ISSA Proceedings 2002 – The Play Of Presumption: A Derridian Examination Of Whately's Concept Of Presumption

The uniquely perspectival lenses that inform what we know, think is true, or consider reasonable are subject to a plethora of contextual variables. We may think we know something at one point and upon further investigation or by mere happenstance, new or unrealized evidence or reasoning urges us to change our mind. These contextual variables are in essence linguistic. Conceptually, language shapes our reasoning, the rules of the known, the knowable, and ultimately serves as an allusive guide in our efforts to communicate with others. The idea of interpersonal argument is no different. Interpersonal argument, like language, is self referential, linguistic, and positioned within varying contexts. The basic tenets of presumption and burden of proof are central to a language of argument, implicit in the functioning of our argumentative discourse and must be understood as such in order to better understand presumption in interpersonal argumentative discourse.

The perspective presented here is not so different from many of the post-modern/post-structuralist notions of culture, language, power, and the relationships between them. This perspective is even more in line with conceptions of pragma-dialectical theory and analysis.

Yet, this perspective of presumption is different in that it aims to marry two unlikely bedfellows: Richard Whately and Jacques Derrida. Through sixteen revisions of Elements of Rhetoric, Whately finally settled on a very socio-psychological perspective of presumption and burden of proof; a transition that is significant to current conceptions of presumption and the inclusion of Jaques Derrida in this essay.

Derrida's post-structural theory of language is conceptually similar to the theories of argument developed by Whately. Deference, the functional concept for each, becomes an important consideration for understanding the function of presumption in interpersonal argument. This essay examines the

interrelationships of Whately and Derrida and attempts to articulate a conception of presumption that reconceptualizes its role in argumentative settings. First, this essay discusses the dominant reading of Whatelian presumption, burden of proof and their concurrent operations. Second, the essay explores the socio-psychological and cultural predispositions of the audience and suggests that these variables, or considerations, compose an implicit language by which argument functions. Third, the essay discusses the relationship between Whately and Derrida and proposes the functional potential of presumption in interpersonal argumentative settings. This linguistic reading of presumption suggests that it is a general conceptual function of argument rather than a specifically placed or locatable component of argument. In some ways this perspective helps to clarify the role of presumption. In other ways it confounds our ability to analyze its functioning due to its wide ranging, changing, and unknowable nature.

Whately

In Elements of Rhetoric (1846), Richard Whately discusses the concepts of "presumption" and "burden of proof" as central to the way argument works. Whately pulls his rhetorical theories of argument from the conventions of the day such as liberalism and the British court system to develop a fundamental rhetorical concept – the plurality of presumptions in any particular case. The dominant reading of presumption places it on one side of an argument and burden of proof on the other while a socio-psychological reading of Whately's theories suggests that many presumptions function within an argument regardless of their stipulated placement.

The Placement Perspective

Traditionally, scholars and practitioners of argumentation viewed argumentation as perspectives that compete to establish which perspective is best for a particular conclusion.

The perspective that coincides most closely with the status quo, or the prevailing collective beliefs of the audience is said to have the presumption of an argument. In this sense, presumption is a "benefit of the doubt" that is awarded to the perspective of an argument that shares the collectively accepted views of the audience. This is not to say that presumption is awarded to the most probable perspective of an argument in any objective sense but rather that presumption is awarded by an audience to the perspective that is most in-line with the collective beliefs of community. The communal conventions are what determine the force of

what consitutes probable reasoning.

Whately explicitly emphasizes the point that presumption does not reside with the most probable of the two perspectives in an argument. He states that "presumption" in favor of any supposition is not a "preponderance of probability in its favour" (Whately, 112). Here he establishes a view of presumption where the likelihood of a particular belief over the other does not necessarily constitute that belief as having the presumption in an argument. Rather, Whately urges that "presumption" is a "preoccupation of the ground" in any particular argument (Whately, 112). The ground, or the functional context of the argument, the underlying conditions and circumstances that serve as the rationale for an audience's presumptive stance, provides the context for an audience to perceive the prevailing opinions within an argument.

For Whately a benefit of the doubt (presumption) is awarded by an audience to the perspective that coincides most closely with the prevailing beliefs associated with the context found in the ground of an argument. If a student were to disagree with a professor about a grade then presumption would most likely lie with the professor. Presumption is awarded to the professor because the grounds of the argument rest in the generally accepted view of the professor as an authority in the field. Such a view holds that a professor's position in the class, position within the institution, and association with the field of study that he or she teaches affords the professor the authority and expertise to determine the value of assignments handed in for the completion of a course. The student is also bound by these general perceptions of the ground due to the student's relative positioning within the institution and to the professor. The idea of presumption holds for the professor until evidence is brought against the professor's judgment of the assignment at which time a paradox, or seemingly contradictory statement of of what is presumed, puts the professor's presumption into question.

For Whately, presumption also exists "against anything paradoxical, i.e., contrary to the prevailing opinion" (Whately, 115). Here, presumption is not only a "preoccupation of the ground," but is also the way an audience holds a prevailing belief in favor of the status quo and against anything that conflicts with it. The professor may have "good reasons" for assigning a particular grade to the student's work but the student may also provide "good reasons" in his or her appeal to change the grade. The students' contestation of the grade creates a paradox that puts the status quo on trial, makes necessary a rebuttal by the

professor, and suggests that the professor now has the burden of rejoinder (the responsibility held by the person who had presumption but in light of newly presented prima facia evidence, needs to defend the original position). The paradox created by the students' contestation of the grade makes manifest the point where change of the "prevailing belief" can occur. The paradox establishes where presumption lies for this portion of the argument.

The face value significance of Whatlian presumption to argumentation consuption, design, and theory is that by establishing the preoccupation of the ground, a rhetor who wishes to change audience beliefs will be most successful if she or he attempts to argue from the ground in accordance with an audience's presumptions. Since the audience, or speech community, is the subject who holds the prevailing beliefs in an argument, their predispositions to particular points of authority have a substantial influence on where presumption resides in any particular argument. As Sproule (1976) notes, "audience orientation is seen to be a major agency in the determination of the locus of presumption" (Sproule, 1976, 120). As Sproule attests, Whatelian presumption is treated as a place in which an argument rests relative to the ground of a particular case. Thus, the organizing principles that determine how argument occurs conventionally rest upon the notion of presumption and its placement within a particular argument.

Burden of Proof

People who argue for a change in the presumption of a case stand in opposition of the prevailing belief and hold the responsibility for showing why that belief must be changed. For Whately, presumption, or the preoccupation of the ground, "implies that it must stand good till some sufficient reason is adduced against it," and that "burden of proof lies on the side of him who would dispute it" (Whately, 112). Whately states that "burden of proof lies with him who proposes an alteration; simply, on the ground that since a change is not a good in itself, he who demands change should show cause for it" (Whately, 114). In the example of the contested grade, the student bears the burden of proving the inaccuracy or unreasonableness of the teacher's assessment of the student's work. In order for the professor to change the grade, the student must show sufficient reasons for the presumption to be abandoned, adjusted, or overturned.

The reasons and evidence, which are deemed good and sufficient by an audience, are such when they follow the prevailing presumption of a particular case. For reasons and evidence to be considered applicable in an argument, those reasons

must be in accordance with the ground, or context, in which they occur. Therefore, in the example of the student and the professor, the student carries the burden of proof and the student's appeals for the professor to change the grade are the responsibility of the student because the professor carries the presumption. Each party participates in a collective presumptive ground and if the student fails to overturn the presumption attributed to the professor, as Whately states, the presumption "must stand good" and that, "no man should be disturbed in his possessions till some claim against him shall be established" (Whately, 113).

From Placement to Function

Up to this point my discussion illustrates how Whatelian presumption is understood via a very basic reading of presumption and burden of proof. This reading implies that presumption exists on one side of an argument and burden of proof on the other. This notion is problematic because it limits our conception of argument by artificially giving preference to one side of an argument and placing a possibly undue burden on the other. The question then is how can the role of presumption be understood outside of the locatable and discernable nature in which it is generally described?

Although academic debate and courts of law generally treat Whately's theory of presumption as stipulated rules by which presumption is artificially assigned to respective sides of an argument, the placement of presumption is not so simple. Nicholas Burnett (1992) notes that there are "special" circumstances that need to be taken into consideration when applying presumption to arguments outside of policy debate or conventional courts of law. He states, "we clearly have not done enough to teach students to think through the special challenges offered by non-policy debate to the application of presumption" (Burnett, 1992, 37).

A reasonable extension of this claim might be that there are special considerations in everyday arguments that traditional teachings and notions of presumption do not provide adequate resources to deal with. We need to see presumption from a different perspective. This perspective encourages a view of presumption outside of placement to an understanding of how it functions in a psychological, social, and cultural language of argumentation.

Through the evolution of Whately's Elements of Rhetoric, specifically from the fifth edition forward, presumption is treated as a wholly unstable factor in an argument. Although a dominant presumption may exist in an argument, there are

likely innumerable presumptions affecting an audience's perception of a case. Through J. Michael Sproule's (1976) analysis, the chronological progression of Whately's revisions to his theory of presumption and burden of proof reveal that, "in actual operation the impact of presumption was determined by sociological and psychological factors independent of any logical placement of the burden of proof" (p.120). Sproule suggests that presumption is more complex than placing its locus on a particular agent or institution. Sproule views, "Whatelian presumption as consisting of (1) a potentially great number of argumentative advantages, which (2) may be simultaneously conferred on both sides of a dispute, resulting from (3) audience preferences for particular arguments or sources of information, while (4) some of the presumptions may be explicitly claimed by advocates, all such claims are subject to factors of audience member perception" (115).

Sproule (1976) explains presumption from a perspective where the audience determines the loci of presumption, its relative importance to, and within a particular argument. This view questions the dominant notion that that presumption exists on one side of an argument and burden of proof on the other and suggests that presumption exists on multiple planes and in multiple facets of argument simultaneously. Since presumption is an audience centered phenomena we might reasonably assume that an audience may not be versed in, capable of, or willing to attend to the rules of formal logic, courts of law, or academic debate. For this reason, the explicit statement and agreement of presumption may not be enough to make presumption exist in a particular place at a particular time. Even within the structured argument of courts of law, Sproule's concept of a psychological presumption implicates the stipulated placement in an argument because the psychological predispositions of an audience (jury, judge, or the viewing public) may well overturn any stipulation of where presumption and burden of proof are to be placed. As Sproule notes, "the 'legal' or logically-objective assignment of presumption may be overturned by a psychological presumption attending to things novel" (Sproule, 1976, 120).

Although the nature of presumption is one of a "stipulated rule" where the "agency of apportionment is the court and the beneficiary is one of the two sides before the bar" (Sproule, 120), or as an organizing principle that allows one to determine the "nature" of the argument (i.e. academic debate), this view of presumption is far too limiting and does not account for the many audience

presumptions at play within a particular argument.

Given Sproule's position on presumption, the use of a jury in a court of law undermines the very notion that presumption or burden of proof is actually assignable to either side of an argument. It would seem that the more people involved in a decision and the processes that lead to that decision (a verdict) the more potential presumptions an advocate has to deal with in a given situation. Even in such a case as the court of law, the explicit statement of where presumption and burden of proof should lie within an argument can only exist artificially as a procedural rule of the court. The proponents of each side still easily manipulate jury member presumptions, their beliefs in a case, and their concurrent operation in argument. Although a judge may be more apt to adhere to the artificial stipulation of presumption and burden of proof due to rules of court and the authority of his or her position, rules and authority may not be sufficient in offsetting the novel arguments brought forth by the proponents of each side of a case.

Another dynamic to be considered with the psychological components of argument articulated by Sproule include the sociological/cultural components of presumption. From the perspective that presumption is an audience-oriented phenomena, it stands that the values held by a particular audience are integral considerations in the way presumption functions in argument. It is not so much the particular values that come into question when considering how presumption functions in argument, but rather the varying levels of force attributed to those values. For a sociological/cultural understanding of presumption a rhetor must consider how an audience organizes the values that affect the function of presumption. Joseph Tuman (1992) suggests that values act as screens through which cultures and societies determine the presumptions at play in an argumentative setting. The way a culture or society organizes their values and the way they structurally prioritize them affects how presumptions function in argument. While citing Perelman and Olbrechts-Tyteca, Tuman states that, 'value hierarchies are, no doubt, more important to the structure of an argument than the actual values. Most values are indeed shared by a great number of particular audiences, and a particular audience is characterized less by which values it accepts than by the way it grades them' (p.14) Here, the weight and/or force attributed to the values held by an audience are considered to have more practical importance than the values themselves.

Following the assumption that cultures and societies develop a collective

hierarchy of values, Tuman argues, “a ‘natural’ hierarchy may be designated, depicting the perceived cultural preferences for values in rank of significance” (p.14). A rhetor can analyze the way a cultural body structures their presumptions by considering the value preferences of an audience instead of simply focusing on the values themselves. This view of presumption and culture is neither exhaustive nor complete but suggests that there is a more complex functioning of presumption in interpersonal settings than dominant conceptions allow us to indicate. Past the particular placement presumption of Whatelian interpretations lies the larger question; how does presumption function in interpersonal argument?

By treating presumption as a socio-psychological predisposition of an audience, stipulated placement of presumption becomes even less tenable. Presumption, as a function of argument, suggests that there are, and may potentially be, many implicit and explicit presumptions at work. Furthermore, the stipulated rules of due process found in Western courts of law do not necessarily transfer to common uses of presumption in less structured, real world argumentative settings.

The audience, and multiple audience conceptions of where presumption should reside, and the degrees to which various presumptions will carry argumentative weight do more to determine the placement of presumption in an argument than do objective, logical, and authoritatively determined placements of presumption. Karen Whedbee (1997) states, “the placement as well as the strength of presumptive allegiance cannot be known a priori, but is itself negotiated through the process of deliberation” (p.6). Whedbee suggests here that deliberation is a process in the functioning of presumption in an argument. It would seem that deliberation can shed considerable light on audience perceptions of where presumption rests prior to the onset of an argument and may illustrate its potential and relative strength during in an argument. Deliberation may be sufficient at determining the various presumptive points of an issue, yet deliberation alone will only evidence the explicitly acknowledged presumptions. The implicit, less acknowledged, and possibly more salient presumptions at play are less directly addressed if at all. Deliberation may give rhetors a starting point from which the presumptions will rest for a portion of argument, but as the argument progresses, presumptions change. The values and their relative weights in the minds of the audience change as new and different claims and/or evidence is brought to bear on the topic(s) of debate. This perspective on deliberation presumes a central route process to presumptive reasoning. Whately, on the other

hand, suggests that some peripheral processes have more bearing on the process of presumption.

Whately's concept of novelty illustrates the psychological predispositions that can lead an audience to prescribe greater, lesser, or due degrees of presumption upon various points in an argument. Novelty problematizes the positive effects that deliberation could have for determining the strength and presumptive allegiance in an argument because an audience, while attending to those things novel, may not even be cognizant of their own presumptive preferences. It is this less than conscious, yet operant functioning of presumption that makes it so allusive in real world applications. While deliberation may bring a rhetor closer to understanding audience presumptions, deliberation can never fix the presumptions in an argument or be conclusive of their actual placement.

To view presumption as a function of argument is to view it as a potential for reaching certain conclusions, not the probability, actuality, or truth of those conclusions. To further elucidate the complexity of the function of presumption, we must consider the role of novelty.

Novelty

Whately's concept of novelty is an important consideration in the way presumption functions. Whately claims that an audience member's presumptive orientation is, in part, based in novelty, or those things that are socio-psychologically salient to an audience member.Whately is somewhat ambiguous as to whether novelty is a singular or collective operation in argument. By this I mean that the notion of novelty may be specific to a particular person or to particular groups of people with similar interests. By this same reasoning, a person is never separate from the cultural entailments that define their relationship with their social and physical environment.

This step in Whately's thinking suggests that presumption does not necessarily lend

itself to those things that are determined logically or through traditional lines of reason. For Whately, novelty is the notion that psychological factors "such as pity, contempt, love, joy…" (Whately, 1846, 121) towards points of authority, are capable of leading an audience to the "conviction" that those points of authority "deserve" those feelings.

In other words, feelings, not formal logic, are capable of putting presumption upon points of authority in an argument. For example, "a person will perhaps

describe himself (with sincere good faith) as feeling great deference towards someone, on the ground of his believing him to be entitled to it" (Whately, 1846, 121). Furthermore, Whately states "men are liable to deceive themselves as to the degree of deference they feel towards various persons" (Whately, 1846, 121). Although Whately implies that there is a correct amount of deference one should have towards another, he attests to the fact that it is more likely that a person will be "deceived" based in the novel feelings one has towards another person.

This realization, for Whately, is fundamental to our understanding of how presumption functions in argument. Since the placement of presumption and burden of proof are not necessarily logical or fixed places within an argument, and they exist moreso as socio-psychological predispositions of an audience, then the feelings one has towards another person (or object) are the means by which presumption is deferred upon points of authority. It is not so much the placement of presumption but the process of deference that is fundamental to the functioning of presumption.

Whatley attests that feelings alone will not determine where, and to what degree presumption will be placed upon points of authority. For Whately, the affiliation one has with differing persons or groups has a profound effect on the functioning of presumption. As Whately states, "with some persons, again, authority seems to act according to the law of gravitation," in that a person is, "inclined to be of the opinion of the person who is nearest" (Whately, 1846, 121). A person's affiliation with particular groups or people to which they have novel feelings will determine what feelings will be conferred upon particular points of authority.

This analysis of novelty has shown that, for Whately, authority has more to do with socio-psychological factors than the marked rules of argumentation or prescriptive placements of presumption and burden of proof. Therefore, the concept of novelty, or the feelings one has towards a person, subject, or institution, lends further support to the idea that there may be multiple presumptions at play within an argument because of their unaccountability by the persons who reason through novel feelings. Since a person is "liable to deceive themselves as to the degree of deference they feel towards various persons" (Whately, 121), a rhetor's determination of what points of authority an audience member has favorable or unfavorable feelings towards is even more complicated and may still not be determinable through simple deliberation.

Deference

Central to the point of multiple presumptions, and this essay, is Whately's concept of deferrence. For Whately, presumption functions by deferring to something or someone else. "Deference," Whately states, "ought to be, and usually is, felt in reference to particular points" and that, "personal affection…in many minds, generates deference"(Whately, 1846, 121). Whately attests here again to the notion that presumption is not located in a particular place within an argument and that socio-psychological predispositions produce the ways in which an audience determines presumptive judgment. More importantly, deference is the way one projects presumption by generating deference upon any number of points of an argument simultaneously. The generation of deference is exactly the way presumption acts as a function of argument. The specific placement of presumption is even further untenable because as Whately states, "deference is apt to depend on feelings; often on whimsical and unaccountable feelings" (Whately, 1846, 120). A person defers presumption as an argument progresses throughout the argumentative process.

Whately views emotions and feelings as a "personal affection that generates deference"; or as a personal sense of "want" that drives us to project our beliefs onto something else. He states that an audience forms, "a habit of first, wishing, secondly, hoping, and thirdly, believing a person to be in the right, whom they would be sorry to think mistaken," (Whately, 1846, 121). Thus, those things one projects belief upon are those things to which one's presumption attends; or as Sproule notes, "deference was seen to be recognition of the authority conferred on a object by a presumption" (p.121). Sproule states that, "deference was described as being addressed to the faculty of 'feelings,'" (Sproule, 1976, 121). In this sense, logic does not necessarily apply to the way deference functions in an argument. Rather, deference functions by deferring presumption through "feelings" an audience member has towards particular points in an argument.

Whately discusses deference primarily in reference to points of authority assumed and presumed by those engaged in argument. Although Whately scarcely discusses all of the possible points to which an audience can defer (and given the socio-psychological perspective of this essay it would be difficult to claim that he could), he does position those points of presumption in points of authority. Importantly, presumption may be conferred upon multiple points of authority. As Whately states, "It is conceivable that one may have a due degree of deference,

and an excess of it, and a deficiency of it, all towards the same person, but in respect of different points" (Whately, 1846, 121). The inverse is also true in that a lack or an excess of deference to one or more points may be considered due deference to another. Because deference of presumption to multiple points of authority can occur simultaneously, to different degrees, and "in respect to different points", Whately's positioning of deference in points of authority does less to solidify the placement of presumption in an argument and more to illustrate the way presumption functions as a component of a larger language of argumentation.

Whately's claim that one can have a due, an excess, and a deficiency of deference in respect to different points and that "deference may be misplaced in respect of the subject, as well as of the person" (Whately, 1846, 121), suggests that what might be considered reasonably due deference to one point may actually be an excess or deficiency of deference to others.

He states, "That the degree of deference felt for any one's Authority ought to depend not on our feelings, but on our judgment … but it is important to remember that there is a danger on both sides;-of an unreasonable Presumption on the side of our wishes, or against them." (Whately, 1846, 121). Although Whately states here that "Authority ought to depend not on our feelings," this statement is merely prescriptive and does not overturn the way feelings affect the function of presumption in argument. This passage also suggests that those points to which presumption defers do not necessarily rely upon good judgment and that "unreasonable presumption" exists on both sides of our wishes "in respect of different points." (Whately, 1846, 121)

Up to this point I have argued that presumption, as a function of presumption and while attending to those things novel, is conferred through deference upon points of authority an audience has favorable, or unfavorable feelings toward. It seems appropriate to insert here that if presumption is a function of, rather than a place in argument, then Whatelian theories of presumption and burden of proof are more representative of a language of argumentation, a systematic economy of symbols through which argument works. As components of a socio-psychological language of argument, presumption and burden of proof do not constitute a language inasmuch as they illustrate the conceptual capacity these components carry with them.

Similarly, Jaques Derrida's discussion of deference, play, and how signs function

in language lends further evidence to the notion that presumption is a linguistically conceptual function of argument.

Différance

In Jaques Derrida's (1982) essay Différance, he argues that the "the play of difference, which, as Sausurre reminded us, is the condition for the possibility and functioning of every sign, is in itself a silent play" (Derrida, 1982, 5). In this seminal thesis, Derrida asserts that a sign functions through the condition that a person is able to distinguish meaning from signs within a language because of their ability to tell the difference between signs.

For example, Derrida uses the term "Différance" to illustrate the difference between a word that does not exist in any language (e.g. Différance) and a reader's ability to distinguish the difference between Différance through the simple placement of an "a" or an "e". To illustrate this point further Derrida explains that "the 'a' of Différance, thus, is not heard; it remains silent, secret and discreet…"(p.4) and that, "inaudible is the difference between two phonemes which alone permits them to be and to operate as such" (p.5) and that, "if there is not phonetic writing, it is that there is no phonetic phone" (p.5). Here Derrida shows the reader that the difference between signs, determinable in their apparent opposition in writing, is inaudible in speech itself. The play of speaking and writing is found in the understanding that there is a difference between these two signs, and not a difference inherent in and of the signs themselves. For Derrida it is not so much that signs actually do play upon and with each other in language, but rather that the "play of difference" is the condition or circumstance bestowed upon signs by language. Derrida explains play in the sense that every concept is inscribed in a chain or in a system within which it refers to other concepts by means of the systematic play of differences. Such a play, différance, is no longer simply a concept, but rather the possibility of conceptuality; the rhetorical condition for a conceptual process in general (p.11).

The function of a sign in language is a function of Différance: a sign differs from other signs in the sense that what a sign signifies is not the sign itself. A sign defers to other signs in the sense that its meaning is not to be found in the sign itself but in the infinitely reciprocal process by which one sign defers to another. A sign functions in language not only because it differs but because it defers from its very own presence. As Derrida states, "a sign takes the place of the present. When we cannot present or show a thing, state the present, the being-present, when the present can not be presented, we signify, we go through the detour of

the sign… the sign, in this sense, is deferred presence" (p.9).

By deferring presence, a sign functions to simply represent the thing that does not exist at the point in which a sign is employed in language. It is important to note that the economy of language, or the conceptual process and systems that make concepts and conceptuality possible, bear upon the functioning of every sign. Language, here, is the authority of the sign, and language thereby confers meaning upon the sign through its ability to empower "the possibility of conceptuality." As Derrida states, "whether we take the signified or the signifier, language has neither ideas nor sounds that existed before the linguistic system, but only conceptual and phonic differences that have issued from the system" (p.11).

Derrida attests here to the notion that différance "is immediately and irreducibly polysemic," (p.8). The polysemy of the symbol is ultimately its illusion and allusion. For example, in French the words differents (things that are different) and differends (differences of opinion), which are audibly the same, are discernable in writing. The impact of Derrida's idea of difference is in operation by illustrating the non-essential and necessarily contextual nature of interpretation of texts. In other words, the use of one sign implies all of the possible conceptions of that sign to the point that a word is discernible. Audibly, and outside of context, these words are not immediately discernable. In writing and within context they are. The use of a sign, symbol, or word is understandable to the degrees that it is not all other possible signs or symbols and that it is reasonably iterable with in a particular context. Derrida further states that, "in its polysemia (deférance), of course, like any meaning, must defer to the discourse in which it occurs, its interpretive context…" (p.8).

The significance of Derrida's theory of the sign to Whately's theory of presumption is that each defers to something other than itself. In the case of the sign, it defers to the conventions of language that empower its use by implying all of the other possible signs it is not. This process subsequently determines what the sign is. In the case of Whatelian presumption, favorable feelings towards an object defer presumption onto that object which determines, for the audience, the authority and presumption of a case. Derrida's notion of différance applies here in that different degrees of deference, in accordance with favorable feelings, and in opposition to those which are unfavorable, do a great deal to entertain the multiple presumptions at play in any particular argument. In this sense, there is

no locus of presumption. Rather, deference is Whately's acknowledgment that feelings and affiliations are constitutive of a socio-psychological language of argumentation that informs the multiple points of authority to which presumption may exist. Deference, in this sense, is the potential and possibility that presumptions might play within a psychological and socio-cultural language of argumentation. Furthermore, given Whately's claim that different degrees of deference may exist at the same time and upon many points of simultaneously, he implicates presumption in a matrix of presumptions, presumptive grounds, and burdens of proof. Like the sign, presumption functions as the potential for play in argumentative discourse.

This perspective of argument serves to partially re-validate presumption as a stipulated rule in courts of law. If we consider a court a discourse of the justice system then those rules that come to bear upon both fictive and real adjudicators may function in accordance with, by deferring to, the authority of court as an authoritative discourse. In a court of law it is presumed that the participants of that court will adhere to the placement of presumption on one side of an argument and burden of proof on the other. This revalidation is partial because presumptive placement in court is still subject to an audience's socio-psychological and emotive predispositions.

More importantly, such a reading of Derrida implies that presumption exists within a larger matrix of presumptive language: one that spans the boundaries of any cognitive socio-psychological predispositions an audience has in an argument. Presumptions represent the potential for play, a constant push and pull of relative forces in the minds of the audience. Derridian theories of how signs function in language has implications for the functioning of presumption, and its corollary burden of proof, in a language of argumentation. Here, presumption and burden of proof exist only inasmuch as they differ from each other and defer as a function in argument. Presumption, in this sense, is more a potential of argumentation rather than a pivotal, locatable, or identifiable belief structure.

Conclusion

By synthesizing contemporary interpretations of presumption and introducing the metaphor of play, I have attempted to show the multidimensional and polysemic qualities as significantly different than the traditional conceptual framework in which it is generally understood. A rhetor would be better able to move an audience to action not only by determining what feelings or affiliations contribute

to the deference of presumption, but by determining the various systems of opposing presumptions at “play” within an argument. Although many of these points may not necessarily be known to the arguer or the analyst, the general treatment of presumption as a potentiality within a language of argumentation makes points and placement less necessary in the consideration of presumption and presents a linguistic move toward quantum and the inter-textual avenues of investigation.

I hope that my reading of Whately’s notion of presumption expands our concept of presumption in argument and aids in the development of a theory of presumption that is multi-dimensional and adequately complex. Furthermore, I hope this reading articulates a concept of presumption as a function endemic to a systematic economy of language, embedded in culture, and is itself, as allusive as a the symbols, the subjects of its design.

REFERENCES

Burnett, N. (1991). *Archbishop Whately and the concept of presumption: Lessons for* CEDA debate. Paper presented at the 77th Annual Meeting of the Speech Communication Association, 2 Nov. 991. Atlanta, GA.

Derrida, J. (1972). *Différance. In Margins of philosophy*. A. Bass (Trans.). Chicago: U of Chicago.

Perelman, C. H. & Olbrechts-Tyteca, L. (1969). *The new rhetoric*. Notre Dame: U of Notre Dame.

Sproule, J. M. (1976). The psychological burden of proof: On the evolutionary development of Richard Whately’s theory of presumption. *Communication Monographs*, 43, 115-129.

Whately, R. (1846). Elements of rhetoric. In Bizzell, P. & B. Herzberg (Eds.). *The rhetorical tradition: Readings from classical times to present* (pp.831-858). Boston, MA: St. Martin’s.

Whedbee, K. (1998). Authority, freedom and liberal judgment: The presumptions and presumptuousness of Whately, Mill and Tocqueville. *Quarterly Journal of Speech*,Vol. 84 (2), 171-189.