

he wasn't just
active; he
founded a long
committee

Chaim Perelman

1912-1984

it isn't unimportant

that Perelman
fought with Belgian

resistance;

that alone

should

dispell

worries about

relativism;

inaction

Indeed, it's been
argued that

Perelman's rhetoric
is a response to the
Holocaust

was also invited by
Ben Gurion to Israel
to help decide how to
define Jewish identity

Chaim Perelman was born in Warsaw and was educated in Belgium, where he took a law degree in 1934 and a doctorate in philosophy in 1938, both from the Free University of Brussels. He was active in the Resistance during the war and afterward became a member of the faculty at Brussels.

Perelman came to the study of rhetoric as a result of his search for "a logic of value judgments" that could serve as the basis of legal philosophy.¹ Extant systems of philosophy, he found, were devoted to formal logic as the foundation of rationality, which relegated any discussion of values to the irrational and subjective. Yet judgments about justice, morality, politics, and religion are of supreme importance in human affairs. It is a fundamental principle of justice, Perelman notes in an early essay, that "beings of one and the same essential category must be treated the same way."² But what are the essential categories, and what constitutes "the same" treatment? These questions are answered by argument, and, Perelman notes, argument has no standing in philosophy. He was forced to conclude that, in the terms available in mainstream philosophy, "logical value judgments do not exist."³

To pursue the question of how people reason about values, Perelman and his collaborator, Lucie Olbrechts-Tyteca, undertook a study of actual arguments made by judges, philosophers, politicians, and others seeking to make value decisions. Olbrechts-Tyteca, who received a "licenciée" in social sciences and economics from the Free University of Brussels in 1925 (a lesser degree than the doctorate), was well read in the social sciences and European literatures. As rhetoric scholar Barbara Warnick has explained, while Perelman provided the theoretical framework for their research, Olbrechts-Tyteca supplied the extensive examples that fleshed out the theory; these examples constituted a good two-thirds of their major treatise, *The New Rhetoric* (discussed below). Warnick describes Olbrechts-Tyteca's primary scholarly interest as the analysis of the "argumentative function of stylistic devices and discursive structures," which she also pursued in several works published alone, notably *Le Comique du discours* (1974), which studies how comic structures rely for their effects on what their audiences already believe to be true or good.⁴

The types of argument that Perelman and Olbrechts-Tyteca found among those seeking to make value judgments were, they realized, strikingly similar to the classical topics. Moreover, Aristotle's description of the connection between dialectic

¹Chaim Perelman, "Philosophy, Rhetoric, Commonplaces," in *The New Rhetoric and the Humanities* (Dordrecht: D. Reidel, 1979), p. 56 (trans. of "Philosophie, rhétorique, lieux communs," *Bulletin de l'Académie Royale de Belgique* [1972]: pp. 144-56).

²Chaim Perelman, *The Idea of Justice and the Problem of Argument*, trans. J. Petric (New York: Humanities Press, 1963), p. 16.

³Chaim Perelman, "Old and New Rhetoric," in *Practical Reasoning in Human Affairs*, ed. James Golden and Joseph Pilotta (Dordrecht: L. Reidel, 1986), p. 4.

⁴Barbara Warnick, "Lucie Olbrechts-Tyteca's Contribution to *The New Rhetoric*," in *Listening to Their Voices: The Rhetorical Activities of Historical Women*, ed. Molly Meijer Wertheimer (Columbia: University of South Carolina Press, 1997), p. 71.

and rhetoric spoke to their concerns. Thus they turned to rhetoric, the study of good reasons—of persuasion, of *logos*, of the reasonable and the preferable—and set out to “revive” rhetoric and link it once again to philosophy. It must have seemed to them that they were single-handedly reviving the study of rhetoric as a substantive discipline, with functions beyond mere ornamentation. Only in 1962, when he was invited to teach at Pennsylvania State University, did Perelman discover that there was an active community of rhetoric scholars in departments of speech and communication in the United States.

In Perelman's view, formal logic is applicable only to well-defined, closed formal systems, like mathematics; in all other matters, reasoning is “informal” or dialectical. In this, Perelman follows Aristotle's distinction between analytical philosophy on the one hand and dialectic and rhetoric on the other. In *The Realm of Rhetoric* (1977; excerpted here), Perelman traces the problems of philosophy and rhetoric to Peter Ramus and René Descartes. By moving dialectic to the realm of logic and reducing rhetoric to verbal ornamentation, Ramus set for later philosophers the impossible task of applying the truth criteria of logic to questions of value and behavior. And Descartes exacerbated the problem by declaring the “merely plausible” to be effectively false. To correct these mistakes, Perelman rejoins dialectic and rhetoric as methods of using argument to gain adherence to propositions that cannot be demonstrated in the sense of being self-evident or universal.

Perelman and Olbrechts-Tyteca draw a number of conclusions from their study of practical reasoning, set forth in *The New Rhetoric: A Treatise on Argumentation* (1958; excerpted here). Argument, they point out, does not and cannot follow the rules of formal logic, but practical reasoning is a kind of informal logic, akin to Aristotelian dialectic. Moreover, arguments are always addressed to an audience, because the purpose of argument is to win the adherence of the audience, not to demonstrate the truth of propositions. The audience can be defined as the group effectively addressed by the writer or speaker, the community whose adherence the speaker wishes to gain.

Perelman and Olbrechts-Tyteca imagine two types of audience that may be addressed, as rhetoric scholar Alan Gross has explained. “Particular” audiences represent a group of people united by shared values, such as members of a political party. They must be persuaded by appeals to their values. On the other hand, discourse that seeks the status of purely rational argument, such as philosophy, addresses the “universal audience,” an imaginary construct comprising all rational, competent people, who are to be persuaded only by reference to empirically demonstrable facts or absolute truths. The idea of the universal audience has frequently been misunderstood: Perelman and Olbrechts-Tyteca emphasize that there is no actual universal audience, nor any unimpeachable facts or truths that could be presented to it, but rather, only an idea in the speaker's mind about what such an audience would be were it to exist. An argument may gain persuasive power by appearing to appeal to this universal audience.

The speaker gains the adherence of any audience by attempting to transfer existing adherence from premises that the audience presumably already accepts to conclusions drawn from those premises. Furthermore, the speaker wins adherence by

it works within
all ready agreed
contexts

he knows only
the trouble see

“the reasonable
man” in
jurisprudence

fraternalism

creating “presence” for the main premise of the proposition. Presence, or foregrounding, is created by using the topics. The different types of argument create “liaisons”—not necessarily logical connections—between premises and conclusions.

Perelman and Olbrechts-Tyteca also identify the various categories of argument. The “quasi-logical” category is perhaps most important, because the appearance of formal logic in an argument has a profound ideological effect. Perelman summarizes and refines these conclusions in several of his later works, including “The New Rhetoric: A Theory of Practical Reasoning” (included here).

As suggested in the formulation of the universal audience, Perelman’s strongest and most persistent claim is that philosophy itself is a form of rhetoric—a system of argument that tries to win universal adherence, rather than being a pure search for truth. Indeed, he says, there is no such thing as absolute truth, nor is there even any kind of knowledge that is “identical in all normally constituted minds, independently of social and historical contingencies.”⁵ In the powerful conclusion of *The New Rhetoric*, Perelman and Olbrechts-Tyteca insist on this point, arguing that there are no self-evident propositions and no “previously given natural order.”⁶ Ideas about what is self-evident or natural are created by argument, but appeals to self-evidence and nature are dangerous attempts to obscure their basis in argument. To acquiesce to such appeals, they warn, devalues argument itself and thereby threatens our very freedom to argue.

Strong
Defense
territory
instead

they
produce
frustrating
efforts

formally strong
argumentation
is no superiority

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⁵See p. 1376 in this book.

⁶See p. 1378 in this book.

Olbrechts-Tyteca, "Act and Person in Argument" (rpt. in Dearin, ed.); Johnstone, "A New Theory of Philosophical Argumentation"; and Perelman, "A Reply to Henry W. Johnstone Jr."

Two good introductions to Perelman's ideas are Carroll Arnold's "Perelman's New Rhetoric" (*Quarterly Journal of Speech* 61 [February 1970]: 87-92) and Ray D. Dearin's "The Philosophical Basis of Chaim Perelman's Theory of Rhetoric" (*Quarterly Journal of Speech* 55 [October 1969]: 213-24; rpt. in *Contemporary Theories of Rhetoric*, ed. Richard L. Johannesen, 1970, and in Dearin, ed.). Alan Gross clarifies Perelman's concepts of audience in "A Theory of the Rhetorical Audience: Reflections on Chaim Perelman" (*Quarterly Journal of Speech* 85 [May 1999]: 203-11). On Lucie Olbrechts-Tyteca's collaboration with Perelman and her other work, see Barbara Warnick's "Lucie Olbrechts-Tyteca's Contribution to *The New Rhetoric*," in *Listening to Their Voices: The Rhetorical Activities of Historical Women*, ed. Molly Meijer Wertheimer (1997); Warnick includes an extensive bibliography of works by Olbrechts-Tyteca, Perelman, and the two together.

Chaim Perelman and Lucie Olbrechts-Tyteca

From *The New Rhetoric*

A Treatise on Argumentation

CONCLUSION

It is not without difficulty that we have kept our treatise on argumentation to its present dimensions. Far from exhausting the subject we have barely scratched its surface and, at times, have done no more than point to its richness. Schematic treatments, some of them old and almost forgotten, others quite recent, have illuminated each other and have been integrated into an ancient discipline that has, however, been distorted for centuries and is neglected today. Problems generally approached from a purely literary viewpoint, together with others that are the concern of the most abstract speculation (derived either from the existentialist wave or from English analytical philosophy), are set in a dynamic context which brings out their significance and permits the vivid apprehension of the dialectical relationship between thought and action.

Each one of the points, which we have done no more than sketch, deserves more thorough study. The various kinds of discourse, their varia-

tion in the different disciplines and with different audiences, the way in which ideas undergo modification and organization, the history of these transformations, the methods and systems that have originated from the adaptation of notional complexes to problems of knowledge—these and many other questions just touched on here provide the study of argumentation with a field of research of incomparable wealth.

Up to now all these questions have either been entirely neglected or have been studied by a method and in a spirit that are foreign to the rhetorical point of view. The effect of restricting logic to the examination of the proofs termed "analytical" by Aristotle, together with the reduction of dialectical proofs—when anyone felt they were worth analyzing—to analytical proofs, was to remove from the study of reasoning all reference to argumentation. We hope that our treatise may provoke a salutary reaction and that the mere fact of its being written may for the future prevent the reduction of all the techniques of proof to formal logic and the habit of seeing nothing in reason except the faculty to calculate.

If a narrow conception of proof and logic has led to a constricted view of reason, the

"The
History
points
view"

Rhetoric
of
Matters

|| B501

Translated by John Wilkinson and Purcell Weaver.

this conclusion
addresses "Rhetoric
of rhetoric"

their use of "intensity"
is compelling here
Silence

ambiguity
as resource

broadening of the concept of proof and the resulting enrichment of logic must likewise react on the way in which our reasoning faculty is conceived. For this reason we wish to conclude with some considerations that are too general to fall within a theory of argumentation, but provide it with a framework that emphasizes its philosophical significance. Just as the *Discourse on the Method*, though not a work on mathematics, secures to the "geometrical" method its widest sphere of application (though there is nothing to prevent one from being a geometrician without being a follower of Descartes), so the views we shall advance—though the theory and practice of argumentation are not necessarily bound up with them—accord argumentation a place and importance they in no wise possess in a more dogmatic vision of the universe.

and their use of "Lombard" (Lombard's message) his takes * we keep! * shh does

We combat uncompromising and irreducible philosophical oppositions presented by all kinds of absolutism: dualisms of reason and imagination, of knowledge and opinion, of irrefutable self-evidence and deceptive will, of a universally accepted objectivity and an incommunicable subjectivity, of a reality binding on everybody and values that are purely individual.

this is a central argument

We do not believe in definitive, unalterable revelations, whatever their nature or their origin. And we exclude from our philosophical arsenal all immediate, absolute data, be they termed sensations, rational self-evidence, or mystical intuitions. This rejection does not, of course, imply that we deny the effect of experience or reasoning on our opinions, but we will stay clear of that exorbitant pretension which would enthrone certain elements of knowledge as definitively clear and solid data, and would hold these elements to be identical in all normally constituted minds, independently of social and historical contingencies, the foundation of necessary and eternal truths.

The purpose of this dissociation of certain irrefutable elements from the sum total of our opinions (the imperfect and perfectible character of which nobody has yet contested), and of making them independent of the conditions of perception and linguistic expression, is to withdraw them beyond the realm of discussion and argu-

mentation. To conceive of all progress in knowledge exclusively as an extension of the sphere occupied by these clear, distinct elements, to the point even of imagining that ultimately, with a perfect thought imitating divine thought, one could eliminate from knowledge everything that does not conform to this ideal of clarity and distinction—this means progressively reducing resort to argumentation up until the moment when its use becomes entirely superfluous. Pending the arrival of this moment, making use of it would stigmatize the branches of knowledge resorting to it as imperfectly constituted fields still in search of their method, and unworthy of the name of *science*. It is not surprising that such an attitude has turned logicians and philosophers away from the study of argumentation as something unworthy of their attention, leaving it in the hands of public-relations and propaganda experts who are generally suspected of lack of scruple and of constant opposition to any sincere search for the truth.

Our own position is quite different. Instead of basing our philosophy on definitive, unquestionable truths, our starting point is that men and groups of men adhere to opinions of all sorts with a variable intensity, which we can only know by putting it to the test. These beliefs are not always self-evident, and they rarely deal with clear and distinct ideas. The most generally accepted beliefs remain implicit and unformulated for a long time, for more often than not it is only on the occasion of a disagreement as to the consequences resulting from them that the problem of their formulation or more precise definition arises.

Common sense regularly opposes facts to theories, truths to opinions, and that which is objective to that which is not. By this opposition it indicates what opinions are to be preferred to others, whether or not the preference be based on generally accepted criteria. John Stuart Mill and André Lalande¹ are hardly saying anything new when they ask that we bring our beliefs face to face with the facts or with true statements, and though it may not be difficult to follow their ad-

¹André Lalande, French philosopher (1867–1964). Lalande, a rationalist, argued that people feel differently but reason in the same way. This was the basis for his belief in rational knowledge and his hope for universal understanding. [Ed.]

Boom! all of it

Cardinal connections here

vice when the facts and truths are not subjected to challenge, this is unfortunately not always the case. Everyone is disposed to recognize that facts and truths play a normative role in relation to opinion, but the person who challenges a fact or doubts a truth will be reluctant to accord it this favored status, and will qualify the statement he declines to accept quite differently. Similarly, most people are normally disposed to act in accordance with what seems to them logical or reasonable, but will refuse to apply these epithets to solutions they do not recognize as well founded.

Those who hold facts and truths to be the sole norms for guiding opinions will endeavor to attach their convictions to some form of evidence that is indubitable and beyond discussion. There can be no question, with this outlook, of providing in turn a foundation for these self-evident things, for in their absence the very notion of foundation would appear incomprehensible. With these self-evident things as starting point, proof will take the form of a calculation or of resort to experiment.

The increased confidence thus brought about in the procedures and results of the mathematical and natural sciences went hand in hand with the casting aside of all the other means of proof, which were considered devoid of scientific value. Now this attitude was quite justifiable as long as there was the hope of finding a scientifically defensible solution to all actual human problems through an increasingly wide application of the calculus of probabilities. But if essential problems involving questions of a moral, social, political, philosophical, or religious order by their very nature elude the methods of the mathematical and natural sciences, it does not seem reasonable to scorn and reject all the techniques of reasoning characteristic of deliberation and discussion—in a word, of argumentation. It is too easy to disqualify all reasoning that does not conform to the requirements of the proof which Pareto called “logico-experimental” as being “sophistical.”² If all argumentation of this kind must be considered a misleading form of reasoning,

²Vilfredo Pareto (1848–1923), Italian economist, sociologist, and philosopher, sought a scientific basis for sociology in the logico-experimental method and studied the reasons for nonlogical behavior. [Ed.]

then the lack of “logico-experimental” proofs would leave the field wide open, in all the essential spheres of life, to suggestion and violence. The assertion that whatever is not objectively and indisputably valid belongs in the realm of the arbitrary and subjective creates an unbridgeable gulf between theoretical knowledge, which alone is rational, and action, for which motivations would be wholly irrational. Practice ceases to be reasonable in such a perspective, for critical argumentation becomes entirely incomprehensible, and it is no longer even possible to take seriously philosophical reflection itself. For it is only those fields from which all controversy has been eliminated that can thenceforth lay claim to a certain rationality. As soon as a controversy arises, and the agreement of minds cannot be reestablished by “logico-experimental” methods, one would be in the sphere of the irrational—which would be the sphere of deliberation, discussion, and argumentation.

The distinction, so common in twentieth-century philosophy, between judgments of reality and value judgments characterizes an effort—though in this form we feel it is a hopeless one—by those who recognize that scientific investigation enjoys a special, preeminent status, but wish to save the norms of human action from arbitrariness and irrationality. But this distinction, stemming from an absolutist epistemology which tends to sharply separate two sides of human activity, has not given the results for which one hoped. There are two reasons for this. One is the lack of success in developing a logic of value judgments, the other is the difficulty of satisfactorily defining value judgments and judgments of reality.

If it is possible to discern in argumentative practice, as we have done, some statements that relate to facts, and others that relate to values, the distinction between these two forms of statement can never be clear cut: it is the consequence of precarious agreements of varying intensity, agreements which may not be explicitly stated. In order to be able to distinguish clearly between two kinds of judgments criteria enabling them to be identified would have to be put forward and these criteria would themselves have to be beyond discussion. And, more particularly, there

Cardinal connections here
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inner critique is carefully focused on such philosophies as arguments, which have in turn failed to deliver and so are unproductive

would have to be an agreement about the linguistic elements without which no judgment can be formulated.

If judgments of reality are to provide an indisputable object of common understanding, the terms they contain must be free of all ambiguity, either because it is possible to know their true meaning, or because a unanimously accepted convention does away with all controversy on this subject. These two possibilities, which are respectively the approaches of realism and nominalism in the linguistic field, are both untenable, as they regard language either as a reflection of reality or as an arbitrary creation of an individual, and forget an essential element, the social aspect of language, which is an instrument of communication and influence on others.

All language is the language of a community, be this a community bound by biological ties, or by the practice of a common discipline or technique. The terms used, their meaning, their definition, can only be understood in the context of the habits, ways of thought, methods, external circumstances, and traditions known to the users of those terms. A deviation from usage requires justification, and, in this connection, realism and nominalism are simply two diametrically opposed attempts at justification, both linked to philosophies of language that are equally inadequate.

Adherence to particular linguistic usages normally expresses the explicit or implicit adoption of certain definite positions which are neither the reflection of an objective reality nor the manifestation of individual arbitrariness. Language is part of the traditions of a community, and, like the others, it only undergoes revolutionary modification where there is a radical failure to adapt to a new situation; otherwise its transformation is slow and imperceptible. But an agreement on the use of terms, no less than an agreement about the conception of reality and the vision of the world, even though it may not be disputed, is not indisputable; it is linked to a social and historical situation which fundamentally conditions any dis-

inction that one might wish to draw between judgments of reality and value judgments.

The transcendence of these social and historical conditions of knowledge, with the transformation of certain *de facto* agreements into agreements *de jure*, is only possible through the adoption of a philosophical position which, if it is rational, is only conceivable as the consequence of a preceding argumentation. The theory and practice of argumentation are, in our view, correlative with a critical rationalism that transcends the duality "judgments of reality [versus] value judgments," and makes both judgments of reality and value judgments dependent on the personality of the scientist or philosopher, who is responsible for his decisions in the field of knowledge as well as in the field of action.

Only the existence of an argumentation that is neither compelling nor arbitrary can give meaning to human freedom, a state in which a reasonable choice can be exercised. If freedom was no more than necessary adherence to a previously given natural order, it would exclude all possibility of choice; and if the exercise of freedom were not based on reasons, every choice would be irrational and would be reduced to an arbitrary decision operating in an intellectual void. It is because of the possibility of argumentation which provides reasons, but not compelling reasons, that it is possible to escape the dilemma: adherence to an objectively and universally valid truth, or recourse to suggestion and violence to secure acceptance for our opinions and decisions. The theory of argumentation will help to develop what a logic of value judgments has tried in vain to provide, namely the justification of the possibility of a human community in the sphere of action when this justification cannot be based on a reality or objective truth. And its starting point, in making this contribution, is an analysis of those forms of reasoning which, though they are indispensable in practice, have from the time of Descartes been neglected by logicians and theoreticians of knowledge.

ambiguity as resource

Humanity's relationship to nature

grounded in habits, which are learned at birth and are the basis of habits

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and this dilemma is constituted in the language of the 19th half of the 20th century

Think about the term
"demagogic" in the
context of persuasion

Chaim Perelman

From *The Realm of Rhetoric*

The relations between philosophy and rhetoric have been essential to the destiny of rhetoric. Whereas rhetoric seeks to have certain opinions prevail over other competing opinions, philosophy, which originally included the individual sciences, is seeking impersonal truths. Parmenides began the competition between philosophers and teachers of rhetoric when, in his famous poem, he opposed the way of truth, as guaranteed by divinity, to that of opinion, which is the way of man. Gorgias' reply was not long in coming; he showed, by a three-part argumentation, that Being is not, that if it existed it would be unknowable, and that if it were known this knowledge would be incommunicable. Hence the importance of rhetoric, of the psychological technique which acts upon the hearer's will in order to obtain his adherence. Similarly, by showing that for any subject there are two opposing discourses (*dissoi logoi*), Protagoras denied the existence of one single truth. In this view, every assertion is subject to controversy, since a person can always argue either for or against it. Consequently, preeminence must be granted to the rhetorician, the controller of opinion.

Plato, on the other hand, to the extent that he believed in the existence in every subject area of a truth which the philosopher must seek above all else, recognized a cleansing role in dialectic—the technique Socrates used to refute his opponent's opinions insofar as he was able to bring out their internal inconsistencies. As soon as they contradict themselves, opinions cannot be simultaneously admitted, and at least one of them has to be abandoned for the sake of truth. In this way Socrates prepares the way for the intuition of truth. When he has perceived the truth, the philosopher can use rhetorical technique to communicate it and to make his audience accept it. The rhetoric that is worthy of the philosopher can

persuade the gods themselves because it seeks acceptance of true theses and not of mere opinions.¹ A rhetoric which neglects truth and is content to get and keep the adherence of the audience through the effects of language, the charm of the word, and a resort to flattery is merely a technique of appearance. Such a rhetoric can be compared to men who, instead of maintaining their bodies by gymnastics and proper medical care, indulge themselves with pleasant food, without concern for the disastrous effects which will result from such gluttony.² Rhetoric, seeking to please, concerned only with appearance, and applying "colors," like makeup, to reality, is the demagogic technique *par excellence* which must be combated by all who are concerned with the triumph of truth. The rhetorician, like the Sophist, is the controller of opinion and hence of appearance, while what matters to the philosopher and the sage is the knowledge of truth and the practice of the good, in conformity to that truth. If dialectic is useful to the philosopher, by allowing him to unsettle erroneous opinions, the perception of truth will come through intuitions; rhetoric will serve to communicate these truths and to gain their acceptance. In this sense, rhetoric is clearly subordinated to philosophy.

Aristotle's conceptions are more nuanced. In separating practical disciplines from theoretical sciences, he stresses the point that the same methods and the same means of proof are not usable in all fields of knowledge. We have already cited the passage from the *Nicomachean Ethics*³ in which Aristotle shows that what is suitable in a mathematical demonstration would be out of place in a speech, and vice versa.

If it is intuition that guarantees the truth of principles in the theoretical sciences, it is recourse

¹Plato *Phaedrus* 273. [Au.]
²Plato *Gorgias* 518. [Au.]
³Aristotle *Nicomachean Ethics* 1094b, 23-25. [Au.]

Translated by William Kluback.

contrasting
strong and
wide defenses

ambiguity as

Position
own
framing
of the
rhetorical
tradition

Rhetoric
is the
source of
rationality
in such a
system

the
elimination
of rhetoric

From
Self-evidence
to
Self-evidence

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to deliberation and discussion that gives rationality to practical activities, where one is to decide and choose, after reflection, among possibilities and contingencies. Through dialectical reasoning and rhetoric, one can influence people's judgment and direct them toward taking reasonable positions. In Aristotle's view, every audience is a judge which in the end must decide the superiority of one disputed thesis over the other when neither is obviously compelling.⁴ Since the realm of action is the realm of the contingent, which cannot be governed by scientific truths, the role of dialectical reasoning and rhetorical discourse is essential in order to introduce some rationality into the exercise of the individual and the collective will.

We showed in chapter one how Ramus attributed to dialectic the study of every kind of reasoning, analytical as well as dialectical, and thus reduced rhetoric to elocution, the search for forms of expression that were out of the ordinary, for ornamentation, for figures of style. But Descartes went even further in his desire to eliminate all rhetoric from his philosophy.⁵ His idea of a philosophy *more geometrico* (which was not realized until Spinoza) was to build a system which, moving from one self-evidence to another, would leave no room for any disputable opinion. As Descartes puts it at the beginning of his *First Meditation*:

Since reason already convinces me that I should abstain from the belief in things which are not entirely certain and indubitable no less carefully than from the belief in those which appear to me to be manifestly false, it will be enough to make me reject them all if I can find in each some ground for doubt.⁶

The attempt to elaborate a philosophy wherein all these would be either self-evident or compellingly demonstrated leads to the elimination of all forms of argumentation and to the rejection of rhetoric as an instrument of philosophy.

⁴Aristotle *Rhetoric* 1391b. 7-21. [Au.]
⁵H. Gouhier, "La résistance au vrai et le problème cartésien d'une philosophie sans rhétorique," *Rhetorica e Barocco*, ed. E. Castelli (Rome: Fratelli Bocca, 1955). pp. 85-97. [Au.]
⁶*Meditations*, p. 17. [Au.]

What are the presuppositions of such a philosophy? In the first place there is the idea that God is not only the source but also the guarantor of all knowledge, because "I must examine whether there is a God, and . . . whether he can be a deceiver; for as long as this is unknown, I do not see that I can ever be certain of anything."⁷ Descartes' method is to discover "a path that will lead us from this contemplation of the true God, in whom all the treasures of science and wisdom are contained, to the knowledge of all other beings."⁸

Scientific knowledge is wholly complete; all we have to do is recover it.

It is necessary to be suspicious of all human initiative, which can only lead to error, since it arises from imagination and prejudice. Human creativity, in scientific work, is completely neglected.

Divine ideas, being completely rational, can only be mathematical. They alone are characterized by self-evidence, which compels every rational being to submit to it. Because of Descartes' philosophic imagination, he generalized the results of the analysis of mathematical reasoning; he required (contrary to Aristotle's advice) that the same demands for rigor which had succeeded so well in mathematics be applied to all other realms. This led him to a methodological doubt concerning opinion:

As far as the opinions which I had been receiving since my birth were concerned, I could not do better than to reject them completely for once in my lifetime, and to resume them afterwards, or perhaps accept better ones in their place, when I had determined how they fitted in a rational scheme.⁹

Many years previously, Lord Bacon, theoretician of the empirical sciences, had also preached Christian humility to the learned, asking them to read carefully the book of nature, by which God revealed himself to man. The inductive method should guard man from formulating any thesis which could not be found in the book of nature, as if all experience had been clearly described in a divine language.

⁷*Ibid.*, p. 35. [Au.]
⁸*Ibid.*, p. 51. [Au.]
⁹*Discourse on Method*, p. 14. [Au.]

Having noted the theological background of the conception of science, both with Bacon and with Descartes, and having underscored the paradoxical and hardly admissible aspect of the Cartesian imagination, which would subject all opinions to the same criterion of self-evidence as mathematical theses, we should point out that even Descartes had to trust opinions for his provisional morality. Before reconstructing a rational science, he had to accept a provisional morality and its maxims. The first of these was "to obey the laws and customs of my country, constantly retaining the religion in which, by God's grace, I had been brought up since childhood, and in all other matters to follow the most moderate and least excessive opinions to be found in the practices of the more judicious part of the community in which I would live."¹⁰

We know that in the course of his life Descartes had to be satisfied with his provisional morality. His concern for generalized self-evidence did not result in the replacement of traditional morality—the expression of the common opinion of his milieu—by a rational, universally valid morality. Rather, it caused him to respect the ruling opinions and regulations scrupulously, and he refused to modify them for any nonself-evident reason. Paradoxically, mathematical rationalism, which went with a rejection of all opinion, of every exchange of opinions, of every recourse to dialectic and rhetoric, led finally to immobility and conformism in law, morality, politics, and religion.

Even today the teaching of the sciences is inspired by the Cartesian approach. In the areas which are free from controversy, it is not customary to refer to the opinion of one or another scholar. The theses which are taught are considered true, or are accepted as hypotheses; but there is hardly any need to justify them.

Thus, although axioms in the mathematical sciences, considered at first self-evident, were subsequently shown to be conventions of language, this change of perspective, however fundamental, has not affected the way in which such formal systems are laid out. In fact, if it is not a question of self-evidence, but of hypotheses or

conventions, why choose this hypothesis or that convention rather than another? Most mathematicians consider such questions foreign to their discipline.

When, under the influence of mathematicians, logic was presented in the form of several formalized systems, logicians with philosophical concerns asked if it were necessary to admit several different kinds of logic, or if a single, natural logic, prior to all formalized systems, existed. If there is a natural logic, how is it to be disengaged from other systems? Would it be drawn from the very structure of natural language?¹¹ Would it be justified by the needs of a methodological discussion?¹² As soon as we pose the problem of a choice of logic and its justification, an impersonal science leads us back to its philosophical and properly human foundations.

Likewise, the natural sciences were for centuries able to do without reference to a human language, situated in a historical and cultural context, by referring to God, to his ideas, and to the manner by which he revealed them to man. Belief in the existence of eternal truths, contained in the divine mind and guaranteed by it, justified the elimination of all personal elements from scientific thought, error alone being attributable to human intervention.

Take away the guarantee which God gives to self-evidence and, suddenly, all thought becomes human and fallible, and no longer sheltered from controversy. The idea that any scientific theory is only a human hypothesis, necessarily surpassing, if it would be fruitful, the data given by experience, and being neither self-evident nor infallible, is a modern conception which Karl Popper has effectively defended.¹³ But, lacking the self-evidence that can be imposed on everyone, a hypothesis, to be accepted, must be supported by good reasons, reorganized as such by other people,

¹⁰G. Frey, "Die Logik als Empirische Wissenschaft," *La Théorie de l'argumentation* (Louvain: Nauwelaerts, 1963), pp. 240–62. [Au.]

¹²P. Lorenzen, "Methodisches Denken," *ibid.*, pp. 219–32. See also Lorenzen, *Einführung in die operative Logik* (Berlin: Springer, 1955), and *Formal Logic*, trans. Frederick J. Crosson (Dordrecht: D. Reidel, 1965). [Au.]

¹³Karl R. Popper, *The Logic of Scientific Discovery* (New York: Basic Books, 1961). [Au.]

¹⁰*Ibid.*, p. 15. [Au.]

This is a pretty standard theorem

"other people" is key here

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members of the same scientific community. The status of knowledge thus ceases to be impersonal because every scientific thought becomes a human one, i.e., fallible, situated in and subjected to controversy. Every new idea must be supported by arguments which are relevant to its discipline's proper methodology and which are evaluated in terms of it.

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The Cartesian ideal of universally applicable self-evident knowledge leaves no room for rhetoric and dialectic. Their importance increases, however, each time a field of knowledge is no longer dominated by the criterion of self-evidence. A critique of the idea is self-evidence,¹⁴ showing that it vanishes as soon as it is necessary to go beyond subjective intuition—as soon as one wishes to communicate it through a language which is never compelling—tends to show that the choice of a mode of expression, if it is not arbitrary—and it rarely is—is influenced by reasons which come from dialectic and rhetoric. All intellectual activity which is placed between the necessary and the arbitrary is reasonable only to the degree that it is maintained by arguments and eventually clarified by controversies which normally do not lead to unanimity.

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Indeed, it happens that, coming to an agreement on a methodology, people can obtain in certain periods and in certain disciplines a unanimity which they may not find again elsewhere; but nothing guarantees its indefinite continuation. Even the Newtonian formula of universal attraction, which was believed to be unshakable, was breached when people were given sufficient reasons to modify it.

Kairos

Contrary to Descartes, who wanted to build all knowledge on unshakable self-evidence, we must show that the consensus of scientists, based on specific lines of reasoning, is the exception.

In all other fields, whether religion or philosophy, ethics or law, pluralism is the rule. These fields draw their rationality only from the argumentative apparatus, from good reasons which can be offered for or against each presented thesis.

STRONG
DEFENSE

¹⁴Ch. Perelman, "Self-Evidence and Proof," *The Idea of Justice and the Problem of Argument*, pp. 109-25. Also, "De l'évidence en métaphysique," *Le Champ de l'argumentation*, pp. 236-48. [Au.]

Since Hegel, it is hard to deny that any philosophy is both historically situated and subject to controversy. And this affirmation applies to the Hegelian system itself as soon as it is detached from its theological underpinnings. This implies putting classical epistemology and metaphysics into question. Instead of searching for a necessary and self-evident first truth from which all our knowledge would be suspended, let us recast our philosophy in terms of a vision in which people and human societies are in interaction and are solely responsible for their cultures, their institutions, and their future—a vision in which people try hard to elaborate reasonable systems, imperfect but perfectible.

The preeminent realm of argumentation, dialectic, and rhetoric is that in which values come into play. Plato, in his dialogue on piety (the *Euthyphro*) had shown that the privileged realm of dialectic is the one which transcends calculation, weight, and measure, the one in which we deal with the just and the unjust, the beautiful and the ugly, the good and the bad, and in general, with the preferable.¹⁵

The modern conception of philosophy, which distinguishes it from the sciences, considers argumentation in all its forms as the method proper to philosophy.

Indeed, philosophy cannot be limited to what is perceived, for its proper task is to separate the important from the secondary, the essential from the accidental, the construct from the given, all from a perspective whose pertinence and superiority does not compel everyone. Hence the obligation to support the chosen perspective through argumentation, using analogies and metaphors, by which the adequacy and superiority of the one perspective over rival perspectives can be shown.

It is clear that the philosopher's forms of reasoning cannot be limited to deduction and induction. To the extent that philosophers appeal to reason and use, to win over an audience, a whole arsenal of arguments which ought to be accepted by everyone, just so must they broaden their conception of reason so as to demonstrate the rationality of argumentative techniques and rhetoric, as a theory of persuasive discourse.

¹⁵Plato *Euthyphro* 7. [Au.]

or more similar to the one Lachmann makes
in "The Q¹ Question"

We will be helped in this enterprise, inescapable in our time, by the secular experience of the jurists, who, having made human institutions depend upon a natural law of divine inspiration—be it the providence of the Stoics, the living God of the revealed religions, or the rational God of the philosophers—later came to elaborate a theory of "a reasonable law," an object of the consensus of an organized community.¹⁶

Understandably, treatises on rhetoric in antiquity were essentially works for the use of jurists. But we must not forget in this regard that law, unlike philosophy for example, aims at settling disputes which cannot be prolonged indefinitely. In law a decision must be reached which takes advantage of the authority of legal precedent.¹⁷

Philosophical, like juridical, argumentation constitutes the application to particular fields of a general theory of argumentation which we understand as a new rhetoric. In identifying this rhetoric with the general theory of persuasive discourse, which seeks to gain both the intellectual and the emotional adherence of any sort of audience, we affirm that every discourse which does not claim an impersonal validity belongs to rhetoric. As soon as a communication tries to in-

fluence one or more persons, to orient their thinking, to excite or calm their emotions, to guide their actions, it belongs to the realm of rhetoric. Dialectic, the technique of controversy, is included as one part of this larger realm.

Thus rhetoric covers the vast field of nonformalized thought: we can thus speak of "the realm of rhetoric."¹⁸ It is in this spirit that Professor Jens of the University of Tübingen described rhetoric as "the once and future queen of the human sciences" [*alte und neue Königin der Wissenschaften*].¹⁹

Rhetoric, conceived as the theory of persuasive communication, has aroused growing interest among scholars and philosophers. Things have changed in the last thirty years. Not so long ago, rhetoric was disdained in Europe. In the United States, where speech departments were numerous,²⁰ they were hardly held in esteem by the academic community. Today rhetoric is rehabilitated, contrary to the opinion of the well-known historian Jacob Burckhart, who had called it "a monstrous aberration" of Greco-Roman antiquity.

¹⁶M. Genett, "Le rhétorique restreinte," *Communications*, 16, 1970, p. 158. [Au.]

¹⁹Walter Jens, *Von Deutscher Rede* (Munich: Piper, 1969), p. 45. [Au.]

²⁰V. Florescu, *La retorica nel suo sviluppo storico* (Bologna: Il Mulino, 1971), and Ch. Perelman, "The New Rhetoric, A Theory of Practical Reasoning," *Great Ideas Today*, pp. 272-312. [Au.]

¹⁶Ch. Perelman, *Logique juridique*. Par. 37, 40, 48, 97. [Au.]

¹⁷Ch. Perelman, *Justice*, p. 87, and "What the Philosopher May Learn from the Study of Law," Appendix to *Justice*, p. 110. [Au.]

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AWESOME

Chaim Perelman

The New Rhetoric: A Theory of Practical Reasoning

connections
back to Vico)

THE LOSS OF A HUMANISTIC TRADITION

The last two years of secondary education in Belgium used to be called traditionally "Poetry" and "Rhetoric." I still remember that, over forty years ago, I had to study the "Elements of Rhetoric" for a final high-school examination, and I learned more or less by heart the contents of a small manual, the first part of which concerned the syllogism and the second the figures of style. Later, at university, I took a course of logic which covered, among other things, the analysis of the syllogism. I then learned that logic is a formal discipline that studies the structure of hypothetico-deductive reasoning. Since then I have often wondered what link a professor of rhetoric could possibly discover between the syllogism and the figures of style with their exotic names that are so difficult to remember.

Lack of clarity concerning the idea of rhetoric is also apparent in the article on the subject in the Encyclopaedia Britannica (1969 ed.), where rhetoric is defined as "the use of language as an art based on a body of organized knowledge." But what does this mean? The technique or art of language in general, or only that of literary prose as distinct from poetry? Must rhetoric be conceived of as the art of oratory—that is, as the art of public speaking? The author of the article notes that for Aristotle rhetoric is the art of persuasion. We are further told that the orator's purpose, according to Cicero's definition, is to instruct, to move, and to please. Quintilian sums up this view in his lapidary style as *ars bene dicendi*, the art of speaking well. This phrase can refer either to the efficacy, or the morality, or the beauty of a speech, this ambiguity being both an advantage and a drawback.

Translated by E. Griffin-Collart and Otto Bird.

For those of us who have been educated at a time when rhetoric has ceased to play an essential part in education, the idea of rhetoric has been definitely associated with the "flowers of rhetoric"—the name used for the figures of style with their learned and incomprehensible names. This tradition is represented by two French authors, César Chesneau, sieur Dumarsais, and Pierre Fontanier, who provided the basic texts for teaching what was taken for rhetoric in the eighteenth and nineteenth centuries. The work of Dumarsais, which first appeared in 1730 and enjoyed an enormous success, is entitled *Concerning Tropes or the Different Ways in Which One Word Can be Taken in a Language*.¹ Fontanier's book, published in 1968 under the title *The Figures of Discourse*, unites in one volume two works, which appeared respectively in 1821 and 1827, under the titles *A Classical Manual for the Study of Tropes and Figures Other Than Tropes*.²

These works are the outcome of what might be called the stylistic tradition of rhetoric, which was started by Omer Talon, the friend of Petrus Ramus, in his two books on rhetoric published in 1572. The extraordinary influence of Ramus hindered, and to a large extent actually destroyed, the tradition of ancient rhetoric that had been developed over the course of twenty centuries and with which are associated the names of such writers as Aristotle, Cicero, Quintilian, and St. Augustine.

For the ancients, rhetoric was the theory of persuasive discourse and included five parts: in-

¹Dumarsais, *Des tropes ou des différents sens dans lesquels on peut prendre un même mot dans une même langue* (1818; reprint ed., Geneva: Slatkine Reprints, 1967). [Au.]

²Pierre Fontanier, *Les Figures du discours*, ed. Gérard Genette (Paris: Flammarion, 1968). [Au.]

again,
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rhetoric becomes not simply stylistic, but is limited to "unusual expression"

ventio, dispositio, elocutio, memoria, and actio. The first part dealt with the art of finding the materials of discourse, especially arguments, by using common or specific loci—the *topoi* studied in works which, following Aristotle's example, were called Topics. The second part gave advice on the purposive arrangement or order of discourse, the *method*, as the Renaissance humanists called it. The third part dealt mainly with style, the choice of terms and phrases; the fourth with the art of memorizing the speech; while the fifth concerned the art of delivering it.

Ramus worked for the reform of logic and dialectic along the lines laid down by Rodolphus Agricola in his *De Inventione Dialectica* (1479), and by the humanists who followed him, in seeking to break away from scholastic formalism by restoring the union of eloquence and philosophy advocated by Cicero. This reform consisted essentially in rejecting the classical opposition between science and opinion that had led Aristotle to draw a distinction between analytical and dialectical reasoning—the former dealing with necessary reasonings, the latter with probable ones. Analytical reasoning is the concern of Aristotle's *Analytics*, dialectical reasoning that of the *Topics*, *On Sophistical Refutations*, and the *Rhetoric*.

Against this distinction, this is what Ramus says in his *Dialectic*:

Aristotle, or more precisely the exponents of Aristotle's theories, thought that there are two arts of discussion and reasoning, one applying to science and called Logic, the other dealing with opinion and called Dialectic. In this—with all due respect to such great masters—they were greatly mistaken. Indeed these two names, Dialectic and Logic, generally mean the very same thing, like the words *di-alegesthai* and *logizesthai* from which they are derived and descended, that is, dispute or reason. . . . Furthermore, although things known are either necessary and scientific, or contingent and a matter of opinion, just as our sight can perceive all colors, both unchanging and changeable, in the same way the art of knowing, that is Dialectic or Logic, is one and the same doctrine of reasoning well about anything whatsoever. . . .³

³Petrus Ramus, *Dialectic*, 1576 edition, pp. 3-4; also in the critical edition of *Dialectique*, 1555, ed. Michel Das-

As a result of this rejection, Ramus unites in his *Dialectic* what Aristotle had separated. He divides his work into two parts, one concerning invention, the other judgment. Further, he includes in dialectic parts that were formerly regarded as belonging to rhetoric: the theory of invention or *loci* and that of disposition, called *method*. Memory is considered as merely a reflection of these first two parts, and rhetoric—the "art of speaking well," of "eloquent and ornate language"—includes the study of tropes, of figures of style, and of oratorical delivery, all of which are considered as of lesser importance.

Thus was born the tradition of modern rhetoric, better called stylistic, as the study of techniques of unusual expression. For Fontanier, as we have seen, rhetoric is reduced to the study of figures of style, which he defines as "the more or less remarkable traits and forms, the phrases with a more or less happy turn, by which the expression of ideas, thoughts, and feelings removes the discourse more or less far away from what would have been its simple, common expression."⁴

Rhetoric, on this conception, is essentially an art of expression and, more especially, of literary conventionalized expression; it is an art of style. So is it still regarded by Jean Paulhan in his book *Les Fleurs de Tarbes ou la terreur dans les lettres* (1941, but published first as articles in 1936).

The same view of rhetoric was taken in Italy during the Renaissance, despite the success of humanism. Inspired by the Ciceronian ideal of the union of philosophy with eloquence, humanists such as Lorenzo Valla sought to unite dialectic and rhetoric. But they gave definite primacy to rhetoric, thus expressing their revolt against scholastic formalism.

This humanistic tradition continued for over a century and finally produced in the *De principiis* by Mario Nizolio (1533) its most significant

sonville (Geneva: Librairie Droz, 1964), p. 62. Cf. Walter J. Ong, *Ramus: Method, and the Decay of Dialogue* (Cambridge, Mass.: Harvard University Press, 1958). [Au.]

⁴Fontanier, *Les Figures du discours*, p. 64. See also J. Dubois, F. Edeline, J. M. Klinkenberg, P. Minguet, F. Pire, and H. Trinon, *Rhétorique générale* (Paris: Larousse, 1970). [Au.]

|| and i is hard to escape the language & values of this tradition

Vico is this tradition

work from a philosophical point of view. Less than ten years later, however, in 1562, Francesco Patrizi published in his *Rhetoric* the most violent attack upon this discipline, to which he denied any philosophical interest whatsoever. Giambattista Vico's reaction came late and produced no immediate result. Rhetoric became a wholly formal discipline—any living ideas that it contained being included in Aesthetics.

Germany is one country where classical rhetoric has continued to be carefully studied, especially by scholars such as Friedrich Blass, Wilhelm Kroll, and Friedrich Solmsen, who devoted most of their lives to this study. Yet, even so, rhetoric has been regarded only as the theory of literary prose. Heinrich Lausberg has produced a most remarkable work, which is the best tool in existence for the study of rhetorical terminology and the structure of discourse, and yet in the author's own eyes it is only a contribution to the study of literary language and tradition.⁵

The old tradition of rhetoric has been kept longest in Great Britain—it is still very much alive among Scots jurists—thanks to the importance of psychology in the empiricism of Bacon, Locke, and Hume, and to the influence of the Scottish philosophy of common sense. This tradition, in which the theory of invention is reduced to a minimum and interest is focused on the persuasive aspect of discourse, is represented by such original works as George Campbell's *The Philosophy of Rhetoric* (1776) and Richard Whately's *Elements of Rhetoric* (1828). In this work, Whately, who was a logician, deals with argumentative composition in general and the art of establishing the truth of a proposition so as to convince others, rhetoric being reduced to "a purely managerial or supervisory science."⁶ His disciple, the future Cardinal John Henry Newman, applied Whately's ideas to the problems of faith in his *Grammar of Assent* (1870). This outlook still consists in seeing in rhetoric only a theory of expression. It was the view adopted by Ivor Armstrong Richards in his *Principles of Lit-*

⁵Heinrich Lausberg, *Handbuch der literarischen Rhetoric*, 2 vols. (Munich: M. Hueber, 1960). [Au.]

⁶Douglas Ehninger, ed., *Whately's Elements of Rhetoric* (Carbondale: Southern Illinois University Press, 1963), p. XXVII. [Au.]

erary Criticism (published in 1924) and in his *Philosophy of Rhetoric* (1936).

While in Europe rhetoric has been reduced to stylistics and literary criticism, becoming merely a part of the study of literature insofar as it was taught at all, in the United States the appearance of a speech profession brought about a unique development.

Samuel Silas Curry, in a book entitled *The Province of Expression* (1891), was the first to emphasize spoken discourse and its delivery, rather than the composition of literary prose, and to claim autonomy for speech as opposed to written composition. "Expression," as he understood it, did not mean the way in which ideas and feelings are expressed in a literary form, but instead the manner in which they are communicated by means of an art of "delivery." Concern for this element, apparently one of lesser importance, clearly reveals a renewed interest in the audience, and this interest helped to promote the creation of a new "speech profession," separate from the teaching of English and of English literature. Under the influence of William James, James Albert Winans published a volume entitled *Public Speaking* (1915) that firmly established a union between professors of speech and those of psychology. With the cooperation of specialists in ancient and medieval rhetoric, such as Charles S. Baldwin, Harry Caplan, Lane Cooper, Everett Lee Hunt, and Richard McKeon, the whole tradition of classical rhetoric has been retraced. This study has been continued and further developed in the works of Wilbur Samuel Howell, Donald C. Bryant, Karl R. Wallace, Walter J. Ong, Lloyd F. Bitzer, Douglas Ehninger, and Marie K. Hochmuth. The work of these scholars—the titles of which can be found in the Bibliography that has been regularly published by the Quarterly Journal of Speech since 1915—constitutes a unique achievement which is as yet too little known outside the United States.⁷

USA! USA! USA!

⁷Robert T. Oliver and Marvin G. Bauer, eds., *Re-establishing the Speech Profession: The First Fifty Years* (New York: Speech Association of the Eastern States, 1959). See also Frederick W. Haberman and James W. Cleary, eds., *Rhetoric and Public Address: A Bibliography, 1947-1961* (Madison: University of Wisconsin Press, 1964). Prof. Carroll C. Arnold of Pennsylvania State University has gra-

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AN ORNAMENTAL OR A PRACTICAL ART?

There is nothing of philosophical interest in a rhetoric that has turned into an art of expression, whether literary or verbal.⁸ Hence it is not surprising that the term is missing entirely from both André Lalande's *Vocabulaire technique et critique de la philosophie* and the recent American *Encyclopedia of Philosophy* (1967). In the Western tradition, "Rhetoric" has frequently been identified with verbalism and an empty, unnatural, stilted mode of expression. Rhetoric then becomes the symbol of the most outdated elements in the education of the old regime, the elements that were the most formal, most useless, and most opposed to the needs of an equalitarian, progressive democracy.

This view of rhetoric as declamation—ostentatious and artificial discourse—is not a new one. The same view was taken of the rhetoric of the Roman Empire. Once serious matters, both political and judiciary, had been withdrawn from its influence, rhetoric became perforce limited to school exercises, to set speeches treating either a theme of the past or an imaginary situation, but, in any case, one without any real bearing. Serious people, especially the Stoics, made fun of it. Thus Epictetus declares: "But this faculty of speaking and of ornamenting words, if there is indeed any such peculiar faculty, what else does it do, when there happens to be discourse about a

ciously supplied me the following information: "The statement about the bibliography in *Quarterly Journal of Speech* is not quite correct. The 'Bibliography of Rhetoric and Public Address' first appeared in the *Quarterly Journal of Speech* in 1947 and was published there annually to 1951. From 1952 through 1969, the bibliography was annually published in *Speech Monographs*. As it happens, the bibliographic listing will cease to be published in *Monographs* and, beginning with this year, 1970, will be published in a *Bibliographical Annual*, published by the Speech Association of America. As far as I know, this bibliography remains the only multilingual listing of works (admittedly incomplete) on rhetoric published in the United States." [Au.]

⁸See Vasile Florescu, "Retorica și reabilitarea ei în filozofia contemporană" (Rhetoric and its rehabilitation in contemporary philosophy) in *Studii de istorie a filozofiei universale*, published by the Institute of Philosophy of this Academy of the Socialist Republic of Rumania (Bucharest, 1969), pp. 9-82. [Au.]

thing, than to ornament the words and arrange them as hairdressers do the hair?"⁹

Aristotle would have disagreed with this conception of rhetoric as an ornamental art bearing the same relation to prose as poetics does to verse. For Aristotle, rhetoric is a practical discipline that aims, not at producing a work of art, but at exerting through speech a persuasive action on an audience. Unfortunately, however, those responsible for the confusion between the two have been able to appeal to Aristotle's own authority because of the misleading analysis he gave of the epideictic or ceremonial form of oratory.

In his *Rhetoric* Aristotle distinguishes three genres of oratory: deliberative, forensic, and ceremonial. "Political speaking," he writes, "urges us either to do or not to do something: one of these two courses is always taken by private counsellors, as well as by men who address public assemblies. Forensic speaking either attacks or defends somebody: one or the other of these two things must always be done by the parties in a case. The ceremonial oratory of display either praises or censures somebody." But whereas the audience is supposed to act as a judge and make a decision concerning either the future (deliberative genre) or the past (forensic genre), in the case of an epideictic discourse the task of the audience consists in judging, not about the matter of discourse, but about the orator's skill. In political and forensic discourse the subject of the discourse is itself under discussion, and the orator aims at persuading the audience to take part in deciding the matter, but in epideictic discourse the subject—such as, for example, the praise of soldiers who have died for their country—is not at all a matter of debate. Such set speeches were often delivered before large assemblies, as at the Olympic Games, where competition between orators provided a welcome complement to the athletic contests. On such occasions, the only decision that the audience was called upon to make concerned the talent of the orator, by awarding the crown to the victor.

One might well ask how an oratorical genre

⁹*Discourses* II, 23; *GBWW* [Great Books of the Western World], Vol. 12, pp. 170-71. [Au.]

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can be defined by its literary imitation. We know that Cicero, after having lost the suit, rewrote his *Pro Milone* and published it as a literary work. He hoped that by artistically improving the speech, which had failed to convince Milo's judges, he might gain the approbation of lovers of literature. Are those who read this speech long after its practical bearing has disappeared any more than spectators? In that case, all discourses automatically become literature once they cease to exert a persuasive effect, and there is no particular reason to distinguish different genres of oratory. Yet it can be maintained, on the contrary, that the epideictic genre is not only important but essential from an educational point of view, since it too has an effective and distinctive part to play—that, namely, of bringing about a consensus in the minds of the audience regarding the values that are celebrated in the speech.

Bosset would take issue here, for sure

then come 3!

The moralists rightly satirize the view of epideictic oratory as spectacle. La Bruyère writes derisively of those who "are so deeply moved and touched by Theodorus's sermon that they resolve in their hearts that it is even more beautiful than the last one he preached." And Bossuet, fearful lest the real point of a sermon be missed, exclaims: "You should now be convinced that preachers of the Gospel do not ascend into pulpits to utter empty speeches to be listened to for amusement."¹⁰

Bosset here is following St. Augustine's precepts concerning sacred discourse as set forth in the fourth book of his work *On Christian Doctrine*. The Orator is not content if his listener merely accepts the truth of his words and praises his eloquence, because he wants his full assent:

If the truths taught are such that to believe or to know them is enough, to give one's assent implies nothing more than to confess that they are true. When, however, the truth taught in one that must be carried into practice, and that is taught for the very purpose of being practised, it is useless to be persuaded of the truth of what is said, it is useless

to be pleased with the manner in which it is said, if it be not so learnt as to be practised. The eloquent divine, then, when he is urging a practical truth, must not only teach so as to give instruction, and please so as to keep up the attention, but he must also sway the mind so as to subdue the will.

The listener will be persuaded, Augustine also claims,

if he be drawn by your premises, and awed by your threats; if he reject what you condemn, and embrace what you commend; if he grieve when you heap up objects for grief, and rejoice when you point out an object for joy; if he pity those whom you present to him as objects of pity, and shrink from those whom you set before him as men to be feared and shunned.¹¹

The orator's aim in the epideictic genre is not just to gain a passive adherence from his audience but to provoke the action wished for or, at least, to awaken a disposition so to act. This is achieved by forming a community of minds, which Kenneth Burke, who is well aware of the importance of this genre, calls *identification*. As he writes, rhetoric "is rooted in an essential function of language itself, a function that is wholly realistic and is continually born anew; the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols."¹² In fact, any persuasive discourse seeks to have an effect on an audience, although the audience may consist of only one person and the discourse be an inward deliberation.

The distinction of the different genres of oratory is highly artificial, as the study of a speech shows. Mark Antony's famous speech in Shakespeare's *Julius Caesar*¹³ opens with a funeral eulogy, a typical case of epideictic discourse, and ends by provoking a riot that is clearly political. Its goal is to intensify an adherence to values, to create a disposition to act, and finally to bring people to act. Seen in such a perspective, rhetoric becomes a subject of great philosophical interest.

¹⁰Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric, A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (Notre Dame, Ind.: University of Notre Dame Press, 1969), p. 50. French edition: *La Nouvelle Rhétorique; traité de l'argumentation*, (Paris: Presses Universitaires de France, 1958). [Au.]

¹¹*On Christian Doctrine*, IV, 13, 12; *GBWW*, Vol. 18, p. 684. [Au.]

¹²Kenneth Burke, *A Rhetoric of Motives* (New York: Prentice-Hall, 1950), p. 43. [Au.]

¹³Act III, scene 2; *GBWW*, Vol. 26, pp. 584c ff. [Au.]

THINKING ABOUT VALUES

In 1945, when I published my first study of justice,¹⁴ I was completely ignorant of the importance of rhetoric. This study, undertaken in the spirit of logical empiricism, succeeded in showing that formal justice is a principle of action, according to which beings of one and the same essential category must be treated in the same way.¹⁵ The application of this principle to actual situations, however, requires criteria to indicate which categories are relevant and how their members should be treated, and such decisions involve a recourse to judgments of value. But, using only positivistic methods, I could not see how such judgments could have any foundation or justification. Indeed, as I entirely accepted the principle that one cannot draw an "ought" from an "is"—a judgment of value from a judgment of fact—I was led inevitably to the conclusion that if justice consists in the systematic implementation of certain value judgments, it does not rest on any rational foundation: "As for the value that is the foundation of the normative system, we cannot subject it to any rational criterion: it is utterly arbitrary and logically indeterminate. . . . The idea of value is, in effect, incompatible both with formal necessity and with experiential universality. There is no value which is not logically arbitrary."¹⁶

I was deeply dissatisfied with this conclusion, however interesting the analysis, since the philosophical inquiry, carried on within the limits of logical empiricism, could not provide an ideal of practical reason, that is, the establishment of rules and models for reasonable action. By admitting the soundness of Hume's analysis, I found myself in a situation similar to Kant's. If Hume is right in maintaining that empiricism cannot provide a basis for either science or morals, must we not then look to other than empirical methods to justify them? Similarly, if experience and calculation, combined according to the precepts of logical empiricism, leave no place

for practical reason and do not enable us to justify our decisions and choices, must we not seek other techniques of reasoning for that purpose? In other words, is there a logic of value judgments that makes it possible for us to reason about values instead of making them depend solely on irrational choices, based on interest, passion, prejudice, and myth? Recent history has shown abundantly the sad excesses to which such an attitude can lead.

Critical investigation of the philosophical literature yielded no satisfactory results. The French logician Edmond Goblot, in his work *La Logique des jugements de valeur*,¹⁷ restricted his analysis to derived or instrumental value judgments, that is, to those judgments that use values as a means to already accepted ends, or as obstacles to their attainment. The ends themselves, however, could not be subjected to deliberation unless they were transformed into instrumental values, but such a transformation only pushes back the problem of ultimate ends. We thus seem to be faced with two extreme attitudes, neither of which is acceptable: subjectivism, which, as far as values are concerned, leads to skepticism for lack of an intersubjective criterion; or an absolutism founded on intuitionism. In the latter case, judgments of value are assimilated to judgments of a reality that is *sui generis*. In other words, must we choose between A. J. Ayer's view in *Language, Truth, and Logic* and G. E. Moore's view in *Principia Ethica*? Both seem to give a distorted notion of the actual process of deliberation that leads to decision making in practical fields such as politics, law, and morals.

Then, too, I agreed with the criticisms made by various types of existentialists against both positivist empiricism and rationalistic idealism, but I could find no satisfaction in their justification of action by purely subjective projects or commitments.

I could see but one way to solve the dilemma to which most currents of contemporary philosophy had led. Instead of working out a priori possible structures for a logic of value judgments, might we not do better to follow the method

something very mussa
the Holocaust

¹⁴Ch. Perelman, *The Idea of Justice and the Problem of Argument*, trans. John Petrie (New York: Humanities Press, 1963), pp. 1-60. [Au.]

¹⁵*Ibid.*, p. 16. [Au.]

¹⁶*Ibid.*, pp. 56-57. [Au.]

¹⁷Edmond Goblot, *La Logique des jugements de valeur* (Paris: Colin, 1927). [Au.]

Carder and Burke connections through here

the two types of reasoning if we want to understand properly how they are related.

An argumentation is always addressed by a person called the orator—whether by speech or in writing—to an audience of listeners or readers. It aims at obtaining or reinforcing the adherence of the audience to some thesis, assent to which is hoped for. The new rhetoric, like the old, seeks to persuade or convince, to obtain an adherence which may be *theoretical* to start with, although it may eventually be manifested through a disposition to act, or *practical*, as provoking either immediate action, the making of a decision, or a commitment to act.

Thus argumentation, unlike demonstration, presupposes a meeting of minds: the will on the part of the orator to persuade and not to compel or command, and a disposition on the part of the audience to listen. Such mutual goodwill must not only be general but must also apply to the particular question at issue; it must not be forgotten that all argumentation aims somehow at modifying an existing state of affairs. This is why every society possesses institutions to further discussion between competent persons and to prevent others. Not everybody can start debating about anything whatever, no matter where. To be a man people listen to is a precious quality and is still more necessary as a preliminary condition for an efficacious argumentation.

In some cases there are detailed rules drawn up for establishing this contact before a question can be debated. The main purpose of procedure in civil and criminal law is to ensure a balanced unfolding of the judicial debate. Even the matters where there are no explicit rules for discussion, there are still customs and habits that cannot be disregarded without sufficient reason.

Argumentation also presupposes a means of communicating, a common language. The use of it in a given situation, however, may admit of variation according to the position of the interlocutors. Sometimes only certain persons are entitled to ask questions or to conduct the debate.

From these specifications it is apparent that the new rhetoric cannot tolerate the more or less conventional, and even arbitrary, limitations traditionally imposed upon ancient rhetoric. For

Aristotle, the similarity between rhetoric and dialectic was all-important.²⁰ According to him, they differ only in that dialectic provides us with techniques of discussion for a common search for truth, while rhetoric teaches how to conduct a debate in which various points of view are expressed and the decision is left up to the audience. This distinction shows why dialectic has been traditionally considered as a serious matter by philosophers, whereas rhetoric has been regarded with contempt. Truth, it was held, presided over a dialectical discussion, and the interlocutors had to reach agreement about it by themselves, whereas rhetoric taught only how to present a point of view—that is to say, a partial aspect of the question—and the decision of the issue was left up to a third person.²¹

It should be noted, however, that for Plato dialectic alone does not attain to metaphysical truth. The latter requires an intuition for which dialectic can only pave the way by eliminating untenable hypotheses.²² However, truth is the keynote for dialectic, which seeks to get as close to the truth as possible through the discursive method. The rhetorician, on the other hand, is described as trying to outdo his rivals in debate, and, if his judges are gross and ignorant, the triumph of the orator who shows the greatest skill in flattery will by no means always be the victory of the best cause. Plato emphasizes this point strongly in the *Gorgias*, where he shows that the demagogue, to achieve victory, will not hesitate to use techniques unworthy of a philosopher. This criticism gains justification from Aristotle's observation, based evidently on Athenian practice, that it belongs to rhetoric "to deal with such matters as we deliberate upon without arts or systems to guide us, in the bearing of persons who cannot take in at a glance a complicated argument, or follow a long chain of reasoning."²³

²⁰See *Rhetoric* I, 1354a 1-6, 1355a 35-36, 1355b 8-10, 1356a 30-35, 1356b 35, 1356c 37-38; *GBWW*, Vol. 9, pp. 593-96. [Au.]

²¹Plato, *Republic* I, 348a-b; *GBWW*, Vol. 7, p. 306. [Au.]

²²Plato, *Republic* 511, *GBWW*, Vol. 7, p. 387. *Seventh Letter* 344b, *GBWW*, Vol. 7, p. 810. [Au.]

²³Aristotle, *Rhetoric* I 1357a 1-4; *GBWW*, Vol. 9, p. 596. [Au.]

"Truth [...] presided"

the begged 'Q' question

but the demagogue doesn't start from what Perelman describes as the "new rhetoric"

And Lanham connections here:

dramas - some formal, some informal

The enemy:
'unicity of truth.'

For the new rhetoric, however, argumentation has a wider scope as nonformal reasoning that aims at obtaining or reinforcing the adherence of an audience. It is manifest in discussion as well as in debate, and it matters not whether the aim be the search for truth or the triumph of a cause, and the audience may have any degree of competence. The reason that rhetoric has been deemed unworthy of the philosopher's efforts is not because dialectic employs a technique of questions and answers while rhetoric proceeds by speeches from opposing sides.²⁴ It is not this but rather the idea of the unicity of truth that has disqualified rhetoric in the Western philosophical tradition. Thus Descartes declares: "Whenever two men come to opposite decisions about the same matter one of them at least must certainly be in the wrong, and apparently there is not even one of them who knows; for if the reasoning of the second was sound and clear he would be able so to lay it before the other as finally to succeed in convincing his understanding also."²⁵ Both Descartes and Plato hold this idea because of their rejection of opinion, which is variable, and their adoption of an ideal of science based on the model of geometry and mathematical reasoning—the very model according to which the world was supposed to have been created. *Dum Deus calculat, fit mundus* (While God calculates, the world is created) is the conviction not only of Leibniz but of all rationalists.

Things are very different within a tradition that follows a juridical, rather than a mathematical, model. Thus in the tradition of the Talmud, for example, it is accepted that opposed positions can be equally reasonable; one of them does not have to be right. Indeed, "in the Talmud two schools of biblical interpretation are in constant opposition, the school of Hillel and that of Shammai. Rabbi Abba relates that, bothered by these contradictory interpretations of the sacred text, Rabbi Samuel addresses himself to heaven in order to know who speaks the truth. A voice from

²⁴Plato, *Cratylus* 390c; *GBWW*, Vol. 7, pp. 88–89. *Theaetetus* 167e; *GBWW*, Vol. 7, p. 526. [Au.]

²⁵*Rules for the Direction of the Mind*; *GBWW*, Vol. 31, p. 2. [Au.]

above answers him that these two theses both expressed the word of the Living God."²⁶

So too, for Plato, the subject of discussion is always one for which men possess no techniques for reaching agreement immediately:

Suppose for example that you and I, my good friend (Socrates remarks to Euthyphro), differ about a number; do differences of this sort make us enemies and set us at variance with one another? Do we not go at once to arithmetic, and put an end to them by a sum? . . . Or suppose that we differ about magnitudes, do we not quickly end the differences by measuring? . . . And we end a controversy about heavy and light by resorting to a weighing machine? . . . But what differences are there which cannot be thus decided and which therefore make us angry and set us at enmity with one another? I dare say the answer does not occur to you at the moment, and therefore I will suggest that these enmities arise when the matters of difference are the just and unjust, good and evil, honorable and dishonorable.²⁷

When agreement can easily be reached by means of calculation, measuring, or weighing, when a result can be either demonstrated or verified, nobody would think of resorting to dialectical discussion. The latter concerns only what cannot be so decided and, especially, disagreements about values. In fact, in matters of opinion, it is often the case that neither rhetoric nor dialectic can reconcile all the positions that are taken.

Such is exactly how matters stand in philosophy. The philosopher's appeal to reason gives no guarantee whatever that everyone will agree with his point of view. Different philosophies present different points of view, and it is significant that a historian of pre-Socratic philosophy has been able to show that the different points of view can be regarded as antilogies or discourses on opposite sides, in that an antithesis is opposed in each case to a thesis.²⁸ One might even wonder with

²⁶*Babylonian Talmud*, Seder Mo'ed 2. "Erubin" 136 (ed. Epstein). Cf. Ch. Perelman, "What the Philosopher May Learn from the Study of Law," *Natural Law Forum* 11 (1966): 3–4; idem, "Désaccord et rationalité des décisions," in *Droit, morale et philosophie* (Paris: Librairie générale de droit et de jurisprudence, 1968), pp. 103–10. [Au.]

²⁷*Euthyphro* 7; *GBWW*, Vol. 7, pp. 193–94. [Au.]

²⁸See Clemence Ramnoux, "Le développement antilogique des écoles grecques avant Socrate," in *La Diale-*

Alexandre Kojève, the late expert in Hegelian philosophy, whether Hegelian dialectic did not have its origin, not in Platonic dialectic, but rather in the development of philosophical systems that can be opposed as thesis to antithesis, followed by a synthesis of the two. The process is similar to a lawsuit in which the judge identifies the elements he regards as valid in the claims of the opposed parties. For Kant as well as for Hegel, opinions are supposed to be excluded from philosophy, which aims at rationality. But to explain the divergencies that are systemically encountered in the history of philosophy, we need only call these opinions the natural illusions of reason as submitted to the tribunal of critical reason (as in Kant) or successive moments in the progress of reason toward Absolute Spirit (as in Hegel).

To reconcile philosophic claims to rationality with the plurality of philosophic systems, we must recognize that the appeal to reason must be identified not as an appeal to a single truth but instead as an appeal for the adherence of an audience, which can be thought of, after the manner of Kant's categorical imperative, as encompassing all reasonable and competent men. The characteristic aspect of philosophical controversy and of the history of philosophy can only be understood if the appeal to reason is conceived as an appeal to an ideal audience—which I call the universal audience—whether embodied in God,²⁹ in all reasonable and competent men, in the man deliberating or in an elite.³⁰ Instead of identifying philosophy with a science, which, on the positivist ideal, could make only analytical judgments, both indisputable and empty, we would do better to abandon the ideal of an apodictic philosophy. We would then have to admit that in the discharge of his specific task, the philosopher has at his disposal only an argumentation that he can endeavor to make as reasonable and systematic as possible without ever being able to make it absolutely compelling or a demonstrative proof.

tique (Paris: Presses universitaires de France, 1969), pp. 40-47. [Au.]

²⁹Plato, *Phaedrus* 273c; *GBWW*, Vol 7, p. 138. [Au.]

³⁰Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 6-9. [Au.]

Besides, it is highly unlikely that any reasoning from which we could draw reasons for acting could be conducted under the sign of truth, for these reasons must enable us to justify our actions and decisions. Thus, indirectly, the analysis of philosophical reasoning brings us back to views that are familiar in existentialism.

Audiences display an infinite variety in both extension and competence: in extent, from the audience consisting of a single subject engaged in inward deliberation up to the universal audience; and in competence, from those who know only *loci* up to the specialists who have acquired their knowledge only through a long and painstaking preparation. By thus generalizing the idea of the audience, we can ward off Plato's attack against the rhetoricians for showing greater concern for success than for the truth. To this criticism we can reply that the techniques suited for persuading a crowd in a public place would not be convincing to a better educated and more critical audience, and that the worth of an argumentation is not measured solely by its efficacy but also by the quality of the audience at which it is aimed. Consequently, the idea of a rational argumentation cannot be defined *in abstracto*, since it depends on the historically grounded conception of the universal audience.

The part played by the audience in rhetoric is crucially important, because all argumentation, in aiming to persuade, must be adapted to the audience and, hence based on beliefs accepted by the audience with such conviction that the rest of the discourse can be securely based upon it. Where this is not the case, one must reinforce adherence to these starting points by means of all available rhetorical techniques before attempting to join the controverted points to them. Indeed, the orator who builds his discourse on premises not accepted by the audience commits a classical fallacy in argumentation—a *petitio principii*. This is not a mistake in formal logic, since formally any proposition implies itself, but it is a mistake in argumentation, because the orator begs the question by presupposing the existence of an adherence that does not exist and to the obtaining of which his efforts should be directed.

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THE BASIS OF AGREEMENT

The objects of agreement on which the orator can build his argument are various. On the one hand, there are facts, truths, and presumptions; on the other, values, hierarchies, and *loci* of the preferable.³¹

Facts and truths can be characterized as objects that are already agreed to by the universal audience, and, hence, there is no need to increase the intensity of adherence to them. If we presuppose the coherence of reality and of our truths taken as a whole, there cannot be any conflict between facts and truths on which we would be called to make a decision. What happens when such a conflict seems to occur is that the incompatible element loses its status and becomes either an illusory fact or an apparent truth, unless we can eliminate the incompatibility by showing that the two apparently incompatible truths apply to different fields. We shall return to this argumentative method later when dealing with the dissociation of ideas.

Presumptions are opinions which need not be proved, although adherence to them can be either reinforced, if necessary, or suppressed by proving the opposite. Legal procedure makes abundant use of presumptions, for which it has worked out refined definitions and elaborate rules for their use.

Values are appealed to in order to influence our choices of action. They supply reasons for preferring one type of behavior to another, although not all would necessarily accept them as good reasons. Indeed, most values are particular in that they are accepted only by a particular group. The values that are called universal can be regarded in so many different ways that their universality is better considered as only an aspiration for agreement, since it disappears as soon as one tries to apply one such value to a concrete situation. For argumentation, it is useful to distinguish concrete values, such as one's country, from abstract values, such as justice and truth. It is characteristic of values that they can become the center of conflict without thereby ceasing to be values. This fact explains how real sacrifice is possible, the object renounced being by no means

³¹Ibid., Sections 15-27. [Au.]

a mere appearance. For this reason, the effort to reinforce adherence to values is never superfluous. Such an effort is undertaken in epideictic discourse, and, in general, all education also endeavors to make certain values preferred to others.

After values, we find that accepted hierarchies play a part in argumentation. Such, for example, are the superiority of men over animals and of adults over children. We also find double hierarchies as in the case in which we rank behavior in accordance with an accepted ranking of the agents. For this reason, such a statement as "You are behaving like a beast" is pejorative, whereas an exhortation to "act like a man" calls for more laudable behavior.

Among all the *loci* studied by Aristotle in his *Topics*, we shall consider only those examined in the third book, which we shall call *loci of the preferable*. They are very general propositions, which can serve, at need, to justify values or hierarchies, but which also have as a special characteristic the ability to evaluate complementary aspects of reality. To *loci of quantity*, such as "That which is more lasting is worth more than that which is less so" or "A thing useful for a large number of persons is worth more than one useful for a smaller number," we can oppose *loci of quality*, which set value upon the unique, the irremediable, the opportune, the rare—that is, to what is exceptional instead of to what is normal. By the use of these *loci*, it is possible to describe the difference between the classical and the romantic spirit.³²

While it establishes a framework for all non-formal reasoning, whatever its nature, its subject, or audience, the new rhetoric does not pretend to supply a list of all the *loci* and common opinions which can serve as starting points for argumentation. It is sufficient to stress that, in all cases, the orator must know the opinion of his audience on all the questions he intends to deal with, the type of arguments and reasons which seem relevant with regard to both subject and audience, what they are likely to consider as a strong or weak ar-

³²Ch. Perelman and L. Olbrechts-Tyteca, "Classicisme et Romantisme dans l'argumentation." *Revue Internationale de Philosophie*, 1958, pp. 47-57. [Au.]

gument, and what might arouse them, as well as what would leave them indifferent.

Quintilian, in his *Institutes of Oratory*, points out the advantage of a public school education for future orators: it puts them on a par and in fellowship with their audience. This advice is sound as regards argumentation on matters requiring no special knowledge. Otherwise, however, it is indispensable for holding an audience to have had a preliminary initiation into the body of ideas to be discussed.

In discussion with a single person or a small group, the establishment of a starting point is very different from before a large group. The particular opinions and convictions needed may have already been expressed previously, and the orator has no reason to believe that his interlocutors have changed their minds. Or he can use the technique of question and answer to set the premises of his argument on firm ground. Socrates proceeded in this way, taking the interlocutor's assent as a sign of the truth of the accepted thesis. Thus Socrates says to Callicles in the *Gorgias*:

If you agree with me in an argument about any point, that point will have been sufficiently tested by us, and will not require to be submitted to any further test. For you could not have agreed with me, either from lack of knowledge or from superfluity of modesty, nor yet from a desire to deceive me, for you are my friend, as you tell me yourself. And therefore when you and I are agreed, the result will be the attainment of perfect truth.³³

It is obvious that such a dialogue is out of the question when one is addressing a numerous assembly. In this case, the discourse must take as premises the presumptions that the orator has learned the audience will accept.³⁴

CREATING "PRESENCE"

What an audience accepts forms a body of opinion, convictions, and commitments that is both vast and indeterminate. From this body the orator must select certain elements on which he focuses

attention by endowing them, as it were, with a "presence." This does not mean that the elements left out are entirely ignored, but they are pushed into the background. Such a choice implicitly sets a value on some aspects of reality rather than others. Recall the lovely Chinese story told by Meng-Tseu: "A king sees an ox on its way to sacrifice. He is moved to pity for it and orders that a sheep be used in its place. He confesses he did so because he could see the ox, but not the sheep."³⁵

Things present, things near to us in space and time, act directly on our sensibility. The orator's endeavors often consist, however, in bringing to mind things that are not immediately present. Bacon was aware of this function of eloquence:

The affection beholdeth merely the present; reason beholdeth the future and sum of time. And therefore the present filling the imagination more, reason is commonly vanquished; but after that force of eloquence and persuasion hath made things future and remote appear as present, then upon the revolt of the imagination reason prevaieth.³⁶

To make "things future and remote appear as present," that is, to create presence, calls for special efforts of presentation. For this purpose all kinds of literary techniques and a number of rhetorical figures have been developed. *Hypotyposis* or *demonstratio*, for example, is defined as a figure "which sets things out in such a way that the matter seems to unfold, and the thing to happen, before our very eyes."³⁷ Obviously, such a figure is highly important as a persuasive factor. In fact, if their argumentative role is disregarded, the study of figures is a useless pastime, a search for strange names for rather farfetched and affected turns of speech. Other figures, such as *repetition*, *anaphora*, *amplification*, *congerie*, *metabole*, *pseudo direct discourse*, *enallage*, are all various means of increasing the feeling of presence in the audience.³⁸

In his description of facts, truths, and values,

³³*Ibid.*, p. 116. [Au.]

³⁴*Advancement of Learning*, Bk II, XVIII; *GBWW*, Vol. 30, p. 67. [Au.]

³⁷*Rhetorica ad Herennium* 4. 68. [Au.]

³⁸Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Section 42. [Au.]

³³Plato, *Gorgias* 487 d-e, *GBWW*, Vol 7, p. 273. [Au.]

³⁴Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 104. [Au.]

this notion of language as something
humans "employ" will cause for
treatment/will be challenged

a web | a rhythm | audience
a network | an ecology

the orator must employ language that takes into account the classifications and valuations implicit in the audience's acceptance of them. For placing his discourse at the level of generality that he considers best adapted to his purpose and his audience, he has at hand a whole arsenal of linguistic categories—substantives, adjectives, verbs, adverbs—and a vocabulary and phrasing that enable him, under the guise of a descriptive narrative, to stress the main elements and indicate which are merely secondary.

In the selection of data and the interpretation and presentation of them, the orator is subject to the accusation of partiality. Indeed, there is no proof that his presentation has not been distorted by a tendentious vision of things. Hence, in law, the legal counsel must reply to the attorney general, while the judge forms an opinion and renders his decision only after hearing both parties. Although his judgment may appear more balanced, it cannot achieve perfect objectivity—which can only be an ideal. Even with the elimination of tendentious views and of errors, one does not thereby reach a perfectly just decision. So too in scientific or technical discourse, where the orator's freedom of choice is less because he cannot depart, without special reason, from the accepted terminology, value judgments are implicit, and their justification resides in the theories, classifications, and methodology that gave birth to the technical terminology. The idea that science consists of nothing but a body of timeless, objective truths has been increasingly challenged in recent years.³⁹

(and
maybe a
dangerous
idea)

(and now
folks like
Bourdieu
Sheldrake)

THE STRUCTURE OF ARGUMENT

Nonformal argument consists, not of a chain of ideas of which some are derived from others according to accepted rules of inference, but rather

³⁹To mention only a few works besides Thomas Kuhn's *The Structure of Scientific Revolutions* (Chicago, Ill.: University of Chicago Press, 1962), there is Michael Polanyi's fascinating work significantly entitled *Personal Knowledge* (London: Routledge & Kegan Paul, 1958). The social, persuasive, nay, the rhetorical aspect, of scientific methodology was stressed by the physicist John Ziman in his brilliant book *Public Knowledge* (London: Cambridge University Press, 1968). The latter is dedicated to the late Norwood Russell

of a web formed from all the arguments and all the reasons that combine to achieve the desired result. The purpose of the discourse in general is to bring the audience to the conclusions offered by the orator, starting from premises that they already accept—which is the case unless the orator has been guilty of a *petitio principii*. The argumentative process consists in establishing a link by which acceptance, or adherence, is passed from one element to another, and this end can be reached either by leaving the various elements of the discourse unchanged and associated as they are or by making a dissociation of ideas.

We shall now consider the various types of association and of dissociation that the orator has at his command. To simplify classification, we have grouped the processes of association into three classes: quasi-logical arguments, arguments based upon the structure of the real, and arguments that start from particular cases that are then either generalized or transposed from one sphere of reality to another.⁴⁰

QUASI-LOGICAL ARGUMENTS

These arguments are similar to the formal structures of logic and mathematics. In fact, men apparently first came to an understanding of purely formal proof by submitting quasi-logical arguments, such as many of the *loci* listed in Aristotle's *Topics*, to an analysis that yielded precision and formalization. There is a difference of paramount importance between an argument and a formal proof. Instead of using a natural language in which the same word can be used with different meanings, a logical calculus employs an artificial language so constructed that one sign can have only one meaning. In logic, the principle of identity designates a tautology, an indisputable but empty truth, whatever its formulation. But this is not the case in ordinary language. When I say "business is business," or "boys will be

Hanson, whose *Patterns of Discovery* (London: Cambridge University Press, 1958), and the *Concept of the Position* (London: Cambridge University Press, 1963), gave much weight to the new ideas. [Au.]

⁴⁰Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 45–88. [Au.]

he actually deals with our
work as an audience: the
orator here is someone else

the rhetorical
of being an
audience member

boys," or "war is war," those hearing the words give preference, not to the univocity of the statement, but to its significant character. They will never take the statements as tautologies, which would make them meaningless, but will look for different plausible interpretations of the same term that will render the whole statement both meaningful and acceptable. Similarly, when faced with a statement that is formally a contradiction—"When two persons do the same thing it is not the same thing," or "We step and we do not step twice into the same river,"—we look for an interpretation that eliminates the incoherence.

To understand an orator, we must make the effort required to render his discourse coherent and meaningful. This effort requires goodwill and respect for the person who speaks and for what he says. The techniques of formalization make calculation possible, and, as a result, the correctness of the reasoning is capable of mechanical control. This result is not obtained without a certain linguistic rigidity. The language of mathematics is not used for poetry any more than it is used for diplomacy.

Because of its adaptability, ordinary language can always avoid purely formal contradictions. Yet it is not free from incompatibilities, as, for instance, when two norms are recommended which cannot both apply to the same situation. Thus, telling a child not to lie and to obey his parents lays one open to ridicule if the child asks, "What must I do if my father orders me to lie?" When such an antinomy occurs, one seeks for qualifications or amendments—and recommends the primacy of one norm over the other or points out that there are exceptions to the rule. Theoretically, the most elegant way of eliminating an incompatibility is to have recourse to a dissociation of concepts—but of this, more later. Incompatibility is an important element in Socratic irony. By exposing the incompatibility of the answers given to his insidious questions, Socrates compels his interlocutor to abandon certain commonly accepted opinions.

Definitions play a very different role in argumentation from the one they have in a formal system. There they are mostly abbreviations. But in argumentation they determine the choice of one particular meaning over others—sometimes

by establishing a relation between an old term and a new one. Definition is regarded as a rhetorical figure—the oratorical definition—when it aims, not at clarifying the meaning of an idea, but at stressing aspects that will produce the persuasive effect that is sought. It is a figure relating to choice: the selection of facts brought to the fore in the definition is unusual because the definiens is not serving the purpose of giving the meaning of a term.⁴¹

Analysis that aims at dividing a concept into all its parts and interpretation that aims at elucidating a text without bringing anything new to it are also quasi-logical arguments and call to mind the principle of identity. This method can give way to figures of speech called aggregation and interpretation when they serve some purpose other than clarification and tend to reinforce the feeling of presence.⁴²

These few examples make it clear that expressions are called figures of style when they display a fixed structure that is easily recognizable and are used for a purpose different from their normal one—this new purpose being mainly one of persuasion. If the figure is so closely interwoven into the argumentation that it appears to be an expression suited to the occasion, it is regarded as an argumentative figure, and its unusual character will often escape notice.

Some reasoning processes—unlike definition or analysis, which aim at complete identification—are content with a partial reduction, that is, with an identification of the main elements. We have an example of this in the rule of justice that equals should be treated equally. If the agents and situations were identical, the application of the rule would take the form of an exact demonstration. As this is never the case, however, a decision will have to be taken about whether the differences are to be disregarded. This is why the recourse to precedent in legal matters is not a completely impersonal procedure but always requires the intervention of a judge.

Arguments of reciprocity are those that claim the same treatment for the antecedent as for the consequent of a relation—buyers-sellers, spectators-

thus
definiens
argument
about
clarifying

definitions as abbreviations

⁴¹Ibid., pp. 172–73. [Au.]

⁴²Ibid., p. 176. [Au.]

you have to figure out
how you're going figure
out what counts figuring
out

actors, etc. These arguments presuppose that the relation is symmetrical. Unseasonable use of them is apt to have comic results, such as the following story, known to have made Kant laugh:

At Surat an Englishman is pouring out a bottle of ale which is foaming freely. He asks an Indian who is amazed at the sight what it is that he finds so strange. "What bothers me," replies the native, "isn't what is coming out of the bottle, but how you got it in there in the first place."

Other quasi-logical arguments take the transitivity of a relation for granted, even though it is only probable: "My friends' friends are my friends." Still other arguments apply to all kinds of other relations such as that between part and whole or between parts, relations of division, comparison, probability. They are clearly distinct from exact demonstration, since, in each case, complementary, nonformal hypotheses are necessary to render the argument compelling.⁴³

APPEAL TO THE REAL

Arguments based on the structure of reality can be divided into two groups according as they establish associations of succession or of coexistence.

Among relations of succession, that of causality plays an essential role. Thus we may be attempting to find the causes of an effect, the means to an end, the consequences of a fact, or to judge an action or a rule by the consequences that it has. This last process might be called the pragmatic argument, since it is typical of utilitarianism in morals and of pragmatism in general.⁴⁴

Arguments establishing relations of coexistence are based on the link that unites a person to his actions. When generalized, this argument establishes the relation between the essence and the act, a relation of paramount importance in the social sciences. From this model have come the classification of periods in history (Antiquity, the Middle Ages), all literary classifications (classicism, romanticism), styles (Gothic, baroque), economic or political systems (feudalism, capi-

⁴³Ibid., Sections 45-59. [Au.]

⁴⁴See J. S. Mill, *Utilitarianism*, GBWW, Vol. 43, pp. 443 ff. [Au.]

talism, fascism), and institutions (marriage, the church).⁴⁵ Rhetoric, conceived as the theory of argumentation, provides a guidance for the understanding both of the manner in which these categories were constituted and of the reasons for doing so. It helps us grasp the advantages and the disadvantages of using them and provides an insight into the value judgments that were present, explicitly or implicitly, when they took shape. The specificity of the social sciences can be best understood by considering the methodological reasons justifying the constitution of their categories—Max Weber's *Idealtypus*.

Thanks to the relations of coexistence, we are also able to gain an understanding of the argument from authority in all its shapes as well as an appreciation of the persuasive role of *ethos* in argumentation, since the discourse can be regarded as an act on the orator's part.⁴⁶

ESTABLISHING THE REAL

Arguments attempting to establish the structure of reality are first arguments by example, illustration, and model; second, arguments by analogy.

The example leads to the formulation of a rule through generalization from a particular case or through putting a new case on the same footing as an older one. Illustration aims at achieving presence for a rule by illustrating it with a concrete case. The argument from a model justifies an action by showing that it conforms to a model. One should also mention the argument from an antimodel; for example, the drunken Helot to whom the Spartans referred as a foil to show their sons how they should not behave.

In the various religions, God and all divine or quasi-divine persons are obviously preeminent models for their believers. Christian morality can be defined as the imitation of Christ, whereas Buddhist morality consists in imitating Buddha. The models that a culture proposes to its members for imitation provide a convenient way of characterizing it.⁴⁷

⁴⁵Ch. Perelman, ed., *Les Catégories en histoire* (Brussels: Editions de l'Institut de Sociologie, 1969). [Au.]

⁴⁶Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 60-74. [Au.]

⁴⁷Ibid., Sections 78-81. [Au.]

The argument from analogy is extremely important in nonformal reasoning. Starting from a relation between two terms A and B, which we call the *theme* since it provides the proper subject matter of the discourse, we can by analogy present its structure or establish its value by relating it to the terms C and D, which constitute the *phoros* of the analogy, so that A is to B as C is to D. Analogy, which derives its name from the Greek word for proportion, is nevertheless different from mathematical proportion. In the latter the characteristic relation of equality is symmetrical, whereas the *phoros* called upon to clarify the structure or establish the value of the theme must, as a rule, be better known than the theme. When Heraclitus says that in the eyes of God man is as childish as a child is in the eyes of an adult, it is impossible to change the *phoros* for the theme and vice versa, unless the audience is one that knows the relationship between God and man better than that between a child and an adult. It is also worth noting that when man is identified with adult, the analogy reduces to three terms, the middle one being repeated twice: C is to B as B is to A. This technique of argumentation is typical of Plato, Plotinus, and all those who establish hierarchies within reality.

Within the natural sciences the use of analogy is mainly heuristic, and the intent is ultimately to eliminate the analogy and replace it with a formula of a mathematical type. Things are different, however, in the social sciences and in philosophy, where the whole body of facts under study only offers reasons for or against a particular analogical vision of things.⁴⁸ This is one of the differences to which Wilhelm Dilthey refers when he claims that the natural sciences aim at explaining whereas the human sciences seek for understanding.

The metaphor is the figure of style corresponding to the argument from analogy. It consists of a condensed analogy in which one term of the theme is associated with one term of the

phoros. Thus "the morning of life" is a metaphor that summarizes the analogy: Morning is to day what youth is to life. Of course, in the case of a good many metaphors, the reconstruction of the complete analogy is neither easy nor unambiguous. When Berkeley, in his *Dialogues*,⁴⁹ speaks of "an ocean of false learning," there are various ways to supply the missing terms of the analogy, each one of which stresses a different relation unexpressed in the metaphor.

The use of analogies and metaphors best reveals the creative and literary aspects of argumentation. For some audiences their use should be avoided as much as possible, whereas for others the lack of them may make the discourse appear too technical and too difficult to follow. Specialists tend to hold analogies in suspicion and use them only to initiate students into their discipline. Scientific popularization makes extensive use of analogy, and only from time to time will the audience be reminded of the danger of identification of theme and *phoros*.⁵⁰

THE DISSOCIATION OF IDEAS

Besides argumentative associations, we must also make room for the dissociation of ideas, the study of which is too often neglected by the rhetorical tradition. Dissociation is the classical solution for incompatibilities that call for an alteration of conventional ways of thinking. Philosophers, by using dissociation, often depart from common sense and form a vision of reality that is free from the contradictions of opinion.⁵¹ The whole of the great metaphysical tradition, from Parmenides to our own day, displays a succession of dissociations where, in each case, reality is opposed to appearance.

Normally, reality is perceived through appearances that are taken as signs referring to it. When, however, appearances are incompatible—

⁴⁹George Berkeley, *Works*, 2 vols. (London, 1843), 2:259. [Au.]

⁵⁰Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 82–88. [Au.]

⁵¹Ch. Perelman, "Le réel commun et le réel philosophique," in *Etudes sur l'histoire de la philosophie, en hommage à Martial Gueroult* (Paris: Fischbacher, 1964), pp. 127–38. [Au.]

⁴⁸Ch. Perelman, "Analogie et métaphore en science, poésie, et philosophie," *Revue Internationale de Philosophie*, 1969, pp. 3–15. See also Hans Blumenberg, *Paradigmen zu einer Metaphorologie* (Bonn: H. Bouvier, 1960), and Enzo Melandri, *La linea e il circolo: Studio logico-filosofico sull'analogia* (Bologna: il Mulino, 1968). [Au.]

an oar in water looks broken but feels straight to the touch—we must admit, if we are to have a coherent picture of reality, that some appearances are illusory and may lead us to error regarding the real. One is thus brought to the construction of a conception of reality that at the same time is capable of being used as a criterion for judging appearances. Whatever is conformable to it is given value, whereas whatever is opposed is denied value and is considered a mere appearance.

Any idea can be subjected to a similar dissociation. To real justice we can oppose apparent justice and with real democracy contrast apparent democracy, or formal or nominal democracy, or quasi democracy, or even “democracy” (in quotes). What is thus referred to as apparent is usually what the audience would normally call justice, democracy, etc. It only becomes apparent after the criterion of real justice or real democracy has been applied to it and reveals the error concealed under the name. The dissociation results in a depreciation of what had until then been an accepted value and in its replacement by another conception to which is accorded the original value. To effect such a depreciation, one will need a conception that can be shown to be valuable, relevant, as well as incompatible with the common use of the same notion.

We may call “philosophical pairs” all sets of notions that are formed on the model of the “appearance-reality” pair. The use of such pairs makes clear how philosophical ideas are developed and also shows how they cannot be dissociated from the process of giving or denying value that is typical of all ontologies. One thus comes to see the importance of argumentative devices in the development of thought, and especially of philosophy.⁵²

INTERACTION OF ARGUMENTS

An argumentation is ordinarily a spoken or written discourse, of variable length, that combines a great number of arguments with the aim of winning the adherence of an audience to one or more theses. These arguments interact within the

⁵²Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 89–92. [Au.]

no argument ever exists in
isolation — never a discrete
act (despite historical conceptions other-
wise)

minds of the audience, reinforcing or weakening each other. They also interact with the arguments of the opponents as well as with those that arise spontaneously in the minds of the audience. This situation gives rise to a number of theoretical questions.

Are there limits, for example, to the number of arguments that can be usefully accumulated? Does the choice of arguments and the scope of the argumentation raise special problems? What is a weak or an irrelevant argument? What is the effect of a weak argument on the whole argumentation? Are there any criteria for assessing the strength or relevance of an argument? Are such matters relative to the audience, or can they be determined objectively?

We have no general answer to such questions. The answer seems to depend on the field of study and on the philosophy that controls its organization. In any case, they are questions that have seldom been raised and that never have received a satisfactory answer. Before any satisfactory answer can be given, it will be necessary to make many detailed studies in the various disciplines, taking account of the most varied audiences.

Once our arguments have been formulated, does it make any difference what order they are presented in? Should one start, or finish, with strong arguments, or do both by putting the weaker arguments in the middle—the so-called Nestorian order? This way of presenting the problem implies that the force of an argument is independent of its place in the discourse. Yet, in fact, the opposite seems to be true, for what appears as a weak argument to one audience often appears as a strong argument to another, depending on whether the presuppositions rejected by one audience are accepted by the other. Should we present our arguments then in the order that lends them the greatest force? If so, there should be a special technique devoted to the organization of a discourse.

Such a technique would have to point out that an *exordium* is all-important in some cases, while in others it is entirely superfluous. Sometimes the objections of one's opponent ought to be anticipated beforehand and refuted, whereas in other cases it is better to let the objections arise sponta-

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is likely to
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defenses of
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*
argts to be
appetitive
philosophy
a way that
lead to down
event

could you argue that the entire name, as articulated by Aristotle, is the formal manifestation of the weak return of rhetoric? (ask H. Scaz)

neously lest one appear to be tearing down straw men.⁵³

In all such matters it seems unlikely that any hard-and-fast rules can be laid down, since one must take account of the particular character of the audience, of its evolution during the debate, and of the fact that habits and procedures that prove good in one sphere are no good in another. A general rhetoric cannot be fixed by precepts and rules laid down once for all. But it must be able to adapt itself to the most varied circumstances, matters, and audiences.

so we say "rhetorics" on this case (?)

SD 2

REASON AND RHETORIC

The birth of a new period of culture is marked by an eruption of original ideas and a neglect of methodological concerns and of academic classifications and divisions. Ideas are used with various meanings that the future will distinguish and disentangle. The fundamental ideas of Greek philosophy offer a good example of this process. One of the richest and most confused of all is that expressed by the term *logos*, which means among other things: word, reason, discourse, reasoning, calculation, and all that was later to become the subject of logic and the expression of reason. Reason was opposed to desire and the passions, being regarded as the faculty that ought to govern human behavior in the name of truth and wisdom. The operation of *logos* takes effect through long speeches or through questions and answers, thus giving rise to the distinction noted above between rhetoric and dialectic, even before logic was established as an autonomous discipline.

Aristotle's discovery of the syllogism and his development of the theory of demonstrative science raised the problem of the relation of syllogistic—the first formal logic—with dialectic and rhetoric. Can any and every form of reasoning be expressed syllogistically? Aristotle is often thought to have aimed at such a result, at least for deductive reasoning, since he was well aware that inductive reasoning and argument by example are entirely different from deduction. He knew too that the dialectical reasoning characteristic of discussion, and essentially critical in

purpose, differed widely from demonstrative reasoning deducing from principles the conclusions of a science. Yet he was content to locate the difference in the kind of premises used in the two cases. In analytical, or demonstrative, reasoning, the premises, according to Aristotle, are true and ultimate, or else derived from such premises, whereas in dialectical reasoning the premises consist of generally accepted opinion. The nature of reasoning in both cases was held to be the same, consisting in drawing conclusions from propositions posited as premises.⁵⁴

Rhetoric, on the other hand, was supposed to use syllogisms in a peculiar way, by leaving some premises unexpressed and so transforming them into enthymemes. The orator, as Aristotle saw, could not be said to use regular syllogisms; hence, his reasoning was said to consist of abbreviated syllogisms and of arguments from example, corresponding to induction.

What are we to think of this reduction to two forms of reasoning of all the wide variety of arguments that men use in their discussions and in pleading a cause or justifying an action? Yet, since the time of Aristotle, logic has confined its study to deductive and inductive reasoning, as though any argument differing from these was due to the variety of its content and not to its form. As a result, an argument that cannot be reduced to canonical form is regarded as logically valueless. What then about reasoning from analogy? What about the *a fortiori* argument? Must we, in using such arguments, always be able to introduce a fictive unexpressed major premise, so as to make them conform to the syllogism?

Boom!

It can be shown that the practical reasoning involved in choice or decision making can always be expressed in the form of theoretical reasoning by introducing additional premises. But what is gained by such a move? The reasoning by which new premises are introduced is merely concealed, and resort to these premises appears entirely arbitrary, although in reality it too is the outcome of a decision that can be justified only in an argumentative, and not in a demonstrative, manner.⁵⁵

ABSOLUTELY
Strong Defense

⁵³Ibid., Sections 97–105. [Au.]

⁵⁴Topics I, 100a 25–32; GBWW, Vol. 8, p. 143. [Au.]

⁵⁵Ch. Perelman, "Le raisonnement pratique," in *Contem-*

to work w/ the rhetoric of Aristotle,
you have to go to all his (other) works

At first sight, it appears that the main difference between rhetoric and dialectic, according to Aristotle, is that the latter employs impersonal techniques of reasoning, whereas rhetoric relies on the orator's *ethos* (or character) and on the manner in which he appeals to the passions of his audience (or *pathos*).⁵⁶ For Aristotle, however, the *logos* or use of reasoning is the main thing, and he criticizes those authors before him, who laid the emphasis upon oratorical devices designed to arouse the passions. Thus he writes:

If the rules for trials which are now laid down in some states—especially in well-governed states—were applied everywhere, such people would have nothing to say. All men, no doubt, think that the laws should prescribe such rules, but some, as in the court of Areopagus, give practical effect to their thoughts and forbid talk about nonessentials. This is sound law and custom. It is not right to pervert the judge by moving him to anger or envy or pity—one might as well warp a carpenter's rule before using it.

For this reason, after a long discussion devoted to the role of passion in oratorical art, he concludes: "As a matter of fact, it (rhetoric) is a branch of dialectic and similar to it, as we said at the outset."⁵⁷

To sum up, it appears that Aristotle's conception, which is essentially empirical and based on the analysis of the material he had at his disposal, distinguishes dialectic from rhetoric only by the type of audience and, especially, by the nature of the questions examined in practice. His precepts are easy to understand when we keep in mind that he was thinking primarily of the debates held before assemblies of citizens gathered together either to deliberate on political or legal matters or to celebrate some public ceremony. There is no reason, however, why we should not also consider theoretical and, especially, philosophical questions expounded in unbroken discourse. In

this case, the techniques Aristotle would have presumably recommended would be those he himself used in his own work, following the golden rule that he laid down in his *Nicomachean Ethics*, that the method used for the examination and exposition of each particular subject must be appropriate to the matter, whatever its manner of presentation.⁵⁸

After Aristotle, dialectic became identified with logic as a technique of reasoning, due to the influence of the Stoics. As a result, rhetoric came to be regarded as concerned only with the irrational parts of our being, whether will, the passions, imagination, or the faculty for aesthetic pleasure. Those who, like Seneca and Epictetus, believed that the philosopher's role was to bring man to submit to reason were opposed to rhetoric, even when they used it, in the name of philosophy. Those like Cicero, on the other hand, who thought that in order to induce man to submit to reason one had to have recourse to rhetoric, recommended the union of philosophy and eloquence. The thinkers of the Renaissance followed suit, such as Valla, and Bacon too, who expected rhetoric to act on the imagination to secure the triumph of reason.

The more rationalist thinkers, like Ramus, as we have already noted, considered rhetoric as merely an ornament and insisted on a separation of form and content, the latter alone being thought worthy of a philosopher's attention. Descartes adopted the same conception and reinforced it. He regarded the geometrical method as the only method fit for the sciences as well as for philosophy and opposed rhetoric as exerting an action upon the will contrary to reason—thus adopting the position of the Stoics but with a different methodological justification. But to make room for eloquence within this scheme, we need only deny that reason possesses a monopoly of the approved way of influencing the will. Thus, Pascal, while professing a rationalism in a Cartesian manner, does not hesitate to declare that the truths that are most significant for him—that is, the truths of faith—have to be received by the heart before they can be accepted by reason:

porary Philosophy, ed. Raymond Klibansky (Florence: La Nuova Italia, 1969), 1:168–76. [Au.]

⁵⁶See *Rhetoric* I, 1356a, 15–18; *GBWW*, Vol. 9, p. 595. Paul I. Rosenthal, "The Concept of Ethos and the Structure of Persuasion," *Speech Monographs*, 1966, pp. 114–26. [Au.]

⁵⁷*Rhetoric* I, 1354a 19–27, 1356a 30–31; *GBWW*, Vol. 9, pp. 593, 595–96. [Au.]

⁵⁸*Ethics*, I, 1094b 12–27; *GBWW*, Vol. 9, pp. 339–40. [Au.]

blinks
at
the
question

* but there is a less dismissive way to work through this: "pleasure" needs to be more highly thought of: think about the ethics of that highlighted passage (as a ethic)

→ before I move you, I have to let you move me, and from which understanding of sensation am I likely to be more moved

We all know that opinions are admitted into the soul through two entrances, which are its chief powers, understanding and will. The more natural entrance is the understanding, for we should never agree to anything but demonstrated truths, but the more usual entrance, although against nature, is the will; for all men whatsoever are almost always led into belief not because a thing is proved but because it is pleasing. This way is low, unworthy, and foreign to our nature. Therefore everybody disavows it. Each of us professes to give his belief and even his love only where he knows it is deserved.

I am not speaking here of divine truths, which I am far from bringing under the art of persuasion, for they are infinitely above nature. God alone can put them into the soul, and in whatever way He pleases. I know He was willed they should enter into the mind from the heart and not into the heart from the mind, that He might make humble that proud power of reason. . . .⁵⁹

To persuade about divine matters, grace is necessary; it will make us love that which religion orders us to love. Yet it is also Pascal's intention to conduce to this result by his eloquence, although he has to admit that he can lay down the precepts of this eloquence only in a very general way:

It is apparent that, no matter what we wish to persuade of, we must consider the person concerned, whose mind and heart we must know, what principles he admits, what things he loves, and then observe in the thing in question what relations it has to these admitted principles or to these objects of delight. So that the art of persuasion consists as much in knowing how to please as in knowing how to convince, so much more do men follow caprice than reason.

Now of these two, the art of convincing and the art of pleasing, I shall confine myself here to the rules of the first, and to them only in the case where the principles have been granted and are held to unwaveringly; otherwise I do not know whether there would be an art for adjusting the proofs to the inconstancy of our caprices.

But the art of pleasing is incomparably more difficult, more subtle, more useful, and more wonderful, and therefore if I do not deal with it, it is because I am not able. Indeed I feel myself so unequal to its regulation that I believe it to be a thing impossible.

⁵⁹On *Geometrical Demonstration*; GBWW, Vol. 33, p. 440. [Au.]

Not that I do not believe there are as certain rules for pleasing as for demonstrating, and that whoever should be able perfectly to know and to practise them would be as certain to succeed in making himself loved by kings and by every kind of person as in demonstrating the elements of geometry to those who have imagination enough to grasp the hypotheses. But I consider, and it is perhaps my weakness that leads me to think so, that it is impossible to lay hold of the rules.⁶⁰

Pascal's reaction here with regard to formal rules of rhetoric already heralds romanticism with its reverence for the great orator's genius. But before romanticism held sway, associationist psychology developed in eighteenth-century England. According to the thinkers of this school, feeling, not reason, determines man's behavior, and books on rhetoric were written based on this psychology. The best known of these is Campbell's *The Philosophy of Rhetoric*, noted above.⁶¹ Fifty years later, Whately, following Bacon's lead, defined the subject of logic and of rhetoric as follows:

I remarked in treating of that Science [Logic], that Reasoning may be considered as applicable to two purposes, which I ventured to designate respectively by the terms "Inferring" and "Proving," i.e., the *ascertainment* of the truth by investigation and the *establishment* of it to the satisfaction of another; and I there remarked that Bacon, in his *Organon*, has laid down rules for the conduct of the former of these processes, and that the latter belongs to the province of Rhetoric; and it was added, that to infer, is to be regarded as the proper office of the Philosopher, or the Judge;—to prove, of the Advocate.⁶²

This conception, while stressing the social importance of rhetoric, makes it a negligible factor for the philosopher. This tendency increases under the influence of Kant and of the German idealists, who boasted of removing all matters of opinion from philosophy, for which only apodictic truths are of any importance.

⁶⁰Ibid., p. 441. [Au.]

⁶¹Cf. V. M. Bevilacqua, "Philosophical Origins of George Campbell's Philosophy of Rhetoric," *Speech Monographs*, 1965, pp. 1-12; and Lloyd F. Bitzer, "Hume's Philosophy in George Campbell's Philosophy of Rhetoric," *Philosophy and Rhetoric*, 1969, pp. 139-66. [Au.]

⁶²Whately, *Elements of Rhetoric* (1828), pp. 6-7. [Au.]

The relation between the idea that we form of reason and the role assigned to rhetoric is of sufficient importance to deserve studies of all the great thinkers who have said anything about the matter—studies similar to those of Bacon by Prof. Karl Wallace and of Ramus by Prof. Walter J. Ong.⁶³ In what follows, I would like to sketch how the positivist climate of logical empiricism makes possible a new, or renovated, conception of rhetoric.

Within the perspective of neopositivism, the rational is restricted to what experience and formal logic enable us to verify and demonstrate. As a result, the vast sphere of all that is concerned with action—except for the choice of the most adequate means to reach a designated end—is turned over to the irrational. The very idea of a reasonable decision has no meaning and cannot even be defined satisfactorily with respect to the whole action in which it occurs. Logical empiricism has at its disposal no technique of justification except one founded on the theory of probability. But why should one prefer one action to another? Only because it is more efficacious? How can one choose between the various ends that one can aim at? If quantitative measures are the only ones that can be taken into account, the only reasonable decision would seem to be one that is in conformity with utilitarian calculations. If so, all ends would be reduced to a single one of pleasure or utility, and all conflicts of values would be dismissed as based on futile ideologies.

Now if one is not prepared to accept such a limitation to a monism of values in the world of action and would reject such a reduction on the ground that the irreducibility of many values is the basis of our freedom and of our spiritual life; if one considers how justification takes place in the most varied spheres—in politics, morals, law, the social sciences, and, above all, in philosophy—it seems obvious that our intellectual tools cannot all be reduced to formal logic, even when that is enlarged by a theory for the control of induction and the choice of the most effica-

cious techniques. In this situation, we are compelled to develop a theory of argumentation as an indispensable tool for practical reason.

In such a theory, as we have seen, argumentation is made relative to the adherence of minds, that is, to an audience, whether an individual deliberating or mankind as addressed by the philosopher in his appeal to reason. Whately's distinction between logic, as supplying rules of reasoning for the judge, and rhetoric, providing precepts for the counsel, falls to the ground as being without foundation. Indeed, the counsel's speech that aims at convincing the judge cannot rest on any different kind of reasoning than that which the judge uses himself. The judge having heard both parties, will be better informed and able to compare the arguments on both sides, but his judgment will contain a justification in no way different in kind from that of the counsel's argumentation. Indeed, the ideal counsel's speech is precisely one that provides the judge with all the information that he needs to state the grounds for his decision.

If rhetoric is regarded as complementary to formal logic and argumentation as complementary to demonstrative proof, it becomes of paramount importance in philosophy, since no philosophic discourse can develop without resorting to it. This became clear when, under the influence of logical empiricism, all philosophy that could not be reduced to calculation was considered as nonsense and of no worth. Philosophy, as a consequence, lost its status in contemporary culture. This situation can be changed only by developing a philosophy and a methodology of the reasonable. For if the rational is restricted to the field of calculation, measuring, and weighing, the reasonable is left with the vast field of all that is not amenable to quantitative and formal techniques. This field, which Plato and Aristotle began to explore by means of dialectical and rhetorical devices, lies open for investigation by the new rhetoric.

FURTHER DEVELOPMENTS

I introduced the new rhetoric to the public for the first time over twenty years ago, in a lecture delivered in 1949 at the Institut des Hautes Études de

⁶³Karl Wallace, *Francis Bacon on Communication and Rhetoric* (Chapel Hill: University of North Carolina Press, 1943); and Ong, *Ramus: Method, and the Decay of Dialogue*. [Au.]

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how we
ought to
be moved
to a (new)
rhetoric
↓

Boy, then really should
be some Ernest G. up
in here!

Belgique.⁶⁴ In the course of the same year, the Centre National de Recherches de Logique was founded with the collaboration of the professors of logic in the Belgian universities. In 1953 this group organized an international colloquium on the theory of proof, in which the use and method of proof was studied in the deductive sciences, in the natural sciences, in law, and in philosophy—that is, in the fields where recourse to reasoning is essential.⁶⁵ On that occasion, Prof. Gilbert Ryle presented his famous paper entitled "Proofs in Philosophy," which claims that there are no proofs in philosophy: "Philosophers do not provide proofs any more than tennis players score goals. Tennis players do not try in vain to score goals. Nor do philosophers try in vain to provide proofs; they are not inefficient or tentative provers. Goals do not belong to tennis, nor proofs to philosophy."⁶⁶

What, then, is philosophical reasoning? What are "philosophical arguments"? According to Ryle, "they are operations not with premises and conclusions, but operations upon operations with premises and conclusions. In proving something, we are putting propositions through inference-hoops. In some philosophical arguments, we are matching the hoops through which certain batches of propositions will go against a worded recipe declaring what hoops they should go through. Proving is a one-level business; philosophical arguing is, anyhow sometimes, an inter-level business."⁶⁷

If the notion of proof is restricted to the operation of drawing valid inferences, it is undeniable that philosophers and jurists only rarely prove what they assert. Their reasoning, however, does aim at justifying the points that they make, and such reasoning provides an example of the argumentation with which the new rhetoric is concerned.⁶⁸

proving proofs

⁶⁴It was published in 1950 in the *Revue philosophique de la France et de l'Étranger* under the title "Logique et Rhétorique," 75th year, pp. 1-35, and reprinted in Ch. Perelman and L. Olbrechts-Tyteca, *Rhétorique et philosophie* (Paris: Presses universitaires de France, 1952), pp. 1-48. [Au.]

⁶⁵The Proceedings appeared in the *Revue Internationale de Philosophie*, 1954, 27-28. [Au.]

⁶⁶Gilbert Ryle, "Proofs in Philosophy," *Revue Internationale de Philosophie*, 1954, p. 150. [Au.]

⁶⁷*Ibid.*, p. 156. [Au.]

⁶⁸See in this respect Perelman and Olbrechts-Tyteca, *Rhétorique et philosophie*, especially "La quête du rationnel,"

The part played by argumentation in philosophy has given rise to numerous discussions and to increasing interest, as is shown by the special issue of the *Revue Internationale de Philosophie* of 1961 devoted to the subject, by the colloquium on philosophical argumentation held in Mexico City in 1963,⁶⁹ by the collection of studies published by Maurice Natanson and Henry W. Johnstone, Jr., entitled *Philosophy, Rhetoric and Argumentation*,⁷⁰ and by the special number of *The Monist* in 1964 on the same subject.

Professor Johnstone has for many years been particularly interested in this topic and has published a book and many papers on it.⁷¹ To further the study of the relation between philosophy and rhetoric, he organized with Prof. Robert T. Oliver, then head of the Speech Department at Pennsylvania State University, a colloquium in which philosophers and members of the speech profession met in equal numbers to discuss the question. The interest aroused by this initiative led to the founding in 1968 of a journal called *Philosophy and Rhetoric*, edited jointly by Professor Johnstone and Prof. Carroll C. Arnold.

That so much attention should be focused on argumentation in philosophical thought cannot be

and "De la preuve en philosophie." The latter was published in English in the *Hibbert Journal* 52 (1954): 354-59. The same theme was dealt with more fully in the articles "Self-evidence and Proof," published in Perelman, *The Idea of Justice and the Problem of Argument*, pp. 109-24; and "Self-evidence in Metaphysics," *International Philosophical Quarterly*, 1964, pp. 1-19. [Au.]

⁶⁹Reports published in the *Symposium Sobre la Argumentación Filosófica*, Mexico, 1963. [Au.]

⁷⁰Maurice Natanson and Henry W. Johnstone, Jr., eds., *Philosophy, Rhetoric and Argumentation* (University Park: Pennsylvania State University Press, 1965). See also Stanislaw Kaminski, "Argumentacja filozoficzna w ujęciu analityków: (The Philosophic argumentation in the conception of the analysts) in *Rozprawy Filozoficzne* (Torun, Poland: TNT, 1969), pp. 127-42. [Au.]

⁷¹Henry W. Johnstone, Jr., *Philosophy and Argument* (University Park: Pennsylvania State University Press, 1959); *idem*, "Philosophy and Argumentation *ad Hominem*" *Journal of Philosophy* 49 (1952): 489-98; *idem*, "The Methods of Philosophical Polemic," *Methodos* 5 (1953): 131-40; *idem*, "New Outlooks on Controversy," *Review of Metaphysics* 12 (1958): 57-67; *idem*, "Can Philosophical Arguments Be Valid," *Bucknell Review* 11 (1963): 89-98; *idem*, "Self-refutation and Validity," *The Monist*, 1964, pp. 467-85. [Au.]

understood unless one appreciates the paramount importance of practical reason—that is, of finding “good reasons” to justify a decision. In 1954 I drew attention to the role of decision in the theory of knowledge,⁷² and Gidon Gottlieb further developed it, with particular attention to law, in his book *The Logic of Choice*.⁷³

Argumentation concerning decision, choice, and action in general is closely connected with the idea of justification, which also is an important element in the idea of justice. I have attempted to show that the traditional view is mistaken in claiming that justification is like demonstration but based on normative principles.⁷⁴ In fact, justification never directly concerns a proposition but looks instead to an attitude, a decision, or an action. “Justifying a proposition” actually consists in justifying one’s adherence to it, whether it is a statement capable of verification or an unverifiable norm. A question of justification ordinarily arises only in a situation that has given rise to criticism: no one is called upon to justify behavior that is beyond reproach. Such criticism, however, would be meaningless unless some accepted norm, end, or value had been infringed upon or violated. A decision or an action is criticized on the ground that it is immoral, illegal, unreasonable, or inefficient—that is, it fails to respect certain accepted rules or values. It always occurs within a social context; it is always “situated.” Criticism and justification are two forms of argumentation that call for the giving of reasons for or against, and it is these reasons that ultimately enable us to call the action or decision reasonable or unreasonable.

In 1967 a colloquium was held on the subject of demonstration, verification, justification, organized jointly by the Institut International de Philosophie and the Centre National de Re-

cherches de Logique.⁷⁵ At that meeting I emphasized the central role of justification in philosophy. Among other things, it enables us to understand the part played by the principle of induction in scientific methodology. Prof. A. J. Ayer claimed that the principle of induction cannot be based on probability theory,⁷⁶ yet it did seem possible to give good reasons for using induction as a heuristic principle.⁷⁷ But this is only a particular case of the use of justification in philosophy. It is essential wherever practical reason is involved.

In morals, for example, reasoning is neither deductive nor inductive, but justificative. Lucien Levy-Bruhl, in his famous book *La Morale et la science des moeurs* (1993), criticized the deductive character of much traditional moral philosophy and proposed the conception of the science of morals that made it a sociological discipline, inductive in character. Yet in morals absolute pre-eminence cannot be given either to principles—which would make morals a deductive discipline—or to the particular case—which would make it an inductive discipline. Instead, judgments regarding particulars are compared with principles, and preference is given to one or the other according to a decision that is reached by resorting to the techniques of justification and argumentation.⁷⁸

The idea of natural law is also misconceived when it is posed in ontological terms. Are there rules of natural law that can be known objectively? Or is positive law entirely arbitrary as embodying the lawmaker’s sovereign will? A satisfactory positive answer cannot be given to either question. We know that it is imperative for a lawmaker not to make unreasonable laws; yet we know too that there is no one single manner, objectively given, for making just and reasonable laws. Natural law is better considered as a body

⁷²Perelman, *The Idea of Justice and the Problem of Argument*, pp. 88–97. [Au.]

⁷³Gidon Gottlieb, *The Logic of Choice* (London: George Allen & Unwin, 1968). [Au.]

⁷⁴See Ch. Perelman, “Jugements de valeur, justification et argumentation,” *Revue Internationale de Philosophie* 58 (1961) 327–35; reprinted in Perelman, *Justice et raison* (Brussels: Presses universitaires de Bruxelles, 1963). Also in Perelman, *Justice* (New York: Random House, 1967), chap. 4. [Au.]

⁷⁵*Entretiens de Liège* (Louvain: Nauwelaerts, 1968). [Au.]

⁷⁶A. J. Ayer, “Induction and the Calculus of Probabilities,” in *Entretiens de Liège*, pp. 95–108. [Au.]

⁷⁷Cf. Ch. Perelman, “Synthèse finale,” in *Entretiens de Liège*, pp. 338–40. [Au.]

⁷⁸See “Jugement moral et principes moraux,” and “Scepticisme moral et philosophie morale,” in Perelman, *Droit, morale et philosophie*. [Au.]

The links between justice & the work of justification

ANOTHER BRIDGE FOR CRITICISM

of general principles or loci, consisting of ideas such as "the nature of things," "the rule of law," and of rules such as "No one is expected to perform impossibilities," "Both sides should be heard"—all of which are capable of being applied in different ways. It is the task of the legislator or judge to decide which of the not unreasonable solutions should become a rule of positive law. Such a view, according to Michel Villey, corresponds to the idea of natural law found in Aristotle and St. Thomas Aquinas—what he calls the classical natural law.⁷⁹

For government to be considered legitimate, to have authority, there must be some way of justifying it. Without some reasonable argumentation for it, political power would be based solely on force. If it is to obtain respect, and not only obedience, and gain the citizen's acceptance, it must have some justification other than force. All political philosophy, in fact, aims at criticizing and justifying claims to the legitimate exercise of power.⁸⁰

Argumentation establishes a link between political philosophy and law and shows that the legislator's activity is not merely an expression of unenlightened will. From lack of such a theory, Hume and Kelsen were right in making a sharp distinction between what is and what ought to be and claiming that no inference can be made from one to the other. Things take a different outlook, however, when one recognizes the importance of argumentation in supplying good reasons for establishing and interpreting norms. Kelsen's pure theory of the law then loses the main part of its logical justification.⁸¹ The same befalls Alf

A move against the paradigm in which

⁷⁹Michel Villey, *Leçons d'histoire de la philosophie du droit* (Paris: Dalloz, 1957), and especially, "Questions de logique juridique dans l'histoire de la philosophie du droit," in *Etudes de Logique Juridique* 2, Centre National de Recherches de Logique (Brussels: Bruylant, 1967), pp. 3-22. [Au.]

⁸⁰Ch. Perelman, "Autorité, idéologie et violence," in *Annales de l'Institut de Philosophie de l'Université Libre de Bruxelles* (Brussels: Editions de l'Institut de Sociologie, 1969), pp. 9-20. [Au.]

⁸¹Ch. Perelman, "La théorie pure du droit et l'argumentation," in *Law, State, and International Legal Order: Essays in Honor of Huns Kelsen*, ed. Salo Engel and Rudolf A. Metall (Knoxville: University of Tennessee Press, 1964), pp. 225-32. [Au.]

Ross's realist theory of the law, as has been shown in the remarkable essay by Prof. Stig Jørgensen.⁸²

The new rhetoric has also been used to throw new light upon the educator's task, on the analysis of political propaganda, on the process of literary creation, as well as on the reasoning of the historian. But it is in the field of law that it has made the largest impact. Recent studies and colloquia devoted to the logic of law testify to the keen interest that the subject has aroused, especially among French-speaking jurists. The faculty of law at Brussels has just inaugurated a new series of lectures, entitled "Logic and Argumentation."⁸³

Lawyers and philosophers working in collaboration have shown that the theory of argumentation can greatly illuminate the nature of legal reasoning. The judge is obliged by law to pass sentence on a case that comes before him. Thus Article 4 of the Code Napoleon declares: "The judge, who, under pretext of the silence, the obscurity, or the incompleteness of the law, refuses to pass sentence is liable to prosecution for the denial of justice." He may not limit himself to declaring that there is an antinomy or *lacuna* in the legal system that he has to apply. He cannot, like the mathematician or formal logician, point

⁸²"Argumentation and Decision," in *Festkrift Alf Ross*, ed. Mogens Blegvad, Max Sørensen, and Isi Foighel (Copenhagen: Juristforbundets Førlaget, 1969), pp. 261-84 (with numerous bibliographical notes). [Au.]

⁸³See Ch. Perelman, "Droit, logique et argumentation," *Revue de l'Université de Bruxelles*, 1968, pp. 387-98. The works produced by the legal section of the Centre National de Recherches de Logique have undeniably brought a remarkable contribution to a renewed outlook of the whole subject (see A. Bayart, "le Centre National Belge de Recherches de Logique," *Archives de Philosophie du Droit*, 1968, pp. 171-80; and Paul Foiries, "L'état des recherches de logique juridique en Belgique," in *Etudes de Logique Juridique* 2, pp. 23-42). Besides numerous articles written by members and of which several appeared in the *Journal des Tribunaux*, Brussels, the Center has published, since 1961, three large volumes, respectively entitled *Le Fait et le droit* (Brussels: Bruylant, 1961), *Les Antinomies en droit* (Brussels: Bruylant, 1965), and *Le Problème des lacunes en droit* (Brussels: Bruylant, 1968). [Since then the following have been published: *La Règle de droit* (Brussels: Bruylant, 1971), *Les Présomptions et les fictions en droit* (Brussels: Bruylant, 1974), and *La Motivation des décisions de justice* (Brussels: Bruylant, 1978).] [Au.]

doesn't express much interest here, does he

(Lecture is in this ballroom)

you need to track down this
rhetorica speculativa!

out that the system is incoherent or incomplete. He must himself solve the antinomy or fill in the lacuna. Ordinary logic by itself would suffice to show the existence of either an antinomy or a lacuna, but it cannot get him out of the resulting dilemma: only legal logic based on argumentation can accomplish that.

To conclude this general, but far from exhaustive, survey, it is necessary to stress again the import that the new rhetoric is having for philosophy and the study of its history. Twenty years ago, for example, the *Topics* and *Rhetoric* of Aristotle were completely ignored by philosophers, whereas today they are receiving much attention.⁸⁴ Renewed interest in this hitherto ignored side of Aristotle has thrown new light upon his entire metaphysics⁸⁵ and attached new importance to his notion of *phronesis* or prudence.⁸⁶ Renewed attention is being given to the classical rhetoric of Cicero.⁸⁷ and we are now gaining a better understanding of the historical development of rhetoric and logic during the Middle Ages and the Renaissance.⁸⁸

⁸⁴We will mention, in this respect, W. A. de Pater's thesis *Les Topiques d'Aristote et la dialectique platonicienne*, Etudes Thomistiques, vol. 10 (Fribourg: Editions St. Paul, 1965), as well as the fact that the 3rd Symposium Aristotelicum of Oxford has been entirely devoted to the Topics (G. E. L. Owen, ed., *Aristotle on Dialectic*, Oxford: Clarendon Press, 1968). [Au.]

⁸⁵Pierre Aubenque, *Le Problème de l'être chez Aristote* (Paris: Presses universitaires de France, 1962). [Au.]

⁸⁶Pierre Aubenque, *La Prudence chez Aristote* (Paris: Presses universitaires de France, 1963). [Au.]

⁸⁷Alain Michel published, in 1960, an essay on the philosophical foundations of the art of persuasion entitled *Rhétorique et philosophie chez Cicéron* (Paris: Presses universitaires de France), while Renato Barilli devoted an important, lively chapter to Cicero in his *Poetica e retorica*. . . . [Au.]

⁸⁸We have already mentioned Alessandro Giuliani, whose works cover the period stretching from Aristotle to the Scottish philosophy, without neglecting medieval logic, and shed new light on the history of legal logic. Mention must also be made of G. Chevrier's suggestive study "Sur l'art de l'argumentation chez quelques romanistes médiévaux au XIIe et au XIIIe siècle," *Archives de Philosophie du Droit*, 1966, pp. 115-48. Finally let us recall the well-known works of Eugenio Garin and of his disciples, which have drawn attention again to the Italian philosophy of the Renaissance and to fifteenth and sixteenth century humanism, in which discussions concerning the relations between philosophy, dialectic, and

It is possible too that the new rhetoric may provoke a reconsideration of the Hegelian conception of dialectic with its thesis and antithesis culminating in a synthesis, which might be compared to a reasonable judge who retains the valid part from antilogies. This new rhetorical perspective may also help us to a better understanding of the American pragmatists, especially of C. S. Peirce, who, in his approximation to Hegel's objective logic, aimed at developing a *rhetorica speculativa*.⁸⁹

For these inquiries to be pursued, however, the theory of argumentation must awaken the interest of philosophers and not merely that of lawyers and members of the speech profession. In a synoptic study of the subject, Professor Johnstone deplors the fact that the theory of argumentation is still little known in the United States, although it is now well known in Europe.⁹⁰ Attention has been focused on the problems raised by the use of practical reason, and the field has been explored and mapped by theoreticians and practitioners of the law. There is much that philosophers could learn from this work if they would cease confining their methodological inquiries to what can be accomplished by formal logic and the analysis of language.⁹¹ A more dynamic approach to the problems of language would also reveal the extent to which language, far from being only an instrument for communication, is also a tool for action and is well adapted

rhetoric occupied a central place: Garin, *Medioevo e Rinascimento* (Bari, Italy: Laterza 1961); and Garin, Paolo Rossi, and Cesare Vasoli, eds., *Testi umanistici sulla retorica* (Rome: Fratelli Bocca, 1953). Besides Garin's own writings, we must mention those of Paolo Rossi: "La celebrazione della retorica e la polemica antimetafisica nel De principiis di Mario Nizolio," in *La crisi dell'uso dogmatico delle ragioni*, ed. Antonio Banfi (Milan, 1953), pp. 99-221; and Cesare Vasoli, *La dialettica e la retorica dell'umanesimo* (Milan: Feltrinelli, 1968). [Au.]

⁸⁹C. S. Peirce, *Collected Papers*, 6 vols., ed. Charles Hartshorne and Paul Weiss (Cambridge, Mass.: Harvard University Press, 1931-35), 1:444. [Au.]

⁹⁰Klibansky, *Contemporary Philosophy* (see note 55), 1:177-84. [Au.]

⁹¹See my article "What the Philosopher May Learn from the Study of Law," *Natural Law Forum* 11 (1966), 1-12. [Au.]

to such a purpose.⁹² It may even prove possible to achieve a synthesis of the different and seem-

⁹²Cf. Ch. Perelman and L. Olbrechts-Tyteca, "Les notions et l'argumentation," *Archivio di filosofia*, Rome, 1955, pp. 249-69; idem, "De la temporalité comme caractère de l'argumentation," *Archivio di filosofia*, 1958, pp. 115-33. L. Olbrechts-Tyteca, "Les définitions des statisticiens," *Logique et Analyse* 3 (1960): 49-60. Ch. Perelman, "Avoir un sens et donner un sens," in *Thinking and Meaning, Entretiens d'Oxford*, in *Logique et Analyse*, 1962, pp. 235-39. [Au.]

ingly opposed tendencies of contemporary philosophy, such as existentialism, pragmatism, analytical philosophy, and perhaps even a new version of Hegelian and Marxist dialectic.⁹³

⁹³Ch. Perelman, "The Dialectical Method and the Part Played by the Interlocutor in the Dialogue," in Perelman, *The Idea of Justice and the Problem of Argument*, pp. 161-67; also, "Dialectique et Dialogue," in *Hermeneutik und Dialektik* (see note 83), 2:77-84. [Au.]

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