SERIA FILOLOGICZNA ZESZYT 103/2018 STUDIA ANGLICA RESOVIENSIA 15(2)

doi: 10.15584/sar.2018.15.2.6

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ARGUMENTS AND COUNTER-ARGUMENTS IN THE DEBATE TO DECRIMINALIZE SOME FORMS OF INCESTUOUS RELATIONS IN POLAND

Abstract: This study explores argumentation and counter-argumentation patterns emerging from a corpus of readers' comments found below-the-line of over twenty-five online articles on the subject of incest, the current legal sanctions against it and the possibility to decriminalize consensual incestuous relations between adults in Poland. The comments have been coded line-by-line for the types of positioning and argument premises using Atlas.ti software. Using the framework for argument analysis according to underlying premises, the comments were analyzed with respect to stance taken, practical reasoning conducted, and salient rhetorical strategies applied. They are subsequently correlated with the discursive formations from which they are sourced, notably 'genetics/eugenics' and 'tradition/social order' or 'morality' in the case of opponents of decriminalization, and 'science/evidence,' 'liberalism/progress,' and 'romantic love' for the proponents. In the discussion, the explanations of the competing constructions and evaluations of incest taboo and social stigma around it are referred to larger socio-political ideologies, including conservatism, nationalism and liberalism. The study contributes to the pool of argumentative and rhetorical studies on how topical issues are being debated in the media-saturated public sphere devoid of traditional gate-keeping and access control.

Key words: deliberation, public debate, argumentation, rhetoric, incest

Introduction

Incestuous relations have constituted one of the most established and widespread cultural taboos, and in many countries, including Poland, they are still not only socially stigmatized, but also criminally penalized (Kodeks karny 1997; Mozgawa 2016). This cultural taboo is manifestly present in the media coverage of sexual abuse of children by parents (mostly daughters by fathers or other close male family members), and often invoked in the debates on social order and traditional family values (Beisert 2004; Boguszewski 2013). However, the debate to what extent certain forms of *consensual* incestuous relations should be strictly penalized has been recently reinvigorated. Sparked by some highly publicized cases reported by media in Germany in 2014, the Polish public debate has included polemical voices which questioned whether consensual (half)brother-sister relationships should also be prosecuted in the same way.

In the postmodern logic of the social organization and control, what is illegal or prohibited needs to be justified with rational, scientific or moral arguments, no longer just accepted by virtue of cultural tradition (Bauman 1998). If the traditional notion of the family has been radically redefined to include non-married, single-parent, homosexual or, recently, even polyamorous households, why would societies continue to uphold the stigma and sanction around some forms of consensual incestuous relations? In Poland, the debate has been largely hosted by various internet forums, although it was also taken up by a few social scholars (e.g., prof. Jan Hartman), and legal practitioners (cf. Mozgawa 2016).

This study explores argumentation and counter-argumentation patterns emerging from a corpus of readers' comments found below-the-line of over twenty-five online articles on the subject of incest. The comments have been coded for the types of positioning and argument premises in Atlas.ti. and analyzed with respect to salient rhetorical strategies (argumentative schemata, topoi, figures, fallacies). They are subsequently correlated with the discursive formations from which they are sourced, notably 'genetics/eugenics' and 'tradition/social order' or 'morality' in the case of opponents of decriminalization, and 'science/evidence,' 'liberalism/progress,' and 'romantic love' for the proponents. The social explanations of the competing constructions and evaluations of incest in the corpus are related to larger socio-political ideologies, including conservatism, nationalism and liberalism.

Incest as a cultural taboo and its legal sanction in Poland

As one of the most widespread taboos across cultures, incest taboo has long been studied by anthropologists, who compared how biological human functions are differently woven into cultural and moral systems of various societies. In congruence with the early works of Robertson Smith or James Frazer ([1922] 1993), Sigmund

Freud ([1919] 2001) noted that taboos relate to two fundamental oppositions in culture that include (1) what is extraordinary and exceptional (as opposed to everyday and mundane), and (2) what is forbidden, corruptible and dangerous (as opposed to what is pure, holy and good). Thus, taboos are inextricably intertwined with religious practices and rituals that dominated pre-scientific thinking (Durkheim 1995). They underlie the development of social structures and power mechanisms that enforce the norms to entrench the oppositions between good and evil, and punish the breaches of taboo-derived rules of conduct (Douglas 1966). Last but not least, according to Wasilewski (2010), taboos have been related to the notions of social order and the sense of predictability of social life because the mandatory socialization into behaviors that uphold the norms mitigates uncertainty and fosters social cohesion. This is obviously not without deeper implications for the legal codes and penalizing measures of the modern states. However, in the modern age of rationality, secularization and science, the unreflective conformity to taboo-derived norms has been repeatedly challenged as an irrational and discriminatory cultural practice (Bauman 1998).

As has been widely discussed by Foucault (1984), taboo-related norms have been exceptionally influential along the history of human sexuality and regulated various aspects of sexual behavior, which could be regarded as either natural or abnormal. Taboos also referred to delimitations of proper or sinful relations and discourses relating to sexuality that reproduced them. The overlay of religious and moral tabooization of sexuality is still deeply entrenched, despite the rivalling growth in medicalization of discourses on sexuality. Lévi-Strauss first recognized the ubiquity of incest taboo across societies and underlined its social role with regard to enforcing exogamy and strengthening solidarity among clans through the exchange of women. As the precise origin of the incest taboo is not known, it has achieved a ritualistic/religious function, even though it has been justified anew with cultural, or even scientific rationalizations as the time passed. In this vein, the sanction against incestuous sexual contacts has now been underpinned by research into genetic mutations resulting from inbreeding rather than God's punishment (which might not be a good argument to penalize incest of adopted siblings or step-parents).

Whenever a sexual taboo is breached the society is entitled to apply punishing measures, mostly social stigma and ostracism. According to Czykwin (2007), social stigma applies rather to a whole category of stereotyped people, not to specific individuals and is likely to become incorporated into their collective identity. Social stigma attached to prostitution, promiscuity, sexual deviation and non-normative sexual behavior results in a deeply entrenched negative perception and often goes together with remedial or preventive actions undertaken to reform or, if this is not effective, to exclude some individuals. In the case of incest taboo, many countries still use regulatory measures to sanction and penalize incestuous relations. However, if we assume that the current social

morality not only allows but also favors relationships based on feelings and bonds¹ rather than the formal marriage as an arranged social contract, sooner or later the possibility of a love-based incestuous relation will appear as a challenge to the taboo-based criminalization of incest.

The article 201 of the Polish criminal code stipulates that having a sexual intercourse with one's parent, child or sibling (as well as step-parent, step-child or half-sibling) is punishable by imprisonment for minimum three months to maximum five years.² The practice of applying the sanction has recently been subjected to a scholarly review (Mozgawa 2016). The volume edited by Mozgawa sheds light on how incestuous relations are identified as offences and how the courts have been dealing with various individual cases including how they rationalized and justified administered penalties. Attention is devoted to genetic, psychological, bioethical and socio-cultural aspects of incest in the context of the abovementioned changes in the perception of the family as a social unit. The trend shows that the practice of penalizing incest with imprisonment should be the *ultima ratio* punishment that is required only in aggravated situations of proved abuse. The argument is for fostering public awareness and education to prevent or eliminate incestuous behaviors rather than penalization of, for example, consensual relations. At the same time, some activists, education policy framers and scholars within pedagogy (e.g., Beisert 2004) draw attention to the problem of abusive incestuous relations within families that are kept secret for years due to the fear of harsh punishments and social stigma, particularly in cases of mothers not reporting on their husbands molesting their daughters. Undoubtedly, more research from different perspectives is needed to justify any recodification of the Polish criminal law. Notwithstanding that, the issue has sparked a public debate with media reporting on some highly publicized cases of consensual incestuous relations from Germany in 2014, with some voices questioning whether consensual (half)brother-sister relationships should also be persecuted.³ Previously coverage of incest in Poland had been contained to

¹ According to a recent report on the understanding and perception of the concept of family in Poland *Rodzina – jej współczesne znaczenie i rozumienie* (Boguszewski 2013), the social definition of family unit is now much broader than the married couple with child(ren) and encompasses single parent families, as well as cohabiting unmarried parents with children (33% acceptance rate), homosexual partnerships raising a child of one of the partners (23%), or homosexual couples without children (14%).

² Kodeks karny. Ustawa z dnia 6 czerwca 1997r. Dz.U.2017.0.2204 [Polish criminal code passed on 6 June 1997].

³ The German Bioethical Committee was involved in the debate on the depenalization of incestuous relations in 2014 when it was to make a statement on a petition by siblings Patrick Stübing and Susan Karolewski. The siblings were parted in early childhood, grew separately and, on meeting in adult life, they started a romantic relationship and had four children. They appealed consecutive court verdicts that penalized them arguing that they were in a loving consensual relation and the verdicts that prohibit their cohabitation infringe on their civil rights. The Committee was sympathetic to these arguments in this particular case.

historical facts and curiosities about incestuous marriages among pharaohs and monarchs. It has been reinvigorated within some social media internet fora after professor Jan Hartman, a well-known Polish philosopher and bioethicist, brought it up as a case the Polish society should reflect upon when it comes to further criminalization of some consensual forms of incestuous relations, for which he was subsequently ostracized (even though he did not take a stance). This study investigates how the internet-mediated debate proceeded argumentatively with a special attention to the articulation of claims, practical reasoning and strategic rhetorical maneuvering in the case of discussants who either supported or opposed the decriminalization proposal.

Studying argumentative discourse in public debates

A public debate is a complex network or sequence of discursive encounters where arguments of various interest groups that represent various social ideologies are presented, validated or refuted. A public debate may involve media accounts, political speeches, scientific expositions and vox populi, and is usually at least partly deliberative or polemical in nature rather than just expressive (Habermas 1989, Dryzek 2002). Although there are many obstacles to full deliberation, including access, education or engagement, one major problem in a mediasaturated public sphere is when the debate is not intended to identify and resolve differences of opinions, but to entrench initial stances (Chambers 2009). According to Fairclough and Fairclough, arguments are based on different but often reasonable values and value hierarchies (normative priorities), which often turn out to be hard or impossible to reconcile, and political deliberation has to find ways of dealing with these differences (2012: 21). Although the outcomes of public debates do not always lead to political consensus, ideally, in a democratic society new regulations ought to be implemented if there are practical reasons for them that overweigh counter-arguments articulated during the public debate (Perelman and Olbrechts-Tyteca 1969, Walton 1990). In this sense, a claim for a regulation to be drafted requires rational and moral premises which are subjected to evaluation procedures. A claim against a regulation also requires sufficient premises, which may additionally include counter-arguments that take the validity and persuasiveness away from the opposite claim.

One approach to evaluating such argumentation is Fairclough and Fairclough's (2010, 2012) method of mapping out practical reasoning. Their framework evaluates the soundness of argumentation through an interrogation of the representation of the CLAIMs made by proponents and opponents in a debate, namely their GOAL, MEANS-GOAL, VALUE and CIRCUMSTANCE premises. This constitutes a framework in which arguments in deliberation can be broken down and represented to enable further detailed argument reconstruction (Figure 1).

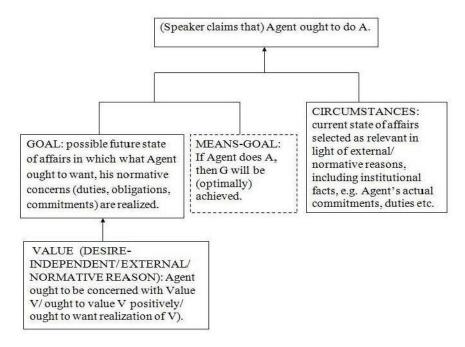


Figure 1. Argument structure, reproduced from Fairclough and Fairclough (2010, n.p., with permission)

In the case of the debate whether to decriminalize certain forms of incestuous relations, following Fairclough and Fairclough's (2010) framework, the proponents' CLAIM is that the regulators have a duty to prevent infringement of individuals' human rights and thus should depenalize consensual incestuous relations. According to the literature reviewed above, the representation of the GOAL is constructed as recodifying and downscaling the penalty for types of incest which do not involve minors or abuse. The VALUE premises that lead to conceptualization of such a GOAL derive from libertarian ideology that puts individual rights (for example for a love-based relationship) over social norms and cultural conventions. The MEANS-GOAL premise is the specification of steps to be taken to achieve the goal of garnering public support for the motion, for example by publicizing cases of unfair criminalization of consensual incestuous relations. Finally, the representation of CIRCUMSTANCE includes such issues as the notion of social progress (westernization, modernization) that inhere eliminating most forms of discrimination or social stigma. Another circumstance involves using reliable science rather than hearsay as the basis for determining the actual health outcomes in the case of offspring begotten in incestuous marriages. For the proponents of decriminalization, the currently binding legal provisions are largely discriminatory and based on unacceptable pseudoscience.

The opponents' CLAIM is that the current penalization is adequate as it successfully prevents unethical and damaging types of family arrangements. The GOAL is constructed as preventing libertarians from compromising the legal system and introducing moral relativism. The MEANS-GOAL premise relates to the measures to alert the public to the threat and may involve discrediting the people that align themselves with decriminalization arguments, or even dare to bring them up (e.g., Jan Hartman). The VALUE premises mostly derive from Christian theology that informs the notions of 'natural law,' from the entrenched status of cultural tradition that defines incest as a taboo, and from the historical record of the harmful (genetic) effects of inbreeding. Interestingly, these means are represented at various levels of specificity or generality (individual, collective) and are usually formulated as negative imperatives (injunctions, prohibitions). CIRCUMSTANCE premises include the often revisited sideeffects of inbreeding, the adequacy of currently binding regulations, the statistics on the rise of sexual abuse cases that would be even harder to prosecute with depenalization, or the socio-political and cultural consequences of moral relativism for the society. Importantly, circumstantial premises are not always explicitly articulated in the course of argumentation, but rather presented as presuppositions or with the aid of other rhetorical devices (practical reasoning) to serve as taken-for-granted collective knowledge of what constitutes decent and moral action. This given knowledge includes the proposition that postindustrial societies are in a crisis brought by moral permissiveness.

Against the backdrop of this theoretical deliberative framework, we seek to map more specifically how the actual debate proceeded in the Polish context in 2016 and 2017, basing on internet-mediated materials that were sampled to offer a range of stances and a look at dominant argumentative patterns and rhetorical devices.

A procedure for argumentation analysis

Drawing on the theoretical and descriptive work on argumentative patterns involved in public debating (Fairclough and Fairclough 2010, 2012), as well as on studies on strategic and rhetorical overlay of political discourse (Cockcroft and Cockcroft 2005, Eemeren 2010), we look at how specific arguments and counterarguments, and with what premises, are articulated in the Polish debate on decriminalization of certain kinds of incestuous relations. Attention is mainly devoted to argument reconstruction, but the study also takes note of rhetorical strategies that permeate the discussants' reasoning. Rhetoric is viewed *as aiming for effectiveness in argumentative discourse* (Eemeren 2010: 66), considering the diverging commitments, values and ideologies of the audience (cf. Perelman and Olbrechts-Tyteca 1969). The rhetorical perspective allows explaining *why some persuasive communication is successful while being logically or dialectically weak*

(Fairclough and Fairclough 2012: 57). The concept of strategic maneuvering has been developed by Eemeren (2010) and far from representing the so-called sophistic argument or eristic trick, it involves a concern for effectiveness on top of reasonableness. In our rhetorical analyses, allusions, irony or level of formality are treated as important devices and the strategic uses of topoi, proverbs, slogans, humor, hyperbole or appeals to commonsense are attended to in the qualitative part of the analysis. At the same time rhetorical strategies that deflect from the attention to the argument itself, such as logical fallacies or *ad hominem* attacks do discredit or stigmatize the opponent (Cockcroft and Cockcroft 2005), are monitored to acknowledge how the quality of the argumentation is influenced by emotional appeals, false analogies or authority discourses.

As the analysis is devoted to the dynamics of public debate on the regulations pertaining to incestuous relations, the data that best reflect the diverse stances and arguments can be found in various internet forums that enable free expressions of opinion due to anonymity. The material that was sampled consists of 26 recent websites (see the list in primary sources) selected out of a much broader pool of search results. Each sampled website included a report or opinion piece that instigated a below-the-line discussion in the form of postings. These were read to downsize the material to six threads of most representative ranges of argumentative patterning (and from over 300 open codes to less than 60 arguments). After a manual clean-up of the textual data, the material was coded in Atlas.ti for the categories for the stance, the thematic domain of sourcing in argumentation (e.g., science/eugenics, liberty, morality, nation and society, family values, future), as well as for the main type of premise used in the argument (CIRCUMSTANCE, VALUE, MEANS-GOAL, GOAL) (Fairclough and Fairclough 2010, 2012), and the type of rhetorical maneuver (if any).

The codes for the types of arguments identified were subsequently linked in networks to visualize how they related to each other and how they emerged as argumentative patterns (see appendixes 1-3).

Coding results

The sample was coded for the occurrence of broad categories subject positionings (O for opponents vs. P for proponents of (selective) decriminalization) to see how the arguments and counter-arguments were distributed. This followed with annotations as to the kind of premise underpinning the argument (C for CIRCUMSTANCE, V for VALUE, MG for MEANS-GOAL and G for GOAL) – usually the one that dominates the line – as well as additional comments as to specific thematic reference or rhetorical maneuver used. The following is the list of identified opponents' arguments:

	Line reading	premise	comment
1.	Habsburgowie – historia uczy o konsekwencjach [the	С	genetic corruption
	Hubsburgs, lessons from history about consequences]		
2.	jesteśmy skłonni do mieszania genów [we have gene mixing inclination]	С	science
3.	dawca spermy a przypadkowa endogamia [semen donation and incidental endogamy]	С	playing with fate
4.	jedno z najsilniejszych kulturowych tabu [strong cultural taboo]	С	conserve taboo
5.	Kaszubi mają choroby genetyczne [genetic defects among Kashubians]	С	genetic corruption
6.	kiedyś religia świetnie służyła ludziom do przetrwania [for a long time religion was useful to survive]	С	tradition
7.	aluzja do innych dewiacji [alluding to other sexual deviations]	V	discrediting (allusion)
8.	banda zbokoli [a band of perverts]	V	discrediting (vulgar)
9.	bardzo dobrze, że jest tabu [good to have taboos]	V	conserve taboo
10.	tym grozi zamach na tabu [breaching taboos is a threat]	V	conserve taboo
11.	co dzieje się w głowie kazirodcy? [are they confused in their minds?]	V	discrediting (mental)
12.	dla dobra populacji nie przekraczać tabu [taboo sustained for the sake of the population]	V	collective good
13.	etycznie jest unikać zagrożenia [ethics of threat avoidance]	V	conserve taboo
14.	genetyka nie jest etyką [genetics is not ethics]	V	conserve taboo
15.	jeśli coś nie szkodzi to ok, ale to szkodzi [if something is not harmful then OK, but this is harmful]	V	harm
16.	kazirodztwo jest sprzeczne z etyką [incest is unethical]	V	morality
17.	Dlaczego wprowadzać chaos w umysły młodych? [why introduce confusion into young minds]	MG	prevent wrong
18.	córka w niebezpieczeństwie [daughter in peril]	MG	save children
19.	kara śmierci za kazirodztwo [death penalty for incest]	MG	strict morality
20.	komisja etyki usuwa Hartmana [Hartman removed from an ethics committee]	MG	discrediting (no ethos)
21.	apokalipsa społeczeństwa [downfall of society]	G	breakdown of society
22.	będą się rodzić mutanty/zwyrodnialcy [mutants will be born]	G	genetic corruption
23.	choroby u wnuków [illnesses of grandchildren]	G	genetic corruption
24.	jak chów wsobny u zwierząt [animal-like inbreeding]	G	genetic corruption
25.	co drugie dziecko upośledzone [handicapped children will frequently be born]	G	genetic corruption
26.	dążenie do unicestwienia ludzkości [humanity will perish]	G	conspiracy
27.	degeneracja przyszłych pokoleń [degeneration of future generations]	G	genetic corruption

The coding of the opponents' argumentation reveals a relative dominance of VALUE premised arguments, particularly those that are used to justify conserving the taboo and relate to appeals to traditional morality or ethics, or

avoidance of harm. Some of the evaluative premises have a discrediting character that render the proponents (implicit in incest or other dysfunctions) as morally disqualified from taking the stance. Finally, many arguments rely on the apocalyptic vision of the society after the penalty/taboo is supposedly lifted and the practice has spread (more on this below).

The following is the list of leading arguments of the proponents:

	Line reading	premise	comment
1.	Adam i Ewa, pierwsze kazirodztwo [Adam and Eve - first	C	Bible (subvert)
	incestuous relation]		
2.	brak ofiary i sprawcy [no victim/ no perpetrator]	C	no crime
3.	panika moralna konserwatystów [conservatives' moral panic]	C	discrediting
			(mental)
4.	byle nie mieli dzieci [but no children]	C	condition
5.	brat i siostra zrozumieć można [understandible with siblings]	C	acceptance
6.	kiedyś religia służyła ludziom do przetrwania [years ago people	C	history
	needed religion to survive]		
7.	kazirodztwo jest marginalne [incest is rare]	C	a non issue
8.	kazirodztwo jest problemem tylko dla katolików [incest is	С	discrediting
	problematic only for Catholics]		
9.	genetyczna atrakcyjność seksualna [genetics of sexual attraction]	С	science
10.	tylko między rodzeństwem [only siblings]	C	condition
11.	hipoteza Westermarcka [Westermarck effect]	С	science
12.	historia rozdzielonego rodzeństwa [parted siblings]	С	case
13.	chęć życia jak normalna para [like a normal couple]	V	norm
14.	indywidualne szczęście [individual's hapiness]	V	liberty
15.	każdy ma prawo robić tak jak mu wygodnie [do as you please]	V	liberty
16.	jeśli się kochają [if they love each other]	V	love
17.	relacja w której byliby szczęśliwi [a happy relationship]	V	happiness
18.	kazirodztwo to pokusa zakazanego owocu [incestuous desire is a	V	happiness
	result of forbidden fruit]		11
19.	depenalizować prywatne sprawy [depenalize private matters]	MG	liberty
20.	Potrzebna edukacja seksualna [improve sex education]	MG	prevention
21.	karanie za kazirodztwo to relikt [penalty for incest is outdated]	MG	progress
22.	można skorzystać z banku spermy, żeby nie było chowu	MG	avoiding
	wsobnego [might use semen bank to prevent inbreeding]		trouble
23.	badanie granic tolerancji [boundaries of tolerance]	MG	progress
24.	antykoncepcja [contraceptives to prevent inbreeding]	MG	condition
25.	ochronę dzieci zapewniają przepisy o pedofilii [children are	MG	social order
	protected by anti-child abuse regulations, not incest taboo]		
26.	dostosowano prawo do wiedzy naukowej [law compatible with	G	progress
	science]		
27.	czy państwo rzeczywiście powinno to kontrolować? [should	G	liberty
	state really control this?]		-
28.	ich sprawa [their own business]	G	liberty
29.	niepotrzebna bariera norm społecznych [social norms as	G	social progress
	unnecessary barriers]		
30.	perfekcyjna miłość romantyczna [perfect romance]	G	love

The coding of the proponents' argumentation in the debate reveals a reliance on various CIRCUMSTANTIAL premises that allow the discussants (conditionally) align themselves with the plight of people involved in forbidden incestuous relations. They also argue strongly for freedom from undue regulation and control of private lives and see depenalization in terms of less traditional and more liberal or egalitarian social arrangements.

Argument analysis according to the stance of the discussant

This section maps the dominant subject positionings of discussants by looking at types of stances and their argumentative or rhetorical underpinnings. Considering the coding results, it is possible to infer that there are as many as four distinct positionings of the participants in the debate. One subject positioning is that of the absolute opposition (O) to dependization, while three positionings (P1-P2-P3) would include three varying stances for the dependization:

O: Totally opposing incest and attempts at its depenalization

P1: Opposing incest but accepting depenalization (taboo/education will suffice)

P2: Accepting consensual incestuous relations between (half)siblings

P3: Accepting the possibility of various consensual incestuous relations

The results above show that the opponents of depenalization tend to have strong conservative views, rely on cultural tradition and collective morality. Some happen to subscribe to apocalyptic views of future generations deformed physically by incest-induced genetic mutations. They also assume that the lack of criminal penalty will displace taboo-related stigma and make incest (and abuse) much more common, as most people no longer have strict individual morals to guard against it by themselves. Interestingly their claim is sometimes based on the recognition of incest taboo as a VALUE premise, not only a CIRCUMSTANCE: Taboos are seen as organizing principles of morally healthy societies. This can be illustrated by the following excerpt from a thread below-the-line in article 5:

(1) Po coś tematy tabu zostały "wymyślone". Właśnie po to, by bez szczególnego powodu do tematu nie powracać, i żeby nikomu nie przychodziło do głowy (chodzi tu głównie o dewiantów) co miesiąc przeprowadzać dyskusji w szkołach dlaczegóż to seks kazirodczy jest niepotrzebnie zakazany. (5)⁴

[There are reasons why taboos have been 'invented.' One reason being exactly not to have people (predominantly deviants) to come back to the topic every month at schools to discuss with children why incestuous sex is needlessly forbidden.]

⁴ Original spelling retained

Rhetorically, such voices combine ironic discrediting of the proponents' actions (*reductio ad absurdum*) or name-calling (cf. *deviants*) with rationalization of the taboo as a useful instrument for bringing order in social life.

The proponents of depenalization have more liberal views and, although P1 group do not accept incest and even express disgust at it, they claim that the state should not regulate sexuality in this way. They treat incest taboo as a CIRCUMSTANCE (that needs no further reflection), but strongly root their depenalization argument in premises that recognize personal liberty and freedom from state control as a VALUE.

(2) Prawda jest taka, że nikt nie chce (tym bardziej prof. Hartman) legalizować, czyli nadawać ramy prawne, instytucjonalizować, tylko depenalizować z kk relacje, które powinny pozostawać poza zainteresowaniem organów ścigania (5).

[The truth is that nobody (including prof. Hartman) would like to legalize, much less to institutionalize incest, only to depenalize the kinds of relations that should not stay in the criminal code and within the scope of interest of law enforcement.]

P1 discussants tend to believe in the social self-regulation as a GOAL and in education as a MEANS-to-the-GOAL. They rhetorically underline their opposition to incest (cf. syntactic emphasis *much less*), but, at the same time recognize the destructive consequences of prison as a deterrent or disciplining practice in a libertarian society.

P2 and P3 discussants explicitly problematize the incest taboo in their argumentation. However, P2 positions (which overwhelmingly predominate in the debate over P3) use the CIRCUMSTANCES of consensus, symmetry/partnership in relation and love as conditions for their motion to depenalize incest. The discussants are often hard-pressed to offer counter-arguments to pseudo-scientific data or data involving animals, to use statistics, offer comparisons and contextualizations. Their arguments tend to be sound, but the lack of emotion-infused strategic rhetoric might render them as defensive. Proponents of depenalization are also prone to (*ad hominem*) attacks on moral VALUE premises, and tend to be positioned as offering stances that are fundamentally destructive to the social order with *strawman fallacy* relatively rife (i.e. having their claim represented in such an exaggerated and demonized manner that it cannot be soundly accepted). That is why, rhetorically, they need to mitigate their stances (*no-harm* premise) and personalize their take on the issue:

(3) To moja osobista opinia i nikogo nie zamierzam przekonywać ani nawracać, że jeśli dwoje (lub więcej) pełnoletnich ludzi chce utrzymywać ze sobą relacje seksualne, to ich sprawa (1).

[This is my personal opinion, and I do not intend to persuade or convert anybody that if two (or more) adults want to have a sexual relationship it is up to them.]

(4) Teoretycznie nikt nikomu nie szkodzi, tzn ani on nie szkodzi jej ani ona jemu, wiec teoretycznie kary nie powinno byc bo jak juz ktos napisal to zeby mozna bylo ukarac musi byc ofiara i sprawca, a ja tutaj się tego nie dopatrzyłam, bo oboje bronia tego zwiazku... (4)

[Theoretically nobody does harm to anybody, neither he to her or she to him, so theoretically there should be no punishment, because, as someone has written above, to punish you need a victim and a perpetrator. I can see none here, because they both defend their partnership...]

Argument analysis according to the domain

Some types of arguments and counter-arguments used by discussants are sourced from the same domains. Indeed, it would not be possible to conduct a rational, even if emotion-infused, debate, if they were not. This section looks at how the two parties resort to the same CIRCUMSTANCE, VALUE, or GOAL representations to make their claim stronger.

Eugenic argumentation

The coding results show that eugenic arguments (also called *genetic rationalizations* by Mozgawa 2016) are very commonly invoked. The opponents claim that it is the ensuing, inevitable genetic corruption that justifies the criminalization of incest. Future generations would have to live with mutations arising from the doubling of recessive genes that make them prone to genetic diseases (mucoviscidosis, hemophilia) or higher risk of cancer. This scientific premise and the risk factor seem to be taken for granted. The discussants, however, never go into details whether there is actual risk that was established through clinical data. An example of pseudo-scientific argumentation is the claim that Kashubians are prone to genetic diseases due to historical inbreeding in the region. In a flawed reasoning some discussants even see depenalization as tantamount to promotion of incestuous relations, which will lead to more genetic mutations, defects and deformations:

(5) Dopiero przy akceptacji takich związków będą szerzyć się choroby. Nowotwór to będzie na porządku dziennym (6)

[As soon as such relations get accepted, diseases will spread. Cancer will strike on every day basis]

The proponents of depenalization expose such oversimplifications and tend to argue that a single case of inbreeding in a family does not carry much risk, that the historical 'evidence' from royalty is very limited and flag the MEANS-GOAL

premises that allow to avoid this alleged genetic corruption through contraceptives, semen banks, genetic testing and risk assessment:

(6) W przypadku związanego z pokrewieństwem nosicielstwa takiej samej mutacji ryzyko, że dziecko urodzi się z rzadką chorobą genetyczną wynosi 25%. Jednak warto zdawać sobie sprawę, że obecnie można zrobić zaawansowane testy genetyczne, które pozwalają oszacować ryzyko rzeczywiste. Równie dobrze może się okazać, że ryzyko wystąpienia choroby u dziecka danej pary praktycznie nie występuje (5).

[In the case of relatives having the same mutation, the risk that their child will be born with a genetic illness is 25%. However, it is now possible to undergo advanced genetic tests that help assess actual risk. It may well be that there is practically no risk involved for a particular couple.]

The proponents also question the eugenic nature of opponents' argumentation and draw analogies according to which, following their reasoning, one would also have to ban hemophiliacs or other people with genetic defects from marrying and having children. Nevertheless, because the genetic corruption thesis is strongly rooted in the folk understandings of genetics and mutations, it is one of the most common types of reasoning warranting the continued legitimization of the incest taboo. Admittedly, even a very small risk of intentionally causing suffering in the offspring due to one's own indulgence is seen as a strong enough argument against depenalization (see appendix 1 for details of eugenic argumentation patterns).

Apocalyptic visions of society

Another pattern of argumentation that seems to suit the opponents takes eugenic reasoning to the extreme in speculating as to the possible downfall of society, even humanity, brought about by the change in the law. Underlying this pattern is the (fallacious) assumption that removing the penalty will lead to automatic spread of incestuous relations and destructive endogamy. The apocalyptic vision tends to be strongly politicized and intertwined with conspiracy theories, including the larger claim that the elites want to control the masses by genetically lowering their intelligence and weakening their character traits in order to exploit them. Needless to say, the rhetorical devices (e.g., rhetorical questions, three-part lists) in such posts are rooted in emotionality and negativity, as well as in the projection of the world in terms of binary oppositions (evil, rich, powerful vs. suffering, poor, manipulated).

(7) Mało gnojom wojen, głodu i zniszczenia środowiska, od którego coraz wiecej chorych na raka i inne straszne choroby? Mało im? Muszą jeszcze zdegenerować nastepne pokolenia? Im ludzie będą biedniejsi tym nie tylko bede miec wiecej dzieci ale też bardziej chorych. Jeśli dadzą sobie wmówić, że kazirodztwo jest ok (6).

[Aren't these shitfaces happy with the wars, famine and environmental degradation that cause more cancer cases and other terrible diseases? Aren't they? Do they have to degenerate future generations? The poorer the people the more children, ill children. If the people fall for the notion that incest is ok.]

These discussants position themselves as knowing exactly what is being planned and as aware of the ongoing manipulation. Their stance is informed by lack of trust in the established political system and the understanding that the attempt at decriminalizing incest is but one element in a larger destructive conspiracy (see appendix 3 for a thorough mapping of this argumentation).

Scientific argumentation

Although much of this debate is highly emotional (which is signaled by spelling, capitals or exclamation marks), there are frequent attempts to bring some facts to the table. One domain sourced by both sides is biology and in particular the genetic consequences of keeping dog or horse breeds pure and seeing it as either degenerative or desirable. The scientific arguments and data are not used in good faith, however, but to underpin one's point or just to boost one's ethos. Scientific jargon and phraseology tends to be applied selectively, and often to challenge others by pinpointing their ignorance and discrediting their stance.

(8) Chciałabym zapytać autora o ile więcej wad genetycznych ujawnia się przy krzyżowaniu w obrębie pokrewieństwa od krzyżowania losowego? (...) Poproszę o konkretne dane lub badania stwierdzające statystycznie te zależności. Nie interesują mnie doniesienia z prasy codziennej (4).

[I would like to ask the author how many more genetic defects result from crossbreeding within a family as compared to random interbreeding? (...) I would like to get some hard data on statistical correlations. I am not interested in media hype.]

Scientific argumentation stylized as if it was informed by data, logical inferences or common sense (detached from personal opinions) reproduces the postmodern discourses where apparent rationalization is key to effective rhetoric. The projection of a speaker persona who is knowledgeable and competent is a prerequisite for persuasion based on validity and moral high ground.

Liberalism

The main pattern of argumentation resorted to by proponents of decriminalization is based on liberal or libertarian ideology. As sexuality is regarded as a private matter, the state should not legislate on the issue, especially

if it has nobody to protect from harm or exploitation, as is the case with consensual relations among adults. In some posts, penalization is even presented as a major infringement on one's liberty:

(9) Chociaż jest to rzecz niebywale obrzydliwa i tragiczna w skutkach chyba nie powinna być karalna jeżeli chodzi o osoby dorosłe w pełni świadome swoich czynów. Zamiast paragrafów potrzebna jest edukacja seksualna (6).

[Although this is incredibly disgusting and tragic, the issue should rather not be penalized in the case of adults who are fully responsible for their choices. Instead of codices, we need more sex education.]

(10) Czy państwo z butami powinno wchodzić w to co dzieje się pomiędzy dwojgiem dorosłych ludzi? (5)

[Ought the state to stick its nose into what is happening between two adults?]

As few discussants could afford to position themselves as being against freedom from excessive state control, this argument tends to go unchallenged, but it often has a status of a personal opinion and is mitigated by the speaker's general discomfort at being seen as an apologist for incest. It is often accompanied by a call for more education, which, according to most libertarians, is indispensable to exercise one's right to freedom (see appendix 2 for a thorough mapping of this argumentation pattern).

Romantic love

The argumentation that if people *love each other* and *make each other happy* they should be allowed to *do what they please* is an extension of the above liberal mindset, with additional emphasis on individual pursuit of happiness and personal fulfilment. The ideal of romantic love is a fairly recent and attractive cultural myth that has ultimately displaced arranged marriages and contractual unions that were practiced throughout centuries in most societies. Nevertheless, some opponents of depenalization cast doubt on its applicability here by questioning the mental and psychological capacities of people involved in forbidden incestuous partnerships.

(11) Ciekawa jestem, co musi się dziać w umyśle ludzi, którzy faktycznie współżyją z członkiem własnej rodziny – czy w pewnym momencie pojawiają się wątpliwości? A może cały czas takie osoby brną w zaparte, twierdząc że to po prostu miłość, głęboka, tak jak do drugiego (wcześniej obcego) człowieka? Niepojęta rzecz (1).

[I wonder what is happening in the mind of a person who is involved with a relative – do they have any doubts at any point? Or perhaps they delude themselves that this is simply love, just like any deep romantic feeling to a stranger? This is incomprehensible.]

The attractiveness of the romantic love argument is magnified by its alleged disinterestedness, purity and uniqueness and is endorsed by many culturally potent narratives, especially if the love prevails despite social stigma or sanction (e.g., Romeo and Juliet). However, the paradoxical aspect is that if incestuous romances were legal they might have lost some it their appeal as *forbidden* or *worth sacrificing for*.

Unnatural

The argument that something is wrong because it clashes with the natural order is very potent, even though contemporary societies have developed many alternative frameworks to account for social norms. Opponents often point to the CIRCUMSTANTIAL premises that justify the fact that people do not interbreed within families: lack of sexual desire or sense of attractiveness, or other psychological barriers. The incest taboo is for them an extension of a biological order organized to protect and ensure survival and thriving of the human race. This is also the basis for moral codes that are devised to protect the wellbeing of communities, not just the strongest individuals. The supporters of depenalization are quick to point out that if nature indeed were the sole source of human motivations, incest would not have occurred at all. Nevertheless, it is very difficult for discussants to distinguish between nature and nurture, as they see siblings not growing together or being separated during childhood as a 'natural' cause for their later romantic and sexual involvement:

(12) Okazuje się więc, że jednak z naturą nie można ani żartować, ani się z nią bawić w chowanego, ani z niej kpić albo ją lekceważyć. I wychodzi na to, że normy moralne, te najważniejsze, mają swoje silne podstawy w prawach natury (1).

[It turns out that you cannot make jokes at nature, or play with it, or deceive it, or ignore it. It seems that the most significant moral norms do have their roots in the natural laws.]

The discussants following this argumentation often have no other option but to accept the incest taboo as an outgrowth of natural order that needs to be endorsed or cultivated because of its protectionist capacity and the larger good for the community, even if it is to be achieved at the cost of punishing a few individuals.

Family values

As pointed out above both opponents and proponents of depenalization want to position themselves as rational and ethical. They also want to explain why incest happens and how best to confront the issue. Some of them refer to family values as the most appropriate domain to source their claims as to *what incest does to people*. Even though some proponents see it as a positive conjunction of two ideal forms of human relation – family bond and erotic bond – most opponents perceive it as a threat, discord and confusion in the family.

(13) To kwestia chaosu i kompletnej rozwałki w rodzinie. Ponieważ to zwyczajnie wprowadza pomieszanie - czy jesteśmy jeszcze to starą rodziną czy nową? Związek seksualny czy związek rodzinny mają przewagę? To wprowadza chaos w umysłowości tych ludzi, wszystko jedno czy ofiar czy dobrowolnych uczestników (6).

[This is a question of chaos and disruption in the family. It introduces confusion – are we the old family [brother and sister] or a new one [husband and wife]? Is the sexual or family relation to be prioritized? It must breed chaos in the minds of these individuals, no matter if it was consensual or otherwise.]

Apart from the sense of pity at the circumstances and the anxiety at the consequences of such arrangements for the people involved, there is a larger issue of social consequences for the perception of the family. The opponents who follow this line of reasoning see the coverage of incest as a vailed assault on the traditional family values. They venture to speculate that this is yet another maneuver to get people to tolerate what they claim is abnormal:

(14) Pewnie niedługo będzie to legalne i nikogo nie będzie dziwić. Homoseksualizm czy prostytucja tez były uważane za cos złego a dzisiaj to normalka (4).

[Pretty soon it will be legal and no-one will be concerned. Homosexuality or prostitution used to be considered wrong, and today they are just normal.]

The implications arising from the use of this argumentative scheme is to showcase the gradual moral degradation resulting from the deliberate attempt at undermining traditional family values and social cohesion. The remedy to stop this process is to object to anything that would blur the boundaries between what is right and what is wrong (according to a very rigid conservative mindset), including letting incest go unpunished, as this would clearly lead to its proliferation and subsequent destruction of the family as we know it.

Conclusion

Exploring the patterns of argumentation and rhetoric in online public debates, as theorized by Chambers (2009: 323), might help foster political dialogue and to reconstruct divisive *plebiscitary* discourses in order to overcome them. This in some cases might be used to enhance the quality of public debating and to enable

further deliberation driven by the ideal to resolve the difference of opinions and arrive at the most widely acceptable solution (Fairclough and Fairclough 2012).

This analysis demonstrates the rhetorical effectiveness of opponents of depenalization, whose argumentation might not always be sound, but who resort to a wide range of premises and use strategic maneuvering skillfully to boost their claim and to effectively discredit (or put on the defensive) the proponents of depenalization. For one, it is often easier to justify a status quo by harking back on cultural or moral values and traditional identities, rather than to mobilize support for any kind of reform in the name of the few. For another, the role of the potent cultural taboo underpinning the subject of this debate and the persistence of stigma cannot be underestimated. The opponents' argumentation was infused with *ad hominem* attacks that represented proponents as apologists for criminals and child abusers, as 'evil' people intent on destroying the society, or at least as 'amoral' individuals who have no grasp of the harm that can be done to families. The argumentation emerging from discussants that see themselves as opponents of incest, but who advocate for depenalization is based on the value of individual liberty and tones down the emotions for the sake of political argument. These proponents tend to shift their domains taking up either libertarian or scientific arguments and demanding more facts beyond anecdotal evidence. In this sense, they align themselves with post-modern rationality that requires adapting the social/regulatory system to science and social development.

The more committed proponents of decriminalization apply arguments centered around the notion of consent, pursuit of happiness and the lack of harm (hence the lack of crime). They see social progress in challenging the taboos and the people who insist on conserving them. Although they represent themselves as progressive and thus well-intentioned, they tend to be denied the right to deliberate on moral grounds, especially if their claims are represented as condoning abuse and reversing a *natural order* or *family values*.

The procedure used to code and analyze the debate revealed the predominance of eugenic arguments that, in their extreme version, project a vision of a society rife with physical defects and mental disorders caused by genetic mutations resulting from inbreeding. It can also be seen that the 'science' behind many arguments on both sides is flawed and anecdotal, and that there is little attempt at adequate sourcing and fact-checking, despite the calls for more education. Unfortunately, it is all too common to see labelling of the opponent as deviant/pervert or as superstitious ignoramus and escalating the discrediting rhetoric. It is also possible to see how the argumentation patterns reproduce larger ideological divisions along the lines of socio-political and religious ideologies, including conservatism, nationalism, Catholicism and libertarianism or progressivism. Lastly, for the sake of exploring the relations among the four subject positionings in the discussion, the anthropological and cultural notion of taboo proved to be an expedient category that allows tracing quite precisely the dynamics of this ongoing public debate.

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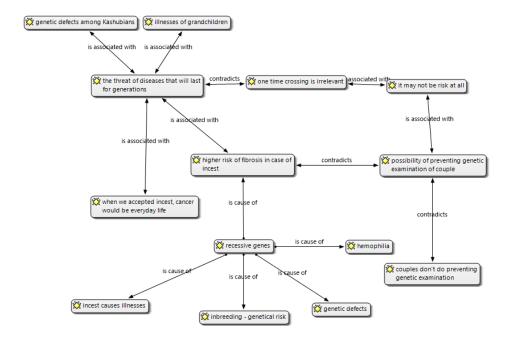
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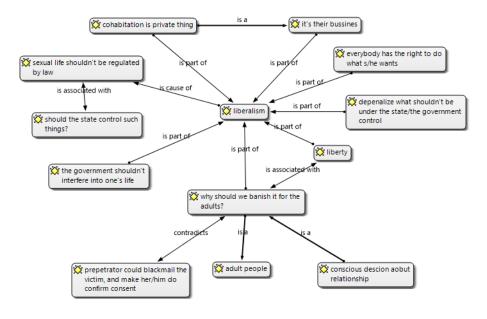
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Appendix 1: Atlas.ti networks of coded argumentation patterns: eugenic arguments (own source)



Appendix 2: Atlas.ti networks of coded argumentation patterns: liberal arguments (own source)



genetic problem of next generation 💸 apocaliptic vision of society is cause of is associated with the threat of diseases that will last for generations 💥 illnesses of grandchildren ociated with degeneration of next generation extraction of next generation is associated with is cause of is associated with is associated with it will be bad, if people think incest is okay when we accepted incest, cancer would be everyday life 💥 a risk to spread the practice is associated with is associated with is associated with cause of 💸 degeneration of future Social condition is bad with incest generations elites want to create stupid society is associated with 💥 it's an element of wider context 💢 incest is just one of phenomena is associated with is associated with is cause of associated with the plan to destroy humanity is associated with

Appendix 3: Atlas.ti networks of coded argumentation patterns: apocalyptic arguments (own source)