispute", given the fact that their opposing presuppositions precluded their opinions from reconciliation. Their presuppositions show that what was at stake was not a specific question but a variety of questions. Unlike from what happens in a "controversy", they were not

trying to persuade each other, but the scientific community. The way in which one depended on the other in this task is very different. Darwin had to answer Mivart's objections moved by the impact they might have on their audience, but his answers would not be essential to the strength of his theory. Mivart, on the other hand, needed to make his attack on Darwin in order to have his theory properly structured. The conflict between their irreconcilable positions and attitudes did, however bring about a cognitive gain, even though they did not change their presuppositions or beliefs, and they both gave very detailed descriptions of a series of phenomena. In addition, each of them had to offer a consistent set of reasons for their position in order to gain the audience's approval. The overall framework, in order to be rational, had to belong to "soft rationality", which lies somewhere between "irrationality" and "hard rationality".

4. Conclusion

First of all, Dascal's typology is a very helpful tool for understanding scientific argumentation, which is not reducible to "discussion" or to the obedience of pre-established procedures and the deductive logic criteria for appraisal of theories. Although preserved in their structurally analytical function, the ideal types are not rigidly applicable and show that the boundaries between them can be crossed. Instead of a weakness in the typology, this flexibility is one of its strengths. It permits its own enrichment by not only informing, but learning from its application to concrete cases, and leading to a greater attention to the context. In the debates referred to above, we can see the importance of presuppositions in a debate, as well as the attitude, cordial or hostile, to the acceptance of the opponent's ideas.

Secondly, "soft rationality" allows us to understand the argumentation used in the debates, which were not "irrational" enterprises. Darwin and Hooker were not indifferent to what might count as "good evidence" and "good criticism". Their debate could not be resolved in terms of a demonstration, so the choice of the best alternative by weighing up the various factors involved was a "rational" alternative. Darwin and Wallace's debate exemplifies the role of presumptions as well as the role of being accepted by the scientific community. Darwin and Mivart, although not interested in persuading each other, were seeking the "public" approval without forgetting that the community was sensible to "rational appeals".

Finally, all these debates pose meta-level questions. For example, Darwin and

Hookers's debate raises the question about "evidence" not being free of interpretation and depending on a network of factors. Another question, in Darwin and Wallace's case, is that what is at stake in the debate may have a different impact on each contender. And, in all of the above cases, both "logos" and "pathos" have a role to play in the argumentation.

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