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### Rhetoric, Dialectic and Derailment in Church-State Arguments

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# Rhetoric, Dialectic and Derailment in Church-State Arguments

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**ABSTRACT:** This paper will examine chronically derailed church-state separation arguments in order to explore the extent to which rhetorical and dialectical approaches can be reconciled. I will consider broader conceptions of rhetoric than those employed to date in studies of strategic manoeuvring. While rhetorical appeals, such as claims of persecution, can terminally polarize church-state arguments, they may also serve as means for recovering from dialectical derailment.

**KEYWORDS:** antilogy, derailment, dialectic, pragma-dialectics, rhetoric, sophistic, strategic manoeuvring

## 1. INTRODUCTION

Studies of strategic manoeuvring within the pragma-dialectical approach have assisted the empirical and theoretical development of argumentation as a field. By focusing on ostensibly rhetorical moves in arguments, research has yielded ever more accurate descriptions of argumentative discourse and has produced ever more nuanced theoretical models of argumentation, answering in part the ongoing project identified by van Eemeren and Houtlosser (2003, p. 399) to identify the “characteristics of argumentative discourse.” These advances in argumentation theory, however, come at the cost of reducing the reducing the complexity of rhetorical theory, so that rhetorical moves can operate within the pragma-dialectical rules for critical discussion.

I do not intend to object to such a reduction *per se*. Any methodological decision entails selecting certain philosophical assumptions and theoretical frameworks over others in the pursuit of a coherent and productive model for understanding discourse. Preferring a rhetorical model means foregoing elements of a dialectical model and vice versa. I do intend, however, to investigate how far these two models can be reconciled. From a broader perspective on suasive discourse, it seems that both dialectical and rhetorical models offer insights into reasonable and persuasive communicative interaction. One potentially fruitful place to pursue the intersections of rhetoric and dialectic is in the study of derailment—wherein rhetorical moves threaten to disrupt the dialectical progression of an argument. Investigations of strategic manoeuvring have described arguments wherein attempts by one interlocutor to “win” an argument can still operate in an inter-subjectively valid manner (van Eemeren & Houtlosser 2006; Zarefsky

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2006). However, research has not investigated in as much detail rhetorical moves that derail arguments and how arguments can recover from derailment.

In the sections that follow, this paper will press on the theoretical boundaries between rhetorical and dialectical models. First, it will review and engage theoretical conceptions of rhetoric used in recent argumentation scholarship. Second, it will propose an alternative conceptualization of rhetoric drawing on classical sophistic traditions that can expand theoretical models for examining instances of argument in which derailment occurs. In examining rhetorical moves that occur outside of the forms of strategic maneuvering as described in the pragma-dialectical framework, we can see how rhetoric functions to both derail arguments and lay the discursive groundwork necessary for recovery from derailment. The paper will close with an analysis of a particularly heated area of cultural conflict: disputes over the proper relationship between religion and the state.

## 2. STRATEGIC MANUEVERING: LOCATING THE RHETORICAL IN DIALECTIC

Van Eemeren and Houtlosser (2002, pp. 134-5) describe strategic manoeuvring as a means of resolving the tension between an interlocutor's obligation to the rules of critical discussion (i.e. the dialectical aspect of discourse) and his or her desire to win an argument in his or her own favour (i.e. the rhetorical aspect of discourse). Insofar as argumentative moves seek to resolve disagreement in favour of one interlocutor while also obeying the rules for critical discussion they are to be considered strategic manoeuvring. Interlocutors will forward viewpoints that attempt to put their own position in the best light possible, and, so long as such viewpoints remain open to challenge by all other interlocutors, the argument remains dialectically acceptable. Should self-interested moves violate the rules of critical discussion, they derail arguments and prevent dialectically acceptable resolution of disagreement. Van Eemeren and Houtlosser (2002) add two points of qualification to this description of strategic manoeuvring: First, they emphasize that they do not intend a simplistic equation of rhetoric with winning at any cost, but they do believe that rhetoric is “in the end always, and undeniably, associated with getting your point as intended across to an audience” (p. 135). Second, they acknowledge that they are “integrating rhetorical insight into a dialectical framework, instead of the other way around, because [their] primary interest” is the pragma-dialectical model for critical discussion (p. 135).

To deal with the points in reverse order: I am not interested here in simply switching the methodology privileged (to use a rhetorical framework instead of a dialectical framework). I wish to investigate the boundaries of each method, their potential compatibilities and, where incompatible, what each can reveal about the wider realm of persuasive discourse. Van Eemeren and Houtlosser's (2002) other point, that of rhetoric's distinguishing characteristic being the transmission of a point from a rhetor to an audience, raises important questions about rhetoric's definition that are not easily answered, either in a short paper or in the millennia-old history of rhetorical studies. Yet, the question of definition is worth pursuing lest relevant alternate conceptions of rhetoric go unconsidered thereby overlooking productive models of discourse. Some alternatives will be considered in the next section, but first I will describe the boundaries of rhetoric as it has been defined in argumentation scholarship.

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Definitions of rhetoric used in argumentation studies tend to parallel the historical tradition to remove rhetoric from any role in the process of generating and exchanging viewpoints and to define it narrowly as a symbolic activity concerned with the unilateral communication of information from a rhetor to an audience. This definition has antecedents in classical debates over the nature of rhetoric, such as the argument voiced by Plato's (1987) Socrates in the *Gorgias* that rhetoric is an art of appealing to appetites and appearances quite distinct from a dialectical process of reasoning that uncovers substance and truth. As Kennedy (1999, pp. 249-51) discusses, Pierre de la Ramee (Peter Ramus) solidified this approach for medieval and early modern rhetoric, defining rhetoric purely as stylistic. These approaches to rhetoric, having separated style from the process of rational thought, assign to rhetoric the role of applying enticing features to the ideas previously generated through dialectic, philosophy or logic so as to communicate ideas successfully to an audience. The conceptions of rhetoric at work in argumentation scholarship avoid the animosity de la Ramee and Plato's Socrates display for the art, but they nevertheless reflect the historical tendency to separate rhetoric from multilateral processes of reasoning and leave it responsible for unilateral stylistic and transmissive functions.

It is on this unilateral function of transmission that I wish to focus. Dialectical approaches to argument examine the interchange between two or more interlocutors, describing a discrete back-and-forth process of viewpoint expression, challenge and defense. Under this approach, rhetoric is described as an activity undertaken by one interlocutor to modify the appearance of his viewpoint—an activity that is distinct from the activity of generating the viewpoint and defending the viewpoint against challenge, and even when rhetoric is given an essential, positive function in generating and maintaining good argumentative practice, it is still shown as functioning apart from the propositional interchange of dialectic.

For instance, Jacobs (2000) describes a nuanced systematic approach to argumentation that situates dialectical argument, rhetoric and normative pragmatics inside a framework that assigns distinct-yet-integral roles to each model of linguistic analysis. Rhetoric in Jacobs' (2000, p. 281) framework has an important function of “plac[ing] people in more open, critical resolution-oriented frames of mind,” and it achieves this function through the “strategic design” of various types of “symbolic inducements” other than arguments (p. 263). As examples Jacobs (2000) cites visual elements added to advertisements that function to imply meaning without stating it explicitly in the written text and emotional appeals that function to persuade an audience to reconsider viewpoints previously rejected. Rhetoric under this framework is both potentially productive for and compatible with dialectically sound argumentation, but it is nevertheless distinct from the argumentative process.

This distinction sets the audience up as a static set of expectations according to which a rhetor constructs and then applies appeals to proposed viewpoints that have already arisen out of dialectical interchange. Similar understandings of rhetoric are presented by Rescher (1998) and Slob (2002). While both describe a positive role for rhetoric in the processes accompanying argumentation, each evince assumptions of rhetoric as a unilateral process. For Slob (2002), rhetoric plays an important role in maintaining shared standards of reasonableness through a process of mutual testing of appeals forwarded by interlocutors. On the surface Slob's (2002) “dialogic rhetoric” appears to be more than the unilateral application of style to make a viewpoint appealing

to an audience; however, its multilateral nature derives from a dialectical process of discrete interchanges between interlocutors and not from a definition of rhetoric itself as multilateral. Rescher (1998, p. 316) similarly relies on rhetoric to play a vital role in argumentation insofar as it keeps interlocutors engaged in the dialectical testing of ideas, but his conception of rhetorical constructs too is ultimately unilateral, relying on “intrinsically appealing features” that do not arise through the interaction of propositions. The rhetoric represented in Jacobs (2006), Rescher (1998) and Slob (2002) is a symbolic activity that does not derive from the interaction of viewpoints but rather conforms to a set of expectations. Keeping rhetoric and dialectic separate in this manner affords clear theoretical boundaries for analyzing discourse, but it is not consonant with the full range of rhetorical theory available, such as various classical conceptualizations of rhetoric in which the rhetor and audience are not easily separated. It is in this unclear boundary between rhetor and audience that the symbolic resources of rhetoric are to be found.

Tindale (1999; 2006) raises important questions about the relationship between rhetor and audience by challenging the unidirectional symbolic activity between an active rhetor and a passive audience. Because it is as audience to others' viewpoints that we first encounter language, Tindale (2006, p. 454) argues, “we always have the standpoint of an audience, of what the experience of an audience feels like; this is our primary relationship to argumentation, our entry into it.” Tindale encourages analysis of argumentation to proceed from the assumption that interlocutors can never not think of themselves as audience, but this focus on audience only reverses the unilateral active rhetor/passive audience paradigm of other argumentation theorists. The identity of audience member may be our primary role in argument insofar as chronologically humans listen to others before they talk, but it does not follow that that role remains privileged once we are enmeshed in discourse (Tindale, 2006, p. 454). Both the lack of any privileged position—either audience or rhetor—and the difficulty in attributing the origin of rhetorical constructions to any one viewpoint or rhetor are key components of the conceptualization of rhetoric this paper defends.

### 3. AN ALTERNATIVE APPROACH TO RHETORIC

This alternative conceptualization of rhetoric can be explored through any number of classical philosophers, rhetors and rhetoricians—from Protagoras to Quintilian—who were sophists or were influenced by sophistic traditions. By sophistic I mean the understanding of rhetoric proposed by Poulakos (1983, p. 36) of rhetoric being an “art which seeks to capture in opportune moments that which is appropriate and attempts to suggest that which is possible.” In the interests of focusing the comparison of rhetoric and dialectic so as to bring out in relief the potential intersections and incompatibilities, I will limit this paper to a consideration of Cicero's (trans. 2001) dialogue *De Oratore*. While not a comprehensive catalogue of all potentially useful classical rhetorical models, *De Oratore* does intertwine certain sophistic threads to provide resources for expanding the conception of rhetoric considered by argumentation theory. Two elements in Cicero (trans. 2001) serve as a starting framework to build an alternative definition of rhetoric: the first is rhetoric's expansive, substantive and polyvocal inventive capacity. The second is rhetoric's common resources of invention. These resources derive from rhetoric's multilateral nature, in which the rhetor is not separate from the audience but both are

inextricably bound together in a common rhetorical situation. When read through a sophistic lens, these two Ciceronian elements will provide a clear contrast to the approach that tends to be portrayed in argumentation scholarship of rhetoric working in a unidirectional active-rhetor/passive-audience manner.

Cicero (trans. 2001) emphasizes a rhetor's ability to make use of the rhetorical resources present in a given moment, which are drawn from “the feelings, the opinions, and the hopes of his fellow citizens and of those people whom he wants to persuade” (p. 112). Cicero's expansive approach to invention, of “endless” routes through which rhetors may travel in pursuit of persuasion, exists in tension with the tightly confined progression of the dialectical models (Cicero, trans. 2001, p. 107). For example, the pragma-dialectical approach allows for interlocutors to express any point of view, but it also encourages the other interlocutors involved to either accept or reject those viewpoints in the dialectical progression to resolution of their disagreement, thus constraining any movement toward other possible viewpoints within the immediate acceptance or rejection of interlocutors.

Cicero (trans. 2001) presents a very different vision than the unilateral application of style and audience-constrained appeal offered in argumentation treatments of rhetoric. No matter what a rhetor may wish to say, he is inevitably conditioned by the expectations of the audience even before he formulates a viewpoint. Unlike the discrete interlocutors of the dialectical models, the identities of rhetor and audience in Ciceronian rhetoric are not easily separable. Viewpoints expressed in dialectical argument are constrained after they are expressed and when challenged by another interlocutor. Viewpoints in rhetorical argument are constrained even before they are formulated, as the savvy rhetor must “deal with people as they are,” finding arguments and appeals he knows are likely to appeal to his audience (Cicero, trans. 2001, p. 181). Unlike the intrinsic appeals in Rescher's (1998) definition of rhetoric, the Ciceronian appeals arise out of the contingent relationships among the values and commonplaces that are accepted by or are capable of being made acceptable to those who share a rhetorical situation. The rhetor not only appeals to widely held beliefs, but also combines and rearranges those beliefs to generate a wide-ranging supply of appeals—appeals that are not necessarily held as intrinsically appealing by the audience before the rhetor performs the work of rearranging them. The rhetorical mindset is always inhabiting an unspoken dialogue, considering the range of potential viewpoints and appeals in a given context and continually reconfiguring their possible arrangements. In a sense, neither the rhetor's nor audience's ideas are their own but are instead an inchoate amalgam of each other's.

The sophistic rhetorical approach can perhaps be most clearly seen in the pedagogical practice of antilogy, in which a rhetor-in-training had to argue multiple sides of hypothetical in arguments, not in pitched debates between classmates but in solitary written exercises in which one student had to inhabit multiple viewpoints. Mendelson (2001 and 2002) provides a detailed description of antilogical practice, and, though he seeks to situate antilogy within a contemporary argumentation model, his conceptualization of antilogy is consonant with the conceptualization of rhetoric defended in this paper. Whether through the practice of antilogy or through an expansive and multivocal inventional capacity, sophistic rhetoric does not seem to be compatible with dialectical argumentation models that require discrete, identifiable linguistic acts exchanged between discrete interlocutors.

For example, I do not deny van Eemeren and Houtlosser's (2002, p. 135) claim that rhetoric is "associated with getting your point across to the audience," but I cannot help but consider that, insofar as language and persuasion is social as Tindale (2006) notes, one's own point is never truly one's own but emerges from one's enmeshed position in the network of social discourse. Cicero emphasizes that if a rhetor is a "stranger to the customs of his community," his attempts at persuasion will fail (Cicero, 2001, p. 157). Rhetors can only "get across" points that are in some way bridgeable to an audience's presuppositions but not necessarily bridgeable in an obvious manner. Rhetorical models like the one defended in this paper do not allow for the easy separation of interlocutors, linguistic moves and stages of dialectical progression. Similarly, a dialectical approach does not provide explanations for the symbolic activity that occurs outside of these discrete theoretical categories. In the final section I will suggest potential intersections of the rhetorical and dialectical perspective as described in an example analysis.

#### 4. DERAILMENT AND RECOVERY IN CHURCH-STATE ARGUMENT

Disputes over the proper relationship between religious institutions and government have produced some of the most contentious and sustained disagreements in United States political discourse. Disagreements over government sponsorship of religious practice, particularly over the teaching of religion in state-run public schools, have been a persistent matter of contention since the mid-nineteenth century (Haiman 2003). The example considered below is one of many texts written in response to proposals during the nineteenth century to eliminate mandatory Bible reading from schools in districts across the United States.

The argument of Presbyterian minister W. A. Scott (1859) provides an especially compelling example to use in consideration of the relationship between rhetoric and dialectic, because his argument makes explicit mention of the poor quality of the civic discussion on the topic and he responds directly to outrageous accusations that have the potential to terminally disrupt debate. While Scott's (1859) argument serves as an excellent example of an argument that functions, in despite of serious pressure, to maintain open discussion in which all interlocutors are engaged, it also reveals the fine line between dialectically acceptable arguments and those that derail. Arguments over government endorsement of religion often revolve around an antilogical question of threat posed to religion, and it is this question that can serve to both derail and re-rail debate, depending on the rhetorical skills of the speaker and the context of the debate.

The antilogical claims involved in the debate take the general form of: (A) religious liberty depends on the active endorsement of religion by the government, or, (B) religious liberty depends on the neutrality of the government. Each side appeals to the key value of religious liberty, but the definition of that value is contested. In defending their favoured definition, interlocutors often invoke arguments that violate rules for critical discussion. Scott (1859) reprints responses to a sermon he gave in defence of ending Bible reading that accuse him of acting out of hostility toward Protestant Christianity. So heated are the responses, they cannot engage Scott's viewpoints as he makes them. In attacking his motives, his critics violate the pragma-dialectical rule that forbids an interlocutor from attacking a viewpoint not actually forwarded in discussion and misstating an interlocutor's position (van Eemeren & Grootendorst 2004). However,

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since the interlocutors are all heavily invested in the nebulous concept of religious liberty, it is that idea that Scott (1859) keeps as the central term in his response, while also explaining how his interlocutors are wrong:

Nor is it true that, by not compelling the reading of the Bible in the Public Schools, the Word of God is *withheld* from children. There is no prohibition to their using the Bible—*any Bible* they or their parents may chose. There is no inquisition into their homes, commanding them not to read the Bible [...] It is, then, altogether misstating the points at issue to cry out against the monstrous wickedness of violating our Institutions by withholding the Protestant translation of the Scriptures from the youth in our Public Shools [sic]. There is no withholding; there is only this: we do not wish the Constitution and laws to be violated by doing violence to the consciences of our fellow citizens. (pp. 68-9)

Scott's appeal to the threat posed to liberty of conscience operates not only as a proposition intended to convince his interlocutors of the rightness of his position but also as a way to re-order a stalled discursive movement, though he does so at the risk of furthering the alienation of his interlocutors. He re-purposes the dire accusations that he is the enemy of religious liberty, suggesting that the true threat to liberty are those who seek to use government to support one religious point of view. He does so with the aim of creating an appeal to a threat that overwhelms the threat-appeal of his opponents. As Scott answers his opponents' charge and makes a claim about the consequences of their desired policies, instead of casting aspersion on their motives, his argument adheres more closely to the rules for critical discourse than those of his opponents. However, he does not simply say that government endorsement of one religious point of view threatens liberty. He says it “does violence to the conscience,” and elsewhere in his text pursues equally vivid portrayals of the threat to religious liberty as he sees it. These appeals to pathos conflict with the requirement that critical discussions avoid appeals to non-argumentation (van Eemeren & Grootendorst, 2004), but aim to serve another role in Scott's attempt at furthering the discussion.

Scott is not only responding to his interlocutors to tell them they are wrong (and why they are wrong). He is also attempting to reconfigure their understandings of religious liberty, threats to that liberty and what arguments and appeals they will find persuasive on those topics. This antilogical rhetorical work depends on the ambiguous and contingent nature of the terms being discussed. Unlike the acceptance or rejection of dialectical argument, antilogy need not have as its immediate goal of persuading another to accept a viewpoint. Gagarin (2001, p. 282) suggests that antilogy was not primarily used by ancient sophists to persuade audiences but rather to unsettle audience expectations about the nature of language and argument. Gagarin's configuration of rhetoric matches well Poulakos' (1983) sense of sophistic rhetoric as concerned with the possible and Ciceronian rhetoric's concern for a thorough exploration of the potential means for persuasion as are found in the arguments and knowledge common to both rhetor and audience. The operation of rhetoric can be responsible for disruption of dialectical acceptability of an argument, and it cannot guarantee its restoration once disrupted. Indeed, Scott did not win over many of his critics. But, once argumentation has derailed, rhetoric can provide the means for opening up solidified attitudes through appeal to the ambiguity and plurality of opinion existing in a given rhetorical setting.

## 5. CONCLUSION

The rhetorical play of language may be used to persuade, or it may be used to expand the notions of the persuasive. This latter function works at a level once-removed from the immediate back-and-forth of dialectical conversation, and at that level is not bound by the rules for dialectical proper communication, especially the final rule proposed by van Eemeren and Grootendorst (2004, pp. 195-6) that viewpoints cannot be “confusingly ambiguous.” Rhetoric thrives on the confusingly ambiguous, and the rhetorical activity of reworking notions of the possible and the persuasive may be necessary components in the larger context of persuasion wherein arguments tend to move swiftly on and off the dialectical path to resolution. Rhetoric may be able to illuminate what dialectic cannot show us, namely the linguistic activity that takes place when the rules for critical discussion are not followed, even if it does not offer models of discrete speech acts due to its contingent and nature and reliance on ambiguity.

[Link to commentary](#)

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