ISSA Proceedings 2014 – Rules Is Rules: Ethos And Situational Normativity

Abstract: One question in the debate between the rhetorical and dialectical approaches concerns the availability of rules and standards. Are there objective standards, or are they changeable and situational? In Part One I briefly identify three concepts, context, audience and ethos. In Part Two I focus on ethos and how it is endemic to argument with familiars. Part Three shows that ethos concerns many local factors is situational. Finally, in Part Four, it is shown how the pragma-dialectical Rule 1 is situational.

Keywords: context, ethos, pragma-dialectics rhetoric, Grice, familiars, argumentation.

"*If rational means scientific, there can be little doubt that most people are irrational*" (Burke 1984, 17)

1. *Introduction*

I am going to distinguish, for the purposes of this talk, between rhetoric and dialectics in a particular way. I do not mean this to be the only difference or the essential difference, but the one I am focusing on for this discussion. I want to say that dialectics is concerned with rules that are to one degree or another independent of a particular audience or context, while rhetoric takes rules as being relative to audience and context. This is not to say that audience is completely irrelevant to dialecticians, but rather that the rules and their applications do not vary much as audiences change.

In my paper, "Natural Normativity" (Gilbert 2007), I argued that rules emerge from the interaction of interlocutors in a natural way governed primarily by social mores, face goals, and relationships. There are three important components of this interaction: ethos, audience and context. It will be noticed first that each of these is a sub-species of the subsequent. Ethos refers to an individual, and an audience is composed of individuals. Audiences occur in contexts that delineate who and what they are. Contexts are overarching and range from extremely broad to relatively narrow and concrete.

While there is disagreement between the two primary camps in Argumentation Theory, some things are acceptable to both. Each side agrees that context, from geographic to socio-political, has a role in defining how an argument will proceed. No one thinks an argument taking place in a formal Japanese business setting will be the same as one occurring at a fender bender in Italy. On the other hand, while rhetoricians may believe that different rules will obtain in different context, the dialecticians are more inclined to imagine that the rules will only change *mutatis mutandis*. Similarly, the idea that different audiences hold different sets of beliefs and loci will receive a nod from most theorists. The difference here will be that dialecticians tend to be more concerned with truth than belief. This distinction is highlighted by Burke (1984).

Calling traditional wisdom and loyalty "fallacies," when they have guided the lives of most humans throughout history, surely cannot mean that we should not base our behaviour on them. It cannot mean that they never give us good reasons to believe (in) something, and to act on the basis of that belief. (18)

In short, we normally separate belief and truth, the former only coming under examination when questioned.

2. *Familiars*

The component on which this talk will focus is ethos. Ethos is the finest in the sense that it typically applies to the particular partner with whom one is immediately engaged. First, let me reiterate my usual parameters. My primary focus is on dialogical arguments between two people or, perhaps, three or four. Secondly, most of the time we argue it is with what I call *familiars*: people we know, have argued with before, and will argue with (or at least communicate with) again. This is of vital importance: Each of these people, people in our lives, has an ethotic standing that is a result of our past interactions. So, the sense of ethos I am talking about here is not the kind that adheres to well known public figures or famous orators. Rather, it is the kind that leads you to trust your auto mechanic, rely on your best friend, and be wary of the colleague who always feels too inquisitive about what you're working on.

Following Aristotle (1986) Brinton stresses the importance of ethos in assessing speeches. Fair-mindedness in the presentation of speech influences us as to the credibility of the speaker: "character is almost, so to speak, the controlling factor in persuasion" (Aristotle in Brinton 1986 247). Brinton uses the term "ethotic

argument" as follows: "So argument will be regarded as ethotic whenever the credibility of some person or persons is introduced or otherwise appears as a factor in persuasion or reasoning" (Brinton 1986 247).

Now I am happy to follow Brinton in taking an ethotic argument as one in which the ethos of the speaker becomes an issue. But I think it is important to distinguish between an ethotic *argument* and an ethotic *rating.* While the former has the ethos of the speaker as its subject, the latter is omnipresent in all arguments whether ethos is the subject or not. An individual's ethotic rating [ER] comes first and most assuredly from previous interactions. Even when encountering someone for the first time the associations they carry, the context they bear, and the situation in which that encounter ensues all form a basis for at least a preliminary ER. Who introduced you, the purpose of the meeting, it's importance to you, the initial power standings of those involved, all serve to create an initial tentative ER.

The preceding makes it sound as if an ER is a simple single factor such as might be applied to a public figure with respect to her "approval rating." With familiars this is not the case because our interactions with them range over a large number of occasions and activities. If we consider the sorts of factors that go into an ethotic rating, we quickly see that it can vary from factor to factor. Perceived traits such as honesty, trustworthiness, reliability, and loyalty are obvious, but as well there is enthusiasm, empathy, intelligence, humour, vision, and sensitivity among others. Here context also plays a role. In a business setting with a colleague reliability might be paramount, while in a casual setting with a friend, sympathy and humour might be at the top. The friend you go to a music concert with might be a different person from the one who goes with you to a ball game. It is also important that Music Guy may well be aware that his preference is in that direction, and not toward baseball. It's not that he's bad company, or a bad person, it's just that he spends all his time at the game chatting about music. My baseball friend can, in fact, talk about music, but when Ball Gal is at the game with me, her focus is on balls and strikes rather than music. This does not make her a better person, but a better baseball companion, and that is why I choose Ball Gal over Music Guy when I have an extra ticket for the Blue Jays game.

When talking about familiars we tend to know what are their strengths and weaknesses. Let's change the context to the office. I know that Office Guy is an excellent researcher, while Business Gal is a first rate planner. These, like those

above, are all personal aspects we might consider skills, talents, or preferences rather than moral characteristics or virtues. Yet, they can often play a role in an argument as when, for example, you are deciding who to invite to what or who to assign to what. Very often when we are talking about ethos we are referring primarily to trust, and how reliable a speaker is with respect to their authority and veracity. These characteristics are of the first importance and are certainly the sorts of things that Brinton has in mind. But notice that what they have in common with the previous characteristics is that they all concern *behaviour*, how people behave or are expected to behave in different situations depending on our historical awareness of their previous behaviour.

In some world ruled by Informal Logic we ought only pay attention to what is in the speech being presented, and not the character of the proponent. But that is, first, close to impossible, and, secondly, it does not seem desirable. I say it's not possible because we use past interactions to both form and facilitate current ones. I cannot and would not want to blank out my memory each time I encountered someone or listened to a speech or argument put forward by them. At this time we in Toronto have a mayor, Rob Ford, who has become internationally notorious for unseemly behaviour including drunkenness, smoking crack cocaine, lying and boorish statements and actions. If he makes a statement denying various allegations it would be foolish of me to accept them at face value and ignore the fact that he has frequently denied charges that he will subsequently accept. His ethotic rating is so low, that he is beyond belief in both the figurative and literal senses.**[i]**

When we read about ethos, whether in the context of the Aristotelian sense or in regard to appeals to authority (for example, Walton 1989, Willard 1990), there seems to be a sense that the ER is one complete thing that applies to a person, but I suggest this is not generally the case, and especially not when interacting with familiars. To see that it's not always the case in the Aristotelian sense consider once again Mayor Ford. While there are some people who believe everything he has said, most of those who still support him believe he has lied and mislead regarding aspects of his personal life and behaviour. But they still have faith in his ability to save Toronto taxpayers money and believe in his mantra, "stop the gravy train."**[ii]** So his ethotic rating with respect to his ability to control himself at a party may be very low, he is still trusted when it comes to municipal money management. Tindale is relevant here.

This is related to the expert's ethos. A speaker cannot give herself or himself trust; the audience extends that to them. But this can be a crucial factor in whether an audience will accept what an expert says, and, depending on its strength, can give that acceptance durability in the face of conflicting evidence. (Tindale 2011, 341)

The point I am making is that trust adheres to an expert, i.e., a person, with respect to a specific domain of information, and not necessarily to everything they utter. Indeed, this is one of the standard caveats of rules for agreement from authority: make sure the speaker is an expert in the right field. Thus Johnson & Blair (1983, 144 ff) are clear that there is a field S, and that expert A asserting Q, must be an expert in field S. Music Guy, might be unreliable in many areas, might even be personally un-respected by you, but nonetheless is widely regarded to know everything there is to know about fifties and sixties Rock and Roll. You might not trust him to repay the $50 he wants to borrow, but you'll always let him settle an argument about who wrote "The Book of Love." Certainly, ethos can be a general idea pertaining to an individual, but that is not the only way it can be applied. In fact, much of the time we're more particular and more discerning. We have expectations of the people we talk to, and standards we expect them to uphold. So, if we ask Music Guy who sang the lead in the premiere performance of Bizet's *Carmen*, and he does not know we expect him to say so.

3. *Beliefs*

As cited above, Burke points out that we invariably rely on uncertain information embedded in shared beliefs and loci. Without these all arguments would end up in an infinite regress. Mind you, saying that many beliefs are taken for granted does not mean they must be accepted. To the contrary, any belief can be questioned, and if questioned, must be defended. "Feed a cold, starve a fever," is a common belief dating back to 1574, and while widely believed by others worldwide, will turn out to be false if challenged (Fischetti 2014). "Chicken soup is good for colds," may or may not be true. But if our family accepts the maxim, then when little Emma has a cold the question is not, should we research the issue, but rather, who's going to make the chicken soup. Since, as Perelman has taught us, arguments begin with shared beliefs, they all depend on situational components deriving from context, audience and ethos. Thus, "dialectical reasoning begins from theses that are generally accepted" (Perelman 1982, 2).

It is important here that I reiterate my stipulation that my concern is with

familiars. When it comes to people with whom we do not interact, the situation is quite different as then their public reputation is all we have to go on. In consequence, I would be loathe to accept the word of Mayor Ford on *anything*, as he has shown he lies about some things. Most of my friends, tradespeople and professionals, on the other hand, follow Grice's Maxims (Grice 1975) or *I am aware of their exceptions.* I know, for example, that Simon is very honest, but always misjudges how long it will take him to complete an assignment, and that my friend Deanne invariably exaggerates somewhat to improve the drama of a story. One way of thinking of this is just how far, how seriously, and how crucially they stray away from the maxims. In fact, when considering rules we may need not go much further than Grice's maxims. We expect people to be truthful (or at least honest), relevant, clear and reasonably concise (Grice 1975, 26-27).**[iii]** Violation of these rules indicates a potential invoking of the Cooperative Principle [CP], whereby we force the utterance into accordance with said rules. But the CP cannot be invoked if we have no knowledge of the situation and/or audience. Returning to ethos, I offer the following definition.

An ethotic rating is a symmetrical relationship between a proponent and interlocutor based on value judgments regarding qualities relevant to the specific situation, where those judgments are based on previous interactions and/or information.

The relationship is symmetrical because both parties will be applying ERs to each other, and the awareness of that process is itself a component in the interaction. So our reaction to people is frequently relevant to Grice's maxims making alterations, mutatis mutandis, for cultural variation. These are based on previous interactions, except in the null case of an initial meeting. Even then, such factors as who made the introduction, the context, location and known goals can provide at least minimum pre-interaction grounds for a rating. In other words, context and situation *always* plays a major role. It colours our expectations, as well as our evaluative sensitivities insofar as context determines what sort of behaviours, beliefs and values are deemed appropriate and acceptable at a given time and place.

4. *Rules*

The pragma-dialectic approach, as propounded by van Eemeren & Grootendorst (1987) contains a set of ten rules designed to govern a critical discussion [CD]. A CD is an *ideal form of argumentation*, and following the rules maintains its

integrity. The underlying idea of the rules is to create a situation in which the interlocutors are being fair, open and focused on obtaining the truth. This is expressed in Rule 1: "Parties must not prevent each other from advancing or casting doubt on standpoints" (1987, 287). Of course, ideal CDs are as rare as hen's teeth, and this is acknowledged when the concept of strategic maneuvering was introduced in the late 1990s. Arguers want to and will make their points in persuasive ways so as to convince their partners to agree with them. This is fine and perfectly normal in most situations; some would argue it is inevitable. Thus, van Eemeren and Houtlosser write, in 2002:

Strategic manoeuvring may take place at several levels of an argumentative move. The basic aspects of strategic manoeuvring are, in our view, making an expedient selection from the topical potential available at a certain discussion stage, adapting one's contribution optimally to the specific expectations and demands of the audience, and using the most effective presentational devices. (392)

One is, nonetheless, limited by the dialectical rules mentioned above. The question is, how far can one push persuasive techniques without crossing the line so that an argument becomes derailed. An argument is said to be derailed when it violates one of the rules.

An argumentative move is considered sound if it is in agreement with the rules applying to a specific stage of a critical discussion and it is considered fallacious if it violates any of these rules and hinders the resolution of a dispute (393).

Now as I said in Part One, and very loosely speaking, the dialectical approach takes argumentation as being first governed by rules, and subsequently controlled by audience. For me, this raised a question (and I am not sure it applies only to the dialectical approach,) and that is this. There are very many contexts, especially when that is broadly taken, where rules are violated. In particular, there are situations in which the ethos of a proponent is such that one is culturally enjoined from responding in an argumentative manner. Much as we learn in the west that boys don't hit girls, so the ER of an individual may preclude responding in a full and open way. So what happens when we have a conflict between a cultural norm and an argumentative rule? There are many cultures, for example, where arguing with a person who is older is unseemly and rude. Their ethotic rating comes not from personal experience, but from their contextually

defined status, or, perhaps more likely, the ER I have of this individual is overridden by the context. This cultural ER means that I cannot contest their opinions or beliefs, and this is opposed to the PD rule 1 where preventing argument is outlawed.

When I ask my Asian students about such arguments they are clear that they never argue with their elders; it is simply not done. In a similar vein, my Italian students explain that arguments never really end because no matter what, no one ever backs off or accepts "defeat," a violation of Rule 9. Rule 10 states: "Formulations must be neither puzzlingly vague nor confusingly ambiguous and must be interpreted as accurately as possible." But many cultures, aboriginal, Talmudic, and so on present arguments that by design or tradition are both ambiguous and confusing. When arguments are narratives, they may consistently violate this rule.

I could go on but I prefer to get to the question all this seems to raise, viz., are these situations of fallacy and rule violation, or would they be considered not arguments at all. What I mean to ask is this, if the ER of a proponent is such that one is not permitted to disagree, or if permitted to disagree then only to a limited extent, are we in an inherently fallacious situation, or is there simply no argument taking place. Obviously, one answer may be that there is an argument going on, but it's not a critical discussion, but even then the question of fallaciousness still arises. One might need to ask, as bizarre as it sounds, can a culture commit a fallacy? If a culture, religion or tradition marks an individual or class of people with an ethotic rating that precludes disagreement, then how can we assess the quality of their arguments?

On the dialectical model of argumentation rules, and following them, is the very heart of the project. As a result, unimpeachable ERs are inherently a violation of dialectic rules insofar as argumentation is severely limited. It strikes me, in consequence, that it is best for the dialectical view to claim that no arguments are taking place. The alternative is to charge that a culture is inherently fallacious. This is akin to what Malcolm Gladwell did in his analysis of the 1997 crash of Korean Airlines flight 801 (Gladwell 2008). He maintained the crash occurred because of the culture of deference that precluded a co-pilot from arguing forcefully with a pilot.**[iv]** In this sense it is the ethotic relations imbued by the culture that is at fault.

Ethotic ratings are ubiquitous for the simple reason that we almost always know those with whom we are interacting, and when we don't, we use the context to fill in as much as possible. Our partners always have markers of gender, race, class, age, and often status, wealth and cultural background. All of these influence our view of our protagonists, limit the actions and reactions we will have, and generally undermine a level playing field. So the question of violating various rules applies not only to severe cases such as the Korean deference issues, but in our own "egalitarian" society as well. It strikes me that on the dialectical model, because of the pervasive nature of ethotic evaluation, that virtually all argumentative interactions will become fallacious, which, of course, makes it an empty concept.

On the rhetorical view, this is not really a problem. It's not a problem because the audience centred nature of the view means that relations need to be explored in order for the interaction to be understood. As Willard, an extreme rhetorician, explains, arguments must be examined in situ, and the Argumentation Theorist must get her hands dirty by examining the human relationships that exist amongst the audience members (Willard 1989, 93). In this way ethotic relations are recognized as existing and as permeating the interaction, but now they can be examined for mis-use and abuse, rather than having their simple existence be evidence of a fallacy.

I dearly hope that I have not created a straw man in the description of the dialectical position. If I have, I apologise and beg for clarification. But it strikes me that a rule-based system cannot account for the personal dynamics that are inherent to human interactions. That said, I believe the rules, be they the pragma-dialectic ten commandments or the Informal Logic evaluative triumvirate, are important and useful. My issue is not with them as rules, but rather with them as the first basis for evaluation.

NOTES

i. This is not to say that Mayor Ford does not have his supporters. See Tindale (2011) for a discussion of this phenomenon.

ii. It is notable that even though almost every claim he has made regarding the money he has saved has been challenged, he is still believed by some.

iii. Grice's maxims require cultural variation and can be quite different in a variety of situations. Written with British gentlemen of a certain class in mind some alterations may be quite startling, e.g., in some cultures saying the

minimum is rude, and in some being honest is not always expected. That, however, is a different talk.

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v. There is not universal agreement with Gladwell's claim. Cf. http://www.nytimes.com/2008/12/29/opinion/29iht-edbeam.1.18978412.html?_r=0 for example.

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