

JOLANTA JABŁOŃSKA-BONCA

# Jerzy Stelmach, *Twenty Five Eristic Devices Used Successfully in Politics, Legal Discourse, Business, and Family Life*

**A Review:** Jerzy Stelmach, *Sztuka manipulacji*, Warszawa 2018, 119 pages, featuring 11 illustrations by Jacek Gaj

“It’s a very old trade: mastery of the sleight of hand in a dispute” – as Tadeusz Kotarbiński remarked many years ago.<sup>1</sup> Old, true, but how relevant *hic et nunc!*

We have another book on the issue of convincing others by Jerzy Stelmach, a full professor, doctor honoris causa of Heidelberg University and Augsburg University, a lawyer, a philosopher, the head of the Department of Philosophy of Law and Legal Ethics at the Jagiellonian University. Jerzy Stelmach is not only an outstanding philosopher of law but also an art collector, connoisseur, and expert.<sup>2</sup> This time, his book covers “prohibited ways to convince others”, meaning “sleight of hand”. As usual, it is highly synthetic and published in a beautiful form.<sup>3</sup>

It includes excellent illustrations by Jacek Gaj, a full professor, graphic designer and artist, professor emeritus of the Academy of Fine Arts in Kraków. There are 11 of them.

The book comes also with a “short, smart, and funny” promotional note on the cover. Highly recommended!

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<sup>1</sup> Cf. T. Kotarbiński, Introduction to: A. Schopenhauer, *Erystyka czyli sztuka prowadzenia sporów*, Warszawa 1986, p. 7.

<sup>2</sup> J. Stelmach, *Uporczywe upodobanie. Zapiski kolekcjonera*, Warszawa 2013. “Bidding is a Bit Like Sex”. Prof. Jerzy Stelmach talks about collecting, [www.gazetakrakowska.pl](http://www.gazetakrakowska.pl) 12. 04. 2013.

<sup>3</sup> Cf. earlier works on issues related to convincing others: e.g. J. Stelmach, *Kodeks argumentacyjny dla prawników*, Kraków 2003; J. Stelmach, B. Brożek, *Metody prawnicze*, Kraków 2004; iidem, *Methods of Legal Reasoning*, New York 2006; iidem, *Sztuka negocjacji prawniczych*, Warszawa 2011; iidem, *Negocjacje*, Kraków 2014.

I recommend it to everyone, to lawyers, politicians, and businesspeople in particular. It's good to take a look in the mirror from time to time and think how often we play a part in someone else's play, directed by some third party, to examine our conscience and perhaps admit to ourselves that we too resort to ruses and tend to manipulate the emotions of others.

The author offers 25 methods of manipulation, a number of connections between these methods, and methods to defend ourselves against them. It can actually be said that the book has a hidden meaning. I think we can read it as a story about methods of propaganda and political manipulation. You read the book in one go. But you browse through it rather slowly because the illustrations conduct a dialogue with the text. They offer interesting content and emotions, acting as a wonderful supplement to the theses set in the book.

Let's start with the illustrations. Their author is Professor Jacek Gaj, a well-known and acknowledged graphic artist awarded in many international biennial events, from Warsaw, Kraków, and Łódź to Buenos Aires. His works have been shown in over 250 collective exhibitions in Poland and abroad. He was a dean at the Faculty of Graphic Arts of the Academy of Fine Arts in Kraków. He ran the drawing section at the said faculty for 35 years. Many of his works can be seen in museums in the country and abroad. The drawings illustrating – or actually having an emotional conversation with – J. Stelmach's writing on the gloomy nature of human communication, on the "sleight of hand", feature metaphorical, grotesque, and often dreary visions of human attempts to be together and understand each other (see e.g. the quill pen made drawing entitled "Argumenty" ["Arguments"]). Please take a good look at the correlation between the illustrations and the covered conversational devices. It's perfect. I'm very curious to find out if they were chosen by the writer or the illustrator, or maybe perhaps it was a joint effort. Please have a look at the illustration entitled "Poddasze" ["The Attic"] and device 8 "Wciskanie kitu" ["Applesaucing"], or at "Realitet" and device 13 "Narzucanie własnej narracji" ["Forcing an own narrative"]; or at the drawing with cube and device 15 "Nieoczekiwana zamiana miejsc" ["Trading places"]. It's a brilliant conversation between a text and images.

In the introduction, J. Stelmach writes about the reasons why people manipulate others – and why people let others manipulate them. He explains that he describes only the methods which "dealt with in the practice of persuasion and managed to name somehow" (p. 15). According to him, manipulation is "an act involving a conscious utilisation of forbidden means of persuasion, with the aim to affect the motivation or behaviour of other people" (p. 16). He limits manipulation only to the linguistic layer. He believes that it is impracticable without the engagement of language, using, for instance, images or gestures. He offers the following thesis as

an argument to support his claim: “to assume a different view, I’d need to acknowledge that I’m constantly being manipulated by Wezyr, my dog.” (p. 17). This is, of course, the writer’s playful eristic device, not supporting the said thesis at all. Leaving the discussion on the matter aside, the work could have surely concentrated only on “linguistic events”, ignoring other aspects. It’s a matter of convention.<sup>4</sup>

According to the author of the book, “manipulation is always some kind of revenge, taken by the manipulating party on someone who is simply better than them in some sense (be it biological, intellectual, or ethical)” (p. 30).

The examples explaining the mechanisms of manipulation come from the spheres of family life, legal discourse, business, but mainly from politics. If I were to say what I find missing from the book – because I’m curious about what the author’s opinion – it would be a couple of clearer preliminary remarks highlighting the role of the manipulating party’s knowledge about the manipulated party. After all, it’s always winning or losing to some audience, to someone else. Maybe it would also be good to write more about the key role of emotions in the context of remarks on the defence against manipulation, about throwing the adversary off balance, and make it more emphasised that the winners are usually those who keep their cool until the end. The author makes it clear, though, that the catalogue is not exhausted, but – given the traditionally big significance, it is given in the legal environment, especially now in Poland, I do miss one major device: “acting as an authority”, both in the manipulation version, i.e. “The authority is me”, and in the version of: “authority as a shield”.<sup>5</sup>

The author offers 25 methods of manipulation, the connections between these methods, and methods to defend ourselves against them.<sup>6</sup> Actually, the book can be read as offering a hidden meaning, to put it in humorous terms: as an “undercover” book on the methods of political manipulation.

<sup>4</sup> Cf. other approach to the issue based on other assumptions: J. Jabłońska-Bonca, *Prawnik a sztuka negocjacji i retoryki*, Warszawa 2002, especially chapter IX “Argumenty błędne i pozamerytoryczne (erystyczne) oraz przykłady taktyk przekonywania w negocjacjach” pp. 285–305; and, written with K. Zeidler, *Prawnik a sztuka retoryki i negocjacji*, Warszawa 2016, amended and supplemented, especially chapters: VII and VIII, pp. 316–349; J. Jabłońska-Bonca, *Prawnik jako negocjator – z problematyki retoryki interpersonalnej*, “Studia prawnicze” 2011, 3–4. Cf. also eadem, *Prawo w kręgu mitów*, Gdańsk 1995, especially chapters 2 and 7.

<sup>5</sup> The book covers “acting as a victim”, and the symmetrical device is “Acting as an Authority”. Cf. eadem, *Auctoritas non veritas faciunt legem? Z problematyki funkcji autorytetów prawniczych*, [in:] M. Pichlak (ed.), *Profesjonalna kultura prawnicza*, Warszawa 2012.

<sup>6</sup> In structural terms, the book is very similar to the work of A. Schopenhauer. It is its strength. Cf. A. Schopenhauer, *Erystyka czyli sztuka prowadzenia sporów*, Warszawa 1986. There are 38 devices covered. The Polish edition of 1968 features illustrations by Szymon Kobylński.

I have chosen five examples of manipulation to show how the author views the problem. The last of these examples comes with several of my own remarks to show that every method of manipulation can be discussed separately. Unfortunately, I cannot afford to do this here due to the limited format of the review.

Method 1 is about shifting the responsibility (p. 21), meaning “manoeuvring someone into someone else’s problems”, “throwing your own sack of rocks onto someone else’s back” (p. 22) out of pure egoism and calculation. The author discusses this method using simple examples of those in favour of easy living at the cost of others in the social and political sphere of life. He debunks the successive stages of this strategy. He claims that defence should involve “not letting oneself get entangled into others’ affairs”, maintaining a critical distance to motives adopted by the “Jacques the Fatalist” or the “merry Jerry” (p. 24).

Method 2 involves attributing guilt. “Attributing own guilt to others has become such a common method of manipulation that some social structures even find it acceptable.” (p. 21). “Envy, anger, resentment, and a sense of inferiority legitimise actions aimed at attributing guilt to those who are stronger, more principled, those who do better” (p. 26). The author claims that defence should involve a firm discontinuation of discourse, right away, without engaging in a dispute, so as not to be drawn into the manipulator’s game.

Method 6 is about fabricating consequences, which involves contorting the opponent’s theses, using false reasoning, to deduce claims that do not correspond to the opponent’s views while persuading the opponent that they actually are. It is also possible to fabricate consequences on the basis of own wrong reasoning. J. Stelmach considers this method “the fundamental method of doing politics in our country” (p. 42). He claims that defence shall involve noticing the applied device, which means that the interlocutor needs to be knowledgeable in the area of reasoning theory and must be able to apply this knowledge in practice.

Method 18. Intimidation, usually taking the form of blackmail. The goal is to bring the manipulated party to a state where they feel completely helpless, hounded, and ready to accept a solution against their interest. “Manipulation through intimidation is an extreme instance of manipulation.” (p. 88). J. Stelmach believes that defence should be about becoming aware that the manipulating party is also afraid, always. “It’s no good to be afraid, but if it’s impossible to overcome the fear, we should at least try not to show it, especially to the opponent who is trying to intimidate us.” (p. 89).

Method 19. Arguments for “a good change”, involving demands of adopting “the best persuasion alternative” (p. 91). J. Stelmach points out that such arguments become one of the main manipulation strategies in every variant of political populism. He claims that “the problem with counteracting it comes, among others, from

a culturally motivated need, *one I have never understood anyway* (highlight by J.J.B.), to find always the one and only “best” solution. An assumption I find completely wrong.” (p. 93). This assumption being wrong is obvious. So is the fact that Professor J. Stelmach does not understand the said need. After all, this need is an expression of an illusion, of common-sense thinking, social magic, and such a way of reasoning is “lightyears” away from the cold, argument-based reasoning of a theoretician of law. It’s an archetypical myth. A culturally-motivated false belief, expressed in mass culture in the form of “fixed” common judgement, remaining unchanged and inherited for ages. It reduces information shortages, and satisfies our need for certainty. L. Kołakowski spoke of the “voluntary turning a blind eye to the reality”.<sup>7</sup> The language of this specific myth has been undergoing transformations for many years, but the typical figure of collective mentality remains the same. It’s an expression of humans’ search for an anchorage, for absolute models to make the reality measurable. Which is far away from the critical approach of a scholar. It is one of elementary ideas: the faith in the possibility to cross the duality of phenomena, the myth of “reaching the final era”, the myth of “the only way to the goal”. The belief in this myth may make stabilisation and effective exercise of power easier, but mystical innovation fuels revolutions and bloody revolts. The myth of building a society based on an “only plan” really does offer a natural support to fundamentalism. The idea behind this myth is the contrast between light and dark.<sup>8</sup> Simplifications based on the division of all phenomena according to a binary code: good–bad, order–disorder, *sacrum–profanum* and so on, acting as the basis for most of common irrationalities for ages. Seizing power always involves a promise of creating “the best solution”, establishing “a new order”.<sup>9</sup> This myth, creating an illusion of genuineness of its content, does not accept any form of intersubjective control of authenticity. It forms a filter that does not let any data against its content through. It becomes implanted in the body of universal common knowledge, freeing us from the duty of scepticism.

Each of the said methods can be discussed for hours, and each one can be the subject of a separate dissertation. I hope you enjoy this issue.

<sup>7</sup> L. Kołakowski, *Śmierć bogów*, [in:] idem, *Pochwała niekonsekwencji*, London 1989, p. 104.

<sup>8</sup> According to a biblical account, God said: “Let there be light!”.

<sup>9</sup> Broadly on the matter – cf. J. Jabłońska-Bonca, *Prawo...*, Chapter 3.