

functions as the starting point of the argument in the same manner that factual evidence is the starting point in earlier examples.

In many societies, values sometimes are found in expressions of rights. In a study of rights discourse concerning the issue of physician-assisted suicide, Penny Lewis noted seven values associated with the argument in favor of assisted suicide and four associated with the anti-suicide position.¹⁵ The values associated with pro-assisted suicide included liberty, autonomy, privacy, dignity, equality, conscience and religion, and property. The values associated with the anti-suicide position included life, equality and equal protection, property, and autonomy. Oddly, the same values were associated with both the pro-suicide and the anti-suicide positions even though the values were connected to suicide in different, even contradictory ways.

These examples demonstrate that values can be important sources of evidence, especially in claims of evaluation. One of the problems of using values as evidence is that audiences frequently hold values associated both for and against the object of persuasion. Few in the abortion debate would deny that either life or choice are important values, yet arguers associate them with abortion in competing ways. In situations where values like life and choice collide, the more important type of evidence concerns value hierarchies.

VALUE HIERARCHIES

Value hierarchies are statements that order values, establishing, for instance, this value as more important than that. Value hierarchies become important only when values collide. A person who could choose to act on both of two values would have no reason to order those two values hierarchically.

The current debate in the United States about the proper response to terrorism is a classic case where the argument centers not on the values themselves but on how they are to be arranged in hierarchy. An example of this debate focuses on the USA Patriot Act, which President George W. Bush signed into law following the terrorist attacks of September 11, 2001. The purpose of the act was to give federal investigators greater freedom to investigate and prosecute suspected terrorists. One side argues that the Patriot Act is vital to the war on terrorism. These people assert that any small invasions of our freedoms are more than outweighed by the overwhelming dangers posed by terrorists. On the other hand, opponents of the act argue that it allows federal investigators to violate civil liberties that form the very core of liberty on which our society is based. To give up these freedoms to protect society, they maintain, is wrongheaded; the society we would be protecting would not be nearly as valuable because of the freedoms lost. An argument against the Patriot Act that uses a value hierarchy as evidence is illustrated in the following Toulmin diagram:

