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Commentary on Peter A. Cramer: “Participants’ Reasoning in Controversy Coverage”

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1. INTRODUCTION

Professor Cramer has developed an interesting and insightful analysis – the focus on who’s actually talking is a very useful addition to general studies on the nature and practice of arguing with others. The present paper is an outgrowth of an earlier analysis (which Prof. Cramer shared with me); this commentary will reflect awareness of both studies.

I will focus on three issues in this commentary. First, I want to reflect a bit on the broader context of “controversy,” particularly as that has been treated by Goodnight (1991), Olson and Goodnight (1994) and more recently by Phillips (1999). Second, I wish to extend the concept of “reason” a bit further than is suggested by Cramer’s analysis. Finally, I will focus attention on another “side” of the controversy that Cramer examines. My intent in this latter focus is to further extend, rather than critique, the work Cramer has so expertly begun.

2. THE STATUS OF CONTROVERSY

Phillips study provides a point of departure, as he reviews prior work on the nature of controversy. He is correct, I think, in remarking on the limitation in conceiving of controversy as deficient or, in a Habermasian sense, a “distortion” that disrupts and confounds attempts to reason well and fairly within the public sphere. Seeing controversy as an obstacle to an otherwise purely rational discursive encounter with social others is, I believe, exactly the wrong way to orient ourselves to the presence of conflictive views. An approach that privileges dissensus as the “starting point” for understanding the nature of controversy provides the kind of antidote that Phillips argues for in disconnecting controversy from the norms of a modernist public sphere. As I’ve argued (McKerrow, 2006), “it is not simply or only an instance of ‘either dissensus or consensus’ but not both together. The starting point remains with dissensus Argument is, ever and always, conflictive.” As such, it is or can be highly ratiocinative and passionate at one and the same time—there is in this approach no room for the disjunction between reason and emotion, as if the latter were somehow inopportune or simply inappropriate in the conduct of an argument with another. Argument is, as should be clear, the giving of

reasons in support or a particular claim or position. That it implies oppositionality – in the form of different ways to reach the same claim, or different claims being advanced – does not mean it is therefore somehow deficient in allowing the public to deliberate in a meaningful manner on issues that are, in themselves, considered divisive. Thus, I would not see the conclusion Cramer arrives at, per Dascal (1990), as necessarily a negative condition – that controversy “slips” out of dialectical boundaries is to suggest that it belongs elsewhere. Dialectic admits of purely ratiocinative discourse, as per Habermas and others who write on behalf of reason in fostering a deliberative democracy (McKerrow, 2006). Controversy is aligned with everyday discourse—and the very nature of that discourse is that it may be undisciplined, even at times uncivil, and essentially and perhaps always “messy.” To say that they “feature little of the reasoning that is central to a dialectical exchange” is *not* to say that controversy is therefore un-reasoned. Its commitment to reasoning remains central to the acceptance or rejection of points of view, but admits of more than pure ratiocination in arriving at judgments related to the justification behind belief or action (McKerrow, 1990).

3. THE NATURE OF REASON

In the initial study, Cramer (2006) asks “who counts as a participant” in the Brooklyn Art Museum controversy, as determined by who is cited/quoted in relation to the issues by the print media. Cramer reports that Rudy Giuliani, then Mayor of NYC, and Arnold Lehman, the museum’s director, were the most cited. Although his focus is on print sources, I would venture a guess that, were televised transcripts reviewed during the controversy, he would find a similar pattern emerging – at the very least, it would be an interesting comparative study, in determining whether the channel – print or television, differed substantially in giving voice to specific participants (and thereby denying voice to others). I’m reminded here of a recent university issue which occasioned a major public presentation by the president, only to be followed in the evening’s regional televised report featuring a principal antagonist claiming nothing of import was said. The appearance of a “controversy” was explicit, without giving the President’s supporter’s equal voice or space to comment. Point-counterpoint between, in the case Cramer examines, between the person responsible for the city’s morals (at least that is one way to describe Giuliani’s justification for objecting) and the person most responsible for protecting the museum’s investment in featuring specific works of art, is “par for the course” on the media’s part. Or at least so it would seem.

Cramer uses categories of speech acts in identifying the quotations from Giuliani; he observes that while “Giuliani is quoted 271 times in the corpus . . . reasoning is rare in Giuliani’s direct reported speech.” I understand the sense of reason that is implied here, but would prefer a slightly amended phrase – “explicit, detailed reasoning.” The point I want to make is this: reason is present in evaluative, undetailed “assertive” expressions by Giuliani, such as: “It’s sick stuff.” “[The exhibit is an] abominable use of funds.” “It [the exhibit] offends me.” The same could be said for “expressive” claims, such as “This board is out of business.” These statements are conclusionary – they are the result of a ratiocinative (and quite likely, emotionally tinged) process of reasoning. That the reasoning is implicit, given the enthymematic character of public argument, does not lessen its relevance in examining the nature of Giuliani’s objection to the exhibit. For

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example, to claim that something is “sick” requires a sense of its opposite – that which when viewed would not elicit the same rejection as implied in the “sick” judgment: “artistic expression which violates the moral sense is sick”; this art violates the moral sense”; ergo, “this art is sick.” What should be clear here is that the exact nature of the reasoning that might be reconstructed is not the point – there are several different ways of arriving at a reasoned judgment that a particular piece of art is “not art,” as is demonstrated by Cramer’s analysis of a more explicit, detailed statement from Giuliani. For media purposes, especially in the context of capturing “sound bites,” with assertive claims as to art’s lack of decency, hence absence of value, the less detailed, explicit the reasoning the better. This is not to discredit Cramer’s analysis, but merely to suggest a more precise phrasing in order to retain the broader, more encompassing sense of reason—as implied and enthymematic as well as explicitly detailed in serial form.

That the assertion is “unsupported,” as Cramer rightly observes, does not diminish its status as the conclusion of a piece of reasoning. Giuliani could just as easily be relying on his status as Mayor – and implicitly as the conscience of the city – to offer judgments that would be expected by one who has that responsibility. Referring to supportive data or evidence would not even be thought of as necessary – the moral force of the Mayor’s statement should carry the day. And with some citizens and groups, such as the Catholic League, that was certainly the case.

4. AN ANALYSIS

The first part of this extension examines the legal side of the dispute. In an opinion released by the U. S. District Court’s Eastern District (Opinion and Order: 99 CV 6071) the court reviewed the history of the Museum’s establishment, including its contract with the city. In clear terms, the court indicated that the contract did not permit the City to have the kind of jurisdiction over its contents as dictated by Giuliani’s suit (<http://www.museum-security.org/brooklyn%20november%201999.htm>):

The Contract provides that:

The Brooklyn Institute of Arts and Sciences . . . shall place on exhibition in said Museum Building collections of paintings and other works of art and collections and books representing or illustrating each and all of the Departments of the arts and sciences named in the constitution of said Institute, and shall cause to be properly arranged, labelled [sic] and catalogued all such collections and books as may be open to public exhibition or for public use, for the instruction and benefit of the residents of Brooklyn or the general public.

The Contract is unequivocal that the City has no ownership rights with respect to any of the collections in the Museum. It provides:

That the collections of books and other objects in art and sciences placed in the Museum Building for purposes of exhibition, instruction, or to enable the Brooklyn Institute of Arts and Sciences to carry out its purposes as authorized in its charter, shall continue to be and shall remain absolutely the property of the [Institute], and that neither the [Mayor nor the City of Brooklyn] by reason of said property being placed in said building or continuance therein, have any title, property or interest therein.

From here, the court proceeds to provide explicit reasoning in denying the city's claims, and in supporting the museum's counter claims of infringement of first amendment rights. What is clear in the court's analysis of the issue is that the Mayor's moral claims have no legal standing in prohibiting the museum from exhibiting art that, in this case, the Mayor finds offensive. Cutting funding, and seeking to eject the museum from its site, as punishment for the refusal to cancel the exhibit, were strategies that fell on deaf ears (at least legally speaking). The legal case, however, does not silence the moral argument—as that existed outside the courtroom's influence. It is interesting, in the context of Cramer's analysis of who is given the right to speak publicly (via the press) on this issue, to review the list of individuals and groups who submitted briefs *amicus curiae* to the court. What, one might ask, is the relationship between this list (on both plaintiff and defendant's sides) and those cited for and against the controversy in the press? What is the infrastructure like in responding on either side to this case – from government and from agencies/organizations affected by the exhibit? Who has power in this setting to obtain the “ear” of the press, such that their views become dominant in the public's eye? One major group which argued on behalf of the Mayor's position was the Catholic League (1999) . As reported on their website, with some pride:

On October 2, Catholic League personnel will distribute vomit bags to the first 500 attendees of the 'Sensation' exhibit at the Brooklyn Museum of Art; we will commence our protest at 11:00 a.m. The distribution of vomit bags—all of which are labeled 'Vomit Bag: Compliments of the Catholic League'—is in direct response to the exhibit's warning that seeing it may induce vomiting. On this score the Catholic League readily agrees, and that explains our desire to facilitate the process. Barf is not easily cleaned up, and it also has a terrible odor, so it should be deposited in a biodegradable receptacle. . . . Now that art has been reduced to dung and puke, there is no better time for public officials to stop all funding of the arts.

And, from the same source:

The Brooklyn Museum of Art has offended Catholics by rationalizing its decision to host 'Sensation,' an exhibit that features a painting of the Virgin Mary laced with elephant dung and surrounded by pictures of vaginas and anuses. Along with the dismembered animals that the exhibit displays, the only term that can be used to describe this monstrosity is 'snuff art.' . . . Catholics salute Mayor Giuliani for his courage and decency in opposing funding of the Brooklyn Museum of Art for its obstinacy on this issue.

While more was said by the League's President, William Donahue, on their behalf, the above gives an inkling of the position taken by those the Mayor implied would find the artistic creations offensive. Their argument is that no money from government should fund art—if this is the kind of response that artists provide. The argument, of course, is an old one. Social realism art provoked similar reactions during the depression, at a time when art was supported by government, and artists were “controlled” on occasion in being forced to alter their work to meet politically charged decency standards (McKerrow, 1993). What is intriguing in this response by the Catholic League, as well as in the discourse (to my knowledge) surrounding the affair, is that the artist's own status as a Catholic is not mentioned. As Katha Pollitt (2001) noted a year or so later, in reviewing yet another objection by Giuliani to a painting at the Brooklyn Museum: “If one thinks of Catholics, the people, there's nothing bigoted about any of this. (Like Ofili, Cox is Catholic--as are most perpetrators of "anti-Catholic" works.)” Whether it is the

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case, as Pollitt suggests, that anti-Catholic work is perpetrated by Catholics, I find it interesting that this issue is not raised as part of the objection. What is the special status that the artist has, as Catholic, that would render that fact about his association with the Church a silent issue? Neither the Catholic League, nor Giuliani, nor the Press, as near as I can tell, raised the issue of the artist's own religion. Nor did the Catholic League seek to refute claims that elephant dung, in African culture, has a status that marks it as non-objectionable, and in fact its use by Ofili (also of Nigerian origin though born in England) would have any bearing on the interpretation offered.

5. CONCLUSION

In drawing this review to a close, it might be useful, in considering both Cramer's study and this commentary, to see the painting that was at the center of the controversy:



Chris Ofili: The Virgin Mary

“Ofili's work is made up of paper collage, oil paint, glitter, polyester resin and elephant dung on linen.”

Whether you find the work anti-catholic, as did Giuliani and the Catholic League, or a piece of art, the argument over what justifies public support of the arts remains an unresolved issue. What Cramer has provided through his 2006 and current analyses is a clear sense of “who counts” in public controversies. The power structure is a clear player in the media's assessment of whose importance merits public voice. What is surprising, as Cramer notes, is the extent to which the print media actually gives full voice to public reasoning over controversial topics.

[link to paper](#)

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