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Commentary on: Leo Groarke’s “On Dove, visual evidence and verbal repackaging”

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In his paper, Leo Groarke takes issue with Ian Dove’s (2012, p. 223) attempt to “find a legitimate place for visual elements within argumentation”. While Groarke welcomes Dove’s proposal as one which does not reject the role of visual elements entirely, he is nonetheless critical of his attempt to minimize the role they play within arguments, by merely considering them as evidence corroborating or refuting the premise of an argument but not as being the premise itself. As Dove maintains in his article: “one doesn’t infer the truth of the claim from the photo, one perceives it” (p. 228). It is precisely with this distinction that Groarke takes issue, and rightly so, discussing in detail the argument that led to the conviction of the Doggetts couple in the People v. Doggett 1948 trial.

To perceive a picture is one thing, as it is to recognize that a sentence is written in a language one speaks. But this is only the first step in the process of interpreting the meaning of a verbal or non-verbal stimulus in a given context with the aim of acting upon it. As Groarke shows, the judges did not merely perceive the truth of the claim that the Doggetts engaged in the illicit act, by just looking at the photo which depicts the couple having oral sex. They previously had to establish a series of facts about the point in time when the picture was taken, the place where it was taken, and that the defendants were the persons shown in the picture. In addition to the above, they had to ascertain that the picture had not been faked. It is on these grounds that the judges could infer that the couple depicted in the photo is the Doggetts engaging in the illegal act, and ultimately make use of that picture as probative evidence to convict the Doggetts.

Groarke, rightly in my opinion, stresses the need to consider the visual and the verbal elements on equal terms instead of reducing the visual to the verbal, assuming that the core argumentative component is the verbal, as Dove suggests. This is precisely what he shows by proposing an alternative reconstruction of the argument in the Doggett trial, acknowledging the direct contribution that the photo made in it. Nevertheless, I think that the goal for a comprehensive theory of argument that Groarke has been advocating, and which I fully endorse, is undermined by his own tacit acknowledgement of argument as product.

In his paper, Groarke (2013, p. 2) describes Dove’s contribution to the study of visual argument as one that “ascribes the visual a role in argumentation but not within argument itself”. Is this really where the problem with Dove’s approach lies?
I suppose it depends on what one means by ‘argument’ and ‘argumentation’. In a view of argument as procedure rather than as product, I cannot see the problem in accounting for the contribution of visual elements in argumentation studied as a social and rational communicative activity, as I have tried to explain in my paper (Tseronis, 2013). It is clear from Dove’s discussion about logical support and the representation of the argument in modus ponens that he takes a view of argument as product. But what about Groarke? It may be that with this formulation Groarke is trying to stress his criticism of the peripheral role that Dove seeks to assign to visual elements. But why consider that visual elements can only play a central role only when they are shown to convey the premise in support of a conclusion? What about the contribution of visuals and other non-verbal elements in other moves that two parties need to carry out in an argumentative discussion?

After all, when reconstructing the argument that led to the conviction of the Doggetts from a pragma-dialectical perspective (van Eemeren et al., 2002) it is clear that the photo plays a direct role in it. The difference between what Dove and what Groarke take the role of the photo to be boils down to reconstructing the premise concerning the role of the photo as support for the sub-standpoint of the discussion (in Dove’s case) or as support for the main standpoint (in Groarke’s case).

Below is a representation of Dove’s reconstruction of the argument, following the pragma-dialectical notation of argument structure, in which premise 1.1a.1 supports subordinatively premise 1.1a, and thereby indirectly the standpoint:

1. The Doggetts should be convicted
   1.1a The Doggetts engaged in the act of oral sex
      1.1a.1 The photo shows Doggetts engaging in the act of oral sex
   1.1b Engaging in the act of oral sex is illicit

Here is the pragma-dialectical reconstruction of the version of the argument proposed by Groarke, in which premise 1.1c is taken coordinatively with premises 1.1a and 1.1b to support the standpoint directly:

1. The Doggetts are guilty
   1.1a The photographs depict the Doggetts engaged in oral sex
   1.1b The act is illegal under the California criminal law
   1.1c The photographs are acceptable as evidence
      1.1c.1 Verbal and visual evidence has established that the photographs are authentic and reliable

While I take Groarke’s reconstruction to convey more faithfully the judges’ reasoning behind the Doggetts’ conviction, I do not consider Dove’s relegation of the visual to the function of a subordinate argument to be the main problem here. To put it another way, discussing whether visual elements play the role of premise or of verifying/ falsifying evidence only ends up endorsing the view of argument as a product and risks limiting the search for the possible contribution of visual elements to basically playing an evidentiary role.
Moreover, I do not think that it is entirely clear in Groarke’s discussion of Dove’s views where the visual argument is to be found and what place the photo takes in it. Are we to look for visual arguments in a discussion about a photo or some other non-verbal element? I hope not. A situation in which the credibility of a photo is under discussion does not provide any guarantee that the arguments adduced in it be visual. See for example the discussion whether the World Press Photo of 2013 is a fake or not. Groarke’s (2013, p. 3) formulation “the Doggett trial seems to be a very clear case of visual argument” leaves me wondering about what the ‘visual argument’ actually involves.

This said, I take Groarke’s focus on the examination of the evidence corroborating the authenticity of the photo and the correct depiction of the persons in it, before accepting that picture as probative evidence in the trial, to provide a good starting point for considering the critical questions pertaining to the use of a photo as argument in support of a standpoint. It surely provides an answer to Fleming’s (1996) criticism that photographic pictures cannot be put into question and suggests ways in which we can start thinking about the evaluation of visual arguments.

All in all, the Doggett trial can be regarded not only as a paradigm shift in jurisprudence regarding the acceptance of photos as silent witness to speak for itself but also, and most importantly for us here, as a case study that allows argumentation scholars to explore the questions that arise from taking visual arguments seriously. Besides the Doggetts and the California court, we may thank Dove and Groarke for that.

REFERENCES


