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THE VALUE OF VALUES

If...existence precedes essence, and if we grant that we exist and fashion our image at one and the same time, the image is valid for everybody and for our whole age. Thus, our responsibility is much greater than we might have supposed, because it involves all man-kind. ... Therefore, I am responsible for myself and for everyone else. I am creating a certain image of man of my own choosing. In choosing myself, I choose man.

Sartre, *L'existentialism est un Humanism*, 1947, p.37

In this passage Sartre is pointing out the awesome responsibility placed on humans because they are free. It is also very similar to Richard Weavers' view of the nature and purpose of rhetoric. That rhetoric "truth plus its artful presentation" (Weaver 53) addresses itself to the most important of all ends, the persuading of human beings to moral and ethical thoughts and actions based on morals and ethics (Weaver 1970). Weaver, as a neo-platonist, views the goal of true rhetoric as the attempt to improve the audience by showing them better versions of themselves.

In the early 1990's a legal scholar named Pierre Schlag wrote a series of articles that attacked the use of normative (value) thought and rhetoric. He does this in two main ways 1) he denies that people have free will and 2) he believes that value talk is not persuasive or effective and should be taken out of rhetoric. This paper will first set up Weavers' definition of humans and rhetoric. This paper will then set up Schlags' argument against normative rhetoric. Finally, the paper will show the flaws in Schlags' argument and how it violates the definition of humans and rhetoric according to Weaver.

Throughout the history of collegiate debate all the styles of debate have begun with ethos, pathos, and logos were primary concerns. As the different styles developed they evolved into concentrating on logos and forgetting about ethos and pathos. IPDA now stands at the beginning of that evolutionary step. By addressing Schlag's arguments it is hoped that the members of IPDA will remember to keep logos balanced with ethos and pathos.

Review of Literature

First, Schlag attempts to argue that we should discontinue the use of normative rhetoric (values terms in argumentation). He points out that each and every social, legal, and political event is represented as an event calling for a value-based choice. He does not feel that any of our choices make any direct effect on society or politics. Schlag believes that telling people that they have choices (free will) just reinforces the current societal structures and prevents any real change from occurring (June 1991, 1702). Schlag posits that the basic belief that people are free actors is the main problem. It causes people to believe that "sovereign individuals...control the levers of social machinery." But no real control of the "social machinery" exists so normative rhetoric just serves to reaffirm the current "bureaucratic practices" (June 1991, p.1739). In other words the belief in free will only serves to reinforce the power of the state.

Viewed in this light, we can understand normative legal thought not as a noble attempt to criticize and reform the structures and practices of bureaucratic domination, but rather as a kind of discourse that has already been unconsciously captivated by those very same structures and practices. The pathways, the issues, the problems of normative legal thought are already constituted by bureaucratic domination...Rather than contributing to our understanding or to the realization of the good or the right, all this normative argument perpetuates a false aesthetic of social life – one that prevents "us" from even recognizing the sort of bureaucratic practices that constitute and channel our thought and action (Schlag, June 1991, p.1740).

In April of 1991, Schlag argued that normative language was not what it represented itself to be, but that it was a tool of social control. He feels that this type of rhetoric is simply used to "reproduce" the "ugly realities" that it condemns (p. 805). In this way he views normative rhetoric as merely a "language game" (November 1990, p.183). This sets up Schlag's argument in two parts: 1) he denies that people have free will and 2) He believes that value talk is not persuasive or effective and should be taken out of rhetoric.

Now let's look at the theories of Richard Weaver, who divides humans into three parts: body, mind and soul. He sees the body as the "physical being" where the mind and soul are stored. Body is the part of the human that, because of a desire for "sensory pleasure," can cause immoral behavior. The mind gives us the capacity "judge between right and wrong." Soul is what guides the human body and mind to choose between good and evil. In all three parts of Weaver's definition of humans is the belief that humans possess free will. Humans have the "power of choice" and the responsibility to base those choices upon truth, ethics and values (Weaver, 2002). Weaver is not alone in this belief that humans, by their nature, are free actors. Margaret Radin and Frank Michelman argue that "subjectivity" or "agency" is an irreversible and basic aspect of our "experience of (human) being." Part of what we do, as thought-creating actors, is to think about ways to make the world better and ourselves better actors toward it. We cannot deny our own free will. "We cannot speak the sentence of denial except as speaking subjects, affirming by speaking the sentence what the sentence means to deny." In other words, by questioning free will you also "(re)affirm, (re)create, (re)construct" free will (1991, p. 1058). Daniel Dennett, refers to free will as a "biological endowment" that society extends and enhances. That it comes from a desire to be in control of ourselves and not be controlled by others. In other words, we want to be responsible for our actions (1984, p. 169). He goes on to state that one of two statements would then be true: (1) genuine free will exists or (2) at least, the illusion of free will exists. The former state is the most desirable, but the latter, if it were the best we could hope for, is still worth wanting. It seems that it would be a member of the "familiar class of life-enabling or life-enhancing illusions: the illusion that one is still loved by one's loved ones; the illusion that one has several more years to live when one hasn't; the illusion that in spite of one's physical ugliness, one's inner beauty is readily manifest to others" (1984, p.168). The very decision to use any type of rhetoric presupposes free agency. Those who deny free will in rhetoric are in an "embarrassing position: they are left advising (pretending to advise? seeming to advise?) the audience that advising is pointless" (p.155). The "scientific determinist" (those who believe that all human thought and behavior are predetermined by previous actions) herself must reckon with the power of beliefs, sacred traditions, new ideas, great leaders, simply because they are among the most recognizable, "determinable causes in history." Otherwise, she is forced back on a kind of "mystical, inhuman fatalism that would be fatal to the historical sense." If everything that has happened is the only thing that could possibly have happened, we might as well close the book. The reason we don't is that even the determinists and fatalists are always implying that there were "real alternatives," and that humans made the "wrong choice." Whatever we believe in theory, "we continue in practice to think and act as if we were not puppets" (Muller, 1952, p.37).

This basic view of humans leads Weaver to believe that humans are not thinking machines. They have feelings and require values and ethics to give life meaning and purpose (1970, p.317).

Next, let's turn to Weaver's definition of Rhetoric: "truth and its artful presentation" (Weaver, 2002, p. 164). To understand this, we must first look to where he believes that humans find truth. Weaver divides knowledge into three categories: 1) facts, 2) theories, and 3) values which he also calls emotions or the "metaphysical dream." Following Plato, Weaver depicts truth as residing in the ideal at the third level of knowledge. Truth is the degree to which things and ideas in the material world conform to their ideals, archetypes, and essences. He contends that 'the thing is not true and the act is not just unless these conform to a conceptual ideal.' Truth, then, resides at the level of the metaphysical dream, not at the level of individual facts (Weaver, 2002, p. 161). Weaver terms the search for this truth a "dialectic." Meaning "a method of investigation whose object is the establishment of truth about doubtful propositions" (Natanson, p. 375). So, because rhetoric is "truth plus its artful presentation," in order to truthfully be considered rhetoric, it must be preceded by a dialectic or search for truth. The desired result would then be to persuade the audience to follow the relative truth that was found during the dialectic. "The honest rhetorician therefore has two things in mind: a vision of how matters should go ideally and ethically and a consideration of the special circumstance of his auditors" (Weaver, 2002, p. 164). Then, because humans are not "thinking robots," but feeling beings that require emotional and value appeal to be persuaded, it follows that to persuade a human that normative or value language would be required. As stated earlier, values come into existence because the human way of being requires that they be "an actor for ends, a valuer of ends." In fact, no discursive utterance and, in particular, no argument can be thought of as non-normative or value free in the broadest sense of the term, because language has so many built-in "moral" categories (Berlin, 1969, p. 115). Normative language also seems essential for finding and giving sound ethical reasoning. As Martha Nussbaum, a Professor of Philosophy at Brown University, put it:

To remove the beliefs about worth on which love, fear, grief, and so on are based is indeed to remove many sources of pain, but the resulting life may seem flat and lacking in wonder. And it may also be lacking in a type of information that is critical to good ethical and also legal reasoning: to respond with the pain of compassion at the sight of another person's suffering is to understand the importance of that suffering in a way no uncommitted person could possibly do. Without the information given by such emotions few difficult issues concerning poverty, or damages, or privacy, or mitigation, could be well addressed (1994, p. 351).

Discussion

Let's begin by attacking the first part of Schlag's argument in two ways. First, is the idea of determinism or lack of free will itself bad. If determinism were true, and adequately accounted for the actual world, there is a clear sense in which, despite all the extraordinary "casuistry" which has been brought to avoid this conclusion, the notions of human and moral responsibility would no longer apply to any actual states of affairs or at least lack application (Berlin, 1969, p. 71). Second, Schlag's argument against free will itself is flawed. The issue being emphasized is not logic; it is rhetoric. It seems like a "rhetorical futility" to argumentatively tie value language failures of "critical self-consciousness and methodological reflectiveness to its undeniable, but seemingly inexpugnable, trait of normativity" (Radin and Michelman, 1991, p. 1022). In other word, we should not associate failures of pathos to persuade to a flaw in the overall use of pathos.

Next, Schlag argues against the use of normative language by adding a postmodern gloss. Schlag's effort to analyze values from outside the "maze of normativity" is extremely problematic. Schlag believes that most scholars reside within this maze characterized by "dreariness," but that a select few have found a way out, gained perspective on the maze, and now engage in a fruitful questioning that reveals rather than obscures the law. It seems unlikely that such a dramatic escape can take place. Just when a scholar believes that she has scaled the last wall of the maze, she will be "confronted by a boundless horizon of paths endlessly circling within the ambit of the same maze." Hope for escape must always be dashed in the end, but this does not mean that individuals within the maze are without ethical or political significance. The central problem for contemporary values is not "the maze of normative legal discourse," but the failure to recognize the maze as an unavoidable condition of rhetoric (Mootz, 1994, p.878-9). It also seems important to point out that Schlag relies on normative language in several places.

[T]his [talk-talk genre] simply argues that we should talk [some] new talk . . . Variations on this old talk/new talk include the following: we should talk . . . more normatively, [or] more contextually . . . [etc.] or in that hopeful humanist way until we figure out what the hell we're doing up here 30,000 feet from earth arguing about how we should land (1990, p. 170-1).

The problem with Schlag's this argument is that it seems to be in a "paranoid style." The "paranoid style" of rhetoric is characterized by "an intense, sharply perceptive but narrowly focused mode of attention" that results in an attitude of "elaborate suspiciousness." Paranoid individuals constantly strive to demystify appearances; they take nothing at face value because they regard reality as an obscure dimension hidden from casual observation or participation (Mootz, 1994, p. 879). Some argue that such detachment is not paranoid if it is warranted by the facts. In other words, if Schlag's description is correct, he is piercing socially held delusions rather than exhibiting paranoia. However, "Schlag's claims are analogous to a person's assertion that he or she is being followed by Martians who are disguised as average human pedestrians. Although we would not consider these peopleperson to be paranoid if it turns out that they are in fact being followed by Martians, we might agree that this person exhibits a paranoid style" This "paranoid style" draws into strong question the accuracy of his or her beliefs. The "paranoid style not only is a suspect strategy at the outset, it is a strategy that feeds on itself and becomes more and more fantastic in each of its incarnations." With an ever increasing intensity, the "paranoid style" co-opts the theorist and prevents her from retrenching or revising her approach, even when the "bankruptcy of the paranoid style is manifest" (Mootz, 1994, p. 885).

When I speak of the paranoid style, I use the term much as a historian of art might speak of the baroque or the mannerist style. It is, above all, a way of seeing the world and of expressing oneself.... Of course, the term "paranoid style" is pejorative, and it is meant to be; the paranoid style has a greater affinity for bad causes than good. But nothing entirely prevents a sound program or a sound issue from being advocated in the paranoid style, and

it is admittedly impossible to settle the merits of an argument because we think we hear in its presentation the characteristic paranoid accents. Style has to do with the way in which ideas are believed and advocated rather than with the truth or falsity of their content (Mootz p. 876).

Schlag no doubt, as a person dealing with everyday life, is entirely free from paranoid tendencies. Why, then, does his argument assume such a counterproductive posture? Schlag does not engage his audience in a shared quest for decency and happiness in an often brutal and traumatic world, but instead challenges such a normative quest as being symptomatic of deeper-seated problems. Schlag's radicalism is extended to the point of destroying its own foundation. "A collection of discourses that in their strategic maneuvering have precluded the possibility of being discursive, have succeeded not just in being destructive, but in being self-destructive" (Mootz, p.888).

In the end the strongest argument against Schlag comes from Weaver's definitions of humans and rhetoric: Despite the pressure exerted by the cultural ideal, individuals always have freedom of choice in their actions with regard to it. They may uphold the conception of truth of the culture, or they may place their own viewpoints above the expression of the ideal and the welfare of the culture. Proper motivation for action leads people to select the former option and to work to resolve the discrepancy between what is and what should be in the culture. Weaver recognizes, of course, that individuals never can comprehend the cultural ideal perfectly and often will fall short of enacting it. Yet, if the truth in the ideal is recognized and the individuals of a culture work toward its actualization, they will be united in a strong, vigorous culture (Weaver, p. 163).

Conclusion

From the point of view of Sartre at the beginning of the paper, Schlag is attempting to escape the responsibility of choice. In doing this, he violates the essence of humans and rhetoric. As Weaver shows normative values cannot and should not be separated from humans or their rhetoric.

IPDA is a great example of the use of values in argumentation. What it seems to lack in dialectical truth it makes up for in artful presentation. Our rhetoric must continue to explore the values behind the policy decisions we make. Society is based on humans, and even though humans possess logic and should use logic more, rhetors must not abandon the values and emotions that humans need.

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