

A Philosopher's View: The Toulmin Model

All my ideas hold together, but I cannot elaborate them all at once.

—JEAN-JACQUES ROUSSEAU

Clarity has been said to be not enough. But perhaps it will be time to go into that when we are within measurable distance of achieving clarity on some matter.

—J. L. AUSTIN

[Philosophy is] a peculiarly stubborn effort to think clearly.

—WILLIAM JAMES

Philosophy is like trying to open a safe with a combination lock: Each little adjustment of the dials seems to achieve nothing, only when everything is in place does the door open.

—LUDWIG WITTGENSTEIN

In Chapter 3, we explained the contrast between *deductive* and *inductive* arguments to focus on the two main ways in which we reason, either

- Making explicit something concealed in what we already accept (**deduction**) or
- Using what we have observed as a basis for asserting or proposing something new (**induction**).

Both types of reasoning share some structural features, as we also noticed. Thus, all reasoning is aimed at establishing some **thesis** (or

conclusion) and does so by means of some **reasons**. These are two basic characteristics that any argument contains.

After a little scrutiny we can in fact point to several features shared by all arguments, deductive and inductive, good and bad alike. We use the vocabulary popularized by Stephen Toulmin, Richard Rieke, and Allan Janik in their book *An Introduction to Reasoning* (1979; second edition 1984) to explore the various elements of argument.

THE CLAIM

Every argument has a purpose, goal, or aim—namely, to establish a **claim** (*conclusion* or *thesis*). Suppose you were arguing in favor of equal rights for women. You might state your thesis or claim as follows:

Men and women ought to have equal rights.

A more precise formulation of the claim might be

Men and women ought to have equal legal rights.

A still more precise formulation might be

Equal legal rights for men and women ought to be protected by our Constitution.

The third version of this claim states what the controversy in the 1970s over the Equal Rights Amendment was all about.

Consequently, in reading or analyzing someone else's argument, your first question should naturally be: What is the argument intended to prove or establish? *What claim is it making?* Has this claim been clearly and precisely formulated, so that it unambiguously asserts what its advocate wants to assert?

GROUNDINGS

Once we have the argument's purpose or point clearly in mind and thus know what the arguer is claiming to establish, then we can ask for the evidence, reasons, support—in short, for the **grounds**—on which that claim is based. In a deductive argument these grounds are the premises from which the claim is deduced; in

an inductive argument the grounds are the evidence—a sample, an observation, or an experiment—that makes the claim plausible or probable.

Not every kind of claim can be supported by every kind of ground, and conversely, not every kind of ground gives equally good support for every kind of claim. Suppose I claim that half the students in the classroom are women. I can ground this claim in any of several ways.

1. I can count all the women and all the men. Suppose the total equals fifty. If the number of women is twenty-five and the number of men is twenty-five, I have vindicated my claim.
2. I can count a sample of, say, ten students and find that in the sample five of the students are women. I thus have inductive—plausible but not conclusive—grounds for my claim.
3. I can point out that the students in the college divide equally into men and women and claim that this class is a representative sample of the whole college.

Obviously, ground 1 is stronger than ground 2, and 2 is far stronger than ground 3.

So far we have merely restated points about premises and conclusions covered in Chapter 3. But now we want to consider four additional features of arguments.

WARRANTS

Once we have the claim or the point of an argument fixed in mind and the evidence or reasons offered in its support, the next question to ask is *why* these reasons support this conclusion. What is the **warrant**, or guarantee, that the reasons proffered do support the claim or lead to the conclusion? In simple deductive arguments, the warrant takes different forms, as we shall see. In the simplest cases, we can point to the way in which the *meanings* of the key terms are really equivalent. Thus, if John is taller than Bill, then Bill must be shorter than John because of the meaning in English of "is shorter than" and "is taller than." In this case, the warrant is something we can state quite literally and explicitly.

In other cases, we may need to be more resourceful. A reliable tactic is to think up a simple *parallel argument*—that is, an argument exactly parallel in form and structure to the argument we are trying to defend. We then point out that if we are ready to accept the

simpler argument, then we must accept the more complex argument because both arguments have exactly the same structure. For example, in her much-discussed 1972 essay on the abortion controversy, "A Defense of Abortion," philosopher Judith Thomson argues that a pregnant woman has the right to an abortion to save her life, even if it involves the death of her unborn child. She anticipates that some readers may balk at her reasoning, and so she offers this parallel argument: Suppose you are locked in a tiny room with another human being, which through no fault of its own is growing uncontrollably, with the result that it is slowly crushing you to death. Of course, it would be morally permissible to kill the other person to save your own life. With the reader's presumed agreement on that conclusion, the parallel argument concerning the abortion situation—so Thomson hopes—is obvious and convincing.

In simple inductive arguments, we are likely to point to the way in which observations or sets of data constitute a *representative sample* of a whole (unexamined) population. Here, the warrant is the representativeness of the sample. For instance, in projecting a line on a graph through a set of points, we defend one projection over alternatives on the grounds that it makes the smoothest fit through most of the points. In this case, the warrant is *simplicity* and *inclusiveness*. Or in defending one explanation against competing explanations of a phenomenon, we appeal to the way in which the preferred explanation can be seen as a *special case* of generally accepted physical laws. Examples of such warrants for inductive reasoning will be offered in following pages (see Chapter 9, A Logician's View: Deduction, Induction, Fallacies, pp. 289–339).

Establishing the warrants for our reasoning—that is, explaining why our grounds really support our claims—can quickly become a highly technical and exacting procedure that goes far beyond what we can hope to explain in this book. Only a solid course or two in formal deductive logic and statistical methods can do justice to our current state of knowledge about these warrants. Developing a "feel" for why reasons or grounds are or are not relevant to what they are alleged to support is the most we can hope to do here without recourse to more rigorous techniques.

Even without formal training, however, one can sense that something is wrong with many bad arguments. Here is an example. British professor C. E. M. Joad found himself standing on a station platform, annoyed because he had just missed his train, when another train, making an unscheduled stop, pulled up to the platform in front of him. He decided to jump aboard, only to hear the porter say "I'm

afraid you'll have to get off, sir. This train doesn't stop here." "In that case," replied Joad, "don't worry. I'm not on it."

BACKING

The kinds of reasons appropriate to support an amendment to the Constitution are completely different from the kinds appropriate to settle the question of what caused the defeat of Napoleon's invasion of Russia. Arguments for the amendment might be rooted in an appeal to fairness, whereas arguments about the military defeat might be rooted in letters and other documents in the French and Russian archives. The canons of good argument in each case derive from the ways in which the scholarly communities in law and history, respectively, have developed over the years to support, defend, challenge, and undermine a given kind of argument. Thus, the support or **backing** appropriate for one kind of argument might be quite inappropriate for another kind of argument.

Another way of stating this point is to recognize that once you have given reasons for a claim, you are then likely to be challenged to explain why these reasons are good reasons—why, that is, one should believe these reasons rather than regard them skeptically. Why (a simple example) should we accept the testimony of Dr. X when Dr. Y, equally renowned, supports the opposite side? Or why is it safe to rest a prediction on a small though admittedly carefully selected sample? Or why is it legitimate to argue that (1) if I dream I am the King of France, then I must exist, whereas it is illegitimate to argue that (2) if I dream I am the King of France, then the King of France must exist? To answer these kinds of challenges is to *back up* one's reasoning, and no argument is any better than its backing.

MODAL QUALIFIERS

As we have seen, all arguments are made up of assertions or propositions, which can be sorted into four categories:

- The *claim* (conclusion, thesis to be established),
- The *grounds* (explicit reasons advanced),
- The *warrant* (the principle that connects the ground to the claim), and
- The *backing* (implicit assumptions).

All these kinds of propositions have an explicit or tacit **modality** in which they are asserted, indicating the scope and character with which they are believed to hold true. Is the claim, for instance, believed to be *necessary*—or only *probable*? Is the claim believed to be *plausible*—or only *possible*? Of two reasons for a claim, both may be *good*, but one may be *better* than the other. Indicating the modality with which an assertion is advanced is crucial to any argument for or against it.

Empirical generalizations are typically *contingent* on various factors, and it is important to indicate such contingencies to protect the generalization against obvious counterexamples. Thus, consider this empirical generalization:

Students do best on final examinations if they study hard for them.

Are we really to believe that students who study regularly throughout the whole course and so do not need to cram for the final will do less well than students who neglect regular work in favor of several all-nighters at the last minute? Probably not; what is really meant is that *all other things being equal* (in Latin, *ceteris paribus*), concentrated study just before an exam will yield good results. Alluding to the contingencies in this way shows that the writer is aware of possible exceptions and that they are conceded right from the start.

Assertions also have varying **scope**, and indicating their scope is equally crucial to the role that an assertion plays in argument. Thus, suppose you are arguing against smoking, and the ground for your claim is this:

Heavy smokers cut short their life span.

Such an assertion will be clearer, as well as more likely to be true, if it is explicitly **quantified**. Here, there are three obvious alternative quantifications to choose among: *all* smokers cut short their life span, *most* do, or only *some* do. Until the assertion is quantified in one of these ways, we really do not know what is being asserted—and so we do not know what degree and kind of evidence and counterevidence is relevant. Other quantifiers include *few*, *rarely*, *many*, *often*, *sometimes*, *perhaps*, *usually*, *more or less*, *regularly*, *occasionally*.

In sum, sensitivity to the quantifiers and qualifiers appropriate for each of our assertions, whatever their role in an argument, will

help prevent you from asserting exaggerations and other misguided generalizations.

REBUTTALS

Very few arguments of any interest are beyond dispute, conclusively knockdown affairs in which the claim of the argument is so rigidly tied to its grounds, warrants, and backing and its quantifiers and qualifiers so precisely orchestrated that it really proves its conclusion beyond any possibility of doubt. On the contrary, most arguments have many counterarguments, and sometimes one of these counterarguments is the most convincing.

Suppose one has taken a sample that appears to be random: An interviewer on your campus accosts the first ten students she encounters, and seven of them happen to be fraternity or sorority members. She is now ready to argue that seven-tenths of enrolled students belong to Greek organizations.

You believe, however, that the Greeks are in the minority and point out that she happens to have conducted her interview around the corner from the Panhellenic Society's office just off Sorority Row. Her random sample is anything but. The ball is now back in her court as you await her response to your rebuttal.

As this example illustrates, it is safe to say that we do not understand our own arguments very well until we have tried to get a grip on the places in which they are vulnerable to criticism, counterattack, or refutation. Edmund Burke (quoted in Chapter 3 but worth repeating) said, "He that wrestles with us strengthens our nerves, and sharpens our skill. Our antagonist is our helper." Therefore, cultivating alertness to such weak spots, girding one's loins to defend at these places, always helps strengthen one's position.

A MODEL ANALYSIS USING THE TOULMIN METHOD

To see how the Toulmin method can be used, let's apply it to an argument in this book, Susan Jacoby's "A First Amendment Junkie" (p. 43).

The Claim Jacoby's central thesis or claim is this: Any form of *censorship*—including feminist censorship of pornography in particular—is *wrong*.

Grounds Jacoby offers six main reasons or grounds for her claim, roughly in this sequence (but arguably not in this order of importance).

First, feminists exaggerate the harm caused by pornography because they confuse expression of offensive ideas with harmful conduct.

Second, letting the government censor the expression of ideas and attitudes is the wrong response to the failure of parents to control the printed materials that get into the hands of their children.

Third, there is no unanimity even among feminists over what is pornography and what isn't.

Fourth, permitting censorship of pornography to please feminists could well lead to censorship on many issues of concern to feminists ("rape, abortion, menstruation, contraception, lesbianism").

Fifth, censorship under law shows a lack of confidence in the democratic process.

Finally, censorship of words and pictures is suppression of self-expression, and that violates the First Amendment.

Warrants Each of these six grounds needs its own warrant, and the warrants vary considerably in their complexity. Jacoby (like most writers) is not so didactic as to make these warrants explicit. Taking them in order, this is what they look like.

First, since the First Amendment protects speech in the broadest sense, the censorship that the feminist attack on pornography advocates is *inconsistent* with the First Amendment.

Second, if feminists want to be consistent, then they must advocate censorship of *all* offensive self-expression, but such a radical interference with free speech (amounting virtually to repeal of the First Amendment) is indefensible.

Third, if feminists can't agree over what is pornographic, the censorship of pornography they propose is bound to be arbitrary.

Fourth, feminists ought to see that *they risk losing more than they can hope to gain* if they succeed in censoring pornography.

Fifth, the democratic process can be trusted to weed out harmful utterances.

Sixth, if feminists have a legal right to censor pornography, antifeminists will claim the same right on other issues.

Backing Why should the reader agree with Jacoby's grounds? She does not appeal to expert authority, the results of experimental tests or other statistical data, or the support of popular opinion.

Instead, she relies principally on two things—but without saying so explicitly.

First, she assumes that the reader accepts the propositions that *freedom of self-expression is valuable* and that *censoring self-expression requires the strongest of reasons*. If there is no fundamental agreement on these propositions, several of her reasons cease to support her claim.

Second, she relies on the reader's open-mindedness and willingness to evaluate common sense (untechnical, ordinary, familiar) considerations at each step of the way. She relies also on the reader having had some personal experience with erotica, pornography, and art. Without that open-mindedness and experience, a reader is not likely to be persuaded by her rejection of the feminist demand for censorship.

Modal Qualifiers Jacoby defends what she calls an "absolute interpretation" of the First Amendment—that is, the view that *all* censorship of words, pictures, and ideas is not only inconsistent with the First Amendment but is also politically unwise and morally objectionable. She allows that *some* pornography is highly offensive (it offends her, she insists); she allows that *some* pornography ("kiddie porn") may even be harmful to *some* viewers. But she also insists that *more* harm than good would result from the censorship of pornography. She points out that *some* paintings of nude women are art, not pornography; she implies that it is *impossible* to draw a sharp line between permissible erotic pornography and impermissible offensive pornography. She clearly believes that *all* Americans ought to understand and defend the First Amendment under the "absolute interpretation" she favors.

Rebuttals Jacoby mentions several objections to her views, and perhaps the most effective aspect of her entire argument is her skill in identifying possible objections and meeting them effectively. (Notice the diversity of the objections and the various ways in which she replies.)

Objection: Some of her women friends tell her she is wrong.

Rebuttal: She admits she's a "First Amendment junkie," and she doesn't apologize for it.

Objection: "Kiddie porn" is harmful and deserves censorship.

Rebuttal: Such material is *not* protected by the First Amendment because it is an "abuse of power" of adults over children.

Objection: Pornography is a form of violence against women, and therefore it is especially harmful.

Rebuttal: (1) No, it really isn't harmful, but it is disgusting and offensive. (2) In any case, it's surely not as harmful as allowing American neo-Nazis to parade in Jewish neighborhoods. (Jacoby is referring to the march in Skokie, Illinois, in 1977, upheld by the courts as permissible political expression under the First Amendment despite its offensiveness to survivors of the Nazi concentration camps.)

Objection: Censoring pornography advances public respect for women.

Rebuttal: Censoring *Ms.* magazine, which antifeminists have already done, undermines women's freedom and self-expression.

Objection: Reasonable people can tell pornography when they see it, so censoring it poses no problems.

Rebuttal: Yes, there are clear cases of gross pornography; but there are lots of borderline cases, as women themselves prove when they disagree over whether a photo in *Penthouse* is offensively erotic or "lovely" and "sensuous."



A CHECKLIST FOR USING THE TOULMIN METHOD

Have I asked the following questions?

- ☐ What claim does the argument make?
- ☐ What grounds are offered for the claim?
- ☐ What warrants the inferences from the grounds to the claim?
- ☐ What backing supports the claim?
- ☐ With what modalities are the claim and grounds asserted?
- ☐ To what rebuttals are the claim, grounds, and backing vulnerable?

See the companion Web site
bedfordstmartins.com/barnetbedau
 for links related to the Toulmin model.

PUTTING THE TOULMIN METHOD TO WORK:

Responding to an Argument

Let's look at an argument—it happens to be a proposal concerning illegal immigration—and see how the Toulmin method can be applied.

Michael S. Dukakis and Daniel J. B. Mitchell

Michael S. Dukakis, a professor of political science at Northeastern University, served as the governor of Massachusetts from 1975 to 1979 and from 1983 to 1991. Daniel J. B. Mitchell is a professor of management and public policy at the University of California at Los Angeles. The essay that follows originally appeared in the New York Times (July 25, 2006).

Raise Wages, Not Walls

There are two approaches to illegal immigration currently being debated in Congress. One, supported by the House, emphasizes border control and law enforcement, including a wall along the Mexican border and increased border patrols. The other, which is supported by the Bush administration and has been passed by the Senate, relies on employers to police the workplace. Both proposals have serious flaws.

As opponents of the House plan have rightly pointed out, walls rarely work; illegal immigrants will get around them one way or another. Unless we erect something akin to the Berlin Wall, which would cost billions to build and police, a barrier on the border would be monitored by largely symbolic patrols and easily evaded.

The Senate approach is more realistic but it, too, has problems. It creates a temporary worker program but requires employers first to attempt to recruit American workers to fill job openings. It allows for more border fencing, but makes no effort to disguise the basic futility of the enterprise. Instead, it calls on employers to enforce immigration laws in the workplace, a plan that can only succeed through the creation and distribution of a costly national identification card.

find it useful to inject your own thoughts (“seems far-fetched,” “strong point,” “I don’t get it”), enclosing them within square brackets or in some other way to keep these responses distinct from your summary of the writer’s argument.

Review: If your instructor asks you to hand in a summary,

- It should not contain ideas other than those found in the original piece.
- You can rearrange these, add transitions as needed, and so forth, but the summary should give the reader nothing but a sense of the original piece.
- If the summary includes any of the original wording, these words should be enclosed within quotation marks.
- In your notes, keep a clear distinction between *your* writing and the writing of your *source*. For the most part you will summarize, but if you paraphrase, indicate that the words are a paraphrase, and if you quote directly, indicate that you are quoting.

We don’t want to nag you, but we do want to emphasize the need to read with a pencil in hand. If you read slowly and take notes, you will find that what you read will give you the “strength and nourishment” that John Locke spoke of.

A RULE FOR WRITERS: Remember that when you write a summary, you are putting yourself into the author’s shoes.

Having insisted that the essays in this book need to be read slowly because the writers build one reason on another, we will now seem to contradict ourselves by presenting an essay that can almost be skimmed. Susan Jacoby’s essay originally appeared in the *New York Times*, a thoroughly respectable newspaper but not one that requires its readers to linger over every sentence. Still, compared with most of the news accounts, Jacoby’s essay requires close reading. When you read the essay, you will notice that it zigs and zags, not because Jacoby is careless or wants to befuddle her readers but because she wants to build a strong case to support her point of view and must therefore look at some widely held views that she does *not* accept; she must set these forth and then give her reasons for rejecting them.

Susan Jacoby

Susan Jacoby (b. 1946), a journalist since the age of seventeen, is well known for her feminist writings. “A First Amendment Junkie” (our title) appeared in the Hers column in the New York Times in 1978.

A First Amendment Junkie

It is no news that many women are defecting from the ranks of civil libertarians on the issue of obscenity. The conviction of Larry Flynt, publisher of *Hustler* magazine—before his metamorphosis into a born-again Christian—was greeted with unabashed feminist approval. Harry Reems, the unknown actor who was convicted by a Memphis jury for conspiring to distribute the movie *Deep Throat*, has carried on his legal battles with almost no support from women who ordinarily regard themselves as supporters of the First Amendment. Feminist writers and scholars have even discussed the possibility of making common cause against pornography with adversaries of the women’s movement—including opponents of the equal rights amendment and “right-to-life” forces.

All of this is deeply disturbing to a woman writer who believes, as I always have and still do, in an absolute interpretation of the First Amendment. Nothing in Larry Flynt’s garbage convinces me that the late Justice Hugo L. Black was wrong in his opinion that “the Federal Government is without any power whatsoever under the Constitution to put any type of burden on free speech and expression of ideas of any kind (as distinguished from conduct).” Many women I like and respect tell me I am wrong; I cannot remember having become involved in so many heated discussions of a public issue since the end of the Vietnam War. A feminist writer described my views as those of a “First Amendment junkie.”

Many feminist arguments for controls on pornography carry the implicit conviction that porn books, magazines, and movies pose a greater threat to women than similarly repulsive exercises of free speech pose to other offended groups. This conviction has, of course, been shared by everyone—regardless of race, creed, or sex—who has ever argued in favor of abridging the First Amendment. It is the argument used by some Jews who have withdrawn their support from the American Civil Liberties Union because it has defended the right of American Nazis to march through a community inhabited by survivors of Hitler’s concentration camps.

If feminists want to argue that the protection of the Constitution should not be extended to *any* particularly odious or threatening form of speech, they have a reasonable argument (although I don't agree with it). But it is ridiculous to suggest that the porn shops on 42nd Street are more disgusting to women than a march of neo-Nazis is to survivors of the extermination camps.

The arguments over pornography also blur the vital distinction between expression of ideas and conduct. When I say I believe unreservedly in the First Amendment, someone always comes back at me with the issue of "kiddie porn." But kiddie porn is not a First Amendment issue. It is an issue of the abuse of power—the power adults have over children—and not of obscenity. Parents and promoters have no more right to use their children to make porn movies than they do to send them to work in coal mines. The responsible adults should be prosecuted, just as adults who use children for back-breaking farm labor should be prosecuted.

Susan Brownmiller, in *Against Our Will: Men, Women, and Rape*, has described pornography as "the undiluted essence of antifemale propaganda." I think this is a fair description of some types of pornography, especially of the brutish subspecies that equates sex with death and portrays women primarily as objects of violence.

The equation of sex and violence, personified by some glossy rock record album covers as well as by *Hustler*, has fed the illusion that censorship of pornography can be conducted on a more rational basis than other types of censorship. Are all pictures of naked women obscene? Clearly not, says a friend. A Renoir nude is art, she says, and *Hustler* is trash. "Any reasonable person" knows that.

But what about something between art and trash—something, say, along the lines of *Playboy* or *Penthouse* magazines? I asked five women for their reactions to one picture in *Penthouse* and got responses that ranged from "lovely" and "sensuous" to "revolting" and "demeaning." Feminists, like everyone else, seldom have rational reasons for their preferences in erotica. Like members of juries, they tend to disagree when confronted with something that falls short of 100 percent vulgarity.

In any case, feminists will not be the arbiters of good taste if it becomes easier to harass, prosecute, and convict people on obscenity charges. Most of the people who want to censor girlie magazines are equally opposed to open discussion of issues that are of vital concern to women: rape, abortion, menstruation, contraception,

lesbianism—in fact, the entire range of sexual experience from a women's viewpoint.

Feminist writers and editors and filmmakers have limited financial resources: Confronted by a determined prosecutor, Hugh Hefner¹ will fare better than Susan Brownmiller. Would the Memphis jurors who convicted Harry Reems for his role in *Deep Throat* be inclined to take a more positive view of paintings of the female genitalia done by sensitive feminist artists? *Ms.* magazine has printed color reproductions of some of those art works; *Ms.* is already banned from a number of high school libraries because someone considers it threatening and/or obscene.

Feminists who want to censor what they regard as harmful pornography have essentially the same motivation as other would-be censors: They want to use the power of the state to accomplish what they have been unable to achieve in the marketplace of ideas and images. The impulse to censor places no faith in the possibilities of democratic persuasion.

It isn't easy to persuade certain men that they have better uses for \$1.95 each month than to spend it on a copy of *Hustler*? Well, then, give the men no choice in the matter.

I believe there is also a connection between the impulse toward censorship on the part of people who used to consider themselves civil libertarians and a more general desire to shift responsibility from individuals to institutions. When I saw the movie *Looking for Mr. Goodbar*, I was stunned by its series of visual images equating sex and violence, coupled with what seems to me the mindless message (a distortion of the fine Judith Rossner novel) that casual sex equals death. When I came out of the movie, I was even more shocked to see parents standing in line with children between the ages of ten and fourteen.

I simply don't know why a parent would take a child to see such a movie, any more than I understand why people feel they can't turn off a television set their child is watching. Whenever I say that, my friends tell me I don't know how it is because I don't have children. True, but I do have parents. When I was a child, they did turn off the TV. They didn't expect the Federal Communications Commission to do their job for them.

I am a First Amendment junkie. You can't OD on the First Amendment, because free speech is its own best antidote.

¹Hugh Hefner Founder and longtime publisher of *Playboy* magazine. [Editors' note.]

Summarizing Jacoby, Paragraph by Paragraph

Suppose we want to make a rough summary, more or less paragraph by paragraph, of Jacoby's essay. Such a summary might look something like this (the numbers refer to Jacoby's paragraphs):

1. Although feminists usually support the First Amendment, when it comes to pornography, many feminists take pretty much the position of those who oppose ERA and abortion and other causes of the women's movement.
2. Larry Flynt produces garbage, but I think his conviction represents an unconstitutional limitation of freedom of speech.
- 3, 4. Feminists who want to control (censor) pornography argue that it poses a greater threat to women than similar repulsive speech poses to other groups. If feminists want to say that all offensive speech should be restricted, they can make a case, but it is absurd to say that pornography is a "greater threat" to women than a march of neo-Nazis is to survivors of concentration camps.
5. Trust in the First Amendment is not refuted by kiddie porn; kiddie porn is not a First Amendment issue but an issue of child abuse.
- 6, 7, 8. Some feminists think censorship of pornography can be more "rational" than other kinds of censorship, but a picture of a nude woman strikes some women as base and others as "lovely." There is no unanimity.
- 9, 10. If feminists censor girlie magazines, they will find that they are unwittingly helping opponents of the women's movement to censor discussions of rape, abortion, and so on. Some of the art in the feminist magazine *Ms.* would doubtless be censored.
- 11, 12. Like other would-be censors, feminists want to use the power of the state to achieve what they have not achieved in "the marketplace of ideas." They display a lack of faith in "democratic persuasion."
- 13, 14. This attempt at censorship reveals a desire to "shift responsibility from individuals to institutions." The responsibility—for instance, to keep young people from equating sex with violence—is properly the parents'.
15. We can't have too much of the First Amendment.

Jacoby's **thesis**, or major claim, or chief proposition—that any form of censorship of pornography is wrong—is clear enough,

even as early as the end of her first paragraph, but it gets its life or its force from the **reasons** offered throughout the essay. If we want to reduce our summary even further, we might say that Jacoby supports her thesis by arguing several subsidiary points. We will merely assert them briefly, but Jacoby **argues** them—that is, she gives reasons:

- a. Pornography can scarcely be thought of as more offensive than Nazism.
- b. Women disagree about which pictures are pornographic.
- c. Feminists who want to censor pornography will find that they help antifeminists to censor discussions of issues advocated by the women's movement.
- d. Feminists who favor censorship are in effect turning to the government to achieve what they haven't achieved in the free marketplace.
- e. One sees this abdication of responsibility in the fact that parents allow their children to watch unsuitable movies and television programs.

If we want to present a brief summary in the form of one coherent paragraph—perhaps as part of our own essay to show the view we are arguing in behalf of or against—we might write something like this summary. (The summary would, of course, be prefaced by a **lead-in** along these lines: "Susan Jacoby, writing in the *New York Times*, offers a forceful argument against censorship of pornography. Jacoby's view, briefly, is . . .")

When it comes to censorship of pornography, some feminists take a position shared by opponents of the feminist movement. They argue that pornography poses a greater threat to women than other forms of offensive speech offer to other groups, but this interpretation is simply a mistake. Pointing to kiddie porn is also a mistake, for kiddie porn is an issue involving not the First Amendment but child abuse. Feminists who support censorship of pornography will inadvertently aid those who wish to censor discussions of abortion and rape or censor art that is published in magazines such as *Ms.* The solution is not for individuals to turn to institutions (that is, for the government to limit the First Amendment) but for individuals to accept the responsibility for teaching young people not to equate sex with violence.

Whether we agree or disagree with Jacoby's thesis, we must admit that the reasons she sets forth to support it are worth thinking about. Only a reader who closely follows the reasoning with which Jacoby buttresses her thesis is in a position to accept or reject it.

TOPICS FOR CRITICAL THINKING AND WRITING

1. What does Jacoby mean when she says she is a "First Amendment junkie" (para. 15)?
2. The essay is primarily an argument against the desire of some feminists to try to censor pornography of the sort that appeals to some heterosexual adult males, but the next-to-last paragraph is about television and children. Is the paragraph connected to Jacoby's overall argument? If so, how?
3. Evaluate the final paragraph as a final paragraph. (Effective final paragraphs are not, of course, all of one sort. Some, for example, round off the essay by echoing something from the opening; others suggest that the reader, having now seen the problem, should think further about it or even act on it. But a good final paragraph, whatever else it does, should make the reader feel that the essay has come to an end, not just broken off.)
4. This essay originally appeared in the *New York Times*. If you are unfamiliar with this newspaper, consult an issue or two in your library. Next, in a paragraph, try to characterize the readers of the paper—that is, Jacoby's audience.



A CHECKLIST FOR GETTING STARTED

- ☐ Have I adequately previewed the work?
- ☐ Can I state the thesis?
- ☐ If I have jotted down a summary,
 - ☐ Is the summary accurate?
 - ☐ Does the summary mention all the chief points?
 - ☐ If there are inconsistencies, are they in the summary or the original selection?
 - ☐ Will the summary be clear and helpful?

5. Jacoby claims in paragraph 2 that she "believes . . . in an absolute interpretation of the First Amendment." What does such an interpretation involve? Would it permit shouting "Fire!" in a crowded theater even though the shouter knows there is no fire? Would it permit shouting racist insults at blacks or immigrant Vietnamese? Spreading untruths about someone's past? If the "absolutist" interpretation of the First Amendment does permit these statements, does that argument show that nothing is morally wrong with uttering them? (Does the First Amendment, as actually interpreted by the Supreme Court today, permit any or all of these claims? Consult your reference librarian for help in answering this question.)
6. Jacoby implies that permitting prosecution of persons on obscenity charges will lead eventually to censorship of "open discussion" of important issues such as "rape, abortion, menstruation, contraception, lesbianism" (para. 9). Do you find her fears convincing? Does she give any evidence to support her claim?

EXERCISE: LETTER TO THE EDITOR

Your college newspaper has published a letter that links a hateful attribute to a group and that clearly displays hate for the entire group. (For instance, the letter charges that interracial marriages should be made illegal because "African Americans contain a criminal gene," or that "Jews should not be elected to office because their loyalty is to Israel, not the United States," or that "Muslims should not be allowed to enter the country because they are intent on destroying America.") The letter generates many letters of response; some responses, supporting the editor's decision to publish the letter, make these points:

- The writer of the offending letter is a student in the college, and she has a right to express her views.
- The point of view expressed is probably held only by a few persons, but conceivably it expresses a view held by a significant number of students.
- Editors should not act as censors.
- The First Amendment guarantees freedom of speech.
- Freedom of expression is healthy, i.e., society gains.

On the other hand, among the letters opposing the editor's decision to publish, some make points along these lines:

- Not every view of every nutty student can be printed; editors must make responsible choices.

- The First Amendment, which prohibits the government from controlling the press, has nothing to do with a college newspaper.
- Letters of this sort do not foster healthy discussion; they merely heat things up.

Write a 250- to 500-word letter to the editor, expressing your view of the editor's decision to publish the first letter. (If you wish, you can assume that the letter was on one of the topics we specify in the second sentence of this exercise. But in any case, address the general issue of the editor's decision, not only the specific issue of the charge or charges made in the first letter.)

3

Critical Reading: Getting Deeper into Arguments

He that wrestles with us strengthens our nerves, and sharpens our skill. Our antagonist is our helper.

—EDMUND BURKE

PERSUASION, ARGUMENT, DISPUTE

When we think seriously about an argument (not name calling or mere rationalization), not only do we hear ideas that may be unfamiliar, but we are also forced to examine closely our own cherished opinions, and perhaps for the first time really come to see the strengths and weaknesses of what we believe. As John Stuart Mill put it, "He who knows only his own side of the case knows little."

It is customary, and useful, to distinguish between persuasion and argument. Persuasion has the broader meaning. To **persuade** is to win over—whether

- by giving reasons (that is, by argument),
- by appealing to the emotions, or, for that matter,
- by using torture.

Argument, one form of persuasion, relies on reason; it *offers statements as reasons for other statements*. Rhetoricians often use the Greek word *logos*, which merely means "word" or "reason," to denote this aspect of persuasive writing—the appeal to reason. An appeal to reason may include such things as an appeal to