2 The History of Argument

Our goal in this chapter is not to present an exhaustive history of argument. Our goal is to construct a chapter about the history of argument that is optimally usable for contemporary teachers of argument. Certainly we have drawn from a number of many fine histories of rhetoric and of the teaching of writing, and our readers may consult our citations if they wish to explore those histories in greater depth. But in the brief space we have available for this discussion, we have aimed at economy over thoroughness, at usefulness over novelty. In order to make the following material as usable as possible, we have constructed a two-part chapter. In the first part we present a "slice" or core sample of pre-modern rhetoric in the form of two recurrent themes—or more precisely, recurrent *tensions*—that mark the evolution of argument theory. These tensions in fact survive into the present age and continue to animate current day controversies. The first tension centers on the ancient enmity between philosophy and rhetoric while the second focuses on rhetoric's not always successful resistance to ossification. After reviewing these tensions, stressing their applicability to current choices teachers of argument still face, we will proceed in the second part of the chapter, to offer a more in-depth discussion of several modern theories of argument which have either altered—or have the potential to alter—the way in which argument is taught. Because there has been a sharp break over the past fifty years in our understanding of argument, and over the past twenty-five years in our approaches to teaching argument, we spend more time on argument's recent history than on its storied past. In so doing we don't mean to scant the accomplishments of the Sophists, Aristotle, Cicero, Erasmus, Augustine, Campbell, et al. Indeed, as a number of contemporary theorists we cite have themselves acknowledged, the wisdom of our forbears shines through most strongly in the best work done in recent days. Insofar our goal in this chapter is to create a usable past

by indicating the sources of our approach to argument, what follows comprises the heart of the book.

Philosophy vs Rhetoric

In one sense, everything discussed in this chapter can be understood through the lens of philosophy vs rhetoric. It's the ur struggle from whence so many of our skirmishes, then and now, have arisen. If early on most philosophers defined themselves through their differences with rhetoric, a number of more recent philosophers and critics, including Hans Blumenberg, Hayden White, Richard Rorty, Charles Taylor, Stanley Fish, Terry Eagleton, and others, have returned the favor and distinguished themselves from their peers by in some cases embracing rhetoric explicitly and in others by embracing ideas consonant with contemporary rhetoric. In the second part of this chapter where we highlight the contributions of contemporary rhetoricians, we will see that a number of them have their roots in philosophy. We will take up these more recent attempts to redefine philosophy through rhetoric later in the chapter. In the present discussion of the philosophy/rhetoric divide, however, we limit ourselves to those major themes that emerge from the ancient rupture of the two disciplines.

The ancient struggle between philosophy and rhetoric embodies many tensions, but our focus for this section will be on the central tension between and philosophers' bold claims to offer irrefutable demonstration of truths for ideal audiences, versus rhetoricians' more modest claims to persuade given audiences that a particular conclusion warrants their assent. The fact that even today, twenty-five hundred years after the debate began, prestige lies with those who claim to demonstrate truth to experts, versus those who claim to persuade general audiences underscores the uphill battle rhetoric faces in its struggle with philosophy to carve out a legitimate niche among the human sciences. Part of the problem lies in the fact that philosophy was long ago declared the winner in the struggle and subsequently the history of the debate was written from their point of view. As rhetorical theorist Susan Jarratt has suggested of the earliest rhetoricians, the Sophists, we have difficulty understanding them save through the lens of the ancient philosophers, in particular Plato and Aristotle, with whom history has sided for over two millennia. More recent history has been kinder to rhetoric, in no small part thanks to scholars like Jarratt,

and consequently it has become possible to understand it on grounds other than those imposed by philosophy. Which is not to say that the above tensions have disappeared; they have simply been reconfigured as largely internal tensions within the field of rhetoric. One particular manifestation of the struggle, for example, may be glimpsed in attempts to "professionalize" the discipline of rhetoric, to transform it into a social science capable of delivering, if not irrefutable demonstrations, reliably data-based conclusions about the world, and to become more "autonomous" or less parasitic on other disciplines. Resistance to these attempts involves the aforementioned turn toward contemporary philosophers—who mostly reject philosophic traditions that demonize rhetoric—who espouse pragmatic and constructivist views and accept rhetoric as a trans-disciplinary activity without apology.

The tension between philosophy and rhetoric or demonstration and persuasion is sometimes also characterized as the tension between truth and effect. In simplest terms, this conflict is between those who view truth as independent of people's perception of it, and those who see audience-assent as a necessary condition of deeming something truthful. In our earlier discussion of Fish and Leo, whose meta-argument is in effect a contemporary revival of the ancient one we are now considering, we termed the former view "absolutist" in that it was non-contingent and non-relational. Philosopher Hans Blumenberg rejects such a view on the following grounds:

> In the dealings of Greeks with Greeks, Isocrates says, the appropriate means is persuasion, whereas in dealings with barbarians it is the use of force. This difference is understood as one of language and education because persuasion presupposes one shares a horizon, allusions to prototypical material, and the orientation provided by metaphors and similes. The antithesis of truth and effect is superficial, because the rhetorical effect is not an alternative that one can choose instead of an insight that one could also have, but an alternative to definitive evidence that one cannot have, or cannot have yet, or at any rate cannot have here and now. (435-6)

What philosophers suggested for centuries was possible is precisely what Blumenberg is here saying is not possible—definitive evidence for

the truthfulness of their assertions in the here and now. Blumenberg's refusal to separate truth from effect points toward an acceptance of the fact that, as Burke puts it, we live in "Babel after the Fall" where the only alternative to force is to establish identification between speakers, a state that must be earned through considerable exertion and guile thanks to all those barriers of language, gender, class, and so forth that always already exist.

For Blumenberg as for Burke, only when speakers share a horizon does conversation, let alone persuasion and identification become possible. In a post-lapsarian world, truth is social. One is certainly free to assert that "definitive evidence" for one's point of view exists outside the awareness or understanding of those fallen souls with whom one converses, but that assertion itself carries no force absent others' willingness to grant it. A truth which has no effect, which gets nothing done in the world, is not much of a truth. A number of contemporary debates confirm the futility of appealing to sources of authority not granted by the targets of one's argument. The debate between creationists (or proponents of "intelligent design") and evolutionists, for example, is a clash of incommensurable languages and incongruent horizons. Not only is resolution of the question impossible to imagine, a meaningful conversation among the adversaries is difficult to envision. Whether my truth lies in a coherent theory buttressed by a century of empirical data or in the poetry of ancient holy text, it will not be received as truth unless our audience shares the horizon within which it resides. Even geometric proofs cannot be "demonstrated" unless the axioms on which they rest are granted. The incommensurable nature of various truths and vocabularies has of late given rise not only to rancorous and futile public debates, but bloody and violent clashes between incommensurable belief systems

The first great champion of the view opposed to the one attributed here to Blumenberg and Burke was Plato. The target of his scorn was of course the earliest school of rhetoricians, the Sophists. Ironically, Plato's stance toward the Sophists is articulated in a series of oratorical set pieces in which he deploys a range of rhetorical practices that bear an uncanny resemblance to the ones he charges against his adversaries. To make matters worse, Plato's practices are even less savory than those promoted by some of his targets. In particular, Plato's is a markedly "asymmetrical" rhetoric, to borrow a term from Thomas Conley (6-7). It is asymmetrical insofar as the speaker, Socrates in the case of Plato,

is active, knowledgeable and has an agenda while his interlocutors, especially if they happen to be poets or Sophists, are typically passive, gullible and full of false knowledge. Ostensibly of course, Plato's Socrates has the best interests of his interlocutors at heart and the express goal of his interrogations is to educate them, to save them from the error of their ways by serving as a midwife who plucks truth from their unsuspecting consciousness. In theory, Plato has no designs on his audience and is the purest of persuaders. But even he cannot persuade his audience to acknowledge truths that lie beyond their horizons. Conversation cannot transport his audience to the unassailable truths he wishes to share. He must resort to the same sort of manipulative practices his foes are famous for using. Plato's genius lies not in his ability to craft logically airtight arguments but rather in his unmatched ability to disguise his asymmetrical rhetoric as dialogue.

In contrast to Plato's reliance on asymmetrical rhetoric, Protagoras is generally credited with developing a form of "antilogic" that renders dialogue open-ended, allowing the beliefs (*doxa*) of each speaker to play a role in the resolution of an issue.

> The Protagorean view . . . appears to be bilateral, in that the two sides of a question must be brought to bear on each other to effect some resolution of the issue at hand. Since neither side is privileged a priori over the other, and both are founded on the hearer's doxa, we may characterize the relationship between speaker and audience as "symmetric." (Conley 6-7)

Plato's manipulation of this form of dialogue makes clear how difficult it is to reconcile an absolutist faith in one's beliefs and genuine dialogue. If one privileges some beliefs a priori over other beliefs before a dialogue begins, one cannot hold out the possibility that those transcendent beliefs might be changed in the course of that dialogue. The only way that a dialogue might cause other beliefs to displace the a priori privileged beliefs is through some sort of chicanery. All of which takes us back to the Fish vs Leo debate in the previous chapter. Only "relativists" and those with dangerously "multiculturalist" leanings might hold out the possibility that genuine dialogue with one's enemies could be a good thing or that one's own views might actually be changed by such an exchange. The fact that the "absolutist" in the modern day version of the Sophist v Platonist debate fails to lay

claim to any specific universal absolutes is symptomatic of the differences between the ancients' world and our own. Today's absolutisms, as M. H. Abrams once wryly noted, are sorely lacking in absolutes. Like Leo, most latter-day Platonists tend to rely on jeremiad as their primary vehicle of persuasion. By focusing their attack—and their audience's attention—on all the things that have gone wrong since approximately 1968 when the relativists took over the asylum, Leo and his ilk can avoid reference to any absolutes other than those that have sadly lapsed. The treatment of these universal values is in turn more of an exercise in nostalgia than in analysis.

Implicit in the opposition between ancient philosophers and rhetoricians, and their more recent incarnations, are different assumptions about the ends of reasoning. The ancient philosophers' rejection of effect as an aspect of truth is part of a larger difference between the two approaches. The end of reasoning for philosophy is some sort of discovery—of truth, of reality, or of the good—which will then be known and shareable. For rhetoric on the other hand, the end of reasoning is a choice; to be sure the choice may bring us closer to truth, reality or the good (and if any of the three are privileged by rhetoric it would be the latter, as we have indicated), but it is the act itself, performed in a particular time and place to bring about a particular outcome, not knowledge for its own sake, that motivates the process. Indeed, according to Blumenberg, the rhetorical situation is such that one "[lacks] definitive evidence and [is] compelled to act" (441), versus Plato who, according to Blumenberg, "institutionalized" the notion "that virtue is knowledge," thereby making "what is evident . . . the norm of behavior" (431). By Plato's lights once one possesses right knowledge one is compelled to act in virtuous ways, while rhetoricians hold that virtue must be compelled anew in each new situation, using incomplete information and means specific to that situation.

One of the major advantages possessed by philosophers promoting knowledge rather than action as the end of reason has to do with the need in some cases to reduce one's choices to two—the choice one recommends and all the alternatives one has passed over. As James Crosswhite has noted, this process can lend a reductive tincture to the products of rhetoric: "The need to take action, and thus the need for choice, sometimes forces bivalence—that is, demands a yes or no to the claims of arguments—but this should not be confused with the demands of reason" (36). What reason demands and what rhetoric is

designed to produce is an expanded field of choices from which one can select, and more a clearer, more transparent, sense of criteria one might use in making that choice. Because philosophers don't necessarily have to act on the knowledge they discover, because the closest they have to come (cases of applied ethics notwithstanding) to choice and action is the occasional translation of principles into rules, they are saved the considerable grief that comes of wrong choices. History is littered, meanwhile, with winning, rhetorically superb, arguments that led to unsuccessful, unintended and even downright disastrous, consequences.

From rhetoricians' perspective, philosophers like Plato routinely flout the proverbial injunction against allowing the perfect to become the enemy of the good. While traditional philosophers have conjured perfect answers to life's most profound questions, they have needed to step outside history to do so and their answers seldom weather re-entry intact. Rhetoricians, on the other hand, have always restricted themselves to imperfect but workable answers to questions in the here and now. By refusing to step offstage into a golden past, a transcendent future or some unimaginable new paradigm, rhetoricians render themselves useful in the public sphere. Indeed, many of the earliest rhetoricians were public figures of some note who argued legal cases, helped pass legislation and helped define the values of their society. The great system-building philosophers of centuries past offered comprehensive frameworks that thoroughly explained the ways of the world and anticipated all life's important questions, though they seldom had significant impact (again, moral philosophers notwithstanding) on the day-to-day working of the world they lived in. Today, few philosophers presume to offer unified field theories of things. But that does not mean that their traditional role in the philosophy v rhetoric debate has disappeared; today it is filled by a class of thinkers, a subset of absolutists, sometimes referred to as ideologues.

While "ideologue" is a term sometimes used to designate a deviant person with biases and prejudices as opposed to a rational person free of subjectivist taint, our own use of the term here is more restricted. We don't equate rationality with objectivity and we do assume that everyone has biases, prejudices and beliefs that shape and limit their perceptions. ("A way of seeing," Burke reminds us, "is also a way of not seeing . . ." [*Permanence* 49].) We also assume that our beliefs and assumptions are corrigible, that they can and do change, and that

while sometimes a change in belief is an epiphenomenon that follows a change in our experience, it is at other times a foreseeable outcome of an intentional and disciplined pursuit of novel views or disconfirming evidence, and of interchange with others. We assume in fact that the latter possibility represents an enabling condition of rhetoric. We also join with Aristotle in subscribing to the belief that it's easier to change minds a little than to change them a lot and that the readiest way of getting people to move toward unfamiliar beliefs is through familiar ones.

That said, we also acknowledge the existence of those who hold their beliefs with such single-minded tenacity and are so resistant to change that they deserve a special designation. In extreme cases they might be known as fanatics. But in the ordinary scheme of things the term ideologue seems more serviceable. They hold with remarkable tenacity to a handful of ideas that suffice to explain some piece of the world exhaustively and that contain at least the germ, they are occasionally emboldened to assure us, of a universal explanation. Ideologues are largely unmoved by arguments that oppose or evidence that disconfirms their beliefs. Faced with uncooperative facts or fatal counter-arguments, they may well choose either to mischaracterize or ignore the opposition. While they might grant the remote possibility that their beliefs could at some future date be shaken, the burden of proof they impose on their critics is all but unattainable. Their belief in God (not yours, theirs), the Free Market, Undecidability, or the New Paradigm is complete and any unfortunate consequences that may follow from acting in the name of their prime mover are brushed aside or rationalized. They view those who practice "antilogic" and promote symmetrical rhetoric as weak-minded and dangerously vulnerable to ideas that threaten our—which is to say, *their*—very way of life.

Which is why rehearsing some of Plato's major arguments against rhetoric proves to be sound preparation for arguing with today's ideologues and for anticipating arguments that our students' have imbibed from the numerous, well amplified ideologies available in today's clamorous marketplace of ideas. While some of today's most forceful ideologues argue their cases with the same sincerity that Plato argued his, others have made lucrative niches for themselves in media markets by becoming what we have come to refer to as "ideo-tainers," professional talking heads who offer their shrill, often outlandish claims, more to sell books and air time more than to advance a legitimate

or even coherent position. With the mushrooming in recent years of all-news cable channels and Internet blog sites, the line between entertainment and news has all but disappeared, making stars of people who appeal to various carefully cultivated constituencies. The sort of faux ideologues who emerge in this market along with the various true believers who appear to operate mostly in the print market offer profoundly asymmetric models of argument to our students. Which is why learning the ancient skill of "antilogic," or dialectic, may prove to be a crucial survival skill.

The one figure from ancient rhetoric most worth lingering over in our highly condensed treatment of argument's history is Aristotle. Some would say that all one needs to know about argument is to be found in Aristotle. The rest are footnotes. While our admiration for Aristotle is great we also recognize a need to "discount" his treatment of argument for today's students. Moreover, we would suggest that a number of the modern day figures we touch on in this chapter, have done precisely that, expanding on Aristotle's understanding of argument's scope, setting aside some of his more parochial judgments about audience and recasting his insights so as to accommodate modern views about the effect of media on messages and the more active role that language plays in understanding.

Aristotle transcends the eternal struggle between philosophy and rhetoric, making rhetoric a respectable, if second tier sort of enterprise, useful for getting the world's work done. He is the first great systematizer of rhetoric, the first to offer a thorough analysis of its dynamic as well as a thorough taxonomy of its elements. He avoids the chronic philosopher's problem of allowing the pursuit of the perfect—represented by science and philosophy—to eclipse rhetoric's pursuit of the useful. He creates an intellectual space for rhetoric, calling for recognition of probable truths and acknowledgment of the impact that circumstances have on truth. He also makes clear that the proper power of rhetoric lies not so much in the design of winning arguments, as in the capacity to "see the available means of persuasion." An important element of that capacity lies in one's ability "to argue persuasively on either side of a question, . . . not that we may actually do both (for one should not persuade what is debased) but in order that it may not escape our notice what the real state of the case is and that we ourselves may be able to refute if another person uses speech unjustly" (I.1.12). Aristotle also made the study of audience into a primitive science.

While his early audience psychology probably strikes a contemporary reader as crude and stereotypical, a forerunner of "humors psychology," he makes a clear and convincing case for the importance of establishing a common ground with one's audience by attending to their beliefs and assumptions. Whatever the limitations of Aristotle's views on audience psychology, his willingness to take audience into account represents a major advance over Plato's disdain for the beliefs and assumptions held by his audience.

That said, Aristotle privileged the arts of dialectic and demonstration over the art of persuasion and was considerably less egalitarian than many of the early Sophists; he was also more suspicious of emotional and non-rational dimensions of truth. He appears to have shared the popular distrust of the Sophist tendency "to make the weaker seem the better cause" (II.24.11). In the latter case, he clearly had in mind the "unjust" use of antilogic by Sophists who after "arguing persuasively on either side of a question" elect the weaker case because it serves their interests, not those of the truth. But who is to judge finally which is the weaker and which the stronger case? Surely any argument which frustrates or weakens our own will appear to us weaker. Aristotle's argument here is perilously close to being circular: he presumes to know what can only be determined by testing arguments against one another. Setting aside Aristotle's occasional blind spots with regard to the Sophists, we now turn our attention to some of the reasons why Aristotle remains important, and more importantly how we might adapt his thoughts for use in the contemporary argument classroom.

Aristotle's distrust of non-rational means of persuasion is certainly understandable in the context of his time. Like Plato, he saw philosophy as a means of displacing the retrograde forms of reasoning inherited from the Greek myths, myths which the Sophists drew upon liberally as a source of doxa. As Susan Jarratt has argued, the early philosophers' hostility to rhetoric can be understood in part as a hostility toward any form of non-rational persuasion. She notes of Plato, for example, that he feared "the poetic transfer of crucial cultural information, because of its hypnotic effects [and] argu[ed] that it fostered an uncritical absorption of the dominant ideology" (xxi). While Aristotle's opposition was more muted than Plato's, and while he certainly recognizes a place for emotions in argument—at least so long as they are properly and exhaustively categorized and sorted into opposing pairs with virtue at the midpoint—he never seems completely comfortable with emotion

and spectacle, two of the primary tools of ancient bards and Sophists alike, and offers only grudging acknowledgment of their significance. He includes spectacle, thus, as one of the six elements of drama in *The Poetics,* but deems it the least important element, dependent "more on the art of the stage machinist than on that of the poet" (VI) and chides those who rely on spectacle as opposed to the inner workings of the plot to create dramatic effect. In *On Rhetoric,* he takes to task the handbook authors (i.e., the Sophists) for their overemphasis on forensic or courtroom rhetoric: "for verbal attack and pity and anger and such emotions of the soul do not relate to fact but are appeals to the juryman" (I.1.4), and calls for a shift in emphasis to deliberative rhetoric with its more rational appeals. Implicit in Aristotle's reluctant attention to spectacle and emotion is a distrust of popular audiences, a distrust exacerbated by his tendency, in Burke's words, to view "audiences purely as something *given*" (*Rhetoric* 64) rather than in part a construct of the rhetor. In particular he reminds us several times about the limited abilities of popular audiences to absorb complex chains of reasoning.

The key to helping move beyond Aristotle's distrust of the non-rational is to move beyond his tendency both to typecast and disdain audiences. So long as audiences are understood to be creatures of their prejudices and emotions, non-rational appeals in argument will be viewed with suspicion. Students need to be exposed to more complex understanding of audience. In particular they need to understand that audiences, as various recent theorists from Walter Ong, Lisa Ede and Andrea Lunsford to Kenneth Burke, remind us, are both "addressed and invoked," catered to and created. Which is why we like to begin stressing from day one in our argument classes the metaphor of argument as conversation and the processes of collaborative invention. This notion of audience plasticity, which may be difficult for students to get their heads around as a purely intellectual concept, is much more understandable at the level of peer interaction.

A second useful element of Aristotle that needs to be recast for today's classroom concerns the sites of argument. He seems to imagine a limited number of venues and occasions where arguments take place (the legislature, the courtroom, the ceremonial occasion), while argument today is a good deal more diffuse. One can watch it play out on television or hear it on the radio, read it in the newspaper or download it off the Internet. Argument may go on over extended periods

of time and come in staccato installments, sound bites and ripostes, attack ads and counterattacks. Often arguments in the public sphere will take submerged forms, supporting or critiquing a position by allusion to another position, or by championing an alternative without naming the position to which it is an alternative. Hot button public arguments don't so much evolve as metastasize as interested third parties to the dispute weigh in from talk shows, news programs, blogs, ads, editorials, leaked innuendo and so forth, offering new, not always reliable, "factual" revelations, and new lines of reasoning. Often such arguments will include more, sometimes many more, than two possible positions. In this regard, we have found it helpful to have students to keep journals in which they monitor ongoing controversies as opposed to focusing strictly on stand-alone, written arguments. It is interesting, in this regard, to observe how often new lines of argument appear in magazine pieces and editorials that are plucked out of the Internet ether and set down in print without attribution. (A recent example observed by one of our students following the Iraq War controversy concerned the abrupt, simultaneous appearance of an analogy to Vietnam—not an event war supporters had previously been eager to invoke—in the arguments of several conservative war-supporters who pointed to the almost immediate collapse of the South Vietnamese army after the American withdrawal. Like all analogies, this one suggests multiple possible conclusions including the one that says even if we stayed in Iraq for as long as we stayed in Vietnam and lost as many lives as were lost in Vietnam we would still not be able to assure the sovereignty of the Iraqi government. The war supporters unanimously rejected this possibility in favor of one suggesting that in withdrawing we would be responsible for whatever catastrophe ensued in Iraq.)

Finally, argument today relies much more heavily on visual elements than did argument in Aristotle's day. Particularly in the realms of advertising and marketing, an argument's appeal may be purely visual. In many realms, the visual medium provides a critical context for the textual message. In part, of course, this all has to do with the highly mediated environment we live in. Rarely do we attend a debate or hear an argument first hand. We are much more likely to learn of things through a highly manipulable medium that filters the message in very intentional ways. One can go on YouTube twenty-four hours a day and see countless imaginative takes on current controversies, highly edited and supplemented versions of public figures presenting

arguments. These amateur videos can be at once both partisan and amusing. The other reason why the visual so often supplants the textual in the presentation of argument today has to do with a phenomenon that Aristotle himself understood: arguments that do not appear to be arguments often have a much better chance of slipping past our cognitive filters than more straightforward rational appeals. Such arguments may rely substantially or even entirely on the very "spectacle" that Aristotle disdained, on set design, backdrop, visual cues, camera angles, and so forth, offering few if any propositional arguments. Most current argument textbooks pay some attention to visual elements of argument—particularly in print advertising—and we highly recommend spending class time discussing and applying some of their lessons. That said, the specialized vocabulary needed for serious analysis of visual arguments, in their many different modalities, is so formidable that in writing classes focused on argument we can hope to do little more than sensitize students to the visual dimension of argument.

In sum, Aristotle's *On Rhetoric* remains an excellent source for understanding the production of persuasive texts and speeches, albeit one that offers little help in understanding how non-propositional events and behaviors function persuasively. Aristotle the philosopher privileges the rational, the occasional, and the textual elements of argument—and certainly these elements remain important to any contemporary discussion of persuasion—at the expense of the non-rational, mediated and visual elements of argument. Or to put the matter in Aristotle's own very useful terminology from Book II, the balance among his three "artistic" modes of persuasion (as opposed to various "inartistic" means such as torture), has shifted dramatically in recent years, from logos to ethos and pathos. In Aristotle's presentation of how these modes interact, ethos or the speaker's character—the rhetorical situation is invariably oral in Aristotle—is used to cast her remarks in the best possible light and thereby to gain an audience's attention; by awakening her audience's emotions (pathos), meanwhile, the speaker moves her audience toward action or sympathetic reception of the decision she calls for. Logos or logical argument is then used to make the speaker's case probable and alternatives improbable. Ethos and pathos here serve an important, but supplemental function in this scheme of things. The heart of the matter is the design of the argument's structure and the selection of reasons and evidence that will carry the most weight with the audience. Logos plays the same central role, for simi-

lar reasons, in Aristotle's rhetoric, as plot plays in his poetics; it is the soul of the piece, the driving force of the argument. But today, when ethos may be derived from celebrity as readily as from expertise or linguistic virtuosity, and when pathos can be invoked by a striking image and a poignant bar of music, persuasion can be earned with far less of the heavy lifting required by logos than in Aristotle's day and students need to be more aware of these "non-rational" dimensions of argument.

Rhetoric's Ossification Problem

The eternal struggle between philosophy and rhetoric has important implications for our second theme in the history of rhetoric, the recurrent devolution of rhetoric's imaginative powers into rigid systems and formulas. The question posed by rhetoric's perpetual ossification problem is this: to what extent can rhetoric be methodical without becoming inert. Kenneth Burke considers this question under the heading of the "Bureaucratization of the imaginative," which he deems "a basic process of history" (*Attitudes* 225) that can be slowed down, but never stopped or overcome. It arises when one of many possibilities generated by a principle or insight is carried out to the detriment of other possibilities. But of course for any possibility to be translated into actuality other possibilities must be ignored or less than fully exploited. We all experience this in our own lives as each choice we make about who we will be and what we will do forces us to set aside other choices. If dreams are to become reality, if politicians' promises are to become policies, if founders' visions are to become institutions, if inventors' schemes are to become products, if philosophical and religious beliefs are to become laws, other possibilities will have to be foregone or forsaken. Just as every way of seeing is a way of not seeing, every way of actualizing our vision is a way of not actualizing another vision.

But however inevitable and innocent the origins of this process, it can, over time, have more sinister implications. Originating insights gradually become orthodoxy and the systems they gives rise to become hierarchies that sort out and prioritize elements of the hierarchy according to the originating principle. Eventually the sometimes problematic hierarchy becomes a cumbersome bureaucracy, dedicated more to its own perpetuation than to the realization of the originating principle and the possibilities which the structure was founded to real-

ize. Those atop the bureaucracy claim the orthodoxy as a possession to which they alone hold title and offer themselves as personifications of the principle to their underlings, at which point the "unintended by-products" (*Attitudes* 226) of their actions overwhelm the glorious possibilities that generated support for the originating principle. A classic example of bureaucratization involves the inversion of the Puritan doctrine of election, whereby the signs of election are converted into the causes of same and simultaneously whatever means the well-to-do "elect" used to earn their fortunes are divinely sanctioned while the lackluster fortunes of the non-chosen are attributed to failures of piety. A religious program to encourage humility and selflessness is thereby transformed into an apologetic for the status quo and various unsavory exercises in status enhancement. The basic logic of this three-hundred-year old canard can still be glimpsed in arguments from contemporary American political discourse. As Burke points out, all systems designed to actuate ideals eventually reach a point of diminishing returns when maintaining status within the system becomes the raison d'etre for the system.

Unfortunately, Burke's observations about bureaucratization hold true for all attempts at systematization, even for attempts to systematize rhetorical understanding. To adopt a *methodology* of invention means "that improvements can now be coached by routine. Science, knowledge, is the bureaucratization of wisdom" (*Attitudes* 228). Routine, to be useful, must be accorded axiomatic status. Or in Burke's homelier phrase, routine becomes a "cowpath" which "has been retained not because it has been criticized, evaluated and judged to be the best possible process, but simply because no one ever thought of questioning it" (228). Not even Burke's own methodology is excluded from his methodological critique. "Our formula, 'perspective by incongruity,' is a parallel 'methodology of invention' in the purely conceptual sphere. It 'bureaucratizes' a resource once confined to a choice few of our most 'royal' thinkers. *It makes perspectives cheap and easy"* (228-9). While this move entails some "deterioration" in insights yielded by the method, it also results in "a corresponding improvement in the quality of popular sophistication" (229) which to Burke's way of thinking at least, justifies the move. Perhaps the best known example of Burkeian methodology within the composition classroom involves the widespread use of his dramatistic approach, in the form of the Pentad—act, agent, agency, purpose, scene, and, sometimes,

attitude—as a heuristic device. In our own view, most attempts to adapt Burke's dramatistic approach to writing classes results in undue deterioration of insights and loss of connection to the larger context from whence the approach originates. (The most notable exception to the latter caveat is David Blakesley's fine little introduction to the subject, *The Elements of Dramatism*.) Divorced from Burke's concept of "ratios," or relationships among the elements of the pentad, the pentad functions as little more than the old "Five W's" of the journalistic lead: Who? What? When? Where? Why? and sometimes How? But in the end, every teacher must weigh the gains in insight against the losses in "wisdom" entailed in the adoption of any classroom methodology.

This extended Burkeian preface to the subject of ossification is intended to put this issue into a perspective too often lacking when the subject of method is raised in the context of teaching argument. In the field of composition, the process whereby insights are converted into routines and heuristics become formulae is typically treated as capricious, avoidable and hence abominable. The value of democratizing a resource is subsequently overlooked and the mere presence of routine in a system will cause some to demonize it as "current-traditional." To be fair, there have been abundant examples in our history of cases in which pedagogies designed to help beginners master the art of rhetoric morphed into systems guaranteed to stifle people's imaginations, muck up their prose and alienate them from the subject we love. But unless we learn to tolerate a certain element of "bureaucratization" in our classrooms, we are in danger of turning rhetoric into an elitist (and essentially unteachable) art largely reliant on each individual's finely honed eye for the accuracy of representations—what in the eighteenth century would have been referred to as "taste"—rather than a rational, social, and replicable means of inventing meaning. The ossification problem, in sum, raises the most fundamental sort of questions about the teaching of argument, including the most fundamental of all—Just what *is it* we teach when we teach students how to write arguments?

Evidences of early ossification are apparent in disparaging references to the first "handbooks" of rhetoric, forerunners to today's textbooks. While some of this criticism is surely a function of philosophers' general disdain for rhetoric, at least some of it seems to have been merited. After Aristotle, according to George Kennedy, the urge to codify

and systematize rhetoric grew apace with a general intellectual decline that overtook the ancient world.

> The acceptance of rules of art, of right and wrong answers, meant the beginning of that process of ossification which overtook all of ancient creativity. Practice within the art was controlled more and more by strict rules. The artist was more and more a virtuoso, exulting in the game and in its rules. The only place for enlargement was in the rules themselves, and thus we may expect to find the detailed working out of most of the subjects outlined in the early handbooks. . . . The development of rhetoric into a closed system was the prelude to a concept of life and thought as a closed system. (124)

While Aristotle elaborated the elements of rhetoric, explained its dynamic, and situated that dynamic within the context of other approaches to understanding, his successors too often contented themselves with the enumeration of elements, ignoring in the process Aristotle's larger concerns. Consequently they generated ever more elaborate terminologies ever more removed from everyday language and ever less applicable to practical concerns of the sort that early rhetoric emphasized. All one needed to know to argue successfully were the rules of argument and the parts of a persuasive speech. Each case was foreseen by the rules and categories of rhetoric while all "the mitigating circumstances of actual life" (Kennedy 267) were ignored in favor of plugging the case into the proper category and chugging out the solution dictated by the category. But the moment rhetoric gives up its concern for mitigating circumstances and the particulars of a given situation, it ceases to be rhetoric in any meaningful sense.

Put another way, this focus on the rules of rhetoric comes at the expense of attention to the uniqueness of each rhetorical situation, a concern the early Greeks termed kairos (timeliness). Kairos was particularly important insofar as it served as a tool for resolving apparent antinomies generated by the Sophists' antilogical approach to understanding. As Kennedy notes apropos of Gorgias' concern for kairos: "Any given problem involves choice or compromise between two antitheses so that consideration of kairos, that is of time, place, and circumstance . . . , alone can solve the dilemma and lead to the choice

of relative truth and to action" (66). When laws and principles (or rhetoricians' rules) contradict each other, logic and ossified systems of thought will not help one out of the impasse. A priori hierarchies of value cannot help one decide which of two or more legitimate rules is more appropriate for a particular set of circumstances. Unless one can make such decisions one cannot act and rhetoric becomes a ceremonial activity virtually useless in the public sphere save as a degraded form of entertainment. If we learn nothing else about present practice from various historical versions of the ossification problem, it is the understanding that rhetoric is a "science of single instances," and that in the end, methods must accommodate circumstances.

Our tendency to forget the centrality of circumstance to understanding in rhetoric has been visible (literally) in writing classrooms for centuries. Anyone who has taught writing in college for more than twenty years will recognize in the current-traditional model of writing pedagogy a remnant of the "closed system" of rhetoric that prevailed more than two thousand years ago. Argument received little attention in such courses largely because once one consigns matters of critical literacy to other realms one is left with little of interest to say about persuasion save for promoting the five-part organizational structure that was considered the essence of good argument. Students were not encouraged to work with each other in such a course because the models and structures around which the course was built were visual and therefore readily available for replication by each individual; the invisible aspects of writing, conversation and all the processes that precede the product, were thus effectively abolished, and processes of invention were reduced to visualization exercises such as outlining and sentence diagraming.

For contemporary teachers of argument, the lesson to be learned from this centuries-old struggle is two-fold: we must on the one hand take great care in our teaching to guard against adopting or developing methods of teaching that make the construction of argument *too* "cheap and easy," reducing it to little more than an exercise in "plugging and chugging;" on the other hand, we must find ways of materializing and making available to beginners tools for producing insight and meaning. If we fail on the one side, our discipline will devolve back into a useless formalism; if we fail on the other side, our students will be denied access to the most powerful , least mysterious, "equipment for living" available to ordinary people.

Key Figures of Modern Argument Theory

Introduction to Kenneth Burke

The influence of Kenneth Burke on our approach to the teaching of argument, as should be clear by now, is enormous. We rely heavily on his terminology, his vocabulary of sometimes quirky terms, to articulate key ideas about both rhetorical and pedagogical theory. He is the lens that allows us to take both the short and the long views, to see the whole of the rhetorical enterprise and the role of argument within that enterprise. He is, we would argue, the one figure since Aristotle who sets out to encompass the full scope of rhetorical theory within the context of larger philosophic concerns. While he is not, we would also argue, a philosophic "systematizer," he is unwavering in his attention to the relationship between the general and the particular, the concept and the percept, the scene and the act.

Which is mostly how we have been using him up to this point. We've used his concept of "self interference" to sketch out a continuum of argument practices running from the audience-focused, advantage-seeking propagandists and advertisers to the act-centered, truth-for-its-own-sake-seeking pure persuaders. While allowing that in the world we occupy there is an element of advantage-seeking in every argument, Burke's general vision of argument practices shifts the emphasis away from winning over audiences to the search for more robust truths capable of encompassing initially antagonistic positions and "purifying" warfare into dialectic. We've acknowledged more than once his notion that a way of seeing is always also a way of not seeing, and that our instruments for seeing are "terministic screens," linguistic filters that render perception and evaluation simultaneous. It's this focus on language as an instrument of knowing that causes us in turn to place him in the company of those philosophers Richard Rorty calls "edifying," those whose aim is "to help their readers, or society as a whole to break free from outworn vocabularies and attitudes, rather than to provide 'grounding' for the intuitions and customs of the present" (*Mirror* 12).

The major question posed by Rorty's edifiers and by Burke is this: How do we avoid becoming victims of the very language we require to access the world? Or as Burke's "The Lord" remarks to "Satan" in the dialogue concluding *The Rhetoric of Religion:* "[W]here Earth People

are concerned any terminology is suspect to the extent that it des not allow for the progressive criticism of itself" (303). For Burke, the key to achieving this sort of critical self-awareness is his dramatistic approach to understanding, what in his early work he refers to as "perspective by incongruity." Hans Blumenberg in his essay redeeming rhetoric for the late twentieth century, refers to something very much like Burke's perspective by incongruity when he cites "the procedure of comprehending something by means of something else" (Blumenberg 439). For Burke, to understand anything is not to understand it *as* something, a member of a category, but rather to see it *in terms of* something else. Hence the "ratios" of his dramatistic method. According to dramatism, there are five (eventually six) elements that contribute to a well rounded understanding of human motivation: act, scene, agent, purpose, agency and, later, attitude (which is an incipient act). In analyzing discourse to understand why something was done, or should be done, one would ideally consider all possible combinations of the elements, act-scene, scene-act, agent-act, and so forth. The relationship between any two elements is expressed as a "ratio." In any ratio, the second term functions as a sort of provisional essence for the pair. So, for example, in an act-scene ratio, the act is understood "in terms of" the scene which is in effect the lens through which act is understood. Various schools of philosophy are characterized by their tendency to privilege one of the terms, continually seeing all other elements "in terms of" the privileged element. Naturalism, thus, characteristically privileges scene such that human acts are understood primarily as a consequence of scenic conditions.

Burke's "paradox of substance" whereby a word "used to designate what a thing *is,* derives from a word designating something that a thing is *not* (*Grammar* 23) points us again away from the Law of Identity ("A is A") toward a more metaphorical mode of understanding. Finally, there is his notion of "representative anecdote" "itself so dramatistic a concern that we might call it the dramatistic approach to dramatism" (*Grammar* 60), whereby the whole is represented by one of its parts. To understand anything, we must understand it in its context, in the light of extrinsic matters and apposite terms that are *not identical to it,* but are rather *identified with it.* The basic relationship represented in language is thus metaphorical (Category Y is best understood by understanding Part X) rather than categorical (All that we need to know is that Part X is/belongs to category Y).

When our terminologies fail to allow for progressive criticisms of themselves, when we quit seeking perspectives by incongruity, we fall prey, among other things, to the earlier discussed tendency toward bureaucratization of the imaginative. While the bureaucratization of the imaginative is an inevitable process in Burke, our capacity for self-criticism allows us to stave it off and keep alive as long as possible our imaginative awareness of the originating principles that define the good life and animate our quest to realize it. If all this sounds far removed from the teaching of argument, let us return to the two essays we discussed in the first chapter by Stanley Fish and John Leo. Our criticism of Leo's position and our preference for Fish's can be traced directly back to their stances toward "progressive self criticism." Leo's rejection of "multiculturalism" as a front for anti-Americanism, is of a piece of his general rejection of attempts to understand the events of 9/11 in terms of "root causes" or "the need to 'understand' the terrorists and to see their acts 'in context.'" Any alternative way of seeing 9/11 "in terms of" something else threatens Leo's settled world view and is dismissed out of hand. Fish on the other hand sees the task before us precisely as getting past the various "false universals" that blind us to the world they name and "putting [our]selves in [our] adversary's shoes." Only by unsettling one's world view in this way can one stay alive to the animating principles of that world view, "the particular lived values that unite us and inform the institutions we cherish and wish to defend." The Fish v. Leo argument, in short, illustrates many of the basic principles of argument that Burke outlined so eloquently throughout his long career.

Burke's Realism. Burke offers perhaps the most economical characterization of his approach to rhetoric near the conclusion of the opening section to A Rhetoric of Motives, "The Range of Rhetoric." According to Burke, 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" (43). Burke's "realism" here refers to philosophic realism as that term is understood in the medieval debate between the nominalists and realists. The foremost proponent of nominalism in that debate, William of Occam, is best known today for Occam's Razor, the proposition that "entities should not be multiplied beyond necessity" (*Grammar* 324). Burke's realism, meanwhile,

requires equally that "entities should not be reduced beyond necessity" (324). When it comes to the needless multiplication of entities, the primary culprit for Occam is language when it is used for more than naming the immediate subject. All generic terms and abstractions are guilty of naming all sorts of superfluous entities. Such terms are viewed by nominalists as "conveniences of language" and not "real substances" (*Grammar* 248). But of course what Burke's paradox of substance suggests is that one can never use language simply to name an immediate subject. Every word designating what something is necessarily designates what it is not as well. Consequently, what a word connotes is as crucial to its meaning for Burke as what it denotes. Indeed, we have no access to the individual save through the symbolic or categorical: "Man, qua man, is a symbol user. In this respect, every aspect of his 'reality' is likely to be seen through a fog of symbols" (*Rhetoric* 136) As symbol-using animals, humans experience "differences between this being and that being as a difference between this kind of being and that kind of being" (*Rhetoric* 282). It is precisely this tension between the particular and the general, between the denotative and connotative functions of language, that lends language its symbolic resonance and enables us to see one thing "in terms of" another. Without that resonance and that capacity for "multiplying entities" beyond the here and now, language would be unable to induce cooperation among individuals who are themselves marked simultaneously by similarities and differences.

Again, this discussion of Burke's philosophic realism can seem at first far removed from the argument classroom. But it most assuredly is not. Take, for example, the notion of political correctness. While ostensibly a neutral term, it has been wielded in recent years most effectively by conservatives in national political debates. Squeamish liberals, so goes the argument, are incapable of "telling it like it is." They are forever inventing euphemistic expressions to paper over their various "agendas." Any number of gruff, "plain-spoken" conservative pundits make a living puncturing liberals' pretentious phrases and substituting a language "plain and simple as the truth," transforming "affirmative action" to "reverse discrimination" and so forth. (Comedian Steven Colbert of "The Colbert Report" spoofs conservative commentator Bill O'Reilly's pretensions to plain-spokenness with his "Word of the Day" segments, in which seemingly innocuous words and phrases are tortured beyond recognition by Colbert while an ac-

companing textual counterpoint silently undermines Colbert's earnest efforts at definition and lays bare his own partisan agenda.) These are people operating in the tradition of Occam, eager to reduce the unnecessary multiplication of meaning, and more recently in the tradition of Jeremy Bentham, who devoted his days to rooting out the insidious "question-begging appellative" (*Rhetoric* 92) that named more than one thing, placing the subject in a "eulogistic" or "dyslogistic" light thereby prejudging the subject in much the manner that circular reasoning anticipates the conclusion in its major premise.

Underlying the use of political correctness and the thinking of Occam and Bentham is the belief in a neutral, purely denotative language that names an "objective" reality, that in fact tells it like it *is* without hinting at what it's not. What Burke's definition of rhetoric immediately makes clear is that no such language exists. (Burke does acknowledge a "positive order of terms" [*Rhetoric* 183-84] that name things in the here and now, and recommends staying within such an order whenever possible. But beyond highly conventionalized terminologies, as in the sciences, that carefully avoid natural language and stipulate terms native to their discourse, opportunities for limiting ourselves to the positive order of terms are extremely limited.) Every word carries within itself the seeds of both eulogistic and dyslogistic meanings and in order to understand the term, it must be understood in use, within a context, and discounted appropriately. As Burke is quick to point out (*Rhetoric* 95), even Bentham's own utilitarian vocabulary granted certain terms eulogistic shadings regardless of usage, thereby running afoul of the very myth of neutral language he promulgated.

Burke's realism is not just a philosophical realism but an everyday realism as well. For all the power Burke grants to language, he also recognizes the considerable veto power that extralinguistic reality holds over words. However grand our visions and however persuasive our vocabularies, the failure of the material world to ratify our arguments is fatal for Burke. In this regard, Burke's linguistic realism must be distinguished from solipsism and the magical view of language. Burke explicitly rejects the belief that "the universe is merely the product of our interpretations," precisely because "the interpretations themselves must be altered as the universe displays various orders of recalcitrance to them" (*Permanence* 256). While language, our "fog of symbols," accounts for all that we positively know, the universe retains the power

to negate and reform our interpretations. Indeed for Burke, the primary difference between false magic and the true magic of rhetoric has to do with the fact that practitioners of the former art promise to use symbols to induce motion in nature, while practitioners of the latter art use symbols to induce cooperative acts among people (*Grammar* 66). Judgments about the fitness of political and economic institutions are for Burke based not on some fixed idealistic standard, but on their capacity to meet the material needs of the people they purport to serve. According to Burke's realistic metric, such institutions have a "relative value [which] depends pragmatically, Darwinistically, on their fitness to cope with the problems of production, distribution and consumption that go with conditions peculiar to time and place" (*Rhetoric* 279). As we noted in our discussion of Burke's "bureaucratization of the imaginative," the important social role of rhetoric is to resist the conversion of imaginative possibilities that launch institutions into rigid dogmas resistant to the realization of those possibilities. While ideologues may turn a blind eye to the failures of their programs to "cope with the problems of production, distribution and consumption" in the here and now, rhetoric's task is to adapt the program to the situation, relying on the originating principles to plot new strategies.

Finally, Burke's realism is not just a philosophic or a common sense realism, it is also realism in the sense that the word is sometimes used in foreign policy circles. It is a realism of the sort that encourages us to pick and choose our battles, weighing the consequences of our choices against one another, as opposed to following our principles wherever they might lead us. It is a realism that recognizes choices of the rock-and-a-hard-place sort. It's this aspect of his realism that causes him to value someone like William James, whom Burke dubs "a meliorist" (*Attitudes* 3), a man who famously chose to "accept" rather than merely "protest" the universe, and who chose to believe on very pragmatic grounds that his faith "enabled him to have the sense of moving towards something better" (5). Burke's oft expressed skepticism toward perfectionism is the other side of this admiration for meliorism. Likewise, his dismissal of debunking as "perfectionism in reverse," (*Grammar* 100), a too thorough critique that cuts the legs out from under one's own position, is symptomatic of a balanced realism that forever finds elements of the people and systems he criticizes in his own person and beliefs. There are no simple oppositions in Burke's realism, no absolute Wrongs and Rights, no categorical differences. Every sub-

stance contains elements of substances extrinsic to itself. At every place on the various continua that Burke imagines, there reside elements of both extremes of the continuum. Burke accepts the fact that we live in a post-lapsarian world and that consequently rhetoric must, on occasion, pursue it subjects "into the lugrubrious regions of malice and the lie" (*Rhetoric* 23). Given that no perfect solutions are ever at hand, Burke's "scrupulous man will never abandon a purpose which he considers absolutely good. But he will choose the purest means available in the given situation. As with the ideal rhetoric in Aristotle, he will consider the entire range of means, and then choose the best that this particular set of circumstances permits" (*Rhetoric* 155).

Everyone who teaches argument should know something of Burke, if for no other reason to help them understand the place of argument and rhetoric in the larger order of intellectual enterprises and to remind them just how much is at stake in teaching it well. He offers us not so much a theory of rhetoric as a "way" of rhetoric, habits of mind that help us avoid simplistic modes of thinking and agonistic modes of arguing. Barry Brummett, in an essay that draws heavily on Burke's thinking, sums up our task nicely: "If we regard ordinary people (students) as the primary audience for rhetorical theory and its criticisms, then rhetorical theory and criticism's ultimate goal and justification is pedagogical: *to teach people how to experience their rhetorical environments more richly*" (658). To be sure, we also teach students how to "seek advantage" for their arguments and there is always an element of advantage-seeking in the purest of arguments. But by challenging them constantly to submit their terminology—or ideology if you will—to "progressive criticism of itself"we are challenging them to reconsider just what it is that they should seek advantage for. Rhetoric, Burke reminds us, is a realm in which "the tests of success are . . . to be tested" (*Permanence* 102). In the end, by enlarging students' capacity to find the available means of persuasion in a given situation and encouraging them to choose the "purest means available" we are teaching them to argue ethically as well as effectively.

Introduction to Chaim Perelman and Lucie Olbrechts-Tyteca

The New Rhetoric (*NR*) by Chaim Perelman and Lucie Olbrechts-Tyteca is a encyclopedic compendium of extremely useful rhetorical anecdotes, quotes, examples and strategems organized according to a system that is extremely fluid and flexible on the one hand, and ex-

tremely confusing on the other. John Gage likens the system to Burke's insofar as it comprises a "perspective of perspectives," treating argument not as a collection of a priori parts ala the syllogism, instead seeing its parts as "derived from a process of association and disassociation, linking and unlinking, rendering argument as a 'web' of parts in relationships of infinite variety" (13). On the negative side, Perelman and Olbrechts-Tyteca sometimes appear determined to name each and every one of the infinite relationships possible within their system using countless terms—sometimes invented, sometimes borrowed from obscure sources—that frustrate more than facilitate ready access to their system. Under the heading of "locus" for example, one may find twenty-four varieties listed in the index; and sixty-eight "traditional" figures are noted, mostly in passing, in addition to fifteen different sorts of presumably non-traditional figures. Perelman's short form version of the treatise, *The Realm of Rhetoric,* renders the system marginally more accessible by offering a skeletal version of the whole corpus, but to the detriment of the original's wonderful depth and diversity. (Perelman's 1970 essay, "The New Rhetoric: A Theory of Practical Reasoning," reprinted in Bizzell and Herzberg, represents an even more efficient miniaturization of the system.) Above all *NR*'s usefulness lies in the fact that it is a book of wisdom, of practical reasoning or *phronesis.* As such it is a book to read *in* more than it is a systematic treatise to be read seriatim. *The Realm of Rhetoric,* meanwhile, is much more helpful *after* one has read *NR,* and should never be read in lieu of its vast and mazy progenitor. Like Burke's system, Perelman and Olbrechts-Tyteca's lends itself to partial use, but in a very different manner. For all the complexity of Burke's thought, much can be done with a few powerful ideas that collectively comprise a "perspective by incongruity." In the case of *NR,* however, one may perhaps get best use of the book by in effect cannibalizing it, extracting useful ideas, strategies and quotes in much the way that schoolboys once ransacked commonplace books for promising ideas.

In order to render Perelman and Olbrechts-Tyteca's new rhetoric optimally useful to contemporary teachers of argument, we will approach it in two steps. In the first step, we will offer a brief overview of their approach and its place in the realm of modern argument theory. Then, by way of presenting their ideas in a more coherent, if less orthodox, manner, we will adapt some of their insights to a considerably less cumbersome approach to argument, stasis theory.

An Overview of The New Rhetoric. Like most philosophers who broke ranks and turned to rhetoric in the mid-twentieth century, Perelman and Olbrechts-Tyteca based their dissent on the rejection of the formal logical model of argument traditionally favored by philosophers, particularly the regnant logical positivists of the period. Citing Ramus' merger of dialectic with logic and its subsequent demotion of rhetoric to an ornamental art, Perelman reclaims dialectic for rhetoric and declares it complementary to demonstration defined as

> a calculation made in accordance with rules that have been laid down beforehand. . . . 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 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. ("Theory" 1390)

In distinguishing rhetorical argument from formal demonstration, Perelman and Olbrechts-Tyteca stress the following features. The starting point of an argument is not an axiom which is invariant and universal, but a premise or "generally accepted opinion" (*New* 5). The authors then distinguish between two kinds of premises "the first concerning the *real,* comprising facts, truths, and presumptions, the other concerning the *preferable,* comprising values, hierarchies, and lines of argument [*or loci*] relating to the preferable" (66). The premises are not objective or "impersonal" as in the case of logical axioms, but intersubjective or "personal" insofar as their force depends upon the degree to which one's audience accepts them as true, factual, coherent, plausible, and so forth. Because of the contingent nature of the premises, different audiences will offer them different levels of assent at different times and under different circumstances, a state of affairs the arguer must take into account. While the movement of the demonstration is to extend the reach of axiomatic truths to a particular

truth and to compel assent to that truth, the movement of an argument is to increase the "intensity of adherence" (*New* 45) of one's audience to one's conclusion by sending one's premises "through a whole set of associative and dissociative processes" (65) that shape an audience's understanding of the relationship between the premises and the conclusion. Argument may increase the degree to which an audience accepts one's conclusion, but it can never "compel" assent in the manner of demonstration. While the end of demonstration is discovery of a truth, the end of an argument is to build on the "community of minds" ("Theory" 1388) that increased adherence to one's argument has created in order "to set in motion the intended action . . . or at least in creating in the hearers a willingness to act which will appear at the right moment" (*New* 45).

The starting point for *NR's* approach to argument, was not a theory of argument taken from philosophy, but a question about how people actually argue over values in the real world. Consequently the authors examined thousands of examples of values arguments taken from a variety of sources including political, legal, philosophical, literary, religious, and scientific works from every era. Whether or not the examination of those sources renders the authors' theory sounder is a moot point—but there is no doubt that their theory is richer for that examination. (Apparently Mme Olbrechts-Tyteca who was "well read in the social sciences and European literature" [Bizzell and Herzberg, 1372] deserves special credit for finding and selecting salient examples that render Perelman's theory significantly more useful and vastly more engaging than it would otherwise be.) In a sense, the examples overrun their theoretical framework making it impossible to reduce the theory to a handful of precepts. Subsequently the language of the new rhetoric is decidedly non-categorical, more nuanced and metaphorical than the typical language of mid-century rhetoric. A handful of key terms demonstrate this phenomenon. Instead of logical entailment, thus, the authors speak of "liaisons" among ideas; rather than contradictions, they talk of "incompatibilities;" rather than the certitude or even probability of a conclusion, they talk about its "reasonableness;" rather than audiences' agreeing or disagreeing with a conclusion, they talk about increasing or decreasing the intensity of their "adherence" to an argument. Perhaps most interestingly with regard to the possible effects of their methodology on their conclusions, the authors grant pride of place within their theory to the notion of "presence," the importance of

bringing ideas before audiences in all their vivid immediacy. Fittingly, the greatest single virtue of New Rhetoric is the abundance of presence the book's numerous examples lend its theoretical framework.

In many ways, the movement of Perelman and Olbrechts-Tyteca away from traditional logic toward dialectic follows the path of Kenneth Burke, who also understands rhetoric as an expression of dialectical thought. Perelman himself underscores this connection when he cites Burke's notion of identification as the model for his own call to use rhetoric to form "a community of minds"and thereby "awaken a disposition to act" ("Theory" 1388) in an audience. In addition, the essential tension in *NR* between parts (examples) and whole (theory) is, as we've seen, a critical piece of Burke's approach to rhetoric as well. To understand one thing "in terms of" another thing rather than *as* another thing causes Burke too to seek out "representative anecdotes" (*Grammar* 523-25), rather than rules, laws or master narratives that exhaustively account for the whole. This same synecdochic manner of understanding would lead Burke to reject flat contradictions among ideas and to favor something like incompatibilities which he seeks to overcome through courtship rather than to abolish through debunking. Moreover Burke, like Perelman and Olbrechts-Tyteca, also emphasizes the inventive rather than the ornamental function of rhetoric. (While Burke further subordinates the persuasive to the inventive function of rhetoric, Perelman and Olbrechts-Tyteca, after acknowledging the importance of invention, continue to stress the persuasive function.) In both *NR* and Burke's *Rhetoric of Motives,* one is constantly reminded of the larger context that defines one's activities. For Burke, one's duties as a citizen always take precedence over one's duties as a specialist, no matter how much "occupational psychosis" may lead us to confuse professional and ethical obligations. Perelman and Olbrechts-Tyteca, meanwhile, ground their study of rhetoric on the notion of social justice and return to that emphasis throughout their treatise.

Finally, *NR*'s sometimes controversial notion of "universal audience" can perhaps be most helpfully understood in the context of Burke's notion of "pure persuasion." Just as there is no such thing as an actual instance of pure persuasion, there is no such thing in fact as a universal audience. Both are ideals that guide arguers away from "addressed" persuasion—"What will win this audience over to my position?'—toward the working out of the fullest possible understanding of their subject. The universal audience is not necessarily a more

populous audience than a particular audience. When we write for well read, critical audiences in our specialty, their presumed skepticism and insight will push us toward our best, most reasonable arguments; advertisers pushing light beer toward white males between the ages of 18 and 29 doubtless set their sights considerably lower.

Stasis Theory and The New Rhetoric. In adapting NR to our own classrooms we have tried to identify simpler schemes that might serve as vehicles for selecting and organizing the book's many rich insights into a coherent whole of reasonable scope. The one scheme that best serves that function in our view is stasis theory. Originally, the stases arose in ancient Greek as a sub-category of forensic (or judicial) discourse, which along with epideictic (or ceremonial) discourse and deliberative (or legislative) discourse comprised the three forms of discourse. In recent years the stases have been revived and modified for use in the contemporary argument classroom primarily in recognition of the fact that, as Richard Fulkerson points out, they are "incredibly useful . . . because they are non-overlapping and sequentially progressive, and . . . , they can serve as generative heuristics to help students create the arguments needed in a paper" (40). The two scholars most responsible for the revival of the stases as an integral feature of argument instruction are Jeanne Fahnestock and Marie Secor. Their 1983 article in *College Composition and Communication*, "Teaching Argument: A Theory of Types" led many writing teachers to integrate the stases in their classes and many textbook authors to include a discussion of stasis in their books. The essay represents an exemplary case of contemporary scholars adapting ancient rhetorical tools to the writing classroom.[1]

Before we move on to demonstrate how one might use stases to organize strategies, anecdotes, and principles from *NR,* we'll offer a brief oversight of the scheme.

According to Aristotle, each of the three original categories of discourse that anticipate the stasis categories has a distinctive temporal focus. The deliberative dealt with proposals for the future, particularly legislative proposals; the epideictic with praise and blame presented on public occasions to reinforce community values in the present; the forensic—from whence the stases primarily come—dealt with verdicts passed on some past event typically in the legal sphere. Because of their early association with the law, ancient stases tended to follow the model of courtroom proceedings. Thus the prosecutor of a case

would be required to make three sorts of thesis claims representing three points at issue or stases: that an accused person committed the crime in question (claims of fact), that the act committed constituted a crime (claims of definition) and that the act was not mitigated by circumstances (claims of value). The stasis taxonomy that will be drawn on for this particular exercise is derived largely from John Ramage, John Bean and June Johnson's *Writing Arguments.*

Ramage et al.'s five stases include: definitional (X is/is not an instance of Y), resemblance (X is/is not like Y—the authors posit two variants of resemblance claims, precedents and analogies), causal (X is/is not the cause of Y), proposal (X should/should not be done), evaluative (X is/not a good Y), and ethical (X is/is not good). (In more recent versions of the stases, Ramage et al. also draw a distinction between categorical and definitional stases depending on whether the criteria comprising category Y or the match between the criteria and features of a particular X constitute the focus of the debate. Here we continue to treat both stases under the heading of definitional.) The last three stases, it will be recognized, are derived from Aristotle's first two forms of discourse, the deliberative and the epideictic while the first two are derived from the forensic. The authors emphasize that each stasis is a type of claim as opposed to a type of argument (though most arguments feature a major claim which can be used to characterize the overall argument being employed), that would typically include numerous interrelated claims of varying sorts. The point of the stases is not to serve as a taxonomy of argument, but rather to help students understand the peculiar demands for reasons and evidence generated by each sort of claim, an understanding that can then be used to anticipate persuasive needs within their own arguments and to recognize places in others' arguments where such needs have or have not been met. The brief tag lines associated with each of the claim types are intended to represent the general thrust of the propositions included in the category. In actual arguments such claims often take on many different forms requiring in some cases some significant interpretation.

As noted in our earlier discussion of rhetoric's tendency toward ossification, there is always a tradeoff between the ease with which a given methodology may be applied and the danger that the conclusions of that application will be oversimplified. We argued at that time that the benefits of offering students a coherent approach to argument outweighed the dangers of ossification, but that one must keep in mind

the Burkeian methodological imperative that "any terminology is sus-
pect to the extent that it does not allow for the progressive criticism of
itself.." In this regard, an important role served by *NR* in relationship
to the stasis schema lies in its capacity to remind us of the larger con-
texts of argument as well as its ability to complicate our understanding
of our task by identifying burdens of proof associated with each of the
stases. To be sure, many of *NR*'s principles and strategies could be use-
fully applied in conjunction with all the stases. But in what follows,
we set out to illustrate the role that *NR* can play in keeping the stases
from devolving into formulae by focusing on a small number of issues
centered on definition and resemblance claims on the one hand and
evaluation and ethical claims on the other.

   The careful distinctions drawn in *NR* between values arguments
and logical demonstration reminds us of the limits of definitional and
resemblance claims, and underscores the importance of carefully qual-
ifying such claims and of supporting the more tenuous connections
we are making. The section of *NR* which introduces the rule of justice
("Beings or situations of the same kind should be treated in identical
fashion.") is devoted to "Quasi-logical arguments," a title that calls
attention to both the apparent similarities and important differences
between formal demonstration and substantive argument. The rule of
justice fits into the description "quasi-logical" insofar as it is a formal
rule or equation into which one can substitute many particular val-
ues. But quasi-logical arguments are less rigorous as a class than logi-
cal arguments insofar as the latter requires that "the objects to which
it applies ought to be identical, that is, completely interchangeable.
However, this is never the case" (219) in the realm of human values
where "substantial" sameness, as Burke would have it, is the most we
can hope for. In the end, one must make that most rhetorical of deter-
minations: How much or how little are the objects in question alike
and is their kinship sufficient to justify invoking the rule of justice.

   In effect, thus, all claims of definition in *NR* could be considered
claims of resemblance. While in principle we accept such an equa-
tion—if language is fundamentally metaphorical, all putative relation-
ships of *identity* turn out on closer examination to be relationships
of *identification*—we retain a distinction between resemblance and
definition claims for pragmatic (what Burke might call "realistic") rea-
sons. The distinction between definition and resemblance is part of
ordinary language and names a very real distinction of degree if not,

as implied, kind. While claims of definition blur differences between the terms being defined, claims of resemblance place those differences in the foreground. Consequently, the relationship between "beings or situations" for whom resemblance is claimed is more tentative, and the burden of proof is weaker than it is with regard to relationships established under claims of definition. (Conversely, the more tentative the claimed relationship of the terms being defined or likened, the less damaging an exception to the rule or counter example would be to whatever version of the rule of justice one's claim promoted.) It is pragmatic to retain the distinction for students, thus, both because the distinction is meaningful in the everyday world of natural language and because acknowledging the distinction leads students to recognize the significant differences in burden of proof they incur when they undertake one sort of stasis or the other.

A further distinction of the same sort can be drawn between the two different types of resemblance claim, precedents and analogies. In the case of precedents, the connection between the terms is sequential and, according to *NR*, "the terms brought together are on the same phenomenal plane" (293). Thus, for example, when we think of precedents we have in mind two or more legal cases, two or more historical situations and so forth. Once a precedent has been established, the extension of the rule of justice to the case at hand is thus reasonably clear cut. But no similar clarity exists in the case of analogies which may equate radically different entities. According to *NR,* analogies comprise "transfers of value" (381) from one term to another or "from phoros to theme;" but having claimed that two terms such as love and red roses are of approximately equal value, it does not follow that one can readily extend the rule of justice from one to the other and conclude that one ought, for example, to fertilize one's spouse or date a rose. In sum, in choosing among claims of definition, precedent or analogy preparatory to calling for an extension of the rule of justice from one term to another, one must take into account the level of support available for one's claim and must determine the degree of qualification appropriate to one's conclusion. While claims of definition, implying substantial sameness between the terms, require the most support, analogies. implying only shared values between the terms, require the least.

It is important for students to understand these distinctions among the claim types and the implications of those distinctions for the rule

of justice. Many of the day's most important controversies in fact hang on matters of definition and resemblance and the differences between the two. Perhaps the clearest and most dramatic illustration of the importance of distinguishing carefully between claims of identity and claims of resemblance is seen in the tug of war among Supreme Court justices as they work toward a rule of justice that is workable in contemporary American society. Much of the court's deliberation could be characterized as ruminations over the degree of similarity between various cases, "beings and situations," and determining when they are sufficiently similar to invoke the rule of justice. Among the justices, some—the so called originalists or strict constructionists—accord claims of definition pride of place and hold them to be different in kind, not simply degree, from claims of resemblance. For these justices, the original definition of a term, as that term was understood by those who framed the constitution, is said to be immanent within the text and the only legitimate source of meaning. (On more than one occasion, justices have cited Sam Johnson's 1756 *Dictionary*—the only English language dictionary in existence when the American constitution was drafted—in an attempt to divine how the framers might have been using a particular term. Presumably, those same justices have opted not to cite Johnson's definition of "democracy" which he illustrates with a quote from Dr. Arbuthnot to the effect that "as the government of England has a mixture of democratical in it, so the right of inventing political lyes is partly in the people.")

Historically, the more literalist positions on legal interpretation prove to be difficult, if not impossible to maintain and hence the oft remarked phenomenon of justices "drifting to the left" toward a less rigid view of interpretation during years on the bench spent wrestling with extremely complex issues of definition and resemblance. (Perhaps unsurprisingly, the most notable recent exception to that rule, Justice Antonin Scalia, who after more than two decades on the court remains an ardent and unrepentant originalist, is the son of a formalist literary critic, formalism being literary theory's version of strict constructionism.) Among the factors that clearly influence justices who grow more flexible in their interpretive procedures in the face of protest from their originalist bretheren, are the changing historical circumstances that surround the cases. (Here Burke's axiom, "circumstances alter cases" is a useful guide.) For example, many years after the court had thrown out Jim Crow laws and other statutes implying that Af-

rican-Americans somehow were categorically different from White-Americans and hence not entitled to the same rights and protections, laws against mixed race marriage were allowed to stand. Finally, in the wake of the Civil Rights movement of the sixties, the last of these statutes were struck down. While the principle of racial equality had been embraced a century earlier, the law was slower to extend the rule of justice to practices like miscegenation mostly because the "film of custom" made "anti-miscegenation" laws seem "natural," and it took a major historical upheaval to help the court achieve a new perspective on the issue.

The process continues. When the Supreme Court later struck down state statutes criminalizing homosexual practices, some argued, citing the earlier ruling on interracial marriage, that their ruling constituted a precedent for striking down bans against gay marriage. While some state courts—and several foreign courts—have indeed decided that similarities between the two phenomena are sufficient to extend the rule of justice from racial to sexual diversity, the Supreme Court has not. Fittingly enough, opponents of this extension, those sufficiently sophisticated to recognize a potential incompatibility in their position, use another of the many tools *NR* makes available to arguers working at "linking and unlinking" arguments as it suits their purpose. In this case, the device used by those who would draw a bright line between gay marriage and interracial marriage is the "philosophical pair." While ostensibly a device for categorizing similar phenomena, philosophical pairs inevitably elevate one at the expense of the other. The most notable of these pairs, the "appearance/reality" pair, originally designed to unlink sensory perception from truth-seeking, serves opponents of gay marriage in turn by deeming gay marriage a faux version of the real thing, heterosexual marriage.

Evaluation claims (X is/is not a good Y) and ethical claims (X is/is not good) may also be greatly enriched by borrowing from *NR*. Much of the book is in fact taken up with discussions of value and the authors are particularly helpful in articulating distinctions between ethical value claims and evaluation claims. Perelman and Olbrechts-Tyteca discuss values initially in the context of "types of agreement" among members of an audience that may be used as premises of an argument. Interestingly, the authors identify the unique characteristic of values that distinguishes them from other kinds of premises—facts, truths and presumptions—as being their *local* nature, thereby reject-

ing at the outset the notion of universal values of the sort that people like John Leo assure us exist. In a direct reversal of Leo's logic, in fact, the authors of *NR* contend that while the other forms of premise appeal to universal audiences, values claim "only the adherence of particular groups" (74). With regard to various claims to the universality of values such as "the *True,* the *Good,* the *Beautiful,* and the *Absolute*" (76) the authors offer the following response: "The claim to universal agreement . . . , seems to us to be due solely to their generality. They can be regarded as valid for a universal audience only on the condition that their content not be specified; as soon as we try to go into details, we meet only the adherence of particular audiences" (76).

By way of illustrating how *NR* can help one articulate the differences between evaluation claims and ethical claims we will consider surgeon and former senator Bill Frist's role in the Terry Schaivo case. The latter case, it will be recalled, involved a conflict between Florida woman Terry Schaivo's parents and her husband over whether her feeding tubes should be removed, thereby bringing about her death. A number of physicians attending Schaivo had declared her in a "permanent vegetative state," a condition which under Florida law permitted euthanasia. The state had intervened on behalf of the parents, the courts had ruled against them, at which point members of United States Congress attempted to intervene on behalf of the parents. Senator Frist went so far as to render a highly publicized judgment that Schaivo was not in a permanent vegetative state based on his viewing of a brief video clip.

With that background, consider the differences between an evaluative judgment of Frist's surgical abilities and an ethical judgment of his intervention in the case. Frist's excellence as a surgeon is best measured by standards of the medical profession generally and by the standards of his speciality (heart surgery) within that profession. "Compared to whom" is he an excellent surgeon? The judgments implicit in evaluation claims are always conditional on the answer to questions like this. In forming a response to such questions, it is always incumbent upon us to select the smallest applicable reference group and to derive our criteria and our weightings for those criteria from the function members of that group serve. Thus, while all doctors should have a comforting bedside manner and a reasonable degree of manual dexterity, family practitioners would be judged more by the former than by the latter. To the extent that people take issue with the functions of the

class and the weights assigned to different criteria, the debate would necessarily go beyond members of the medical profession and their expertise. Those who disagreed would have to provide values from their own "local" store of values and bring them to bear on the medical profession

In the matter of Frist's opposition to removing Terry Schaivo's feeding tube, on the other hand, the judgment of his action is not conditional in the same way that evaluation claims of the preceding sort always are. The act he performs does not belong to a larger class of acts that brings with it criteria derived from the function of the class. The criteria for judging the quality of the act must come from the personal beliefs and values of those offering the judgment. This is the "local" dimension of ethical judgments alluded to by the authors of *NR.* The source of the judgment is local, while the implications of the judgment are universal. (Certainly there are cases, the case of the Nazis cited by John Leo, where the proportion of those agreeing to the judgment is so large as to be virtually universal. But few significant ethical issues would remain live issues if the assent to all judgments was so lopsided.) Thus, while only a certain number of people might agree with Dr. Frist that it is wrong to remove the feeding tube from a woman who has been in a permanent vegetative state for fourteen years, the claim implies that everyone *ought* to agree with that judgment. The fact that he happens to be a doctor, meanwhile, gives him little traction in the moral debate over euthanasia. Any argument he might offer to the American public, three-quarters of whom disagreed with Frist at the time he opposed letting Schaivo die, would have to be based on moral grounds. While at the general level, everyone might agree with Dr. Frist that a "culture of life" is a fine sounding idea, the Schaivo case required people to "go into details" of what that principle might mean, and as soon as they did, many dissented. Which is exactly what any reader of *NR* would predict.

In the context of Perelman and Olbrechts-Tyteca's theory, what might at first seem a straightforward task in the context of stasis theory alone is greatly complicated. According to *NR*, people do not subscribe to values monolithically. Individuals and groups hold values hierarchically, such that two individuals belonging nominally to the same group and subscribing to the same values may rank those values in significantly different ways. Two people, thus, who subscribe to "culture of life" values may agree that abortion is a very bad thing,

while dividing over the role of embryonic stem cell research in that culture. In turn their differences over the question of stem cell research may reflect another value distinction discussed by Perelman and Ol-brechts-Tyteca, the distinction between abstract and concrete values. However ardently someone might oppose the sacrifice of human life in abstract terms, they might make an exception for stem cell research if they had a loved one afflicted with life threatening disease that stem cell research showed promise of curing. Again, what *NR* teaches us about claims of value is that judgments about the goodness or badness of those values is driven by the local nature of the values in question. The values at issue are rarely seen as simply bad or good; they are bet-ter or worse than other values and the interaction of those values may diminish or intensify the judgments based on those values. Which is why one is more likely to decrease an audience's adherence to a value by invoking an alternative that is more esteemed than by attempting simply to discredit or debunk the contested value.

Stephen Toulmin

The last of our contemporary rhetorical figures, British philosopher Stephen Toulmin, is perhaps the most controversial. His approach has been called arhetorical—and certainly his unfortunate choice of illus-trative cases lends support to such a charge—and too often classroom applications of his scheme veer off course, either into formulaic reduc-tionism or total muddle. Some teachers describe the approach as too limiting, others complain that it's just flat confusing. Again, as with the other figures discussed in this chapter, one needs to be mindful of one's expectations when one applies Toulmin. What is it that you want from his approach? If one can answer that question with specific and modest expectations in mind, one will usually not be disappointed. In general, problems with Toulmin follow from unrealistic expectations. The authors of this book never rely primarily, let alone exclusively, on Toulmin's approach—too much classroom time spent converting lines of argument into Toulmin schema can be a most stultifying experi-ence. We always remind students that their conversions will inevitably entail a good deal of interpretation and that, as the infomercials often silently confess in small print at the bottom of the screen, "Results shown may not be typical," when moving from potted illustrations to actual cases. It is best used in conjunction with an argument's major claim as a means of "checking" to ensure that the claim comes as close

as possible to saying what one intends and to clarify the obligations one has placed oneself under in making such a claim. Consequently, we typically ask students to submit their major claim to Toulmin analysis after they have completed their rough drafts. Like *NR,* it works well in combination with a stasis approach, partly because both emphasize the claim. Whereas stases are particularly effective at expanding claims, Toulmin is particularly effective at sharpening and tightening claims. In the end, the peculiar strengths of Toulmin, the access it affords us to the inner workings of argument and the awareness it raises about an argument's linguistic nuances makes it worth the price of admission. That said, let us review the origins of his approach and its major terms.

The Toulmin Schema: The Un-Syllogism. Like Perelman and Olbrechts-Tyteca's NR, the point of departure for Toulmin's *The Uses of Argument* (UA) is formal logical demonstration. What distinguishes Toulmin's approach is the fact that he stays closer to the logical model, inventing a variation of the categorical syllogism to address the deficiencies of syllogistic reasoning—in particular its inattention to circumstances and its indifference to substantive as opposed to analytical truth—while retaining some of its strengths, in particular its ability to render arguments more transparent. Toulmin's approach, while narrower than the other approaches treated in this chapter, makes up for its lack of richness in its capacity to render arguments more coherent and more transparent.

In contrast to the categorical syllogism with its three terms (minor premise, Major Premise, conclusion) Toulmin, calls for six terms: (1) grounds or data; (2) warrants; (3) claims; (4) backing; (5) conditions of rebuttal; and (6) qualifiers. To illustrate a typical Toulmin scheme, we will borrow one of his own famously "arhetorical" examples. In a nutshell, the "argument," such as it is, goes like this: Petersen is a Swede, and since a Swede can be taken almost certainly not to be a Catholic, Petersen is almost certainly not a Catholic. The argument includes four of the six terms. "Petersen is a Swede" is the datum or ground, or "what one has to go on." "A Swede can be taken almost certainly not to be a Catholic," is the warrant, a generalization or rule that licenses the inference about the ground appearing in the claim—in this case, the claim that "Petersen is not a Catholic." The "almost certainly" represents the qualifier or the measure of confidence one may have in

one's conclusion based on the "force" of the warrant and the strength of the data. One's argument may also include the other two items, "conditions of rebuttal" and "backing." The former name exceptions to the rule implied by the warrant. In the case of our friend Petersen, the possibility, say, that on his annual vacation to Italy he fell in love with a Catholic and converted to Catholicism in order to marry in the church. "Backing," meanwhile includes all assurances that the warrant we are using is acceptable; in this case statistical data showing the very small proportion of Swedes who happen to be Catholic.

It is not unusual to find Toulmin's schema reduced to three of the terms: Data—Warrant—Claim or as some argument textbooks would have it, Evidence—Reasons—Conclusion. While the latter trio of terms is probably less formidable for novices, when one "simplifies" his schema this way, one loses much of the precision of Toulmin's approach: Most warrants can be stated as reasons, but many reasons are impossible to convert to warrants. Moreover, reasons may also serve as grounds in a Toulmin schema. The simplification of Toulmin to three terms also entails a loss of transparency or what Toulmin calls "candor." The primary function of these terms, after all, is to tease information out of the elements of one's argument, information that might otherwise go unremarked. When students are required to supply qualifiers and conditions of rebuttal for their arguments, it provides a sharp reminder that they are operating in the realm of the probabilistic and the contingent rather than the categorical, and forces them to gauge carefully their degree of confidence in the claim and to acknowledge possibilities under which it might not hold.

More to the point, Toulmin's schema can "stand in" for a skeptical auditor, or what Toulmin refers to as a "challenger" to their argument. In this regard, *UA,* like *NR,* is strongly influenced by a judicial model of argument. Whereas the categorical syllogism ultimately represents an argument by authority—the system of logic itself offers one no way to question the truthfulness of the terms or to challenge assumptions—Toulmin's schema anticipates questions of truthfulness, raised by "opposing counsel," at every juncture. Put another way, the those "slots" in the Toulmin schema representing conditions of rebuttal and qualifier anticipate challenges that might be put to the adequacy of the grounds and the relevance of the warrant. The backing, meanwhile, anticipates a challenge to the legitimacy of the warrant. Given the difficulty any of us—but most especially students—have critically

challenging our own arguments, Toulmin provides a systematic way of anticipating challenges and strengthening our arguments accordingly. (Not to mention, of course, critiquing the arguments of others.)

But Toulmin is also careful to delimit the challenges that might be put to arguments. If in theory all elements of an argument are open to challenge, in fact the vulnerability of those elements (his six terms) is limited by convention. That is, Toulmin accepts that many different fields of argument have in place agreements—some tacit, some explicit—about what constitutes sufficient and relevant grounds, legitimate warrants and authoritative backing and those agreements render challenges to many arguments moot. In fact, in some cases to name one's warrants and backing would be downright insulting to one's audiences. By convention then, the terms of a Toulmin model are less likely to be questioned than one might initially believe. Moreover Toulmin imposes a particularly stringent standard on backing, requiring it to have a "fact like" status, presumably to avoid the unseemly prospect of an infinite regress of justifications of justifications, of backings stacked like turtles "all the way down." Even within the most stringent of disciplinary conventions, however, the logic of the Toulmin model is nowhere near as necessitarian and narrow as that imposed by a categorical syllogism. As the work of people like economist Deirdre (nee Donald) McCloskey has clearly shown in recent years, even quantitative arguments in economics and other social scientific fields turn out to be much squishier, less objective and compelling, than their pseudo-syllogistic structures might lead one to believe. Finally, Toulmin's model has been freely and usefully applied to public policy and ethical arguments in which few terms carry stipulative definitions assented to by all or even most parties to the debate. Indeed the primary value of the model in such instances lies in its power to reveal the vulnerability of the premises (warrants and backing) upon which arguments rest and to provide a clearer sense of just how probable a given conclusion might be.

Toulmin Applied. To really illustrate Toulmin's approach requires us to move away from the sort of straightforward, uncontroversial claims that he uses to more controversial, open-ended claims of the sort students might actually use or encounter in persuasive discourse. To borrow a controversial claim from recent American political discourse, consider the following: "Some part of American workers' contribu-

tion to social security ought to be set aside in personal investment accounts." As is often the case, such a claim may arrive with a minimum of support or qualification. In order to assess the validity of the claim, we must inquire just what the arguer might have in mind for grounds, warrants, backing, qualification or conditions of rebuttal. In some cases, such matters will appear later in the argument. In other cases—such as this one—we will have to supply them or infer them from other statements made by the arguer(s).

The most prominent datum adduced to justify the above claim was something on the order of the following: "The social security system will soon be broke." Now, the first thing to notice about that particular datum is that it is itself a claim. In fact, the grounds of real world arguments are often themselves claims not immune to question, particularly when one is engaged in public policy issues as opposed to controversies within well defined fields where the rules for what counts as grounds are explicit and acknowledged by convention. Data seldom rise to the level of "facts" (keeping in mind once again that "facts" are here understood as a measure of audience assent, not of the correspondence between a proposition and an extraverbal reality) and are often open to challenge. It is, to be sure, a more widely accepted claim than the one that serves as the conclusion of the argument. But many people challenged the data on definitional grounds: What is the meaning of "soon" and what is the meaning of "broke"?

Both questions could only be answered by long range economic predictions which are notoriously shaky. That said, a consensus of economic opinion concluded that if nothing were done the system would start paying out more than it would receive in approximately 2017, and that it would have to reduce benefits by 20% to 30% some time between 2042 and 2052. (Other, more dire, predictions by the proposal's supporters were rejected on the grounds that the supporters used a different set of economic assumptions to arrive at their conclusions than they had used in making other long range economic forecasts.) The system was never projected to be completely bankrupt. (Indeed, economic analysis of several proposed solutions involving personal accounts indicated that in 2042 recipients would receive about the same or less compensation under those plans than under the worst case, "do nothing" scenario.) The term "broke," thus turned out to be a relative as opposed to categorical judgment. By the same token, opponents of the proposal emphasized that "soon" too is a relative term and asked

a classic rhetorical question: "Compared to what?" is social security in financially dire straits, and "Compared to what?" is that threat urgent? As we saw in our earlier discussion of *NR*, the value of a given claim will be greatly affected by the claims that it is linked to or associated with by questions like these. Consequently, when opponents of social security privatization measured the dangers facing social security against dangers facing the medicare/medicaid system, the public found the condition of medicare/medicaid much more unsettling. Compared to the far greater impacts of the medicare/medicaid crisis, the problems of social security seemed eminently more manageable.

But whatever the problems with the adequacy of the data to the urgency and magnitude of the claim, the more interesting problems with the proposal from the perspective of the Toulmin schema concerns the warrant that might justify the move from the grounds—we will assume for now the adequacy of the data purporting to show the shaky financial condition of social security—to the claim. Just how does one get from "The social security system will soon be broke" to the claim that "Some part of American workers' contribution to social security ought to be set aside in personal accounts"? As is often the case in public policy issues, no such warrant was ever articulated, leaving the task up to those who questioned the claim. In imagining a warrant adequate to the task, the challenger needs to discern just how sure those making the claim are about the adequacy of their claim. In the case of the claim in question, the fact that it was seldom attended by qualifiers or conditions of rebuttal suggests the need for a warrant of considerable "force." That is, whatever rule or principle is adduced, it should make the conclusion highly probable, if not certain.

For the most part, inferring a warrant is a pretty straightforward matter once one has estimated the degree of certitude it ought to possess. Basically one is simply restating at a more general level the relationship between the grounds and the claim, something on the order of "Whenever G, then C," or "Whenever G, often C." In the pedestrian examples Toulmin provides in *UA,* the warrant seems self evident to the point of being superfluous. In the current case, however, the statement of the warrant can be at once self evident and controversial. There are, as it turns out, good reasons sometimes for not stating the obvious. In the case of the social security proposal, one obvious candidate for warrant might go something like this:: "When a public program is in trouble, privatizing at least a portion of the program is the best solu-

tion to the problem." All we've done is convert the grounds ("The so-
cial security system will soon be broke") and the claim ("Some part of
American workers' contribution to social security ought to be set aside
in private accounts.") into slightly more general versions of themselves
and combined them. (The proponents of the plan dropped the terms
"private" and "privatize" from their lexicon mid-debate because they
judged the term too controversial; but by then they had been using the
term for two decades or more to describe the very proposal they were
promoting and the various synonyms they trotted out failed to stick.)

The advantage of restating things in warrant-like fashion is that it
makes the reasoning behind the argument that much more transpar-
ent. In the process, it inevitably raises questions that might go un-
asked so long as one's focus is the particular case in question. In this
case, warrants for proposal claims like the social security proposal
imply a causal relationship between a problem and a solution ("Prob-
lem X, therefore Solution Y"). Establishing such relationships typically
requires recourse to historical precedents ("Solution Y is very much
like Solution Z that worked previously in a similar situation") and
physical links ("Solution Y will work in the following way: A, then
B, then C"), empirical concerns largely absent from Toulmin's non-
problematical examples where providing backing is a simple matter
of looking up census data. In the case of social security, backing for
the implied warrant that privatizing social security will cure its prob-
lems is necessarily less "fact-like" and more in the nature of a resem-
blance claim. ("Where X programs were in trouble, privatization saved
them.") Toulmin's examples do not require such empirical support in
part because of their formal similarity to categorical syllogisms. In cat-
egorical syllogisms, the major premise simply asserts membership in
a category. In Toulmin's example, the warrant—"Swedes are seldom
Catholics"—serves a similarly pedestrian function. While not, strictly
speaking, a categorical proposition, Toulmin's warrant is sufficiently
fact-like in itself as to render backing superfluous. The warrant for the
social security argument is considerably less fact-like in character and
would require significant backing to gain assent. Where privatization
has been tried in the past, where has it worked and not worked and
why? How is social security privatization like or unlike these prec-
edents? Exactly how, step by step, would privatization bring about the
salvation of social security? Various attempts to answer such questions
proved unpersuasive to the vast majority of the American public. In

fact, they ended up raising more questions than they answered. How could private accounts be supported without cutting contributions to the defined benefit portion of social security? What effect would the loss of trillions of dollars in contributions have on the financial soundness of the existing social security program?. In the end, proponents of private accounts backed away from their claim that it would help solve the social security program's problems and recommended them for different reasons.

Having an explicit warrant means in turn that we can now be more specific about the requirements for a proper backing. What evidence is there that *in fact* privatization is an effective means of fixing deficient public programs. Here the proponents could turn to a mixed bag of evidence, cases in which privatization has and has not been effective. One frequently cited precedent which might serve as backing for our warrant was the case of Chile, which totally privatized its system in the late 1970s. But even that precedent failed to provide the sort of rock solid, "fact-like" support for the warrant that the unqualified claim seemed to call for. The Chilean system had performed well overall, but most analyses suggested that it had worked out much better for middle class and wealthier participants than for poorer ones, most of whom would have been better off under the old socialized program. Since social security had been instrumental in cutting the poverty rate among America's elderly by two thirds (from about 30% to about 10%) since 1970, this was a particularly worrisome aspect of the Chilean experience. Moreover, the life of the Chilean program paralleled arguably the greatest run up of stock prices in the history of public trading markets, causing some to question its predictive value. (The Chilean program is, as this is written, being revamped dramatically in response to its tendency to shortchange the poorest members of the system.)

Today the proposal is mostly dormant after the administration withdrew it in the face of mounting criticism, but it remains a possible policy proposal. The bold, unmodified claims championing private accounts failed to win widespread support despite significant amounts of financial and political capital invested in marketing the notion. The more the public heard the proponents' arguments, in fact, the less support they expressed for the proposal. The weaknesses of those arguments could certainly be expressed without using Toulmin. But Toulmin's language offers up a particularly precise manner of expression for articulating problem areas. Working backwards from the gen-

eral failure to qualify the major claim, one can readily recognize the considerable burden of proof assumed by the argument; in the context of that certitude, data supporting both the urgency and magnitude of the problem appear insufficient. Moreover, the mismatch between the problem (social security is going broke) and the solution (put some social security contributions into private accounts) was rendered more visible by laying out the argument. But most particularly, the lack of anything approaching "fact-like" backing for the warrant undercut public confidence in the argument.

All of which is not to say that the actual success or failure of an argument correlates strongly with their soundness as established through Toulmin. In the final analysis, the larger context, those circumstances within which the proponents were to "find the available means of persuasion," probably had a good deal to do with the argument's lack of success. A number of events of the recent past led people to be more risk averse, particularly with their retirement incomes. The stock market's sharp dip in 2002, followed by three years of weak recovery, rendered many people suspicious of any proposal that shifted their dollars to stock market accounts. Moreover, over the previous decade, many people had belatedly discovered that their private pension plans were insolvent or severely underfunded, on the verge of being abolished, or undergoing conversion from "defined benefit" programs with predictable returns to "defined contribution" plans whose returns were, once again, dependent on stock market performance. Finally, among the factors that led to the stock market troubles 2002 were the relaxed regulatory policies of the federal government that led to the spectacular failure of Enron and a number of financial services companies. Most arguments rise or fall on the basis of "substantial" matters such as these as opposed to "analytical" or formal weaknesses within an argument. But assuming that one has a grasp of the larger context and a familiarity with the relevant circumstances, Toulmin remains a powerful tool for checking that their argument is the best possible expression of those factors.

Summary

So what might contemporary teachers of argument take away from this brief historical survey of argument? From the early struggles with philosophy we can learn to embrace the very "realistic" basis of our

enterprise, to accept the fact that we cannot promise certainty or even truth with a capital T as an outcome of argument. We can, however, offer a means for achieving a fuller, more complex understanding of the world and an increased likelihood that this understanding will be translated, however imperfectly, into actions and decisions. We can celebrate the fact that the first full scale book of rhetorical theory, Aristotle's *On Rhetoric* is a primer for citizen participation in Greek democracy, and that from our inception we have prepared non-specialists to fulfill their obligations as citizens. We can without apology offer systematic means for inventing and testing arguments even as we remain ever wary that those means do not degenerate into facile ends. We can, in the wake of philosophy's "linguistic turn" whereby language's power to construct as well as to represent reality has been acknowledged, accept responsibility for helping people "to break free from outworn vocabularies" and to ensure that whatever terminology they may use is capable of "progressive criticism of itself." Once language is understood as fundamentally metaphorical and value-laden rather than literal and value-neutral, once understanding is presumed to be an act of seeing one thing *in terms of* another (identification), not an awareness that one thing *is* another (identity), interpretation ceases to be an exercise in disambiguating badly crafted language, and becomes a basic requirement of all understanding, a translation of a general understandings into specific, circumstantial ones. By the same token, the relationship between general rules or principles and particular cases is such that the principles are no longer presumed to explain the cases, on the model of covering laws explaining physical phenomena. Rather the relationship between principles and cases is two-way; while principles provide a means for interpreting cases, cases challenge and modify those very principles. In sum, the major shifts in philosophy over the past century have moved rhetoric from the disciplinary margins into the disciplinary center and transformed the major foci of rhetoric, argument and interpretation, from ancillary activities, symptoms of a breakdown in the "clean machine" of communication, into essential operations.

In terms of actual classroom practices, rhetoric teaches us that the lessons of history are best turned to the task of helping us get beyond history. The ancients and early moderns, the great systematizers of the previous centuries, can take us so far and then we have to adapt their general principles to the circumstances we find ourselves in. Tradi-

tionally rhetoric was viewed—too often through the distorting lens of philosophy—as a second rate version of logical demonstration, inquiry for proles. The sphere of argument was carefully delimited and the model of persuasion was the occasion, a formal, usually oral presentation given in a limited number of venues. Little attention was paid to the media through which messages passed and their possible effects on those messages. Audiences were viewed as givens who were to be strategically "addressed" according to an understanding of human nature that resembles a crude version of the elaborate psychological grids that today's propagandists and advertisers rely on to manipulate their audiences.

In translating the broader lessons of history to the classroom, several useful generalizations apply. Clearly contemporary arguments seldom play out in a single venue or a single medium. They advance on many fronts through numerous media, each of which puts its unique demands on the arguer. In particular, the effects of those media extend beyond the text, written or spoken, to the manner of presentation, the filters through which messages must pass en route to audiences, the way in which cameras and microphones, lighting and settings and so forth call attention to some features of the text and deflect attention from others. We must attend to the ways in which the genres of presentation—political speech, newspaper editorial, letter to the editor, talk show banter, print ad, TV ad, and so forth—affect our understanding of a text. Often times the non-rational—not to be confused with the *irr*ational—aspects of argument play a larger role than the rational factors in determining the efficacy of a given argument and we have to learn how to read those factors. We need to give our students opportunities to work with argument in its many guises and not limit their exposure to anthologized collections of essay-length arguments, often aimed at a very limited range of audiences.

In adapting contemporary argument theory to the classroom, our challenges are more specific. How might one organize a writing class focused on writing around the diverse figures discussed above? Without being too doctrinaire, we encourage something like the following. Read *in* Burke, most especially his *Rhetoric of Motives,* and Perelman and Olbrechts-Tyteca, most especially their *New Rhetoric,* by way of developing a conceptual framework within which to teach argument. Meanwhile, the most adaptable and useful day-to-day approach to teaching argument in our view, remains the stasis approach. It is loose

and baggy enough to accommodate any subject, lends itself well to both invention and analysis of argument, and offers novices a reasonably simple language for discussing individual arguments. Finally, we recommend careful, limited use of Toulmin in conjunction with the close reading of major claims in student arguments. The application of Toulmin can be particularly useful at the second draft stage of writing, when students know their argument well enough to sense its strengths and weaknesses, and are sufficiently committed to it that they will be challenged by, but not defeated by, the severe interrogation of a Toulmin schema.

Notes

1. The contribution of Fahnestock and Secor's essay to contemporary argument theory is exemplary both in terms of its important impact on the field and its particular approach to theory. Much of the best work that has been done by rhetoric and composition scholars dealing with argument in recent years has involved adapting earlier approaches or retrofitting approaches from other fields to the needs of contemporary argument. (In addition to Fahnestock and Secor's contribution, John Gage's imaginative working out of the enthymeme for writing students exemplifies the first sort of contribution, while Richard Young, Alton Becker, and Kenneth Pike's adaptation of Carl Rogers's psycho-analytic approach to the realm of argument exemplifies the second.) A number of interesting and useful books and articles about argument have been written by rhetoric and composition scholars in recent years (several of those are cited in our bibliography), but we have not seen the development full fledged theories of argument to rival those developed in recent years by scholars in communications and philosophy. While we find these latter theories of limited usefulness in the writing classroom (see below, chapter three), we appreciate the rich and sometimes passionate exchanges about argument regularly conducted within those fields.