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Legitimizing Past Actions through Appeals to Moral Values

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Abstract: This paper analyzes Hasan Nasrallah's strategic use of post-hoc/retrospective argumentation not only as means to justify and legitimize already taken actions, during the Israeli war on Lebanon in 2006, but also as a defense mechanism to rebut oppositions' counter-claims. Retrospective critique in this paper will aim to demarcate the legitimating function of appealing to moral values and religious obligations that most Lebanese are expected to cherish.

Keywords: argument schemes from positive and negative consequences, justifying past actions, moral values, religious obligations, retrospective/post-hoc argumentation, sacrifice

1. Introduction

Much of the research done on political discourse in the field of argumentation focuses on prospective practical reasoning (Audi, 2006; Walton, 2003, 2007) or practical arguments (Fairclough & Fairclough, 2012) whereby agents deliberate over possibilities for action, present reasons in favor of and/or against performing a particular course of action as well as consider other alternatives. This is mainly related to the nature of the political system in the Western world where '*deliberative democracy*' necessitates deliberation over what '*ought to be done*'. As a consequence, and within argumentation studies, political communication primarily belongs to the deliberative genre[1] (van Eemeren, 2010; van Eemeren & Grootendorset, 2004; Walton, 1990, 2003, 2007). To deliberate over '*what ought to be done*', arguers engage in moral-practical argumentation through which the "rightness of norms of action" (Habermas, 1984, p. 23) are justified and legitimated. Moral argumentation serves, as Habermas (1990) clarifies, to settle conflicts of action by consensual means. To repair a disrupted consensus means either "restoring intersubjective recognition of a validity claim after it has become controversial or assuring intersubjective recognition for a new validity claim" (Habermas, 1990, p. 67). It is the former dimension of argumentation that this paper is interested in.

van Eemeren (2013) has recently asserted that "political theorists recognize that the argumentation put forward in political discourse is also often about past performances and require a retrospective account" (p. 28). The paper, thus, aims to shed light on the post-hoc/retrospective argumentation that Nasrallah employs in his justification of an already taken action. Fairclough and Fairclough (2012) accentuate that argumentation put forward to justify *past* actions develops in relation to a counter-argument "whose claim was that the action should have not been performed, because it would lead to negative effects" (p. 134). Therefore, the

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[1] Walton (1990; 2003) distinguishes between deliberation whose aim is to decide which course of action should be taken (prospective) and persuasion dialogue (or critical discussion) whose aim is truth-seeking rather than action-oriented and is directed towards finding a resolution to contested views. However, van Eemeren (2013) considers deliberation as a multi-varied genre of communicative activity types ranging from a parliamentary debate to Internet discussion forums, which starts from a projected disagreement and aims at convincing a third-party audience.

arguer has to show that the negative effects, which were predicated by opponents, have not materialized and that the intended goals behind the action were achieved. Consequently, the claim that the action was right is empirically verified (Fairclough & Fairclough, 2012). Fairclough and Fairclough's proposal for justifying *past* actions presupposes deliberation prior to the doing of the action (mainly, in the form of practical arguments which gave rise to the conclusion that *we ought to do this particular action*); and that criticisms or speculations regarding the cited negative consequences of the action (in the form of counter-arguments) were advanced before they actually materialize. The arguer, then, embarks on justifying the criticized *past* action by showing that the cited negative consequences have not occurred, and if they did, they have not undermined the intended goal.

However, Hassan Nasrallah's[2] post-hoc/retrospective argumentation takes a completely different path. In fact, the criticized *past* action was taken unexpectedly and unilaterally by Nasrallah. There has been no prior deliberation regarding the taken action. As a result, the opponent's counter-claim (that the taken action was wrong) can be seen as a response to the practical reasoning that Nasrallah might have, hypothetically, passed through to reach the conclusion that he '*ought to do the action*'. Secondly, the opponent's counter-arguments are advanced only after concrete, rather than anticipated, negative consequences had already emerged and had in many respects undermined the intended goal. Therefore, Nasrallah's strategy for legitimizing a *past* action depends on: downplaying and trivializing the impact of the negative consequences on the intended goal, i.e., to show that the goal is more important than the materialized negative consequences; capitalizing on the materialized positive consequences to show that these outweigh the negative ones cited; and finally, referring to publicly shared moral values, on the one hand, and group-specific (Hezbollah's immediate audience) religious duties and commitments which motivated the action, on the other. By invoking two sources of normativity to restore intersubjective recognition of a *past* action, Nasrallah delegitimizes his opponent's counter-claim (that the taken action was wrong) and exercises constraint on its acceptability by manipulating the comparative strength of the values that the arguments and the counter-arguments adduce (Bench-Capon, 2003); i.e., the values of freedom and sovereignty versus human suffering and sacrifice.

2. Retrospective reasoning

Walton (1990; 2003) maintains that retrospective reasoning is often used in legal and ethical argumentation with the objective of resolving a difference of opinion or settling a dispute rather than deliberating over plausible courses of action. An example of legal argumentation takes the form of a criminal trial where the prosecutor and the defense reconstruct plausible accounts of the agent's (accused) deliberation at the time when he/she committed the crime or action. In other words, both start from the known facts and circumstances of the crime and hypothesize what might have been the agent's plausible premises that led to the action (Walton, 1990). This is the retrospective use of practical reasoning which, according to Walton, starts from the agent's

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[2] Hassan Nasrallah is a highly valued religious and political figure in Lebanon and is considered by many Lebanese (followers and opposition audience as well) as a highly charismatic figure (see Dina Matar, 2008). He is the general secretary of Hezbollah, an anti-Zionist and anti-Israeli resistant movement which was established in 1983 in response to the Israeli occupation of Lebanese territories.

actions and reasons backwards in order to determine what might have been the agent's real intentions and commitments that led to the action.

In ethical argumentation, a retrospective discussion aims at judging whether a particular action can be justified as being right or wrong. Retrospective ethical reasoning, as Walton (2003) explicates, takes place when agents are involved in evaluating the rightness, or otherwise, of a *past* action taking from the facts or the known circumstances the starting point in order to arrive at a moral/ethical evaluation of the *past* action. The conclusion of such a retrospective account has the form: agent A has done something right or wrong. According to Walton (2003, pp. 80-82), to reach an ethical judgment regarding a *past* action, agents reason from two types of inferences: the first type of inference classifies the action as falling under a general ethical rule or definition; the second inference attaches an ethical or moral approbation or disapprobation to the action in question. These two types of inferences form what Walton calls the *chained inference theory*.

In both types of retrospective reasoning mentioned above, the evaluator or the judging party starts with the presumed facts and probes backwards to arrive at a hypothesis that best explains the facts or the nature of the action in question. This is the abductive type of reasoning which takes the observed facts, the claim/conclusion, its starting point and probes backwards into the reasons or explanations of the observed facts. The legal or the ethical issue of the case (the conclusion) becomes the focus of the argumentation and the facts provide the evidence that is translated into premises to support the claim advocated.

3. Moral argumentation

Perelman (1980) states that the purpose of argumentation is to establish adherence with audience and that the reasons given in support of claims have to relate to audience's aspirations and convictions in order to induce assent. During confrontation, each party involved in the dispute may refer to values "in order to induce the hearer to make certain choices rather than others and, most of all, to justify those choices so that they may be accepted and approved" (Perelman & Olbrechts-Tyteca, 1969, p. 75). Value-based argumentation/justification seems essential to politics where policies or proposals for action are justified in terms of the values that these arguments protect, realize or promote. The acceptability of arguments based on values, favoring one policy or action over the other, depends on the relative force that the audience ascribes to the values which these arguments and counter-arguments adduce (Bench-Capon & Atkinson, 2009). To use Bench-Capon and Atkinson's (2009) example, the acceptability of the claim: an oppressive government is better than no government at all, depends on whether the audience values freedom over order or vice versa. In the case of multiple audience[3], one group of the audience will ascribe more force to one argument while the other will take a different choice. This entails that values seen as "objects of agreement" (Perelman & Olbrechts-Tyteca, 1969, p. 74) are also the very source of disagreement by virtue of the *hierarchy of values* that different groups of audience identify with. Therefore, to induce acceptability disputants have to "identify the value conflict at the root of the disagreement so that preference between values can explicitly inform the acceptance or rejection of the competing arguments" (Bench-Capon, 2003, p. 4330).

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[3] van Eemeren (2010) distinguishes between 'multiple audience' consisting of individuals and groups having different positons regarding the difference of opinion and a 'mixed audience' consisting of individuals and groups where the difference is related to starting points.

Walton (2007) distinguishes between instrumental practical reasoning/scheme (G is my goal, bringing about A is a necessary condition to realize G; therefore, I ought to do A) and value-based practical reasoning where an additional value premise explicitly states the values which inform the goal (G is my goal, G is supported by my set of values, bringing about A is necessary to realize G; therefore, I ought to do A). In value-based practical reasoning, values are not only reasons indicating why an agent desire a goal, but they are also reasons grounding the choice between alternative actions. Since it is possible to realize a goal through different actions, the choice of a particular action, thus, depends on the preference between the values (ordering/hierarchy of values) that each action in expected to promote or protect (Bench-Capon, 2003; Bench-Capon & Atkinson, 2009; Bench-Capon et al., 2012). Similarly, Fairclough and Fairclough's (2012) proposal for practical arguments ascertains the importance of values in informing the goal (the future state of affairs for which the action is performed) and in informing the decision about what *should be done*. The proposed action will, presumably, transform the current state of affairs to match the agent's goal which is itself informed by the agent's values. In this respect, values restrict the range of actions or the means available to realize the goal and the choice will, eventually, depend on the compatibility of the proposed actions with the agent's values (Fairclough & Fairclough, 2012, pp. 44-46).

The scheme of practical arguments or reasoning is one of many argument schemes in which values inform agent's decisions or choices. Groarke and Tindale (2004, Ch. 5) suggest five schemes '*of value*' in which empirical and moral reasoning are combined when debating about moral or political issues. For example, the slippery-slope argument combines causal reasoning about the consequences of an action (A causes B, B causes C, and so on to X) with moral consideration about the desirability of the consequences (X is undesirable/desirable, bad/good) in order to attribute a value (ethical) judgment to the action (A is wrong/right or should be avoided). In the two-wrongs reasoning scheme, the justification of the action rests on weighing the moral character, potential wrongness, of the action (the action is a response to another/previous wrong action) against the perceived wrongness or injustice of a previous action which the proposed action intends to correct or alleviate, i.e., to show that the proposed action is relatively less wrong than the action which triggered the response. However, Walton and Macagno (2010) suggest a different set of schemes that are involved in reasoning form values and to whom this type of reasoning is conceived as:

> A type of argumentation leading an interlocutor to consider something desirable for him, and, therefore, to accept it as an object of action. The process of reasoning can be described as follows: x (an action, an object, or a viewpoint) can be judged positively or negatively according to a value V; according to the desirability of x, x can become an action worthy for the agent or not. The fact that the action is or is not a goal determines whether the agent maintains or retracts his commitment to x. The core of this scheme is the value, that is, the reason for desirability. (p. 2007)

In this respect, the process of reasoning from values is twofold: first, the desirability of the action/goal results from classifying the action as falling within a value (categorize something as good/desirable or bad/undesirable) using the scheme of argument from classification; secondly, the scheme of argument from values leads the agent to desire/retain or retract commitment to a specific action/goal (values provide reasons for action). However, Macagno (2013) convincingly argues that this twofold process forms the first type of reasoning from

values as it only describes the "passage from the commitment to a specific abstract goal" (argument from classification by values), "to the commitment to a specific one" (argument from values) (p. 8). According to Macagno (2013), these schemes constitute the first component of ethical reasoning which is directed towards making the goal/action fall within the agent's desirable or undesirable categories. However, to move from moral judgment (an action or goal is desirable or not) to a decision to act, practical reasoning scheme is used to lead an agent to conjecture and, eventually, to decide on what he/she ought to do. This scheme grounds the decision for action as being the means necessary to realize the agent's goal (G is my goal, bringing about A is a necessary condition to realize G; therefore, I ought to do A). Argument form consequences is another scheme of reasoning which leads an agent to favor a particular decision. Given the foreseeable positive or negative consequences of the action and the desirability or not of these consequences (moral evaluation) the agent decides whether the action should or not be brought about. In all these schemes, it is moral consideration and evaluation which ensue that something is desirable and lead an agent to decide on how to act, i.e., direct behavior.

4. Speech context

On the 12th of July 2006, and after a few hours of Hezbollah's sudden military operation—named 'the sincere promise' during which Hezbollah kidnapped two Israeli soldiers—Nasrallah held a press conference. In this press conference, Nasrallah declares that the 12th of July marks 'loyalty day' to three Lebanese prisoners who have been held captives in Israel for several years. In other words, the operation of kidnapping the Israeli soldiers is done for the sake of freeing three Lebanese prisoners. On the night of the same day of the operation, the Israeli cabinet voted on a wide ground military operation to be waged on Lebanon to restore the Israeli soldiers and to dismantle Hezbollah's military power. Within the first days of the Israeli war, which lasted for thirty-three days, hundreds of Lebanese civilians were killed, thousands injured and hundreds of thousands were displaced in addition to enormous damage to the infrastructure. As the Israeli aggression increased in its severity and brutality, the opposition party's (14th of March coalition) criticisms and objections to Nasrallah's kidnapping of the Israeli soldiers dramatically heightened. The opposition's counter-claim and arguments can be seen as a response to the hypothetical or retrospective practical reasoning which lead Nasrallah to take the decision of kidnapping the Israeli soldiers (the result of this reasoning gave rise to the claim that he ought to do the action). The opposition claims that the kidnapping of the Israeli soldiers (*past* action) was not the right action due to the negative consequences which has already materialized. The action instigated an open war with Israel which destroyed, devastated and ruined the country. One of the main negative consequences is related to human suffering in terms of death toll and injuries which this war has caused. As a consequence, the major criticism lavished against the action (kidnapping) is related to questioning the moral values underpinning the nature of the action, i.e., whether the price paid for freeing three Lebanese prisoners worth destroying the country and shedding the lives of hundreds. Finally, the opposition argues that there are other actions that could have been taken to free the three prisoners such as seeking diplomatic channels to swap prisoners—as has been successfully done before.

Three different types of schemes 'of value' are used by the opposition to emphasize the undesirable character of the action. The argument scheme from negative consequences is used to evaluate the ethical character of the action (kidnapping of Israeli soldiers). Therefore, based on

the materialized negative consequences/facts (death tool, thousands injured, destroyed infrastructure) and given the disastrous or the horrendous nature of these consequences; it follows that the action of kidnapping the Israeli soldiers was wrong or should have been avoided. Moreover, the opposition classified the action as falling within the category of actions which destroyed and ruined the country, thus, categorizing the action as bad/undesirable - argument from classification by values (Macagno, 2013). The core of the conflict is whether the freeing of three Lebanese prisoners worth the cost paid—argument from negative values. On the 25th of July 2006[4], and after two weeks of the Israeli war, Nasrallah gave a broadcasted speech in which he attempts to rebut the opposition's counter-claim and arguments (that the action was wrong) and to provide his own moral/ethical evaluation of the action (that the action was indeed right).

5. Moral justification of the action of kidnapping Israeli soldiers

Nasrallah's attempt to justify his action of kidnapping the two Israeli soldiers takes the form of abductive reasoning; i.e., starting from the facts (the positive and negative consequences of the action) Nasrallah draws a hypothesis/conclusion about the nature of this *past* event. In his attempt to rebut opposition's counter-claim, Nasrallah aims to show that the materialized positive consequences outweigh the negative ones. Secondly, the negative consequences, in the form of human losses and sacrifices, are depicted as necessary means for the sake of a noble goal or cause (protecting and defending Lebanon). Finally, Nasrallah invokes publicly shared moral values and group-specific religious obligations and values (shared by Hezbollah's members and audience) to emphasis commitment to the action.

The first level of justification is related to enumerating the positive consequences that have already materialized. According to Nasrallah, one of the most important positive consequences of the action (the kidnapping of the two Israeli soldiers) is that the 'Zionist enemy found himself in a humiliating position' which caused Israel to rush the war 'instead of continuing their preparations'. Nasrallah claims that the Israeli war is a pre-planned scenario which would have taken place in September or October had he not forced Israel to start it in July. The other positive consequences are: depriving Israel from taking Hezbollah (and the whole country) by the element of surprise; and preventing the worst war scenario from being implemented. Given the anti-Zionist or the anti-Israeli ideology that most Lebanese subscribe to[5], these positive consequences are perceived as good/desirable (moral reasoning/evaluation); therefore, leading the audience to judge the action of kidnapping the Israeli soldiers as being the right action.

The argument form negative consequences is related to the hazardous effects had Nasrallah not taken the action (the war scenario would have been implemented) which is narrated in the form of a hypothetical war scenario. For example, part of the pre-planned war scenario, according to Nasrallah, is a wide ground military invasion to the south of the Laytani region to prevent Hezbollah from launching missiles on Israel. At the same time, air strikes are expected to bomb a set of high profile objectives, for example, raiding the homes of senior

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[4] The Arabic version of the speech can be downloaded from: http://www.mediarelations-lb.org (Retrieved February 14, 2014). I have provided the translation of the speech, however, a poorly translated English version can be downloaded from: http://www.jooneybooney.com/2006_07_01_archive.htm

[5] The anti-Zionist or anti-Israeli ideology is an overarching ideology that most Lebanese subscribe to. However, this does not mean that they adopt Hezbollah's religious ideology nor do they approve all of Hezbollah's resistance or military activities.

Hezbollah officials for the goal of paralyzing Hezbollah's military power, hence, terminating Hezbollah. According to Nasrallah, this is the 'worst war scenario and the 'most dangerous plan' which is supposed to take place had Nasrallah not captured the Israeli soldiers. This chain of causes which the war scenario is expected to trigger takes the form of the slippery-slope argument which combines (hypothetical) facts with moral consideration of these consequences. It goes without saying that these consequences are undesirable/bad; therefore, the war scenario should be prevented from taking place. Since the kidnapping of the soldiers prevented the realization of the pre-planned war scenario, which is a desirable state of affairs, it follows that this action can be evaluated as being the right action.

The first level of justification aims at rebutting the opposition's counter-claim (the action was wrong because of the negative consequences). The moral or the ethical conclusions that are derived from arguments from positive and negative consequences favor a positive judgment of the action—that the action was right. The second level of justification emphasizes the moral values which informed the action, thus, these values are the reason for classifying the action as being desirable (Macagno, 2013; Walton & Macagno, 2010), and to be accepted as an object for action. The action which was classified by Nasrallah's opponents as falling within the category of actions which ruined the country, is classified by Nasrallah as an action that saved and rescued Lebanon and the Lebanese people from the worst war scenario—argument from classification by values. Despite the fact that the action of kidnapping the Israeli soldiers has brought war, it has to be regarded as one of the actions of the resistance movement and as serving the goal of achieving Lebanon's 'freedom, true sovereignty and true independence'. Classifying the action as falling within the category of the praised and the honorable actions of the resistance movement (Hezbollah) entails attributing these qualities to the action. According to Macagno (2013), "the instantiation of a value to the action", make it desirable, "to the specific commitment concerning it" is achieved through argument from values (p. 8). Adopting Macagno's (2013) argument from values scheme Nasrallah's argument can be reconstructed as follows:

Premise 1:   The kidnapping of the Israeli soldiers is an act of resistance
Premise: (Any action directed against Israel is by definition an act of resistance)
Premise: (Any act of resistance is honorable and praised for itself)
Premise 2:   Acts of resistance are praised and honored by most Lebanese
Conclusion: The action of kidnapping should be honored and praised

At this level, Nasrallah invokes widely shared moral values that should guide the positive evaluation of the action (being an act of resistance, it is supposed to defend and protect Lebanon). For the third level of justification, Nasrallah invokes group-specific religious values and obligations[6] to legitimize and honor the sacrifices. In his speech, Nasrallah evades mentioning most of the negative consequences that are cited by the opposition (severe damage to infrastructure, the displacement of thousands from their villages, the economic cost of the war). The purpose is to downplay and trivialize the negative effects while capitalizing on the positive ones to tilt the balance in favor of the action. However, the only negative consequence that Nasrallah acknowledges is the one that is related to human losses or sacrifices. Consequently,

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[6] Hezbollah perceives the act of resisting Israel as a religious duty and obligation which all members of Hezbollah and those who affiliate with it have to abide by. The Shiite Islamist view, to which Hezbollah ascribes, holds that God's promised victory over Israel is only achieved through defiance and sacrifice.

Nasrallah selects value-laden or emotive words that convey religious convictions such as 'martyrdom' and the 'promised victory' which alludes to the 'Divine Promise'. Hence, martyrdom 'creates victory' and 'all this blessed blood must win over the sword', i.e., God has promised Hezbollah (being God's party) victory which is not attainable only through sacrifice and steadfastness. Based on this perspective, the negative consequences in terms of death toll are seen as sacrifices for 'our [Hezbollah] true and primary slogan is dignity first' and that this war is 'the battle of true sovereignty and true independence'. Therefore, Nasrallah is advancing an argument from sacrifice (Walton et al., 2008, p. 322) to emphasize the nobility of the goal which the action of kidnapping is supposed to serve. Adopting the argument structure of this argument scheme from Walton et al. (2008), Nasrallah's argument from sacrifice can be reconstructed as follows:

Premise 1: For Lebanon's dignity, sovereignty and independence, sacrifice in terms of martyrs and the death of thousands of innocent lives is made

Premise 2: If a great sacrifice has been made, then the value of the action to whom he sacrifice is made will be greater

Premise 3: A great sacrifice has been made

Conclusion: Lebanon's dignity, sovereignty, freedom and independence worth these sacrifices

On this perspective, the negative consequence, human losses, which was seen by Nasrallah's opponents as huge cost paid for the sake of freeing three Lebanese prisoners is presented as a necessary cost for the sake of a noble goal (Lebanon's sovereignty and independence). Invoking religious commitments is an effective way of adapting to Hezbollah's immediate audience. It is Hezbollah's fighters who are at the battlefield and it is his immediate audience who are paying the highest price and whose blood 'will win over the sword'. The argumentation that Nasrallah has put forward to justify his action and to rebut the opposition's claim is summarized in Figure1.
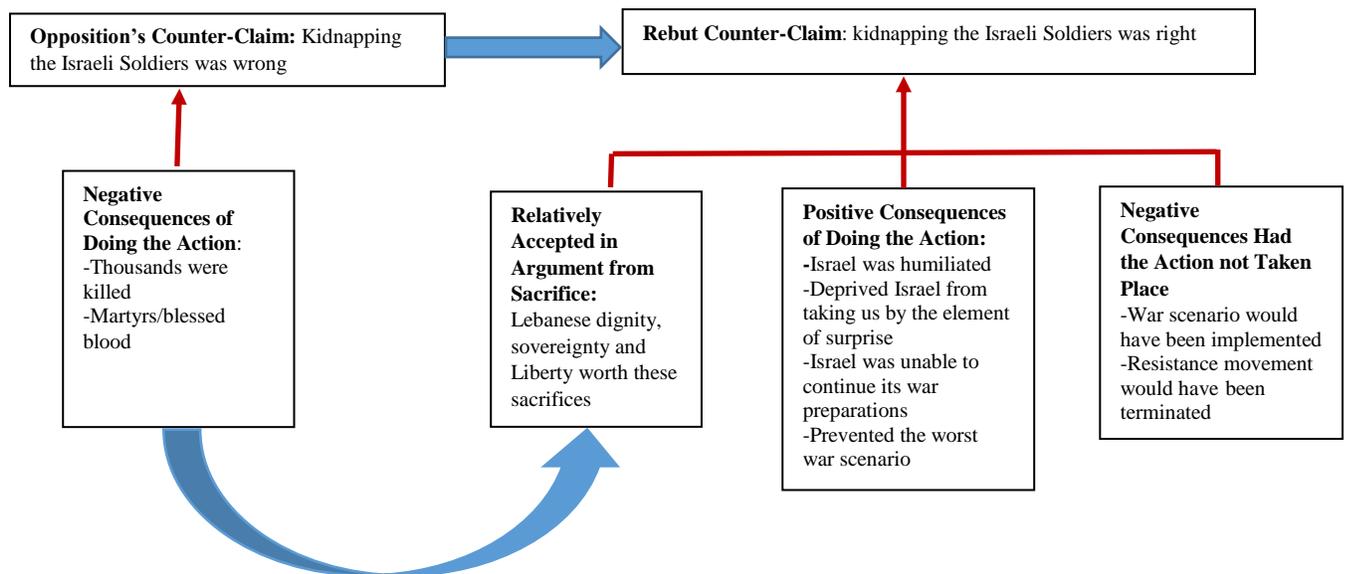
Figure 1: Reconstruction of the Argument

6. Conclusion

The analysis aims to show the moral argumentation that Nasrallah employs in his justification of a *past* action as means to restore intersubjective recognition. Nasrallah manages to frame the dispute regarding the action in terms of conflict of values. Given the heterogeneous nature of the Lebanese audience (those who support Hezbollah, others who are completely against it), yet, there is an overarching anti-Zionist/anti-Israeli ideology that most Lebanese abide by, despite evident nuances. This is the shared moral values that Nasrallah invokes in his legitimation of the action. The opposition advanced argumentation from values based on their own preferences or hierarchy of values. To them, the cost that is paid (death toll) is incompatible with the expected freedom of three Lebanese prisoners. The religious perspective that Nasrallah invokes aims at 'converting those who disagree to a different appraisal of social values' (Bench-Capon & Atkinson, 2009, p. 47). Therefore, the issue is no longer related to freeing only three Lebanese prisoners, but in defending and protecting the freedom and sovereignty of Lebanon.

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