



Keith Fuller, Attorney at Law, lectures to students concerning direct examination at the 1993 Gateway Mock Trial Institute.

BOOK REVIEWS

NORMS OF RHETORICAL CULTURE

by Thomas B. Farrell
reviewed by David A. Frank
University of Oregon

In his 1993 Presidential Address to the Speech Communication Association, David Zarefsky called scholars and teachers of rhetoric and communication to the task of creating articulate citizens and public spheres in the postmodern era. With great eloquence, Zarefsky charted the decline of the public sphere and detailed the influence of the mass media and experts in contributing to the public's disillusionment with politics and civic affairs. In this address, Zarefsky identified the central role the field of rhetoric and communication should play in creating space for public discourse and in the education of public citizens. Zarefsky reminded his audience that "from our earliest days in ancient Greece, we were dedicated to empowering individuals to perform effectively as citizens, so that the community might achieve *phronesis* -- practical wisdom in human affairs. We followed Aristotle in regarding rhetoric as an offshoot of politics and ethical studies. We justified the study of communication as vital to democracy. We still do."¹

Zarefsky, a former high school and college debater and a former director of forensics and of the National Debate Tournament, and now Dean of the School of Speech at Northwestern University, then turned his attention to intercollegiate debate and observed:

The area of our field which most directly bears on public affairs, the study of argumentation and debate, we too often have treated as an intellectual backwater of programs staffed by paraprofessionals and undeserving of our support. And our colleagues in this area have defined their own professional concerns with such insularity that they deprive the rest of us with their insight into the conduct of public controversy.²

Zarefsky's comments might be easily dismissed as the grouches of a detached former forensics educator; however, he is friend of and an advocate for academic debate. I believe his remarks should inspire us to rethink the role played by forensics in higher education and in the field of speech communication.

Zarefsky's colleague at Northwestern, Thomas Farrell, has written a book designed to provide forensic educators with a path out of our intellectual backwater and insularity. In *Norms of Rhetorical Culture*, Farrell reminds us of our heritage and spells out a vision of a modern and an emancipatory rhetorical culture. His goal is to "recapture" and "revivify" the practice of rhetoric. With his careful and nuanced reading of the rhetorical tradition, he has responded to Zarefsky's call to spell out how our community might achieve *phronesis* through rhetoric, argumentation, and debate. Given the state of public and academic debate, this book should provide the foundation for the reinvention of the debate tradition, and I urge my colleagues in forensics to put this book at the top of their reading list.

Even if this book does not lead to the reinvention of academic debate, forensic educators in need of a refresher course in the rhetorical tradition and an introduction to postmodern critics and theorists will find Farrell's survey clear and engaging. He provides his readers with a fresh interpretation of such ancients and moderns as Aristotle and Plato, Habermas and Gadamer. His agenda is to demonstrate and "show the potential grounds of compatibility between Aristotelian rhetoric and emancipatory reason"(12). And he weaves into his account a refreshing review of Burke and Perelman. While his development of Aristotle and others can be challenging, it is never condescending, and he illustrates his accounts with well developed examples of modern public discourse. Once the reader finishes Farrell's account of difficult but illuminating rhetorical theories, the reader is rewarded with a careful applications of his sustained argument with case studies of the Welch-McCarthy exchange, a Roosevelt's Inaugural, Edward Kennedy's eulogy to his brother, speeches by Jesse Jackson, Mario Cuomo, Vaclav Havel, Ronald Reagan, Mikhail Gorbachev, Philipp Jenninger, and many others.

The forensic educator, who is often busy teaching students, raising money, and keeping the faith, will finish Farrell's book with a renewed and refurbished understanding of the rhetorical tradition and how this tradition can be used to revive the public sphere. At the same time, I believe we can use Farrell's work to reconnect forensics with the field of speech communication and to center our efforts on creating articulate citizens who are concerned

about public affairs. If we are to accomplish these tasks, we will need to create a new and clear set of norms.

Some of our young and bright colleagues, such as Ken Broda-Bahm, have written about the norms of the debate culture. Broda-Bahm in a recent paper has scored the national debate culture for its celebration of being "cool." I am also concerned about the dominance of what I call "debate solipsism," which is the fulfillment of Zarefsky's claim that the forensic culture has become insular. Debate at the national level has become a "game" played for status rewards and for the adrenaline high. Farrell's work gives us an alternative vision of what our norms might be.

Farrell believes that the proper norms for a truly rhetorical culture would center on "stances of competence, performance, coherence, and distance"(13). Farrell derives the norm of competence from Aristotle's notion of ethos. Here, Farrell calls for advocates and audiences in public life to gain proficiency in practical reason and to maintain an attitude of civic friendship. The norm of performance calls for advocates and audiences to retain an aesthetic norm and the community building functions for speech behavior. The norm of coherence and distance call advocates and audiences to value discourse that is well ordered and structured for a given audience. Finally, the norm of distance asks advocates and audiences to achieve and maintain critical space as they survey and make ethical choices. With these norms, Farrell writes, a rhetorical culture can be recaptured and sustained.

If we are to recapture and reform the academic debate culture, these norms might serve as foundational starting points. While the 1974 Sedelia conference and the 1984 Evanston conference produced some useful statements on what forensics should accomplish, our community has yet to adopt a philosophical or pedagogical statement on norms. Farrell's *Norms of Rhetorical Culture* is a charter for forensic educators, and might be used to generate a sense of communal norms in our activity.

In attempting to implement Farrell's project in forensics, we might begin by identifying the specific qualities of rhetorical competence we believe our students may need for life beyond and after academic debate. For example, we believe that students should conduct research on their topics. Perhaps it is time that we measure how well they conduct research. With the advent of Lexis-Nexis, I believe the quality of research has declined. I'm afraid that many debate students no longer read books. In addition, we might identify civic friendship as a pedagogical norm for debate. Given the amount of incivility in academic debate, this norm is needed.

The performance norm would fit the debate culture as well. Our debate students need to better appreciate the communicative and the aesthetic dimensions of the debate activity. Through speech and argument, we can solve shared problems without violence. We are not the academy's answer to the Toastmasters, but we should provide students with the habits of communication they will need when they leave our culture.

The coherence norm would allow us to ask debate students to present well structured and well reasoned arguments. Yet, these arguments would be structured to account for different and varied audiences. Our debate students now tend to speak before audiences that hold similar values; a point made several times by Robert Weiss.

The distance norm could help us reframe the roles played by critic and coach. Far too often, critics and coaches, particularly at the national levels of

debate, fail to retain the space they need to provide careful and impartial responses to student debaters. I believe this norm, and a better appreciation of the different roles students and educators should play, would help in the reform of academic debate.

In the end, forensic educators can't lose by reading this book. If nothing else, it will help forensic educators who haven't had the time or energy to plow through the last several issues of QJS to remain current. However, if we use Farrell's norms for the development of pedagogical and educational norms for academic debate, we might find a way to respond to Zarfesky's complaint, our colleagues in speech communication may cease seeing forensics as an intellectual backwater and as a needed complement, and we may free ourselves of our insularity.

AUSTIN FREELEY'S ARGUMENTATION AND DEBATE: CRITICAL THINKING FOR REASONED POLICY MAKING

reviewed by C. Thomas Preston, Jr.
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Once again, Austin Freeley has provided an outstanding edition of one of the finest debate textbooks in America. Its structure, its detail, and its thoroughness of citations and possibilities for arguments and how to present arguments should enable it to remain a useful textbook for the advanced undergraduate as well as beginning graduate college debate course. As well, these attributes will make Freeley mandatory reading for all debaters and coaches, both CEDA and NDT, who are serious about the educational value of the activities. Although the text could be more thorough in some chapters concerning the balance of attention between value and policy debate, the newest iteration of the Freeley text remains an outstanding tool for the study and teaching of argumentation in the western world.

Freeley effectively begins his book in the first two chapters with a thoughtful discussion of the nature of critical thinking, and how argumentation has been utilized as a vehicle for discussion in both the academic and applied world. In chapters three through five, he effectively takes the scholar through the steps of stating, analyzing, and exploring the resolution. Having thoroughly discussed such key issues as presumption and burden of proof in these chapters, he instructs the students on how to find evidence effectively in chapter six, and in chapter seven, instructs us on how that evidence will be evaluated. Chapters eight and nine explain effective reasoning in general, and chapter ten explains ineffective reasoning. After reading these three chapters and noting Freeley's interesting and vivid examples, students should be able to understand what constitutes both effective and ineffective reasoning.

Freeley then begins to apply the concepts of topic analysis and reasoning to actual academic debating in chapters eleven and twelve (on the affirmative case) and in chapters thirteen and fourteen (concerning negative strategies).

Although overall these chapters are helpful to any debater, they do contain one small flaw, especially in chapters 12-13. In these chapters, seven pages are devoted to value debate, and 52 to policy debate, possibly reflecting the author's traditional primary concern with policy debate. Perhaps instead the chapters might be divided by several different types of resolutions (value, resolution of fact, and policy) which may appear in CEDA or NDT in a given year, especially since the value/policy distinction between the NDT and CEDA resolutions has become blurred [note that the Winter 1994 CEDA resolution, Resolved: That United States military intervention to foster democratic government is appropriate in a post Cold-War World, has prompted most teams to utilize policy paradigms and in many cases, offer plans]. Also, if the treatment remains so unbalanced, there needs to be a reason why other than the author's background. Many issues in quasipolicy debate, such as the use of generic argument and different types of off-case contentions (here lumped in with the procedural arguments), remain relatively underdeveloped in this text. Some professors who now use CEDA as the primary vehicle for teaching debate will unfortunately shy away from this book despite Freeley's otherwise succinct and excellent use of the pages he does devote to the development of "value" cases and negative responsibilities thereto.

The remainder of the textbook, including the nineteenth and final chapter on the burgeoning art of parliamentary debate in America, again present the debaters with not only descriptions of the end-product of their activity (good delivery, good evaluation, and diverse debate formats), but the steps toward achieving those ends. The appendices by providing presidential, CEDA, and NDT debates, along with a history of CEDA and NDT propositions and a glossary of terms, remain a must for anybody concerned with collegiate academic debate.

As with any textbook that attempts to cover a discipline as fragmented as that of argumentation, Freeley's work contains some minor flaws. Nevertheless, it remains an excellent tool for students, coaches, scholars, and practitioners of argumentation. Even in a class featuring only CEDA debate, the Freeley book could be used as a supplemental text—in other classes, it will continue to be a good primary text. Serious coaches should and will continue to purchase Freeley's work, and share copies with their student-speakers. In terms of both structure and content, the author has, once again, produced one of the leading textbooks concerning argumentation in America.

RIEKE AND STUTMAN'S COMMUNICATION IN LEGAL ADVOCACY

reviewed by Doug Parry
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Based on social science, rhetorical, and legal theoretical perspectives Rieke and Stutman provide an excellent introduction to legal communication. The text is well suited for an undergraduate communication and law course. Additionally, it could be used as a supplemental text for courses in forensics, argumentation,

or persuasion. Students interested in the rhetorical process in courtrooms should be exposed to the theoretical perspectives covered by Rieke and Stutman. This review highlights text chapters, limitations, and uses of the text.

Chapter one provides a broad discussion of dispute resolution focusing on alternatives to litigation including: avoidance, negotiation, mediation, administrative hearings, and arbitration. Chapter two entitled "Reality in the Courtroom" deals with a progression of theoretical perspectives on reality construction in the courtroom. Rieke and Stutman focus on traditional concepts based on the writings of Aristotle, Cicero, St. Augustine, Aquinas, and Whately. The chapter also briefly covers the influence of scientific theory on courtroom reality. Chapter three focuses on fairness and bias issues affecting trials. Factors including the abilities of the advocates, impact of inadmissible evidence, and pre-trial publicity affecting fairness are introduced. Judge's instructions and change of venue are included as methods of maintaining fairness. Chapter four is concerned with jury selection. Goals of voir dire including rapport and the establishment of juror commitments are discussed by Rieke and Stutman. The potential influence of a variety of demographic and personality characteristics on juror perceptions is well developed. Rieke and Stutman focus on the importance of using a narrative approach during voir dire to incorporate trial issues. In the Bernard Goetz case the defense's selection of jurors that were victims of crime is used as an example of the desire to strike jurors that are not predisposed to your position. Chapter five covers opening statements from legal, narrative, and persuasive theoretical perspectives. Rieke and Stutman focus on the narrative theory in openings. Examples of openings based on the correlates of coherence and fidelity from Fisher's narrative rationality theory are provided. Bennett's story telling, and Pennington and Hastie's story model of trial information are used to further support the narrative approach. Chapter six covers credibility issues from impression formation, self presentation, and expectations based on persuasion theory. Aristotle's dimensions of ethos as well as more current perspectives on the factors of ethos are included. The importance of style, similarity, confidence, and nonverbal factors affecting ethos are discussed. Extrinsic determinants of the credibility of the attorney and defendant such as social power, attractiveness, status, gender, and age are developed by Rieke and Stutman. The chapter provides good coverage of gender influence on credibility. Chapter seven deals with evidence and testimony. Types of evidence and how evidence is presented in the courtroom are reviewed. Eyewitness testimony, expert testimony, defendant testimony, confession, and polygraph evidence are included. The chapter contains an interesting discussion of witness speech style using powerful vs. powerless speech. Communication style is also covered in detail by Rieke and Stutman. Chapter eight covers witness examination from impeaching a witness to controlling a witness with questions. The chapter includes a discussion of leading questions and the effects of using leading questions. Uses of presuppositions in question structure are covered well. Chapter nine deals with key considerations of closing arguments, use of two-sided messages, metaphor, and rhetorical questions. Chapter ten delves into the jury deliberation process. Limitations of research knowledge of the process is covered. The role of narratives during deliberations is included. An in-depth example of an actual jury deliberating that was broadcast on public television is analyzed in the chapter.

Much of the research cited in the text was not conducted in courtroom settings or concerned with courtroom communication. Research concerning juries is largely conducted on mock juries. The lack of courtroom research can be attributed to limited published research in this area. An instructor using the text would want to discuss difficulties in generalizing research findings.

The text chapters read somewhat disjointedly mainly due to the broad range of theoretical approaches included. Some chapters take a rhetorical/public address perspective while others focus on social science research. A consistent theme in several chapters is the importance of narrative influence in courtroom behavior.

The scope of the text focuses on litigation, though there are several aspects of the process that deserve more detailed coverage including the role of judge, distinctions between civil and criminal trials, and the discovery process. The increasing role of trial consultants is also not covered by Rieke and Stutman. Chapter one on dispute resolution provides too much detail on alternatives to litigation.

Overall there are many advantages of using the book as a text or supplement for a course. Rieke and Stutman provide an excellent theoretical base of social science and rhetorical perspectives on courtroom communication. Though detailed information about theoretical perspectives is not provided, Rieke and Stutman adequately stimulate the interest of the reader serving the purpose of a text in this area. Because of their strong theoretical base the text is not prescriptive in nature. Limitations of a prescriptive approach to trial advocacy are included. The text does not provide much of a practical guide to trial advocacy contrary to the claims of the publisher. Though it is not a guide, detailed examples are provided within the text. Examples used are current, even when discussing Greek and Roman rhetorical contributions.

Instructors have significant leeway in developing a course using this text. The chapters do not need to be covered in order. For a practicum course this text could be used as a theoretical base with a practical guide to courtroom communication. The text works well for a course on the quarter system given the ten chapters. A semester course could supplement the text with additional readings and broaden the scope of the text coverage.

Rieke and Stutman's *Communication in Legal Advocacy* provides a sound theoretical introduction to courtroom communication.

BOOK REVIEW/VIDEO AND SOFTWARE CRITIQUES NEEDED FOR THE FORENSIC

The editor is seeking book reviews and video and software critiques for the Summer and Fall issues of *The Forensic*. Reviews or critiques for the Summer issue are due to the editor by May 15, 1994 and for the Fall issue by September 15, 1994 in camera ready condition with both a hard copy and a 3 1/2 inch disk with the review in Microsoft Word or Word Perfect Mac or DOS. See reviews from the Fall, 1993 or Winter, 1994 or Spring, 1994 issues of *The Forensic* for models. When you have picked something to review, please get in touch with Steve Hunt so we may avoid too many people doing one book, video, or program.

Suggestions for review include but are not limited to the following:

Douglas N. Walton Plausible Argument in Everyday Conversation 1992 St University of New York Press

Douglas N. Walton The Place of Emotion in Argument Penn St University Press 1992

David Vancil Rhetoric and Argumentation Allyn 1992

John Reinard Foundations of Argument: Effective Communication for Critical Thinking 1991 Brown and Benchmark

Championship Debates and Speeches 1991 SCA / also 1992 edition

Argument in Controversy: Proceedings of the 7th SCA/AFA Conference on Argumentation ed. Donn W. Parson 1991 SCA

Van Eemeren, and R. Grootendorst Argumentation, Communication, and Fallacies: A Pragmadiialectical perspective Hillsdale, NJ: Lawrence Erlbaum 1992

_____Reconstructing Argumentative Discourse U of Alabama Press 1993

Robert Pinto and John Anthony Blair Reasoning: A Practical Guide 1993

SERIES by Carol Winkler, William Newman, David Birdsell eds. from William C. Brown 1993

Lines of Argument: Core Volume

Lines of Argument for Value Debate

Lines of Argument for Policy Debate

Ed David Thomas and Stephen Wood CEDA 20th Anniversary Assessment Conference Proceedings Kendall Hunt 1993

Michael D. Bartanen Teaching and Directing Forensics Gorsuch Scarisbrick 1994 (is out now)

CEDA Yearbook 1992 / also 1993 edition

Michael Pfau and Roxanne Parrott Persuasive Communication Campaigns Allyn and Bacon 1993

Rich Edwards of Baylor debate management program****

Gary Larson of Wheaton debate management program***

Michael Bartanen and David Frank Nonpolicy Debate Gorsuch Scarisbrick 1994

J. Michael Sproule Speechmaking: An Introduction to Rhetorical Competence 1991 Brown Benchmark

Austin J. Freeley Argumentation and Debate: Critical Thinking for Reasoned Decision Making Wadsworth 1993 8th edition **

David Thomas and J. Hart Advanced Debate: Readings in Theory, Practice, and Teaching 4th ed National Textbook 1992

- Eds. Frans H. van Eemeren Rob Grootendorst J. Anthony Blair Charles A Willard Proceedings of the 2nd International Conference on Argumentation U of Amsterdam 1990
- Richard Rieke and Randall Stutman Communication in Legal Advocacy
- Seth Hawkins Intercollegiate Speech Tournament Results 1992
- Seth Hawkins Intercollegiate Speech Tournament Results 1993
- Robert V. Friedenberg ed Rhetorical Studies of National Presidential Debates 1960-1992 2nd ed Praeger 1993
- William Benoit, Dale Hample, Pam Benoit , eds. Readings in Argumentation NY: Foris Pub. 1992
- Ronald Matlon Opening Statements and Closing Arguments Stuart Allen 1992
- 2nd National Conference on Individual Events when it is finally out??????????
- Theresa Enos and Stuart Brown Professing the New Rhetorics: A Sourcebook Englewood Cliffs, N.J. Prentice Hall, 1994
- David Berube Tuna Snider and Kristan Pray Nonpolicy Debating: University Press of America , 1993.
- T. Hanson et al The Practice of Public Speaking: A Practical Guide For Beginning Speakers 2nd ed Dubuque, Iowa: Kendall Hunt Publishing Co., 1991.
- Raymond Zeuschner Communicating Today Allyn 1992
- Rudolph Verderber Essentials of Informative Speaking: Theory and Contexts Wadsworth 1991
- ____ Essentials of Persuasive Speaking: Theory and Contexts Wadsworth 1991
- Charles Mudd and Malcolm Sillars Public Speaking: Content and Communication 6th ed Waveland 1991
- Donald Klopf and Ron Cambra Personal and Public Speaking 4th ed Morton Publishing 1993
- D. Leith and G. Myerson Rhetoric, Reason, and Argument—The Power of Address: Explorations in Rhetoric
- Brian MacArthur editor The Penquin Book of Twentieth-Century Speeches
- Ed Inch, editor Proceedings of PKD Third Development Conference when it is published

REQUESTS FOR THEME ISSUES

The editor requests scholarly papers, editorial opinions in the form of coaches' and students' corner remarks perhaps even in pro and con debates, and book reviews, software and video critiques on two themes for future issues of *The Forensic*.

I. Hosting and Managing Forensic Tournaments Materials due by May 15, 1994.

Topics might include but are not limited to : computer software programs in running debate or individual events, scheduling problems and solutions, graciousness, health, and religious issues in running tournaments, reviews of management programs, articles, or books about managing, hosting tournaments, ethical issues in running forensics tournaments, comparisons of one day versus two day versus three day schedules, options for running simultaneous events and justifications for conflict patterns, analyses or criticisms of NFA, NIET, NDT, CEDA or other nationals as model tournaments, methods for assigning judges and pros and cons for same, benefits of having forensics workshops at tournaments, priorities and justifications for priorities in scheduling debates or individual events, arguments for the most educational rules, time allowances, event descriptions, etc. at tournaments, arguments as to what are the best kind of ballots to use, etc. etc.

II Outcomes Assessment of the Values of Forensics Participation Materials due May 15, 1995

Topics might include but are not limited to: what is outcomes assessment research, what methods can/should be utilized in outcomes assessment research, what are the values of forensics participation in general and from each activity within forensics: public speaking classes, rhetoric classes, debate class, competitive debate, extemporaneous speaking, impromptu speaking, persuasion/oratory, informative or expository speaking, after dinner or speaking to entertain, rhetorical criticism or communication analysis, oral interpretation, etc. etc. , how can the values of forensics participation be defined and operationalized, and most of all empirical research in outcomes assessment. This call is made a year in advance so that interested parties can do some actual outcomes assessment during a semester or year of forensic activity. Quantitative research will be preferred but qualitative research will also be considered.