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

What is the legitimate role of emotion in argument? Surely something as fundamental as human emotion has an important part to play. Would we bother to argue at all if we did not have some feelings about things and events? Could we be critical thinkers at all if we didn't care deeply about clarity, precision, fairness, accuracy and other intellectual standards? It's not that emotions have no legitimate part to play, but that all alone they cannot be the sole basis for an argument. Their roles must be either a supportive one or make a positive contribution to the goal of critical dialogue. Some critical thinking textbook authors view the emotions as lacking truth value, arguing that they are neither true nor false even when they are sincerely or intensely felt. Sincerity and intensity, they hold, are aspects of only the personal dimension of an argument; evidence and truth alone belong to the objective, public dimension. But this presents an oversimplified view; it assumes that arguments are only about facts rather than sentiment, or that the two can always be clearly distinguished. While emotions, considered by themselves, may be thought of as having no truth value, in the context of certain types of dialogues, appeals to emotion can play legitimate and important roles. To support this view, a brief discussion of current argument theory is needed to form the theoretical foundation for the distinction between legitimate and illegitimate emotional appeals that this paper defends.

According to argumentation theorists van Eemeren and his academic colleague Grootendorst (1984), as well as Walton (1992), who follow the pragma-dialectic framework, an argument is seen as a dynamic exchange, a sequence of pairs of speech acts carried out by the participants in a dialogue. A dialogue is an exchange of speech acts between two or more arguers in turn-taking sequence aimed at a collective goal. A type of dialogue discussed by Walton that is particularly applicable to the film "12 Angry Men" is the "critical discussion" dialogue. This is a type of persuasion dialogue, in which the goal of each party is to persuade the other party to accept some designated proposition, using as

premises only propositions that the other party has accepted as commitments. The goal of a critical discussion is to resolve a conflict of opinions by means of rational argumentation. A legitimate appeal to emotion, then, is one that contributes to the proper goals of a dialogue. Contrary to the common assumption that arguments based on emotion are not rational, the view advocated here is that an emotional appeal can be reasonable and appropriate if it furthers the legitimate goals of the discussion. This can be accomplished, for example, by its revealing an arguer's unanalyzed presumptions or by its opening up a new and valuable line of argumentation that prompts critical questioning that steers the argument in a constructive way. On the negative side, in an illegitimate appeal to emotion, there is typically an attempt to arouse, say, fear or pity, and then to use these emotions to obscure or short-circuit reason.

When an illegitimate use of emotions occurs in argumentation it is commonly called an "emotional appeal", and given a traditional label, such as the bandwagon argument, appeal to pity, ad baculum, or the ad hominem. While there are many other types of emotional appeals, we shall limit our consideration of illegitimate emotional appeals to the four just mentioned and give some examples of these from the film. When a legitimate use of emotions occurs, as we said above, it plays a supportive role or furthers the goal of the dialogue. We shall point out some examples of these in the film as well.
"12 Angry Men" is an exciting, suspenseful drama of 12 jurors trying to reach a verdict in a murder trial. Henry Fonda heads the all-star cast of actors which includes Lee J. Cobb as his main opposition, Ed Begley as a hateful bigot, E.G. Marshall as a somewhat cold, logical stockbroker, Jack Warden as a baseball fanatic, and Jack Klugman as a sympathetic former slum dweller. What makes the film suspenseful and intriguing is the wonderful intertwining of outbursts of emotion and key moments of insight derived in part from logical analysis and in part from keen observation. These critical elements are provided primarily by the architect, played by Fonda, and the retired old man, played by Joseph Sweeney. As we shall argue, sometimes the display of emotion helps the deliberative process and sometimes it gets in the way.

1. Bandwagon Arguments in the Film
At the start of the jury's deliberation process, a decision is made to take a preliminary ballot to see where everyone stands. Eleven jurors raise their hands to indicate that they believe the defendant guilty; only one raises his hand to

indicate a not-guilty vote. Even at the beginning of their deliberation one senses the jurors are tired and want a quick, unanimous vote so they can go home and be done. When they become aware that the vote isn't unanimous, one juror reacts angrily and in a frustrated voice repeats the following comment, "Boy oh boy, there's always one!" While not the only possible interpretation, this remark is most plausibly contrued as an an illegitimate emotional appeal, commonly called the bandwagon fallacy. Under this interpretation, the juror casting the dissenting ballot receives a disdainful response from one of the group members because the vote is apparently seen as a frivolous and unjustified dissent from the otherwise unanimous view.

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

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

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

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

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

In a critical discussion context, a factor more important than the mere fact that the majority holds a certain belief is the reason why they hold the belief. If the mere fact that one stands alone were used as a reason why one should join the group, then that would be a case of illegitimate emotional appeal for solidarity. If, however, good reasons have been provided for a belief and then, out of mere obstinacy a dissenter refuses to change his or her view, an emotional appeal for solidarity would be legitimate. Just such an appeal occurs near the conclusion of the film when the vote for not guilty stands at eleven to one. One juror remarks, "It's eleven to one." All the jurors stare at the dissenting juror while Fonda remarks, " Well, what do we do now?" There is a long pause. Turning to the sole dissenting juror, Fonda says in a solemn tone, "You're alone." The dissenting juror replies, "I don't care whether I'm alone or not. It's my right!" This is arguably a legitimate emotional appeal for solidarity because it seeks in a reasonable way to achieve a unanimous vote, the goal of the critical discussion.

2. A Legitimate Appeal to Pity in the Film

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

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

Notice that in this argument it's not a belief that being offered for acceptance (Fonda is not claiming that the boy is innocent because he's been abused all his life), but a plea for action, that they give more consideration to the case, especially in light of the fact that someone's life is at stake. Of course, every defendant is entitled to a through and impartial hearing, but Fonda is also making the additional point, and it seems appropriate, that his fellow jurors should have empathy for this young defendant who's had a particularly unfortunate childhood.

Thus the appeal to pity, like the bandwagon argument discussed above, can be made in an appropriate and inappropriate way. When someone through no fault of their own hits on bad times and comes to someone for charity, they are implicitly hoping their audience will have sympathy and conclude that they are obligated to assist them. This appeal to pity is legitimate and commits no fallacy.

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

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

3. A Legitimate Ad Baculum Appeal in the Film

As Walton argues, "Appeal to the threat of force or fear as a move in a critical discussion, where both sides are critically examining the pros and cons of an issue in polite conversation, seems so radically out of place…that surely it should be categorically condemned as fallacious" (1992:143). While this is usually the case, in some contexts of dialogue, it can be a nonfallacious move, particularly in what

Walton calls “a negotiation dialogue”. Generally most textbooks writers see the function of argumentation itself as a nonviolent way of resolving disagreements and conflicts, so the appeal to force seems to be an obvious violation of the function of a critical discussion. But in a diplomatic negotiation between two hostile countries, to use Walton’s example, if one country contemplates a military move, the defending country may make a direct appeal to force, and give a clear warning of a military response should such an attack be made. The conclusion that the defending country wishes the attacking country to draw is that if such an action occurs the consequences will bring a heavy toll to the attacking country.
Such an appeal, while an ad baculum, is not a fallacy because the appeal to force is not used to distract the other arguer from more relevant considerations but, on the contrary, is appropriate to the context.
Walton claims that for a genuine ad baculum fallacy to occur not only must the threat of fear or force exist but it must be used to persuade a respondent to do something or accept a conclusion in a manner that is inappropriate for the context of the dialogue that is taking place.

Several appeals to force occur in the film “12 Angry Men”. The following example, while an ad baculum is arguably not fallacious. The defendant’s guilt in the story hinges primarily on the testimony of two alleged eyewitnesses. One of these witnesses is an elderly man who occupied the apartment below where the crime took place. While discussing the credibility of this eyewitness, one juror suggests that the real motive behind the testimony was the witness’s wish to be thought important and get his name in the newspapers. When this suggestion is made, another juror ridicules the suggestion that the old man would lie just to get attention. Another juror (the house painter) comes to the defense of the older juror and says, “A guy who talks like that to an old man oughta really get stepped on, y’know.You oughta have more respect, mister. If you say stuff like that to him again, I’m gonna lay you out.”
The threat to force in this case was to defend the older juror from intimidation and protect his legitimate right to take part in the dialogue. The ridicule that his suggestion received about the real motives of the alleged eyewitness was inappropriate and if left unchallenged may have blocked this juror from making important contributions to the goal of the dialogue. Thus, the ad baculum appeal made on his behalf seems justified and in this context is not a fallacy, although some would argue that the threat of physical violence is always out of place in a jury room.

4. A Legitimate Ad Hominem in the Film

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

and derails a reasonable discussion. On the contrary, as Walton points out, in many cases personalization may be helpful to critical discussion. In some cases, it is used as a prod to get those involved in a dialogue to take their reponsibilities as critical thinkers seriously. Several examples of legitimate ad hominems occur in "12 Angry Men." The following is one of the most striking. The vote among the jurors at this point in their deliberations has become tied, six for not guity, and six for guilty. Exasperated by this turn of events, juror #7 decides to break the tie, not however out of conviction, but only because he wants to end the discussion so that he can attend a baseball game. The following dialogue takes place.

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

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

Juror#7 responds: "Now listen buddy…"

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

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

Juror #11 (passionately) says: "I can talk like that to you! If you want to vote not guilty then do it because you are convinced the

man is not guilty and not because you've had enough! And if you think he is guilty, then vote that way. Or don't you have the guts to do what you think is right?"

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

In conclusion, the four emotional appeals we have briefly examined in the film "12 Angry Men", the bandwagon appeal, the appeal to pity, the appeal to force, and the ad hominem, are not always fallacious but can, as we have seen, in appropriate contexts, make important contributions to the goals of a critical dialogue. Instead of dismissing these appeals as fallacious wherever they occur, one needs to examine them carefully and judge each use on its merits.

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