CHAPTER 1

What Is Argumentation?

In our society, much of our ordinary use of the term *argument* envisions two people engaged in interpersonal conflict. For example, we frequently say things such as, "Yesterday, Rhonda and Janice had a terrible argument" or "Those two are always arguing." *Argument* thus becomes a synonym for verbal hostility. During the first class meeting, we ask students in our argumentation class to introduce themselves and tell us why they want to learn about argumentation. One student said he and his girlfriend were always arguing and he wanted to learn how to win these arguments. If, like this student, your definition of *argument* or *having an argument* is based on verbal hostility and escalating emotions, it is our intention to change your perception. In this textbook, we want to open your eyes to the cooperative uses of argumentation as a means of discovering knowledge and solving problems.

The ability to argue, and the process of arguing, is essential to our existence as humans. We can imagine that in human prehistory our distant ancestors used the techniques of argumentation to discover how to hunt more productively, how to interpret seasonal signs, and how to regulate their social groupings. Some of their arguing most certainly included verbal hostility and escalating emotions, but humanity's technological, social, and spiritual growth probably would not have come about if our only definition of argumentation was based on verbal hostility and escalating emotions. Advances in every field, from agriculture to communication technology, represent the uses of argumentation by those interested in these fields.

The American tradition of argumentation emphasizes a debate over the two sides of an issue—a verbal competition. The two people, or sides, in a debate use the techniques of argumentation to convince someone, a judge or an audience, to accept one side over the other. The techniques of argumentation, developed from this tradition, are the means we use to justify our opinions and express them to others. Although argumentation as a debate between two sides is the legacy of our Eurocentric culture, there is increasing interest in how people from differing cultures

use argumentation. Increasingly, we are coming to appreciate that there are other cultural perspectives on the uses of argumentation.

Rather than conceptualizing argumentation as a competition in which one side must necessarily triumph over the other, Douglas Walton sees argumentation as "a collaboration, [the] constructive working out of disagreements by verbal interactions in order to resolve a conflict of opinions" (1992, p. xi). Native American (Coleman, 1997) and African (Moemeka, 1997) cultures, among others, emphasize the welfare of the community and employ techniques of argumentation as cooperative knowledge seeking rather than as a competition between individuals. The end sought is not that one person's views should dominate, but that all members of the community should be allowed to contribute and reason together collaboratively. Scholars from many nations recognize that argumentation is the means used by individuals and communal groups to actually discover knowledge (Rowland, 1987).

Andrew Azukaego Moemeka (1997) explains the philosophy behind the Afrocentric view, with its emphasis on communal knowledge.

> The rationale is the cultural belief (proven over centuries) that communal welfare immediately or eventually benefits all members of the community. This unspoken belief that "the whole is greater than the sum of its parts" helps keep alive the ties that bind individuals to the community. Subtly but firmly, it strengthens the feeling of oneness among people, underscoring the bonds of common purpose and of a common destiny. (p. 174)

Many cultures share this view that communally acquired and shared knowledge has great value.

Feminists have also questioned the traditional approach to argumentation as a debate or contest on the basis that "conceptions of knowledge and truth that are accepted and articulated today have been shaped throughout history by the male-dominated culture" (Belenky, Clinchy, Goldberger, & Tarule, 1986, p. 5). Feminists hold that male-generated theories of argument and reasoning lead to simplistic conclusions. Male-generated reasoning is incapable of accepting the possibility that there might be more than one way to perceive the essence of things or situations. Feminist thinking says that men use argumentation to make mono-causal position statements and tests of knowledge, whereas women engage in "conversation, a more inclusive technique, that invites all participants to share their experiences." Women are "connected knowers" who "tend to fuse ideas and opinions rather than claiming one opinion is true and all others must therefore be false" (Rybacki & Rybacki, 2002, p. 210). According to feminist theory, the notion is not that men are incapable of being connected knowers, but that men and women are culturally conditioned to use reasoning and argumentation in different ways.

So many scholars from so many diverse cultural backgrounds are investigating argumentation today that it is impossible to provide a simple answer to the question: What is argumentation? Our purpose in this text is to introduce you to some of the fundamental principles of argumentation that can be applied in a variety of cultural contexts, whether you understand argumentation as a verbal contest between two sides or a communal experience of connected knowing. The techniques of "advocacy" and "opposition" can also be profitably employed in a communal experience of discovering knowledge as easily as they are employed in a debate contest.

THE NATURE OF ARGUMENTATION

All of us are consumers and creators of argument. Argumentation takes place all around us in messages designed to influence our beliefs and behaviors. Some of these messages will offer information and reasoning in their attempts to influence us. Some messages will target our emotions, hopes, fears, prejudices, or superstitions. Those we encounter—friends, family, teachers, employers, the mass media, advertisers, editorialists, and politicians—often embed their arguments in persuasive appeals as they attempt to influence us.

We also author dozens of oral and written messages every day as we in turn attempt to influence the beliefs and behaviors of others. If you have ever asked a friend to loan you ten dollars, begged a teacher to let you turn in a paper a week after it was due, or researched and reported on the advantages and disadvantages of selling sweatshirts to raise money for social activities in your residence hall, you have used the techniques of argumentation. Some of your attempts at influence were no doubt aimed at the emotions of those you were trying to influence, but some of your efforts targeted your audience's reasoning abilities as you employed the techniques of argumentation.

> **Argumentation** is a form of instrumental communication relying on reasoning and proof to influence belief or behavior through the use of spoken or written messages.

By examining this definition, we can begin to understand the purpose, targets, and methods of argumentation and the relationship of argumentation to persuasion. First, consider your definition of *instrument*. You may think of a musical instrument, a surgical instrument, or the instrument panel of an automobile. In this sense, instruments are tools or implements we use for doing something or understanding how something works. Now, think of an instrument as a set of concepts or ideas that allows you to accomplish something. Language is an instrument for communicating with others. Mathematics is an instrument for counting and measuring. Argumentation is an instrument for reasoning with others.

Argumentation is a set of concepts or ideas, what we have been calling "techniques," used to understand how we reason and how we convey reasons to others as we try to influence them. As with the instrument of language, we use argumentation to communicate with others. Argumentation is just a narrower set of concepts and ideas that focuses on how reasoning is used in communication.

Human communication is multifaceted and includes everything from two people communicating interpersonally to the multimedia campaigns launched in support of presidential candidates. We use communication to express our feelings, ventilate our emotions, and acknowledge that others are present. We also use communication to ask for information, seek clarification, and participate in group meetings. Franz van Eemeren, Rob Grootendorst, and Francisca Snoeck Henkemans (1996) suggest that the "need for argumentation arises when opinions concerning this subject differ. . . . Arguing makes sense only if there is a listener or reader who entertains doubt about an opinion or has a diverging opinion" (p. 2). Not every instance of communication calls for the use of argumentation, because argumentation goes beyond simply reacting and responding to those around us. The techniques of argumentation require that we

pull information together, structure our ideas, and offer reasons for others to consider.

Arguers are also persuaders. **Persuasion** is an attempt to move an audience to accept or identify with a particular point of view. Argumentation is the reasoning component of persuasion because "the very act of arguing involves an appeal, for better or worse, to the audience's reasonableness" (van Eemeren et al., 1996, p. 4). The concept of reasonableness helps us understand the relationship between argumentation and persuasion. We offer arguments for the consideration of listeners or readers, our audience, in hopes of having some influence over them. Forms of instrumental communication that attempt to influence belief and behavior are acts of persuasion. In introducing the techniques of argumentation, we are also introducing a significant aspect of persuasion.

What differentiates argumentation from persuasion—the larger form of instrumental communication—is that persuasion includes appeals based on both emotion and reason. Recall our earlier point that all of us are consumers and creators of messages intended to influence the belief and behavior of others and that these appeals might be directed toward emotion or reason. Some persuasive messages use appeals to both the emotions and reasoning. Other persuasive messages, however, depend more on eliciting an emotional response from the receiver than a rational one. Persuasion includes the study of the emotional properties of messages and how the psychological makeup of an audience plays a part in determining the extent to which they will, or will not, be influenced. The study of argumentation focuses on how proof and reasoning are used to appeal to the rational side of human nature. Although we will sometimes call attention to the use of emotional appeals, it is our primary purpose to introduce you to the techniques for effective argumentation—the rational subset of persuasion.

Richard E. Petty and John T. Cacioppo's (1986) explanation of how persuasive messages are processed by their receivers helps us understand the role of argumentation as a subset of persuasion. Their Elaboration Likelihood Model (ELM) suggests that when you encounter a persuasive message and take time to actually process it, your processing will take one of two routes. If you take the *central route,* you are involved to a high degree. You find the message relevant and you are willing to supply some of your own experience to help make sense of it; you think about the message. What is important to you when you follow the central route is the quality of the arguments, the soundness of the reasoning, and the believability of the evidence. If you take the *peripheral route* instead, the message still has relevance for you, but "some simple cue in the persuasive context" (p. 3), such as the credibility of the message's creator, serves as the basis for your involvement. The peripheral route of the ELM is a shortcut. Rather than taking the time to fully process the message, we seize on some cue from the message, context, or situation to do the thinking for us.

The ELM's central route is at the heart of argumentation as instrumental communication. Audience members are involved in a collaboration, thinking along with the arguer as they are guided through a series of reasons to reach a conclusion. The arguer places reasoning and evidence before the audience so they can see (or hear) how the proof of each point takes place. This is the "high involvement" of the ELM's central route. Persuasion that takes this route is the "result of a person's careful and thoughtful consideration of the true merits of the information presented" (Petty & Cacioppo, 1986, p. 3).

If you find yourself following the peripheral route of the ELM, it is not necessarily "poor" thinking on your part. We use the peripheral route mostly "for purposes of efficiency—we cannot investigate thoroughly all the issues on which we must make decisions" (Campbell & Huxman, 2003, p. 193). As a college student, your decision about what to buy for breakfast is probably based on the peripheral cue of cost or taste. There is no need to spend time processing detailed messages about whether oatmeal or raisin bran is more nutritious. You have better things to do.

The audience is an important variable in any communication situation, and the ELM is a theory about how audiences respond to messages. Audience motivation is a key element in whether the central or peripheral route is followed in processing a persuasive message. Argumentation makes demands on both the arguer and the audience. The ELM's central route focuses on audience members' expectations and willingness to participate. Audiences will be willing to take the central route with you when they perceive a compelling personal interest in what you have to say.

Argumentation takes place in situations in which people disagree about something or do not know, but want to know, what something is. Argumentation is always characterized by controversy—either the controversy of opposing views or the controversy of what is the best answer. Controversies tend to stir up high involvement and the audience's willingness to take the central route. Not everyone who hears or reads your argument will automatically have a compelling interest in the topic. But when people seek answers to questions and solutions to problems, they are usually willing to invest "the brainwork involved in participating in messages—exploring and evaluating arguments and evidence" (Campbell & Huxman, 2003, p. 194).

A final characteristic of argumentation is that it is rule-governed communication behavior. Whenever we communicate, we engage in rule-governed behavior. One set of rules is found in the grammar of a language. In addition to the rules we learn in acquiring our native tongue, individual communication contexts have their own particular rules, which may be as broadly applicable as those that pertain to public speaking or as narrow as those that govern communication in a particular family. We learn these communication rules through formal instruction or through informally modeling the behavior of those around us. Because argumentation may occur in a variety of communication contexts, the rules for effective argumentation you will learn from this textbook will be appropriate in several contexts beyond the classroom.

THE NATURE OF THE AUDIENCE

How will you know when you have followed the rules and succeeded in using proof and reasoning to influence belief or behavior? Who decides what "good" argumentation is? This is where the audience comes in. We want our views to reach others, so argumentation is always directed at this category of people we have been calling the *audience*.

> The **audience** for argumentation consists of one or more persons who are capable of being influenced, who may accept or reject, the arguer's message.

From the earliest theories on how argumentation works to the social-scientific studies of today, one truism persists about arguers and their audiences: To succeed in argumentation, you must adapt your message to the people who make up your audience. In the end, argumentation is only as "good" as what the audience does with it. Quality in argumentation is determined by the people who make up the audience. How "good" your arguments have to be, to be deemed effective, is relative to the "quality of the audience that carries out the evaluation" (van Eemeren et al., 1996, p. 97).

Without knowing anything about the individuals who comprise your audience, you can begin adapting your message to them based on the *field of argument* in which you are both functioning. In field theory, a subject we will discuss more fully in the next chapter, people acting together in any context with established *rules of engagement* under which arguments are created and presented (Toulmin, 1958; Toulmin, Rieke, & Janik, 1984) can be thought of as the general audience. Fields such as law have very rigid rules and if they are not followed a jury's verdict may be overturned on a "technicality." Rules of engagement specify the *degree of precision* that an audience demands in the evidence supporting arguments they hear or read. In scientific fields, these standards may be rigidly predetermined while in artistic fields they may be more open to interpretation by the arguers (Toulmin et al., 1984). How argumentation is concluded, its *mode of resolution*, is also part of the rules of engagement. In the deliberations of a legislative group, the goal is usually to produce a majority coalition voting for or against a piece of legislation. To be successful, you must understand the unique demands of the field in which you are arguing but also realize there can be lots of variation among the individuals who hear or read your message.

This actual audience can be understood in terms of what else its members share, beyond the context in which argumentation takes place. *Demographic* characteristics such as age, sex, marital status, political affiliation, education, economic and professional status, ethnicity, cultural heritage, or religious beliefs may represent the basis for common bonds. *Psychographic* characteristics can reflect common bonds based on shared attitudes, values, beliefs, or emotional states. Lawyers prepare for trial by surveying individuals, selected at random from jury lists, about their prejudices, understanding of evidence, or beliefs about issues to determine how actual jurors might respond to various lines of argument. Political candidates survey voters to determine their understanding of issues, what they believe strongly, and what qualities a candidate must possess to obtain their vote. Given the right conditions, a particular demographic or psychographic characteristic can become the basis for a powerful bond, or create a serious barrier, between you and your actual audience.

You can also characterize an audience in terms of its motive for using argumentation as an instrument for making decisions. First, the audience may consist of someone who reads or listens to argumentation to find the knowledge or the solution to a problem that comes from exploring and evaluating arguments and evidence. Second, the audience may function as a nominally impartial third party, or judge, who decides which arguer has made the better case. Third, the self may also be considered an audience for argumentation. We frequently engage in an internal dialogue, listing the pros and cons of accepting a particular belief or following some course of action.

Whether your audience is yourself or some other person, argumentation provides a framework for helping the audience decide whether changing or maintaining existing belief or behavior is more reasonable.

THE HISTORICAL DEVELOPMENT OF ARGUMENTATION

The formal study of argumentation began in ancient Greece. Citizenship in the democracy of Athens required communication skills. Each male free-born citizen might be called on to serve the state in the deliberative process of the assembly or the judgmental process of the courts. He might also find himself acting as prosecutor or defense attorney, because the Greek judicial system required each party to the dispute to represent himself. The Greeks also engaged in public speaking on ceremonial occasions and in competition at events such as the Olympics.

The study of *rhetoric*—communication skills necessary to fulfill these needs—was an important part of formal education. The foundations of argumentation, as we study it today, were laid in those ancient schools. Rhetoric was conceived as a humane discipline, grounded in choice, that was primarily designed to persuade or change the listener. The communicator's purpose was to influence choice by developing meaningful probabilities, or arguments, in support of a claim that was being contested. Emphasis was placed on the claims that commonly appeared in legal cases, because so much speaking involved arguing one's own case in court.

One of the greatest of the Greek rhetoricians, Aristotle, viewed the practice of argumentation as central to human nature, "for to a certain extent all men attempt to discuss statements and to maintain them, to defend themselves, and to attack others" (Aristotle, n.d./1954, p. 19). Aristotle defined rhetoric as the ability to find, in a given situation, all the means of persuading an audience to believe a proposition. This involves more than just building workable arguments. The communicator is responsible for investigating everything the audience might be moved by—emotions, political beliefs, and those sources of information that were most respected. The responsible communicator would choose the most ethical, the most probably true, of all these available means of persuasion.

Evolving from these ancient teachings, our understanding of how we reason has flowed from three theoretical perspectives. Joseph W. Wenzel (1990) identifies these perspectives as rhetoric, dialectic, and logic. We can think of these perspectives as three different approaches to doing argument, three different ways of understanding how argumentation functions as an instrument of communication. Each gives us a different focus on the structure and use of argumentation, and most importantly, each gives us a different understanding of what is meant by "good" argumentation.

First, the *rhetorical perspective* explores how we use communication to influence or change others. Theories of rhetoric explain "how arguments are made and interpreted by people" (Wenzel, 1990, p. 15). Both the content and context of a message are important to the rhetorical perspective. Argumentation takes place in situations where people have choices to make, often when there are good reasons for making different choices. The rhetorical perspective on argumentation as an instrument of communication focuses on the arguer's strategies for creating arguments and

adapting them to the audience by relating content to context. Rhetorically, argumentation is deemed "good" when it "effectively helps members of a social group solve problems or make decisions" (Wenzel, 1990, p. 12).

Aristotle called rhetoric the "counterpart" of dialectic, by which he meant that both approaches could be used to arrive at an understanding about the truth, or probable truth, of some matter. Stephen R. Yarbrough (1999) says that Aristotle's rhetoric was concerned with specific and concrete "problems having clearly defined parameters." The arguer's task from the rhetorical perspective "entailed convincing an audience to accept a definition of the parameters most congenial to proving" the arguer's message (p. 16). Yarbrough indicates that the arguer's work begins with defining or explaining the context in which arguments are set. Thus, the rhetorical perspective views the audience as decision makers for whom both the context in which argumentation takes place and the arguments themselves are significant factors.

Second, the *dialectical perspective* explores the structure of conversations in which people offer and analyze reasons (Walton, 1992). Dialectic is a plan for interaction in which all sides of an issue or opinion are raised and resolved through discussion. The dialectical perspective on argumentation as an instrument of communication focuses on "principles and procedures" that encourage the give-and-take necessary for the critical study of a topic (Wenzel, 1990, p. 15). Dialectic can be used to address broad philosophical questions such as "What is a good life?" The dialectical perspective views individual arguments as parts of the many streams of thought that contribute to the completeness of an inquiry. In dialectic, the presence of a formal structure such as a forum, discussion, or dialogue is the key element of "good" argumentation, subsuming issues of both content and context. Dialectically, argumentation is deemed "good" when the system for arguing produces "the best possible discussions" (Wenzel, 1990, p. 12).

As Aristotle's counterpart of rhetoric, dialectic takes the form of asking and answering questions. The dialectical technique is said to produce opinions that are thoroughly tested by asking every possible question about them. Where rhetoric produces the uninterrupted exposition of a speech, dialectic produces a dialogue, a conversation. Plato's dialogues typify the dialectical form. The process begins by defining terms, then analyzing all parts of the subject through a series of pro-and-con questions and responses, and finally synthesizing what has been learned to arrive at a plausible conclusion.

The dialectical perspective on argumentation views the audience as active participants. No person, designated as "arguer," stands apart from the audience, because the dialectical perspective promotes equality among participants. For dialectic to function successfully in making "good" arguments, each person fulfilling the role of audience–arguer–participant must be knowledgeable, have the capacity to reason, respect all other participants, and be open to the ideas of others. Participants in argumentation from the dialectical perspective may be the paramount users of the ELM's central route, because each participates in the conversation and helps create arguments.

Third, the *logical perspective* offers a series of formal rules for distinguishing sound arguments from unsound ones. From the logical perspective, an argument is thought of as a commodity or product to be tested by applying the rules

for determining what constitutes sound reasoning. The rules of "formal" logic convert ideas into mathematical symbols, making formal logic seem very remote from human communication. Logicians fixate on proving formal validity, that something is, or is not, absolutely true. They pay little attention to the actual reasoning as conveyed by the words of the arguer. The rules of formal logic are designed to remove the uncertainty that humans bring to situations in which there is a controversy over opinion or information. Although the logical perspective on argumentation derives principles of reasoning from formal logic, argumentation is described as "informal logic" because it does not lead to absolute conclusions. Logically, "a good argument is one in which a clearly stated claim is supported by acceptable, relevant and sufficient evidence" (Wenzel, 1990, p. 2).

The logical perspective relies on the audience's knowledge of, and ability to apply, logical patterns such as cause–effect or sign reasoning. In later chapters, we will present information about how a unit of argument is created (Chapter 5), the nature of evidence (Chapter 6), patterns of reasoning (Chapter 7), and fallacies in reasoning to avoid (Chapter 8). The logical perspective emphasizes accuracy in both proof and reasoning. The audience is expected to be proficient in judging whether the logical development of arguments is "good" or "bad."

The logical perspective does not consider the context in which argumentation takes place. Its sole emphasis is on content, the use of proof and reasoning. Audiences operating from the logical perspective frequently act as nominally disinterested, third-party judges who determine which arguer has made the better case. Because the logical perspective focuses on specific standards for the use of proof and the formation of reasons, it may be somewhat easier for audience members to act as neutral, dispassionate judges. When you remove context from the argumentative equation, you can make argumentation seem more like the process of scientific discovery, devoid of the messiness of human emotions.

The distinctions across the rhetorical, dialectical, and logical perspectives on argumentation are illustrated by examples from the legal field. So-called landmark decisions by the U.S. Supreme Court commonly feature all three perspectives at work in a decision. Most frequently, the U.S. Supreme Court acts as an "appellate" court, meaning that it hears appeals on cases tried in lower courts and on decisions made by federal regulatory agencies such as the Federal Communications Commission (FCC). Acting in its appellate capacity, the U.S. Supreme Court functions as an audience of decision makers for those who appear before it. Members of the Court in turn function as arguers in expressing the supporting rationale for its majority and dissenting opinions. Because it is a rare occasion when all nine justices concur on a decision, or even on the specific reasons for reaching that decision, many of the Court's decisions resemble a debate or dialogue on the issue as concurring and dissenting opinions are offered.

The U.S. Supreme Court is especially concerned with preserving free speech and freedom of the press. The justices see their role as "jealously to guard against encroachment on First Amendment freedoms" (Middleton & Chamberlin, 1995, p. 298). In the case of the *Federal Communications Commission v. Pacifica Foundation* (1978), the Court supported an FCC decision concerning "indecent speech." A New York City radio station owned by the Pacifica Foundation aired a

twelve-minute monologue by humorist George Carlin, in the early afternoon, featuring his list of the seven "dirty words" you can never say on the public airwaves.

> The monologue aired on the FM station during part of a larger discussion about society's attitude toward language. The station warned in advance that the recording included language that might offend listeners. Nevertheless, a man who apparently missed the warning heard a portion of the monologue while driving with his young son. He later wrote a complaint to the FCC, stating that, although he could understand the "record's being sold for private use, I certainly cannot understand the broadcast of same over the air that, supposedly, you control." (Zelezny, 2011, p. 474)

One of the FCC's responsibilities is to oversee its licensees who must serve the public interest as required by the 1934 Communications Act, which stipulates that broadcast stations risk fines and loss of license if they air "indecent" programming. Responding to the complaint, the FCC reviewed Carlin's monologue.

> The FCC said Carlin's "dirty" words were indecent because they depicted sexual and excretory activities and organs in a patently offensive manner. The commission said the words were "obnoxious, gutter language" that were indecent because they "debased" and "brutalized" human beings "by reducing them to their bodily functions." (Middleton, Trager, & Chamberlin, 2002, p. 370)

Pacifica appealed the FCC's ruling through the federal court system; eventually, the case made its way to the U.S. Supreme Court. In a 5 to 4 decision, the Court upheld the FCC's ruling.

A *rhetorical perspective* emphasizes how an arguer adapts content to fit the context in which argumentation takes place. In some cases, context becomes a central issue in argumentation, as happened in the *Pacifica* case. Justice John Paul Stevens, writing the majority opinion, demonstrated how content and context are interrelated.

> As the Commission itself emphasized, its order was "issued in a specific factual context." That approach is appropriate for courts as well as the Commission when regulation of indecency is at stake, for indecency is largely a function of context—it cannot be adequately judged in the abstract. (cited in Middleton & Chamberlin, 1995, p. 291)

Justice Stevens supported his point with reference to Justice Oliver Wendell Holmes' celebrated statement that "the character of every act depends upon the circumstances in which it is done. . . . The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic" (cited in Middleton & Chamberlin, 1995, p. 292).

Justice Stevens further developed the rhetorical perspective on context by addressing the problem of variations across contexts.

> The constitutional protection accorded to a communication containing such patently offensive sexual and excretory language need not be the same in every context. It is a characteristic of speech such as this that both its capacity to offend and its "social value" . . . vary with the circumstances. Words that are commonplace in one setting are shocking in another. (cited in Middleton & Chamberlin, 1995, p. 293)

Justice Stevens's emphasis on understanding why the Carlin monologue might be shocking when encountered on radio in the company of one's young child was at the heart of the majority's decision.

From a rhetorical perspective, "good" argumentation helps members of a social group, in this instance members of the FCC and the broadcasters they regulate, make decisions about problems. The *Pacifica* case laid the groundwork for an understanding of how something may be "indecent" speech in a particular context that continues to shape FCC policy. "[I]n 2001, the FCC issued guidelines . . . [that] say a radio or television broadcast will be found indecent if, first, it describes sexual or excretory organs or activities and, second, it is patently offensive to an average viewer or listener" (Middleton et al., 2002, p. 373). FCC policy was "that fleeting, unscripted airings of otherwise indecent language or images would not be punished. . . . But in 2004 the commission changed course, saying that even fleeting, one-time use of vulgar words could be deemed illegally indecent, depending on context" (Zelezny, 2011, p. 481).

From a *dialectical perspective,* emphasis is placed on argumentation as a dialogue or conversation in which all of the views on a controversy are brought up. U.S. Supreme Court decisions, particularly close ones such as the 5 to 4 *Pacifica* case, often have a dialectical quality as the give-and-take of judicial decision making unfolds in the Court's statements of opinion. Concurring Justice John Paul Stevens and dissenting Justice William Brennan wrote opinions that address a dialectical question: What is the nature of indecent speech?

In its appeal to the U.S. Supreme Court, the Pacifica Foundation took issue with the FCC's definition of indecency. The FCC had classified as "indecent":

> [material that] describes or depicts, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs, at times of day when there is a reasonable risk that children may be in the audience. (cited in Zelezny, 2011, p. 474)

Much of Justice Stevens's concurring opinion is devoted to answering Pacifica's issues with this definition from the majority's perspective. Principally, "Pacifica contended that indecent language, like obscene language, must appeal to the prurient interest before it can be punished" (Middleton et al., 2002, p. 370). Justice Stevens argued that there is a distinction between "indecency" and "obscenity," clarifying the distinction between the two terms.

> The plain language of the statute does not support Pacifica's argument. The words "obscene, indecent, or profane" are written in the disjunctive [separated by commas], implying that each has a separate meaning. Prurient appeal is an element of the obscene, but the normal definition of "indecent" merely refers to nonconformance with accepted standards of morality. (cited in Middleton & Chamberlin, 1995, p. 290)

In First Amendment cases such as *Pacifica,* a big issue is that any restraint on free expression will necessarily lead to self-censorship by media and individuals, thus undermining freedom of speech. Justice William Brennan, writing for the dissenters, argued that the U.S. Supreme Court was attempting "to impose its notions of propriety on the whole of the American people" (cited in Middleton & Chamberlin, 1995, p. 295). Justice Brennan was particularly troubled by the semantic games over definitions he thought the concurring justices were playing.

Justice Brennan feared that the FCC's overly broad definition of "indecent" would lead to de facto censorship and felt the Court should really think of "censorship" as a dirtier word than any Carlin had uttered.

> The rationales could justify the banning from radio of a myriad of literary works, novels, poems, and plays by the likes of Shakespeare, Joyce, Hemingway, Ben Johnson, Henry Fielding, Robert Burns, and Chaucer; they could support the suppression of a good deal of political speech, such as the Nixon tapes; and they could even provide the basis for imposing sanctions for the broadcast of certain portions of the Bible. (cited in Middleton & Chamberlin, 1995, p. 299)

From a dialectical perspective, "good" argumentation should produce wide-ranging discussions on controversies. The back-and-forth discussion over the definition of indecency is not the only example of the practice of dialectic to be found in the *Pacifica* case. The structure of legal argumentation and the presentation of concurring and dissenting opinions lend a distinctly dialectical flavor to U.S. Supreme Court cases.

From a *logical perspective,* the emphasis is on standards of proof and reasoning. Much of what we think of as the law comes from case law, "the binding principles and rules that originate from . . . case-by-case judicial decisions" (Zelezny, 2011, p. 9). Justice Brennan's dissenting opinion demonstrates the use of case law and the logical perspective in legal argumentation, relative to one of the key issues: "the capacity of a radio broadcast to intrude into the unwilling listener's home" (cited in Middleton & Chamberlin, 1995, p. 295). Justice Brennan used parallel case reasoning and compared the details of the Pacifica case to a similar incident.

> In 1971 the Court overturned the conviction of a war protester because the slogan on the back of his jacket—"F_ _ k the Draft"—did not constitute fighting words [one of the conditions for censorship]. In *Cohen v. California,* the Court said the slogan on Cohen's jacket, which he wore through a California courthouse, was a constitutionally protected comment on the unpopular war the country was then waging in Vietnam. Cohen's message did not constitute fighting words because it presented no immediate danger of a violent physical reaction in a face-to-face confrontation. No one, the Court said, could regard the words on Cohen's jacket as "a direct personal insult." (Zelezny, 2001, p. 45)

Justice Brennan compared what the Court ruled in the *Cohen* case to the specifics of *Pacifica.*

> [A]n individual's actions in switching on and listening to communications transmitted over the public airways and directed to the public at large do not implicate fundamental privacy interests, even when engaged in within the home. Instead, because the radio is undeniably a public medium, these actions are more properly viewed as a decision to take part, if only as a listener, in an ongoing public discourse. . . . Although an individual's decision to allow public radio communications into his home undoubtedly does not abrogate all of his privacy interests, the residual privacy interests he retains vis-à-vis the communication he voluntarily admits into his home are surely no greater than those of the people present in the corridor of the Los Angeles courthouse in *Cohen* who bore witness to the words "F_ _ k the Draft" emblazoned across Cohen's jacket. (cited in Middleton & Chamberlin, 1995, p. 296)

From a logical perspective, "good" argumentation meets the standards of effective use of proof and reasoning. Justice Brennan's dissent challenges the logical consistency of the conclusion reached by the majority in the *Pacifica* case on the basis that it is at odds with a decision reached in a previous, purportedly similar, case.

Rhetoric, dialectic, and logic each contribute to argumentation's ability to function as an instrument used to discover knowledge and influence belief or behavior.

> [R]hetoric helps us understand and evaluate arguing as a natural process of persuasive communication; dialectic helps us to understand and evaluate argumentation as a cooperative method for making critical decisions; and logic helps us to understand and evaluate arguments as products people create when they argue. (Wenzel, 1990, p. 9)

Viewing argumentation in this way, contemporary scholars are exploring argumentation as an instrument for critical thinking and discussion that leads to consensual decision making.

Douglas Walton (1990, 1998) and Frans H. van Eemeren and Rob Grootendorst (1993) have paid particular attention to the possibilities offered by the dialectical perspective. For them, argumentation is an instrument of communication to the extent that it functions as a social dialogue in which people articulate their differences, open themselves up to the ideas of others, critically investigate each argument offered, and work cooperatively to find answers or solutions. From the dialectical perspective, arguers use the techniques of argumentation to learn from each other. It embodies the essence of the ELM's central route, along which arguer and audience are completely engaged in the discussion.

In this text, we emphasize a model of argument developed by the English logician Stephen Toulmin, whose ideas were embraced by rhetoricians in this country. When you argue, you make a series of statements using proof and reasoning to draw conclusions that develop and clarify the stand you take on an issue. For centuries, teachers and students of argumentation have struggled to find a way to put into words, to visualize on the page or screen, how human thinking in argumentative form takes place. Toulmin's model gives us a verbal and visual structure for understanding how an argument is formed by putting proof and reasoning together and understanding how it might be interpreted by its audience.

Regardless of whether your experience as a creator of arguments is influenced primarily by the rhetorical, dialectical, or logical perspective, your purpose will be to influence belief and behavior. Success or failure in that endeavor can carry real consequences for you as well as your audience. Because there is this potential for significant consequences, those who engage in argumentation must pay special attention to the ethical implications of the choices they make and encourage others to make.

ETHICAL STANDARDS FOR ARGUMENTATION

Ethics is the term we use to indicate the moral choices a person makes regarding his or her behavior. Standards of ethics are devised in one of two ways. First, *teleological ethics* are based on the outcomes, or ends, of communicating—the purpose you achieve rather than the means you use to achieve it. Is the end you seek in using argumentation a worthwhile one? A standard of teleological ethics is

at work when we say, "We should do that which produces the greatest good for the greatest number of people."

Second, *deontological ethics* is based on a set of absolutes, or rules of conduct, that differentiate between right and wrong. Making a moral choice in the context of deontological ethics is a matter of living up to the obligation to behave in the "right" way. The set of absolutes, often presented as a "code of ethics," identifies "right" and "wrong" ways of behaving. Absolute standards of ethical behavior are found in religion and ideology or are codified in sets of beliefs that are found in the ethical code of the Public Relations Society of America or that of the National Association of Broadcasters.

Because the audience for argumentation often lacks the time or resources to verify every statement made, the creators of arguments bear a heavy ethical burden: what is made to seem most probable or believable is most likely to gain acceptance. Like other forms of communication, argumentation can be used to advance the cause of good or evil. According to Richard L. Johannesen, Kathleen S. Valde, and Karen E. Whedbee (2008), ethical standards are an issue when communication behavior "could have significant impact on other persons, when the behavior involves conscious choice of means and ends, and when the behavior can be judged by standards of right and wrong" (p. 1).

Like other forms of communication, argumentation is a matter of making conscious choices about what to say. In preparing argumentative messages, you will research a topic, decide which claims and proofs to offer, and choose how to arrange your materials for the greatest impact. Your audience will judge you and your end product as ethical or unethical on the basis of the choices you have made about the means and ends manifested in your argumentation.

Of particular importance in our society is the cardinal virtue of freedom of thought and speech. Ethical communication behaviors protect freedom of thought and speech for arguers and respect those same freedoms for their audiences. Our society considers freedom of thought and speech to be universal truths that apply to all people at all times. We have begun, however, to question whether it is desirable, or even possible, to come up with such "one-size-fits-all" ethical standards.

For much of human history, men and women were considered to have different virtues. Women were said to possess the "beautiful" virtues of modesty, neatness, good-heartedness, and a pleasant-looking form. Men were assigned the "noble" or "sublime" virtues of honor, justice, courage, and rationality. The most a woman could aspire to was to be attractive to, and good company for, the men in her life (McLaren, 2001). Women have struggled for centuries to overturn this male-generated mind-set that characterizes them as incapable of rational thought.

Contemporary feminists have developed ethical views questioning the belief that rational thinking belongs to men alone, and feminists have offered feminist ethical principles that emphasize women's experiences. Carol Gilligan (1982) says that women practice an ethic of care, derived from relationships and based on standards of compassion and nurturing. Susan Frank Parsons (2002) holds that we need an ethic of liberation. We need to liberate ourselves from the institutions and material conditions that construct the genders of male and female. Tillie Olsen and Gillian Michell (cited in Johannsen, et al., 2008, pp. 210–211) suggest that women are

forced to "tell it slant." That is, women sometimes are forced to lie or use deception to survive in a sexist society. In such circumstances, feminists would argue that "lying" can be viewed as an ethical communication practice.

Our purpose is not to suggest that one can engage in deception with impunity, but rather to point out that a one-size-fits-all set of ethical principles does not always work. There is not necessarily a common morality that applies to all people in all situations. Clifford Christians (1997) suggests that old standards of Euro-American Enlightenment ethics, absolutes about which behaviors are good and right, are no longer morally and intellectually defensible. "The only legitimate option is an ethics that is culturally inclusive rather than biased toward Western hegemony" (p. 5). How, then, is it possible to devise ethical standards for argumentation?

Contemporary argumentation scholars suggest that rather than searching for some universal set of norms, we look instead at how people use argumentation and develop an ethics based on argumentation as it is practiced. Edmund Arens (1997) and Michael Traber (1997) indicate that there is one standard that seems common across all cultures—an orientation to telling the truth. Both one-on-one relationships and community structures are only "possible on the assumption that people are telling the truth, whereby mutual trust is possible." Although truth and trust may be expressed in different ways across cultures and "telling it slant" may be understandable in certain circumstances, "truth-telling nevertheless remains the foundation on which relationships are maintained and cultivated" (Traber, 1997, p. 339).

The importance of truth telling and trust is illustrated in the aftermath of the deceptions perpetrated by Bernie Madoff, whose Ponzi scheme wiped out the savings of thousands of retirees and the assets of many nonprofit foundations to the tune of $50 billion by promising them consistent market-beating returns. "Many of the alleged fraudster's biggest investors—European industrialists, South American socialites, well-connected American business people—believed that getting Madoff to manage their money was like gaining admittance to a hoity-toity club . . . this alleged fraud is the sort of thing you can ordinarily get away with only if your victims are trusting friends and family" (Gross, 2009, p. 18).

The dialectical perspective on argumentation has a strong ethical dimension. Participants in argumentation are obligated not to make "any moves which impede the communication proceedings." There is a "Principle of Communication" that "is implemented by the maintenance of four standards: clarity, honesty, efficiency, and relevance" (van Eemeren et al., 1996, p. 12). Whether your approach to argumentation is based on the dialectical perspective of argumentation as conversation or the more traditional view that argumentation is verbal competition, these four standards will serve you well as the basis for ethical participation and as a means of facilitating truth telling.

Clarity

In the eighteenth century, rhetorical theorists developed "the doctrine of perspicuity," by which they meant a speaker or writer should strive for clearly expressed ideas. Today, we speak of the quality of "clarity" in speaking and writing. The main points you make in arguing should be easily comprehended by your audience.

Arguers have an ethical responsibility not to deceive their audiences or other arguers by using obscure or ambiguous language, confusing patterns of organization, or ideas encumbered by nonessential information or ideas.

Clarity is a matter of both language choice and the arrangement of reasons and proof in the message. An audience *decodes* a message. **Decoding** is the interpretive process that audience members and other arguers use to come to an understanding of what you mean. Decoding is not necessarily a simple process; it is easy for a reader or listener to assign a different meaning or to completely misunderstand you. Therefore, the burden is on you, the arguer, to be clear, because the audience may resist, or completely botch, "decoding unless claims are presented clearly and made explicit" (Campbell & Huxman, 2003, p. 193).

Choosing the most concrete or specific language and having a clear structure for your message increases the chances that your arguments will not be misinterpreted. As an ethical responsibility, clarity is related to honesty. When you present your arguments clearly, your audience will most likely form an impression of you as an honest person who does not attempt to conceal things from them.

Honesty

The orientation toward truth telling is at the heart of honesty. Honesty is saying what you believe to be the truth of the matter. Ethical communication behavior demonstrates character, and a traditional component of good character is being truthful with your audience. To achieve honesty, you must know your subject thoroughly. An ethical arguer diligently researches the subject to discover, insofar as possible, what is probably true about it. Although no one expects you to learn everything about a given subject, ethical argumentation requires that you be well informed. You need to know the subject not only from your own point of view, but from opposing viewpoints as well. And you need to realize that probable truth may exist on both sides of a controversy. Issues in human affairs are seldom one-sided. Indeed, we define something as a controversy when at least two conflicting views exist, each of which possesses elements of probable truth. Just because information does not fit your point of view does not mean it is a "lie."

Being honest also requires that you use facts and the opinions of others accurately. Remember that when you think through something you have witnessed, read, or heard, you filter the information through your own cognitive maps of experience. You decide how you will interpret reality. In deciding, you have the ability to distort or confuse the facts. Your ethical obligation is to avoid consciously distorting information to mislead your audience. What is wrong with some distortion, especially if it is done in pursuit of a worthy goal? Simply this: If you violate the trust an audience places in you by not being truthful with them, you risk not being considered credible in the future.

Finally, beyond being honest in using facts and opinions, you should never fabricate information. Making up information is deceptive and unethical. With information available on almost any subject, a diligent exploration of print and electronic sources will yield what you need to prove your arguments.

An orientation toward truth telling requires more than just being clear and honest. Your ethical obligations also extend to being a competent arguer who does not waste the time of others. Ultimately, your practice of clarity and honesty

in researching and preparing arguments will lead to the quality of producing efficient arguments.

Efficiency

Efficiency as an ethical standard does not mean taking shortcuts or offering minimal proof and reasoning in making your point. Efficiency is the obligation to develop arguments that have the necessary rational power to make your point. The connection between efficiency and rational power can best be understood in terms of the ELM. In the ELM, "a better, stronger argument is one that engages audience members, one that they collaborate in creating, translating it into their own words, attempting to clarify what seems ambiguous" (Campbell & Huxman, 2003, p. 97), extending on what the arguer has said by adding their own experiences and knowledge. Involving the audience in the process of reasoning with you is key to efficient arguing. What results is a "well-made" argument. If your approach is to ramble, to include every bit of information you have discovered, or to fail to engage the audience, you will not have a well-made argument.

The ethical standard of efficiency also addresses your competency as an arguer. Being efficient means being capable and competent and knowing how to do the task at hand. An ethical arguer uses sound reasoning in the form of logically sufficient arguments supported by facts and expert opinion. You are responsible for the form and content of all your communication, whether the end product is argumentation or something else, and the manner in which you discharge this responsibility is a reflection of your communication competence.

Achieving the competency necessary to create efficient arguments comes from studying texts such as this one and then applying what you have learned. The requirements for effective argumentation will be discussed in subsequent chapters on research practices, constructing arguments, testing their quality, and organizing them into a coherent message. Although you do not need to be a slave to the rules, ethical argumentation requires that you know and be able to use them. Efficiency is a standard of ethics that ultimately means you do not waste your audience's time by offering them a muddled or irrelevant message.

Relevance

In their development of the ELM, Petty and Cacioppo (1986) thought that one variable, personal relevance, would have the greatest impact on the extent to which an audience member would follow the central route in processing a message. If an issue or idea does not relate to the listener's or reader's life, he or she will be less likely to augment or extend on messages by supplying personal experience or knowledge. The need to be relevant "underscores the importance of adapting arguments to the audience and how essential it is to point out the relevance of issues for those you seek to reach and influence" (Campbell & Huxman, 2003, p. 97).

The standard of relevance recognizes that audience members select which messages they will attend to and which they will ignore. Audience members selectively expose themselves to messages that meet their needs. When people perceive that something is of use to them, they are more likely to extend themselves, to expend the psychic energy required to become involved in decoding messages about it.

The quality of relevance is especially important in a multicultural society. Although an orientation toward truth telling is a core value, we live in a society made up of many disparate cultures. Ethically, the goal is not to widen the culture gaps, but to find ways to bridge them while respecting cultural differences. An ethical arguer must have the welfare of the audience in mind. Arguments arise in resolving which policy is best, which course of action should be undertaken. A responsible arguer creates argumentative positions that emphasize what is relevant—common values and common goals—to people who may come from diverse cultures. "Ideological differences or a lack of shared beliefs and attitudes are serious barriers, but ones that can be breached by relevance, that is, if the recipients see a direct, personal use for the information provided now" (Campbell & Huxman, 2003, p. 190). You are ethically responsible for investigating the cultures of those in your audience or those who would be affected by your arguments so you can find ways to attempt to bridge these cultural gaps.

As standards of ethics for argumentation, clarity, honesty, efficiency, and relevance are personal qualities that all ethical arguers cultivate in themselves. These are qualities you should strive to bring to the process of argumentation. Doing argumentation, the act of being involved in the process of argumentative discourse, also has certain standards for ethical participation.

Discourse Ethics

Discourse ethics are not so much a set of norms for what constitutes "good" or "right" behavior, but rather they address the attitude one should bring to the process of engaging in argumentation. J. Vernon Jensen (1997) describes discourse ethics as the embodiment of the spirit of dialogue. "Dialogue here refers to a spirit, an attitude, a mind-set that is reflected by the techniques and behaviors, the verbal and nonverbal cues, of those who are interacting" (p. 32). Respecting the process of dialogue, and the people involved in it, is the ethical center of discourse ethics. As you will quickly discern, if discourse ethics are not observed, truth telling cannot be assumed.

Advocates and opponents should not look on each other, or the people in their audiences, as "objects" or "things" if they are truly concerned about discourse ethics. Respect for the process of argumentation "implies showing a concern for possible consequences and employing honesty, directness, frankness, and spontaneity." Conceptualizing participation in the process of argumentation as a dialogue "reflects authenticity, inclusion, and confirmation but avoids manipulation, pretense, self-centeredness, and defensiveness." Jensen describes the ethical process as one in which "self-scrutiny of claims, motives, reasoning, and evidence is unhesitatingly entered into, and there is a willingness to admit error if it is demonstrated" (1997, p. 32).

Johannesen et al. (2008) say that the spirit of dialogue "is characterized by such qualities as mutuality, open-heartedness, directness, honesty, spontaneity, frankness, lack of pretense, nonmanipulative intent, communion, intensity and love in the sense of responsibility of one human for another" (p. 52). Ultimately, these qualities of discourse ethics suggest that an ethical arguer respects the personhood of those involved in the process of argumentation. Traber (1997) tells us that our concerns about ethics and multiculturalism have "brought to the fore the realization that personhood transcends all cultures. . . . Personhood implies the capacity

of free choice, the ability to reflect and argue rationally, and the endowment of its inner and intrinsic worth" (p. 337).

How can you maximize the potential to embody discourse ethics in your participation in the process of argumentation? Franz Van Eemeren and Rob Grootendorst (1992) combined the study of language and logic in the spirit of dialogue in what they called "pragma-dialectics." They developed a code of conduct for practicing argumentative discourse, a set of guidelines for ethical participation in the process. "For example, you *can* ask someone to clarify their argument. You *must* clarify your argument if asked to do so. The rules of pragma-dialectics can also be used to evaluate encounters to determine why they failed to produce results" (Rybacki & Rybacki, 2009, p. 281).

The great value of argumentation is that it provides a reliable means of arriving at the probable truth of something. Seldom in human affairs is there a definitive, absolutely right or wrong answer to a question or solution to a problem. We need argumentation to find the most plausible and probable answers and solutions. When we enter the world of probabilities, we open ourselves up to the risk that probable truth may reside with something that challenges our belief structure. Wayne Brockriede (1990) explains the risk in terms of how arguing may encourage personal growth: "When two persons engage in mutual confrontation so they can share a rational choice, they share the risks of what the confrontation may do to change their ideas, their selves, and their relationship with one another" (p. 7). In this way, argumentation can be a positive, healthy means of self-development.

Argumentation does have its limitations, because it is practiced by fallible humans whose motives may not always be above reproach. We are especially at risk when it comes to our concept of time. Electronic communication has created a 24–7 mentality in which everything seems to happen in nanoseconds. Unfortunately, the process of argumentation is time-consuming. It takes time to marshal sufficient evidence to support a position and ensure its logical consistency. In subsequent chapters dealing with the evidence and reasoning on which argumentation is based, we will provide a set of minimal standards, rules for sufficiency. As a creator of arguments, you should allow enough time to apply these standards rigorously in evaluating your own work. As a consumer of argumentation, you should be equally rigorous in using them. Test what you hear and read to ensure it is not emotive discourse masquerading as argumentation.

As we end this chapter, we want to focus on the idea that argumentation is a *process* or a *means* of communication. Argumentation is not an end unto itself, but a means to achieve consensus or make a decision. In your use of the means of argumentation, you may not always achieve the ends you seek. Although we all want our argumentative efforts to succeed, the most important outcome of studying and practicing argumentation is that of learning the process—a good means of reasoning with others.

LEARNING ACTIVITIES

1. Discuss the advantages and disadvantages of using argumentation as a means of influencing the belief and behavior of others. How will the advantages of argumentation improve your ability to communicate your views in a controversy? How will you overcome the limitations of argumentation?