

Working with Prejudice

If you can't beat them – join them.

A particular issue in rhetoric is dealing with the prevailing prejudices of your audience. In relation to a particular issue each tribunal will come with pre-existing views as to the desirable position. How you structure your argument will depend on whether you are going with those prejudices or working against them:

If the wind is in your favor then it is best to allow the tribunal to gain the impression that it has itself developed the arguments you present in support of their prejudice. Encourage the tribunal to express its prejudices and then nod vigorously in response to them. The rhetorical question is made for such circumstances. It is also wise to be short, and to reserve your energy for any reply.

If the wind is against you then you have three options:

First, you can plough on. This is only feasible if you think that there is overwhelming reason and evidence in your favour **and** the tribunal is the kind to take this into account. A judge may grudgingly concede he is wrong on the law but sometimes even the most cogent evidence will not convince a mob.

Second, you can change tack and try to side-step the problem. Primarily this is achieved by aligning your argument so that it falls into the first category. A stark example, unlikely to be encountered in real life, arose in a competition debate. The topic of debate was homosexual rights, which those proposing the motion had chosen to define as allowing gay marriage but not allowing gay adoption (neither of which were permissible in law in the United Kingdom at the time.) To take the straight opposition to the position put forward meant arguing emotionally that it was “against the laws of God

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and man” to permit such a thing and thus straight into the teeth of the prejudices of this particular tribunal (young, British, college students from a largely liberal background). To have done so would have been to lose. Instead, we opted to side-step the problem by arguing instead for gay rights that *included* adoption. Now the prejudices were against the proposers and their more limited relaxation of the law.

An alternative approach is the corollary or “senate amendment” attack. (It has the latter name because of the prevalence of this approach in the US legislature where amendments on very different topics are tacked onto legislation in order to either scupper that legislation or get through something that would otherwise have failed to gain sufficient support). In short, you connect the primary argument (in which the prejudice is against you) to a secondary argument (in which the prejudice is with you). In order to support the secondary argument – which is a necessary corollary of the primary argument – the tribunal is forced to go against its prejudices in relation to the primary argument. An example is this: in a recent court case that I was involved in the issues could be divided into two groups – questions of liability and questions about the appropriate remedies to apply if the defendant was found liable. In relation to the latter the prejudice of the court was against the arguments that I would have wanted to run on behalf of the defendant. Rather than confront this head on I suggested that the arguments were so long and complex as to virtually warrant a trial in themselves. However, since it might not be necessary to consider them if the court found in favor of my client they could be set to one side for the time being. The court gratefully took the opportunity to avoid the issues – so the prejudice against my client was not present during consideration of the liability and a new prejudice, against an outcome that would necessitate much additional work, now operated in the court’s mind.

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The third option is the Mark Anthony approach – appear to agree with the prevailing prejudice but subtly undermine it by changing the nature of what you are agreeing with. So in *Julius Caesar* Brutus has persuaded the mob that he has acted in Rome’s best interests by ending Caesar’s ambition. The two pillars of his argument are 1) I, Brutus, am trustworthy and 2) I tell you Caesar’s actions showed over-reaching ambition. The mob’s belief in the first pillar leads them to accept the second. Mark Anthony’s argument must overcome the Mob’s prejudice to believe Brutus because of his honorable status. He does so by purporting to agree that Brutus is honorable while attacking the second premise – by suggesting that Caesar did what he did for the people of Rome with the result that the attack on the second pillar of Brutus’ argument undermines the first pillar:

*“Friends, Romans, countrymen, lend me your ears;
I come to bury Caesar, not to praise him.
The evil that men do lives after them;
The good is oft interred with their bones;
So let it be with Caesar. The noble Brutus
Hath told you Caesar was ambitious:
If it were so, it was a grievous fault,
And grievously hath Caesar answer'd it.
Here, under leave of Brutus and the rest--
For Brutus is an honourable man;
So are they all, all honourable men--
Come I to speak in Caesar's funeral.
He was my friend, faithful and just to me:
But Brutus says he was ambitious;
And Brutus is an honourable man.
He hath brought many captives home to Rome
Whose ransoms did the general coffers fill:
Did this in Caesar seem ambitious?
When that the poor have cried, Caesar hath wept:*

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*Ambition should be made of sterner stuff:
Yet Brutus says he was ambitious;
And Brutus is an honourable man.
You all did see that on the Lupercal
I thrice presented him a kingly crown,
Which he did thrice refuse: was this ambition?
Yet Brutus says he was ambitious;
And, sure, he is an honourable man.
I speak not to disprove what Brutus spoke,
But here I am to speak what I do know.
You all did love him once, not without cause:
What cause withholds you then, to mourn for him?
O judgment! thou art fled to brutish beasts,
And men have lost their reason. Bear with me;
My heart is in the coffin there with Caesar,
And I must pause till it come back to me.”*

By Benet Brandreth 2006