

Aristotelian Rhetoric and Argument Efficiency: An Analysis of Closing Statements in the Quinlan Case

Rachel Casey

Created in Kevin Roozen's
Summer 2020 ENC 3315 class

Abstract

The right to die is an ancient concept based upon the premise that human beings who lack the will to live due to being subjected to a terminal illness are entitled to end their lives via assisted suicide or refusal of life-prolonging treatments. The question of who, if anyone, should be allowed to make such decisions has remained central to the age-old debate about the right to die concept and has given rise to many legal battles. The 1975 landmark court case *In re Quinlan* generated new contestation over the choice to embrace accepted medical standards, the philosophical right to die, and brought a young American woman, Karen Ann Quinlan, into the center of ongoing controversy.

In any highly publicized and divisive legal battle, such as *In re Quinlan*, means-to-an-end verdicts are often scrutinized and evaluated for attorney proficiency and case building processes. This paper extends beyond the typical evaluations of legal references and client testimonials to examine the development of logical and emotional appeals. These appeals underlie both attorneys' arguments and serve as foundations for the often-studied material inclusions. An orator's choices of scope and purpose drive the construction of his or her case and shape both its verdict and lasting social impact. In looking to the argumentative choices of each attorney, implications can be drawn not only on the most effective combination of logical and emotional rhetorical appeals but also on the continued relevance of traditional rhetorical principles originally penned by Ancient Greek philosopher Aristotle. As demonstrated through an examination of the attorneys' closing statements, the usages of rhetorical appeals may change with time period and situation, but the fundamental principles of rhetoric and its application remain consistent.

Convergence Rhetoric In re Quinlan Background

At twenty-one, Karen Ann Quinlan spent a night out at a local tavern with her roommates where she consumed several drinks and, unknown to anyone at the time, a substantive amount of sedatives. Not long after her roommates took her home, Karen Ann was found unconscious and not breathing. She was taken to the hospital and medical intervention saved her life, but she fell into a persistent vegetative state. Her possibility of waking from the coma remained unclear to all doctors assigned to her case.

Karen Ann Quinlan came from a religious family; she, her siblings, and her parents were all practicing Catholics. Karen Ann's parents, Joseph and Julia Quinlan, prayed that their oldest daughter would heal; however, as time passed and Karen Ann's physical state further decayed, so too did her family's belief in a successful recovery. Hearing her painful-sounding moans and watching her body pale and wither, they decided it would be best to remove Karen Ann from the ventilator. The Quinlans' decision was supported by a Catholic belief dating back to the sixteenth century that purports a lack of moral obligation for the faithful to prolong life by use of extraordinary means. This belief was later corroborated by Pope Pius XII in 1957, who said that when there is no hope of recovery, there is no moral obligation to prolong life via technological medical devices. According to the Quinlans' priest, there is a difference between saving a "human life" and retaining a "purely biological functioning" being (Lief & Caldwell 8).

Three and a half months after their daughter lost consciousness, Joseph and Julia Quinlan directed Karen Ann's doctor, Dr. Robert Morse, to discontinue all extraordinary measures—including use of the ventilator—to return their daughter to her natural state. Dr. Morse refused, citing the Hippocratic Oath, a Greek medical text which requires a new physician to swear by a number of healing gods that they will uphold ethical standards and, most notably, "do no harm." It states that "If any shall ask of me a drug to produce death, I will not give it." Dr. Morse also cited his view of the ventilator as life-sustaining treatment. Thus, Joseph Quinlan sought legal assistance to combat the hospital's decision, taking the matter before Judge Robert Muir, Jr. in a juryless trial.

In re Quinlan spawned compelling arguments from both sides. Representing Karen Ann's doctors, Dr. Morse and Dr. Arshad Javed, was attorney Ralph Porzio, who presented a case for the embrace of current medical standards. Representing Joseph Quinlan was attorney Paul W. Armstrong, who made a petition for Joseph's guardianship over his daughter and the rights to disconnect her from life support.

Analysis of Aristotelian Rhetorical Appeals

Through analysis of their respective arguments, both attorneys make strong use of traditional Aristotelian rhetorical appeals which, although originated in early Ancient Greece, continue to hold relevance. Aristotle writes that rhet-

oric exists “to affect the giving of decisions” (59) and provide the orator means to move his or her audience towards a preferred decision:

[The] orator must not only try to make the argument of his speech demonstrative and worthy of belief; he must also make his own character look right and put his hearers, who are to decide, into the right frame of mind.

Aristotle’s characterization of the goals of rhetorical persuasion standing relates to those opinions held in regard to modern legal representation: to argue logically, to present properly, and to speak thoughtfully. Thus, it can be reasoned that Aristotelian principles continue to hold weight in the legal sphere, and this proposition of Aristotle’s continued relevance can be supported through an examination of the closing statements given by Porzio and Armstrong in *In re Quinlan*.

Both attorneys liberally integrate logic and emotion, two rhetorical appeals Aristotle describes in his book *Rhetoric*, into their respective statements in efforts to bolster their own client’s argument and refute that of the other side. This case sees a confrontation between two mutually exclusive theoretical frameworks, the situation standing that if one side wins, the other loses. The closing statements of Porzio and Armstrong appear similar in rhetorical structure as each holds the same end goal: to challenge the premises given by the other for the conclusion of the opposition’s desire to do wrong.

As follows, both attorneys play upon the Aristotelian logical line of argument wrongdoing in order to define the other’s intent as “wrong” and their own as “right.” Porzio, attorney for Karen Ann’s doctors, couples this logical appeal to wrongdoing, primarily with shame, while Armstrong, attorney for Joseph Quinlan, pairs wrongdoing with fear. Through the application of the principles outlined in Aristotle’s *Rhetoric* to Porzio and Armstrong’s closing statements, the attorneys’ respective reliance on traditional Aristotelian logical and emotional appeals comes to light, reinforcing the continued relevance of such ancient Greek rhetorical principles.

In order to craft the most compelling and effective argument, however, mere use of Aristotelian rhetoric is not sufficient. Rather, an orator must also take into consideration the relationship between logic and emotion, accounting for how the applied appeals work from and enhance each other. In a closer examination of the relationship between the most prominent logical and emotional appeals used by Porzio and Armstrong, it can be reasoned that Paul Armstrong utilized Aristotelian rhetorical principles most efficiently by presenting a more comprehensive closing statement and addressing a wider breadth of social consequences through his applications of both wrongdoing and fear.

Logical Appeals

Both attorneys arrange for the Aristotelian wrongdoing line of argument to carry the weight of rational persuasion in their respective statements. Wrongdoing is defined by Aristotle to mean any “injury voluntarily inflicted contrary

to law” (37). This “law” is composed of two branches: the written law, or that “special law” which “regulates the life of a particular community,” and the “general law,” those other “unwritten principles which are supposed to be acknowledged everywhere.” Wrongdoing must be voluntary, made both “consciously and without constraint,” and correspond to the human qualities of either vice or lack of self-control.

Porzio and Wrongdoing

Porzio speaks to the wrongdoing that violates legal and medical traditions. In his closing statements to Judge Muir, Porzio asserts that, at the hospital, there had been no “departure or deviation from accepted medical practices,” and everything done or given to Karen Ann had been “standard medical practice” (Lief & Caldwell 22). In referring to “standard medical practice,” Porzio implies a total adherence of the hospital to the Hippocratic Oath. Porzio indicates that care given to Karen Ann up until that point had been in line with medical tradition, and a breakaway from such practices would be in violation of medical “special law.”

Porzio continues to challenge the removal of Karen Ann’s ventilator through attribution of wrongdoing to the Quinlans’ desire. He further puts forth the historical observation that “Anglo-Saxon jurisprudence,” the theory of law practiced in the United States, “is rooted in many parts of the world” (Lief & Caldwell 26) and, as a result, shapes legal decisions in courts worldwide. Thus, this “special law” of legal theory is shown both to be widely adopted and to have been practiced over a “long history,” adding to the magnitude of legal precedent. Removing Karen Ann from the ventilator, Porzio argues, would be a blatant human vice, a voluntary violation of medical and legal “special law.”

Armstrong and Wrongdoing

Armstrong also appeals to wrongdoing to reason a violation of precedent. He states that, based upon principles established in the case of *J.F.K. Memorial v. Heston*, “no competent adult is required by law to submit to medical treatment which offers no reasonable hope for relief or cure” (Lief & Caldwell 32). The verdict in *J.F.K. Memorial v. Heston* granted legality to the mandate of a blood transfusion for an adult Jehovah’s Witness, Delores Heston, superseding the right to religious freedom with the constitutional protection of one’s right to life. Armstrong argues that “the relevant facts in Heston were quite different from those in the case at bar” (Lief & Caldwell 32). By this, he means that, while Heston’s ailment “was completely curable,” Karen Ann’s condition stands as “medically hopeless.” In Heston, the court decided that refusal of a blood transfusion would have been “tantamount to suicide” but, in the same breath, offered the opinion that the situation would be different if the individual in question was “overtaken by illness” and “decided to let it run its course.” Armstrong uses this legal opinion

as “special law” upon which to ground his case. He argues that it would be an iniquitous decision to hold one in life in a “medically hopeless” situation as this move would violate standing legal precedent.

Further, Armstrong addresses Karen Ann’s First Amendment right to religious freedom and her Fourth Amendment right to privacy as enumerated for all citizens in the U.S. Constitution. This precedent of individual rights and protections established by America’s founding fathers stands as the ultimate “special law,” as all American citizens, no matter their chosen social or professional communities, are protected by the enumerated “special laws” of the U.S. Constitution. The decision to draw upon the model of freedom and choice established by America’s founding fathers appeals to set a solid precedent in an effort to back Armstrong’s argument of wrongdoing. To go against the United States’ social and political framework is a legal offense, motivated by human vice; to suggest that Karen Ann’s freedoms are being stripped in this way by keeping her on the ventilator, therefore, appeals to the highest form of “special law” violation.

Emotional Appeals

In an attempt to strengthen these lines of argument, Porzio and Armstrong also implement Aristotelian appeals to emotion to put their audience, Judge Muir, “into the right frame of mind” (Aristotle 59). Contrary to political speeches whereby it is important that the orator present the best possible character for himself, Aristotle argues that litigation requires the effective use of emotions, “those feelings that so change men as to affect their judgments.” Thus, emotions show themselves to be weighty factors in the perception of a situation and its best conclusion. Porzio and Armstrong each make use of numerous Aristotelian emotions throughout their closing statements, and due to the zero-sum game nature of this particular case, the emotional appeals of each attorney follow similar structures. However, through the analysis of both closing statements, one primary emotion can be identified in each closing statement: Porzio appealing to shame and Armstrong appealing to fear.

Porzio and Shame

Aristotle describes shame to be “pain or disturbance in regard to bad things, whether present, past, or future, which seem likely to involve us in discredit” (72). Porzio uses shame as the foremost emotional appeal in his closing statement, creating for his audience, Judge Muir, shame felt by way of future “dishonour [sic].” A ruling in favor of Joseph Quinlan’s request to serve as his daughter’s guardian and remove her from life support, Porzio argues, would constitute a future “bad thing” liable to bring discredit to Muir’s career.

In his closing statement, Porzio leans on the premise of an “erosion of medical standards” (Lief & Caldwell 24) through ignorance of a necessary division of professional responsibility. To make the judgment that Karen Ann

can be removed from life support would constitute a judicial decision to “practice medicine” would mean that Muir, in effect, would be “eroding the very integrity of the medical profession” with his intervention.

Further, Porzio works to shape the perception of Armstrong’s claim that Karen Ann should be removed from the ventilator based on moral and religious beliefs, framing a future informed decision by Muir as nothing but a cavalier power exploit:

[W]hat Mr. Armstrong wants you to do is to step in and to say, “No, I want to give her something less than total care. I want to give her the kind of care that will instantaneously terminate her life or, in the alternative, that will shorten it drastically” (Lief & Caldwell 24).

In coloring Armstrong’s position to be an immoral and unsupported want as opposed to a valid position in a two-sided case, Porzio suggests that ruling in favor of the opposition would result in ignominy for the judge’s career, defined by rational and just decision-making. Porzio works to grow a feeling of shame in his audience by appealing to a possible future whereby Judge Muir oversteps his role as legal executor, venturing into territory which could bring discredit to himself, his decision-making, and the U.S. court of law. This move serves to enhance the perceived wrongdoing in the decision to remove Karen Ann from life support through the logical enthymeme that if something appears shameful, it must be wrong.

Armstrong and Fear

Aristotle defines the emotion fear to be “a pain or disturbance due to a mental picture of some destructive or painful evil in the future” (69). Fear is not inspired by some remote idea; rather, it is caused by anything felt to have “great power of destroying us, or of harming us in ways that tend to cause great pain.” Thus, it follows that anything feared must be recognized as a conceivable evil and understood to cause some form of great destruction or pain to the individual or community it befalls.

Within his explanation of what he feels to be constitutional violations in the Quinlan case, Armstrong works to instill in his audience a sense of fear for the future of American privacy and constitutional rights. Aristotle states that one factor which works to enhance a feeling of fear in an audience is “injustice in possession of power” (70). Thus, Armstrong works to shape the decision by the medical community to keep Karen Ann on the ventilator as such an abuse of power. He offers the statement that “no competent adult is required by law to submit to medical treatment which offers no reasonable hope for relief or cure” (Lief & Caldwell 32) in order to construe Karen Ann’s doctors as exerting their medical powers to unjust levels and making their patient, Karen Ann, “a living sacrifice” (34) to medical science experimentation and the ungodly desire to cheat death.

Not only does Armstrong suggest injustice in the medical community’s power, but he also offers a second evil to fear: technology. Armstrong asserts

that the testimony that was given during the trial “leads to the conclusion that medicine must be the servant of man; and that technology must be the servant of medicine” (33). Thus, it follows that technology exists to serve man; however, in Karen Ann’s situation, Armstrong argues, technology is usurping man’s role of master. Constraining Karen Ann’s body to “function against all its natural impulses” is a direct challenge to her status as a human being and as an American citizen. Technology, here, is not serving as it should but, is instead undermining Karen Ann’s possession of human dignity and her practice of religious freedom, more specifically, the ability for her to abide by the tenets of Catholic faith which hold that one need not futilely prolong biological life via extraordinary means.

According to Aristotelian principles of emotion, people generally do not fear things “that are a long way off” (69); thus, heeding this logic, Armstrong does not appeal to fear in an attempt to paint a picture of death or hopeless illness for Judge Muir. Rather, he works to build fear in response to a loss of power held by men and to a depreciation of freedom held by the American citizen. There stands the proper proximity to fear the dissolution of rights and liberties purportedly guaranteed by the U.S. Constitution, and this fear, Armstrong hopes, will move Muir to rule in favor of Joseph Quinlan.

Analysis of Argument Efficiency

Following the attorneys’ closing statements, the first court hearing for the case *In re Quinlan* ended, leaving Judge Muir to deliberate on the presented evidence and weighty moral implications. This 1975 trial saw a ruling in favor of Karen Ann’s doctors based on the opinion that removal of the ventilator constitutes a medical, rather than a judicial, decision and violates homicide statutes. However, the verdict by Muir was successfully appealed the following year on the grounds of the Quinlans’ right to privacy.

Regardless of the verdict, the attorneys’ respective closing statements given at *In re Quinlan* can be analyzed to show the efficiency, or lack thereof, in the application of traditional Aristotelian rhetorical principles to enhance the strength and scope of the argument. It can be reasoned that Armstrong presented a compelling argument of the two by combining a logical line of argument wrongdoing and fear to produce a more comprehensive closing statement.

Although Porzio combines wrongdoing and shame to build an argument, he heavily relies on Judge Muir’s emotional response and aversion to deviation from practiced norms. Admittedly, Porzio wins the first trial; however, his argument appears lacking compared to Armstrong’s. Porzio’s closing statement focuses on shaping Muir’s self-perception and coloring the Quinlans’ request as wrong due to the fact that it challenges the traditional limits of medical and legal practice. He paints the wrongdoers as Armstrong for challenging medical precedent and Muir for the future shame he will incur with a decision to rule in favor of the Quinlans’ request. Consequently, Porzio’s claim remains stilted by its reliance on a single premise and a subjective, emotional conclusion of shame

resulting from wrongdoing.

Armstrong, on the other hand, presents a closing statement that addresses a wider breadth of social consequences and therefore possesses greater strength and scope of the argument. He appeals to the wrongdoing line of argument through the use of both precedent and refutation, and he enhances these logical claims with a common feeling of fear instead of Porzio's personal, subjective emotional approach. Armstrong, contrary to Porzio, puts a wider-reaching face to the name of the wrongdoer. He does not limit his wrongdoer to one specific person in the courtroom but attributes blame to the more expansive fields of medicine and technology, thereby enhancing his emotional appeal to fear as medicine and technology by presenting them as two entities that exert potentially unjust power over large areas of society.

Further, Armstrong's argument allows for the refutation of Porzio's characterization of wrongdoing. Porzio argues that wrongdoing lies in changing medical tradition. Armstrong presents an opposite and arguably stronger claim, painting Karen Ann as a medical experiment and technology as an unjust force. Medicine is constantly experimenting with new knowledge and technological innovations, and Armstrong implies that to rule in favor of preserving medical tradition would be hypocritical when medical practice itself is evolving, reaching levels that attempt to claim mastery over man and his freedoms. This antithesis to Porzio's logical wrongdoing, combined with the more universal emotional appeal to fear, builds a more efficient closing statement for Armstrong, allowing him to address actions perpetrated by expansive social entities and consequences felt by the whole of society. He widened his closing argument's scope and increased its efficiency.

Conclusion

The ability to understand and effectively employ rhetorical principles of argumentation and persuasion is vital to the construction of efficient arguments, or those which achieve their purposes in the most solid ways possible. As demonstrated through a comparative analysis of the closing statements of *In re Quinlan*, similar end results can be met through varied rhetorical employments. However, the strength of an argument depends largely on its fundamental principles or those core philosophies which direct evidence citation and further lines of reasoning. Knowledge of traditional Aristotelian rhetorical principles provides one with a comprehensive base from which to invent, arrange, and deliver arguments as the relevancy of such logical and emotional appeals has been shown to stand the test of time. The emotions delineated by Aristotle continue to resonate with the public, and the logical moves still find themselves as foundations to many everyday debates. An understanding of how to effectively combine such Aristotelian appeals moves knowledge from theory to practice. Through recognizing how logic and emotion intersect and build from each other, one can ground Aristotle's purpose in a solid and sustainable argument situated to persuade an audience most efficiently.

Casey
Works Cited

Aristotle. *Rhetoric*. Translated by W. R. Roberts, Dover Publications, 2004.
Lief, Michael S., and Harry M. Caldwell. "To Be or Not To Be: Karen Ann Quinlan and the Right to Die." *And the Walls Came Tumbling Down: Closing Arguments That Changed the Way We Live, from Protecting Free Speech to Winning Women's Suffrage to Defending the Right to Die*, Scribner, 2004, pp. 5–60.

Rachel Casey is a senior pursuing a double major in Writing and Rhetoric and Political Science. Throughout her time at UCF, she has become an involved undergraduate researcher, participating in the publication and presentation of independent research with nationally recognized journals and conferences and, most recently, successfully defending her Honors Undergraduate Thesis. Her research interests include studies of feminism, international politics, and social change movements. After graduation, Rachel plans to attend law school in hopes of contributing to the fight for international human rights and social justice.

