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 (1909 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. Fontanier's book, published in 1608 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 Orner 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

3 Petrus Ramus, Dialectic, 1; the critical edition of Dialectic.
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."

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 Ciceroan 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

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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 Liter-
AN ORNAMENTAL OR A PRACTICAL ART?

There is nothing of philosophical interest in a rhetoric that has turned into an art of expression, either literary or verbal. Hence it is not surprising that the term is missing entirely from both Pierre Lullande'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, stifled mode or 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 egalitarian, 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 the 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 thing, than to ornament the words and arrange them as hairdressers do the hair?"

Aristotle would have disagreed with this conception of rhetoric as an ornamental art bearing the same relation to prose as poetry 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...
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. 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.”

Bossuet 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."

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.” 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* 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.

In 1945, when I published *The Idea of Argument*, I was complete confidence that formal justice according to which being essential category must way. The application of rhetoric, however, which categories are members should be to involve a recourse to using only positivistic how such judgments call or justification. Indeed, principle that one cannot we is — a judgment c of fact — I was led into that if justice consists mentation of certain v about arbitrary and log: The idea of value is, in with formal necessity a versatility. There is no va arbitrary,"

I was deeply dissatisfied however interesting the sophistical inquiry, carried logical empiricism, could practical reason, that rules and models for remitting the soundness found myself in a situation. Hume is right in main cannot provide a basis morals, must we not theractical methods to justify perience and calculation, the precepts of logical en
THINKING ABOUT VALUES

In 1945, when I published my first study of justice, 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. 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 in 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 entirely 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.”

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, we must 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, 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 an a priori possible structures for a logic of value judgments, might we not do better to follow the method

"Ibid., p. 16. [Au.]
"Ibid., pp. 56-57. [Au.]

argued by the German logician Gottlob Frege, who, to cast new light on logic, decided to analyze the reasoning used by mathematicians? Could we not undertake, in the same way, an extensive inquiry into the manner in which the most diverse authors in all fields do in fact reason about values? By analyzing political discourse, the reasons given by judges, the reasoning of moralists, the daily discussions carried on in deliberating about making a choice or reaching a decision or nominating a person, we might be able to trace the actual logic of value judgments which seems continually to elude the grasp of specialists in the theory of knowledge.

For almost ten years Mme L. Olibrechts-Tyteca and I conducted such an inquiry and analysis. We obtained results that neither of us had ever expected. Without either knowing or wishing it, we had rediscovered a part of Aristotelian logic that had been long forgotten or, at any rate, ignored and despised. It was the part dealing with dialectical reasoning, as distinguished from demonstrative reasoning — called by Aristotle analytics—which is analyzed at length in the Rhetoric, Topics, and On Sophistical Refutations. We called this new, or revived, branch of study, devoted to the analysis of informal reasoning. The New Rhetoric.18

ARGUMENTATION AND DEMONSTRATION

The new rhetoric is a theory of argumentation. But the specific part that is played by argumentation could not be fully understood until the modern theory of demonstration — to which it is complementary — had been developed. In its contemporary form, demonstration is a calculation made in accordance with rules that have been laid down beforehand. No recourse is allowed to evidence or to any intuition other than that of the senses. The only requirement is the ability to distinguish signs and to perform operations according to rules. A demonstration is regarded as correct or incorrect according as it conforms, or fails to conform, to the rules. A conclusion is held to be demonstrated if it can be reached by means of a series of correct operations starting from premises accepted as axioms. Whether these axioms be considered as evident, necessary, true or hypothetical, the relation between them and the demonstrated theorems remains unchanged. To pass from a correct inference to the truth or to the computable probability of the conclusion, one must admit both the truth of the premises and the coherence of the axiomatic system.

The acceptance of these assumptions compels us to abandon pure formalism and to accept certain conventions and to admit the reality of certain models or structures. According to the classical theory of demonstration, which is rejected by formalism, the validity of the deductive method was guaranteed by intuition or evidence — by the natural light of reason. But if we reject such a foundation, we are not compelled to accept formalism. It is still insufficient, since we need good reasons to accept the premises from which we start and these reasons can be good only for a mind capable of judging them. However, once we have accepted the framework of a formal system and know that it is free from ambiguity, then the demonstrations that can be made within it are compelling and impersonal; in fact, their validity is capable of being controlled mechanically. It is this specific character of formal demonstration that distinguishes it from dialectical reasoning founded on opinion and concerned with contingent realities. Ramus failed to see this distinction and confused the two by using a faulty analogy with the sight of moving and unmov ing colors.19

It is sometimes possible, by resorting to prior arrangements and conventions, to transform an argument into a demonstration of a more or less probabilistic character. It remains true, nonetheless, that we must distinguish carefully between


19This identification is faulty, as dialectical reasoning can be reduced to formal calculation no more than commonplace (topoi). Cf. Otto Bird, "The tradition of the Logical Topoi of Aristotle to Ockham," Journal of the History of Ideas 1 (1962): 307-23. [Au.]
be 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 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 adherence which may be theoretical to start with, although it may eventually be manifested through a disposition to act, or practical, as providing 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 by 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 able to 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 moulding 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 ornamental, and even arbitrary, limitations traditionally imposed upon ancient rhetoric. For Aristotle, the similarity between rhetoric and dialectic was all-important. 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.

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. 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 hearing of persons who cannot take in at a glance a complicated argument, or follow a long chain of reasoning.
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.” 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.” 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 above answers him that these two theses both expressed the word of the Living God.”

So too, for Plato, the subject of discussion is always one for which men possess no technique 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 eminences arise when the matters of difference are the just and unjust, good and evil, honorable and dishonorable.

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. One might even wonder with Alexander Kojève, the light philosophy, whether Hegel has its origin, not in the development of systems that can be opposed one after the other, but in the development of systems that can be opposed by a synthesis of: it is similar to a lawsuit in which the elements he regard as opposed parties. For Hegel, opinions are supplied from philosophy, which aims to explain the divergencies encountered in the history of thought only call these opinions of reason as submitted to the reason (as in Kant) or the progress of reason toward Hegel).

To reconcile philosophy with the plurality of opinions, it must recognize that the appeal to reason cannot be an appeal to the understanding, which can be thought of Kant’s categorical imperative of all reasonable and compatible aspects of philosophy. The history of philosophy stood if the appeal to reason appeal to an ideal audience, but universal audience — whether it is an audience of philosophers, and its subject matters. Philosophy with science can have its own ideas, rather than those of philosophical or the Talmudic reasoning. We would then have a discharge of his specific task at his disposal only an argument or better to abandon the idea of the study of law.” Natural Law Forum (1964): 3–4; ibid., “Desaccord et rationalité des décisions,” in Droit, morale et philosophie (Paris: Librairie générale de droit et de jurisprudence, 1968), pp. 103–10. [Au.] Euthyphro. GBWW, Vol. 7, pp. 193–94. [Au.] See Clemente Rammouso, “Le développement antilogique des écoles grecques avant Socrate,” in La Dial-

15Rules for the Direction of the Mind; GBWW, Vol. 31, p. 2. [Au.]
17See Clemence Rammouso, “Le développement antilogique des écoles grecques avant Socrate,” in La Dial-

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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.
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 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 immediate, 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 arg


31Ibid., Sections 15-27. [Au.]

32Plato, Gorgias 487 d-e. GBWd

33Perelman and Olbrechts-Tyteca 104 [Au.]

CREATING PRESENCE

What an audience accepts for conviction, and convictions, and communicative and indeterminate. From must select certain elements

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argument, 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. 11

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. 14

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." 15

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 prevaleth. 16

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." 17 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, antithesis, amplification, congeries, metaphor, pseudo direct discourse, enallage, are all various means of increasing the feeling of presence in the audience. 18

In his description of facts, truths, and values,

16 *Rhetorica ad Herennium* 4, 68. [Au.]
17 Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Section 42. [Au.]
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.29

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 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 boys,” or “war is war,” there is no preference, not to the extent that the statement is meaningful, and we accept it on the basis of the meaning that will render the statement meaningful and accept it face to face with a statement that is not the same thing, and we do not step twice into the same interpretation that eliminated.

To understand an orator’s fort required to render his meaningful. This effort respects for the person who has the task of formulating possible, and, as a result, of the reasoning is capable of the result is not obtained, but linguistic rigidity. The languages not used for poetry any more.

Because of its adaptability can always avoid pure Yet it is not free from inaccuracy, when two nor which cannot both apply. Thus, telling a child not to parents lays one open to the question “What must I do if my fat. When such an antonymy qualifications or amends the primacy of one norm o ut that there are exceptions, the most elegant way compatibility is to have rec of concepts—but of this, ability is an important element. By exposing the incompatibility given to his insidious que s the interlocutor to a monologue accepted opinions.

Definitions play a very important role in the one to system. There are no strict rules, they determine particular meaning ove


29To 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 work, 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 Hanson, whose Patterns of Discovery (London: Cambridge University Press, 1958), and the Concept of the Person (London: Cambridge University Press, 1965), gave much weight to the new ideas. [Au.]

“boys,” or “war is war,” those hearing the words give preference, not to the universality 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 on the bridge 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 definitions 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-

41Ibid., p. 172-73. [Au.]
42Ibid., p. 176. [Au.]
AEPEAL TO THE REAL

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

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, capitalism, fascism), and institutions (marriage, the church). 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.

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 antinmodel: 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 pretense 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.

The argument from a theme is important in nonformal relations between two terms; we call the theme since it is the matter of the discourse, sent its structure or establish it to the terms C and D. Analogical reasoning, which is the Greek word for proportion from mathematical experience, constitutes its characteristic relation, whereas the phoro the structure or establish must, as a rule, be better. When Heraclitus says that man is as childish as a child, it is impossible to the theme and vice versa; one that knows the relation better than that between it is also worth noting that with adult, the analogy the middle one being proposes is A to B. This technique is of Plato, Plotinus, and hierarchies within reality.

With the natural sciences, the analogies are mainly heuristic, and they eliminate the analogy another way of a mathematical elements, however, in the social sciences, where the whole becomes only offers reasons for analogical vision of thing differences to which W when he claims that the understanding whereas the others make up.

The metaphor is the mapping of the argument thus of a condensed anal of the theme is associates


44Ibid., Sections 60–74. [Au.]

45Ibid., Sections 78–81. [Au.]

46Ibid., Sections 45–59. [Au.]

47Ibid., Sections 93–111. [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 project 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 A 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. 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, 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.

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. 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—

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

an our 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 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 is being used to organize it. 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 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-

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

In all such matters it is hard-and-fast rules can be must take account of the audience, of its evolution and of the fact that habits prove good in one sphere. A general rhetoric can not lay down once and for all to adapt itself to the changes, matters, and audiences.

REASON AND RHETORIC

The birth of a new period of an eruption of original in methodological concerns is in the applications in the arts of the Renaissance. It is possible, for instance, to find the future in the past. The fundaments of the logos offer a good example. One of the richest and most expressive of the term logos other things: word, reason, calculation, and all that is subject of logic and the logos was opposed to the being regarded as the facet human behavior in the nation. The operation of the logos long speeches or through cussing giving rise to the distinct between rhetoric and dialectic was established as an author.

Aristotle's discovery of the development of the theory of thought raised the problem of the logic—the first formal and rhetoric. Can any and every be expressed syllogi often thought to have aims least for deductive reason why that inductive reason example are entirely different. He knew too that the dialectastic of discussion, and
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,
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A general rhetoric cannot be fixed by precepts
and rules laid down once for all. But it must be
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sstances, matters, and audiences.

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 classi-
fications and divisions. Ideas are used with vari-
ous meanings that the future will distinguish and
disentangle. The fundamental ideas of Greek phi-
losophy 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 wis-
dom. The operation of logos takes effect through
long speeches or through questions and answers,
thus giving rise to the distinction noted above be-
tween 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 sci-
cence raised the problem of the relation of syllo-
gistic—the first formal logic—with dialectic
and rhetoric. Can any and every form of reason-
ing 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 char-
acteristic of discussion, and essentially critical in

\([33]\) Ibid., Sections 97–105. [Aur.]

purpose, differed widely from demonstrative rea-
soning deducing from principles the conclusions
of a science. Yet he was content to locate the dif-
ference 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.\([34]\)

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 ab-

vabbreviated syllogisms and of arguments from ex-

ample, 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 anal-

ogy? 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?

It can be shown that the practical reasoning
involved in choice or decision making can al-
ways be expressed in the form of theoretical rea-
soning 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.\([35]\)
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). 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." 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 precursors are easy to understand when we keep in mind that he was thinking primarily of the debates held before assembles 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.

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.

We all know that opinion is roused through two extra powers, understanding and experience. The understanding is the understanding of anything but the more usual entrance, alternation; for all men, whatsoeversuch belief not because it is pleasing. This is a foreign to our nature, and avows it. Each of us prof even his love only where we am not speaking of the it is far from bringing us for they are infinitely ab put them into the soul, populations. I know He was into the mind from the h from the mind, that He pride power of reason.

To persuade about divi ees would us to love. Yet it is a conduc to this result by he has to admit that he can this eloquence only in a ve It is apparent that, no ma suade of, we must consi whose mind and heart w expect the thing in que to these admitted princip delight. So that the art much in knowing how to to conviction, so much mo than reason.

Now of these two, the art of pleasing, I shall c rules of the first, and to th principles have been g waveringly; otherwise I d would be an art for adjus constancy of our caprices.

But the art of pleasing difficult, more subtle, mo derful, and therefore if I because I am not able. In e equal to its regulation that impossible.

"See Rhetoric I. 1350a, 15-18; GBWW, Vol. 9, p. 595.


On Geometrical Demonstration 443. [Au.]"
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 despises 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.

To persuade about divine matters, grace is necessary; it will make us love which religion orders us to love. Yet it is also Pascal’s intention to conduct 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 unswervingly; 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.

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.

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.

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 [Logie], 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.

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.

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Pascal, *The New Rhetoric: A Theory*
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. 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 justifications take 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 efficacious techniques. In this situation, we are compelled to develop a theory of argumentation as 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 in 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 philosophical 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 Belgique. In the course of the National de Recherche founded with the collaboration of the Belgian university, organized an internationa of proof, in which the use of deductive sciences, in law, and in philosophy wherein recourse to the occasion. Prof. Gilinsky’s paper entitled “Pro the claims that there are not philosophers do not prove tennis players score goals in vain to score goals. Proven to provide proofs; tentative provers. Goals de the proofs to philosophy.”

What, then, is philosophy? "philosophical argy, Ryle, they are operated conclusions, but operatic premises and conclusion: we are putting propositional hoops. In some philosopher matching the hoops in batches of propositions with a recipe declaring what through. Proving is a ontological arguing is, anything level business.”

If the notion of proof is of drawing valid inference philosophers and jurists on offer. Their reasoning, heaving the points that they provide an example of which the new rhetoric is...
Belgique. 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. 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.".

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."

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.

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, by the collection of studies published by Maurice Natanson and Henry W. Johnstone, Jr., entitled Philosophy, Rhetoric and Argumentation, 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. 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

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****Ibid., p. 156. [Au.]

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

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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, and Gideon Gottlieb further developed it, with particular attention to law, in his book The Logic of Choice.

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. 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 Recherches de Logique. 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, yet it did seem possible to give good reasons for using induction as a heuristic principle. 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 (1905), 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.

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 of general principles or rules such as “the nature of things,” “themselves,” or rules such as “No

23 “See ‘Jugement moral et principes moraux’,” and “Scepticisme moral et philosophie morale,” in Perelman, Droit
morale et philosophie. [Au.]
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 Ross's realist theory of the law, as has been shown in the remarkable essay by Prof. Stig Jorgensen.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

83See Ch. Perelman, "Droit, logique et argumentation," Revue de l'Université de Bruxelles, 1968, pp. 187–98. 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, 1965, pp. 171–80; and Paul Fortiers, "L'état des recherches de logique juridique en Belgique," in Études 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 Prescriptions et les fictions en droit (Brussels: Bruylant, 1974), and La Motivation des décisions de justice (Brussels: Bruylant, 1978). [Au.]
It is possible too that the new rhetoric may provoke a reconsideration of the Hegelian concept 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 deplores 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 to such a purpose.92 It remains to achieve a synthesis of...


...ingly opposed tendencies of contemporary philosophy, such as existentialism, pragmatism, analytical philosophy, and perhaps even a new version of Hegelian and Marxist dialectic.\footnote{Ch. 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.]}