

# **Introducing Stasis Theory: Finding Common Ground and Asking the Right Questions**

## **MODULE TEXT**

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1



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- 1 In many ways our world is utterly different from the civilizations of the ancient Greeks and Romans. We have vastly superior technology, different values and beliefs, art forms that no Roman ever imagined, and different ideas about gender roles and sexuality. However, our legislative and governing institutions have their roots in Greek and Roman ideas of democracy and civic life. Some aspects of human life haven't changed much in the past 2,000 years. Because humans are still humans, some ancient techniques for discussing problems and arriving at solutions are still very useful for coming up with good arguments. Among them is a technique called "stasis theory." Don't be put off by the technical sounding name. It really isn't that complicated.
- 2 Stasis theory was first developed by Hermagoras, a Greek rhetorician who taught in Rome during the 1<sup>st</sup> Century B.C. The techniques were refined by Roman rhetoricians Cicero and Quintilian and used for many centuries to invent arguments for debates, persuasive speeches, and trials.
- 3 The first step in having a productive debate or discussion is to agree on the question being discussed. Quintilian says, "Every question is based on assertion by one party and denial by another" (III vi. 6). However, a lot of questions are never resolved because the two sides are not asserting and denying the same question. For example, in the debate about abortion, the "pro-life" side generally asserts that "Abortion is murder," while the "pro-choice" side argues that "Women have a right to choose what happens to their own bodies." These parties cannot productively debate until they agree on what question they are debating. "Stasis" is a standpoint between two opposing views. "Achieving stasis" is when the parties reach agreement on exactly what the question or issue under discussion is.
- 4 The second step is to figure out where there is common ground and where there is disagreement about the issue. This is where the four stasis questions come into play. Do we disagree about the facts, the definition of the act (what to call it), the nature of the act (whether it was good or bad) or what to do about it? Once we figure out what the issue is and where we disagree, we can have an efficient and productive discussion about it. An unproductive discussion is often a lot of noise and shouting that doesn't go anywhere. Thinking through the stasis process helps clarify the issues so that we can zero in on the real problem. More on this below.

### **Definite and Indefinite Questions**

- 5 Quintilian says that questions are either definite or indefinite. Indefinite, or general, questions can be argued without reference to a particular person, time or place. Definite questions, on the other hand, involve particular people, times and places (Quintilian III v. 6-10).
- 6 A definite question is always encompassed by a larger, indefinite question. For example, the Supreme Court case known as *Brown versus the Board of Education* arises with a definite question:

Should Oliver Brown, living in Topeka, Kansas in 1952, be able to send his black daughter Linda to a white school in his neighborhood?

- 7 However, this definite question was reformulated by the court as an indefinite question that would apply throughout the country:
- Are segregated schools, even if the physical circumstances and other tangible factors may be equal, ever truly equal?
- 8 The court's answer to this question was "No." Supreme Court decisions often derive general principles from arguments about particular, definite questions. These cases then establish a precedent for decisions about other definite questions in lower courts.
- 9 It is often useful to think about the general question behind the definite question that arises from the particular circumstances of the immediate situation. The writer or speaker can then decide whether it is better to argue the general question or the definite one.

### **Stasis Questions**

- 10 As noted above, if the first step is to ask, "What issue or problem are we debating?" the second step is to ask "Where do we disagree?" Cicero argues that "Every subject which contains in itself any controversy existing either in language or in disputation, contains a question either about a fact, or about a name, or about a class, or about an action" (*De Inventione* I viii). These are the four basic stasis questions:
- Question of Fact or Conjecture: Does it exist? Did it happen?
  - Question of Definition: How can the act or event be defined? What should we call it?
  - Question of Quality: What is the character of the act? Is it good or bad? (Or excusable because of the circumstances.)
  - Question of Policy: What should we do about it?
- 11 The main purpose of these questions is to figure out where we disagree on the question at issue. In the ancient world, the stasis questions were often applied to legal questions and trials.

### **"I Shot the Sheriff"**

- 12 For example, let's look at the situation of the persona in Bob Marley's "I Shot the Sheriff."

I shot the sheriff, but I did not shoot the deputy.

I shot the sheriff, but I did not shoot the deputy.

All around in my home town

They're trying to track me down.

They say they want to bring me in guilty

For the killing of a deputy,

For the life of a deputy.

- 13 If the court were trying him for the murder of the sheriff, it is not a question of fact because he admits to the shooting. We would move on to the definition question. However, according to the song, the community thinks he is guilty of killing the deputy, which he denies. On the question of the deputy, the dispute actually is about, "Did it happen?"
- 14 About the sheriff the speaker says,  
I shot the sheriff, but I swear it was in self-defense.
- 15 On the issue of the sheriff then, the question is one of definition. Is it correct to call this killing "self-defense"? He is trying to define his act as a form of justifiable homicide. Different states and jurisdictions have different definitions of murder, but they are usually something like this:
- First Degree Murder: intentional murder that is willful and premeditated
  - Second Degree Murder: intentional murder that is not premeditated or planned
  - Voluntary Manslaughter: a "crime of passion" with no planning or premeditation, committed in an extreme emotional state
  - Involuntary Manslaughter: accidental death caused by negligence
  - Justifiable Homicide: an intentional killing justified by the circumstances
- 16 After claiming the act was in self-defense, the speaker explains that the sheriff always hated him. He says that when "freedom came my way" he started out of town, but then saw Sheriff John Brown "aiming to shoot me down." A lot depends on what he means by "freedom came my way." Is this part of a jailbreak? No matter how much the sheriff hated him, can he claim "self-defense" if he shot the sheriff while escaping from jail?
- 17 The last verse says,  
Reflexes got the better of me  
And what is to be must be.  
Every day the bucket goes to the well,  
But one day the bottom will drop out,  
Yes, one day the bottom will drop out.
- 18 The line "reflexes got the better of me" suggests a different definition, perhaps involuntary manslaughter. However, the metaphor of the bucket going to the well every day and the bottom finally dropping out, plus the idea that the sheriff had always hated him, suggest long standing grievances and ill will. The proper definition sounds more and more like second degree murder.
- 19 From that we move to the issue of quality, or "Was the killing just or unjust?" Questions of definition and quality necessarily overlap a bit. We have already questioned his definition of the act as "self-defense." Are there any other potentially mitigating circumstances? The only evidence we have in the song is his claim that the sheriff always hated him. Under this question we might consider circumstances such as a father stealing bread to feed his children. It is still theft, but perhaps it was justified.

- 20 Finally, we get to the question of policy, “What should we do about it?” which in this case would be “What should the sentence be?” Does this speaker deserve the death penalty? Life in prison? Or should we accept his “self-defense” definition and let him go?

### **Forensic and Deliberative Stasis**

- 21 The most common use of stasis theory is in forensic cases like the one above, which means that we are arguing about some past act, often a crime of some kind. We are trying to determine if the act happened, what we should call it, the nature of the act, and what we should do about it. However, the stasis process can also be applied to deliberative questions (to “deliberate” means to consider various possibilities to reach a decision). In this case, we are considering a solution to a problem and what the future effects will be. According to George Pullman, the deliberative questions are:
- Is it legal?
  - Is it expedient? (Is action necessary and will it solve the problem?)
  - Is it possible?
  - What is the anticipated effect? (honor, happiness, satisfaction, etc.) (227)
- 22 These are questions that are asked in legislative bodies, from the U. S. Congress to city councils across the country, on a daily basis. They can be applied to everything from a proposal to repair a bridge to national tax policy.

### **Conclusions**

- 23 In many cases, we waste a lot of time arguing without a clearly formulated question and without clear ideas of what the disagreement is about. Stasis theory provides a good framework for a productive discussion that actually has a chance of addressing and potentially solving real problems. On almost any issue, the stasis questions, which are easy to remember and use, will give you lots of material to talk about. And who knows, you might win the argument!