THE NEW RHETORIC AND THE HUMANITIES

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THE NEW RHETORIC AND THE HUMANITIES

Essays on Rhetoric and its Applications

with an introduction by
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PREFACE

Modern logic has undergone some remarkable developments in the last hundred years. These have contributed to the extraordinary use of formal logic which has become essentially the concern of mathematicians. This has led to attempts to identify logic with formal logic. The claim has even been made that all non-formal reasoning, to the extent that it cannot be formalized, no longer belongs to logic. This conception leads to a genuine impoverishment of logic as well as to a narrow conception of reason. It means that as soon as demonstrative proofs are no longer available reason will no longer dominate. Even the idea of the 'reasonable' becomes foreign to logic and such expressions as 'reasonable decisions', 'reasonable choice' or 'reasonable hypotheses' would be put aside as meaningless. The domain of action, including methodology and everything that is given over to deliberation or controversy – i.e., foreign to formal logic – would become a battleground where necessarily the reason of the strongest would always prevail.

This view would deprive the humanities, law and morality, of an acceptable methodology, and make mockery of the idea of a practical philosophy capable of knowingly guiding our actions. Nevertheless, what cannot be demonstrated can, however, become subject to argumentation having the capacity to persuade and even to convince. The techniques by which this can be achieved have been analysed in *The New Rhetoric: A Treatise on Argumentation.*[1]

In the present volume containing sixteen of my articles dealing with such diverse subjects as philosophy, literary theory, history, morality and scientific methodology, I attempt to prove the indispensability of the 'New Rhetoric', which shows in a new perspective all the humanistic disciplines. This is the perspective of the reasonable, which, contrary to classical rationalism, justifies philosophical and political pluralism.

A forthcoming book will deal with the application of the 'New Rhetoric' to problems of law and justice.[2] In the field of law, controversy is institutionally organized and legal reasoning provides the time honored model for argumentation, while mathematics is the privileged domain of demonstrative proof. The notion of justice, belonging not only to law but also to philosophy, religion, morality, and politics, is one of the most prestigious of our

spiritual universe. Its analysis, together with that of the notion of equality, furnishes a model for applying the 'New Rhetoric' to confused ideas.

CH. P.

NOTES

[1] Ch. Perelman and L. Olbrechts–Tyteca, *The New Rhetoric: A Treatise on Argumentation*. Trans. by John Wilkinson and Purcell Weaver (Notre Dame University Press, 1968 – French original 1958).

[2] Ch. Perelman, *Justice, Law and Argument*, D. Reidel, Dordrecht (1980, forthcoming).

HAROLD ZYSKIND

INTRODUCTION*

The new rhetoric is a notably important achievement in philosophy, with significant extensions into law, logic, ethics, and generally any field which depends on practical reason. The present paper explicates aspects of its thought or 'logic'. My references are to work by Professor Perelman, and by him and Madame Olbrechts-Tyteca jointly.

Professor Perelman's rediscovery of rhetoric evolved from his concern over the finding he reached about values in his first essay on justice: that there was no basis of logical necessity or experiential universality for judgments of value.[1] The analysis, written in the spirit of logical empiricism, was formal and incisive, and formal justice was defined (beings in the same essential category should be given the same treatment).[2] But the concrete conceptions of it, the values of the empty definition, were diverse and in conflict. Value preferences were arbitrary.

In this context he turned to the way men actually argue about justice and other values, and to ancient theories of rhetoric concerned with this. Here there were thought and argument which claim to be rational – and rationality was his concern from the beginning. And there was no dependence on logical necessity or experiential universality. His earlier conclusion was thus sustained but not his belief that it ruled out rational treatment.

Comparing this argumentation to formal logic specifically, and the logico-experimental method generally, Professor Perelman rejected any Ayer-like decision that formal proof simply exposed argumentation to be irrational. He also rejected the more attractive view that argumentation was a loose approximation of strict logic, in the way Aristotle centers his rhetoric on the enthymeme and example as loose deduction and induction. Rather, Professor Perelman makes argumentation the complement of a formal logic – a different domain but still within the sphere of reason and completing it. He holds further that not until formal logic had been developed to its contemporary point of refinement could the function of rhetoric be seen with proper acuity,[3] and we will see that this new insight expands the scope of rhetoric.

Rhetoric's independence and distinctiveness lie in the mind's not being eliminable from the process or context of proof, as it is in the depersonalized calculations of demonstrative reasoning (properly restricted). The distinguish-

ing mark of rhetoric is that the person's adherence to a proposition contributes to its value:[4] and the process of justifying and judging it is in stating one's position – a behavioral matter.

The role of mind is not discovered in terms of faculties or a rigid subjective-objective distinction. (Merely putting a volition into words initiates regularity[5]). The mind has an unavoidable and, further, a governing role when the thought is not calculative or experimentally determined. It is most evident in argumentative processes of criticizing and justifying; persuading, convincing; and so on. These processes consist of noncompelling arguments on disputable issues, and accordingly are grounded in the contact of minds, the originality of the speaker and the ultimacy of the audience, with the speaker being obliged to adapt to it.[6]

1.

Professor Perelman states that as a logician his interest is in the "mechanism of thought", and he accordingly seeks to analyse argumentation as it actually is, on the model of the logicians' analysing the way mathematicians actually reason. In doing this he copes impressively with the manifestations of the apparently ineradicable suspicion of rhetoric and its relativity to the audience. Both friends and critics of it set up what in effect are screens blocking a clear view. For example, Whately's speaker advocates a proposition whose truth he had determined antecedently by logic. But on the complementary thesis, rhetoric is self-dependent for better or worse. For the new rhetoric, not logic but the quality of audience is prior. Professor Perelman's conception of the universal audience is an exemplary one:[7] and the standard is internal to the rhetorical situation; the audience's actual judgment is itself the standard of judgment, in the same sense that Hume's standard of taste is the man of good taste. If rhetoric were a mere counterpart of formal logic and not complementary to it then the standard of rhetoric could be the establishment of what is probable or has verisimilitude. The standard here, however, in the new view, is not truth. It is the adherence of the judge.

There are other veils which Professor Perelman lifts: e.g., using special disciplines as the basis for the study of argumentation. Thus he will not use definitional topics from Aristotle's dialectic (*Topics*) on the ground of their being determined by Aristotle's metaphysics. Psychology also is rejected, in spite of the obvious psychological dimensions in adherence.[8] Argumentation works through discursive techniques, making inferential connections which diverse psychologies could study.

Rhetoric's internal homogeneity can be variously screened. Perhaps a prime reason that Professor Perelman draws on Aristotle is that the latter separates his *Analytics*, the precursor of formal logic, from argumentative disciplines, a distinction mirroring the complementary thesis. But Aristotle separates the argumentative disciplines (rhetoric, dialectic, and contentious reasoning) from each other. The new rhetoric rather merges the *Rhetoric's* relativity to the audience and focus on action with dialectic's universal opinions, and includes some contentious devices. Not to link up all of these, particularly the first two, confines rhetoric to a low level or overestimates the rigor of universal argumentation.

When the way is cleared, the new rhetoric emerges as a self-dependent, homogeneous domain – that use of natural language which centers on decision-making, itself bound up with a nexus of components ranging from a pluralism of values to commitment and action. It is a theory of practical reasoning. Its power comes from giving full faith and credit to its actional dimensions, especially including the ultimacy of speaker and audience, and to their being anchored in the social matrix. Any discursive determinations that are not reduced to formal logic in fact are bound with a speaker/audience interaction. Whether speakers and audiences are inferior, is determined by other speakers and audiences who themselves argue concepts of responsibility and universality of audience.

The new rhetoric applies widely – daily life, institutions, disciplines, and so on. But there is no antecedently fixed set of practices and disciplines falling automatically under it. Thus a naturalist ethics, or a quasi-natural one like Aristotle's, is based on the character of the good man. His character determines his mode of deliberation, and as a result ethics is separated from rhetoric. For the new rhetoric conversely character is seen in terms of an argumentative stance: Each man may be characterized, Professor Perelman says, by the opinions (ensemble of propositions) which he considers valid for a universal audience.[9]

The new rhetoric has also recast much of philosophy. The result is not to discount the broad metaphysical and ontological problems which have contributed to the decline of philosophy's prestige. The recasting rather marks a way of revivifying them. An ontology, for example, is seen as best defended by justificatory reasoning; it becomes thereby a proposal submitted to an audience, not a structure being imposed from objective determinations of reality.[10] The focus is now practical, as proposing a way of organizing and evaluating experience. The audience decides whether to adopt this perspective. Further, particular philosophies have bases for communication, since

they are anchored in the same cultural milieu and draw for their defense on what they regard as common agreements within it. The whole of philosophy, now seen as 'regressive'[11] and pluralistic, falls under the complementary thesis. To this must be added a reciprocal power of the logic of argumentation to contribute to, e.g., an epistemology. This would start with the notion of knowledge as consisting of opinions that survive,[12] and as relative to the language in which they are expressed.

Besides having its traditional problems recast into problems of disputable norms, philosophy is actively and broadly practical. The philosopher's audience becomes humanity. He is one of its spokesmen and a guide to action, bringing closer the universalization of values, in conception and in affairs.

A reverse kind of recasting is effected in natural science. Professor Perelman has made cogent contributions to our recognition of the many points at which scientific activity depends on decisions – e.g., selection of lines of research and consensus among scientists can be considered as special cases of an argumentative frame. There are other disciplines which more obviously belong within the province, but which have not been extensively studied from this point of view, e.g., literary criticism. Uncommon examples show the advantages of so doing; e.g., Mortimer Kadish's *Reason and Controversy in the Arts.*[13] Natural language also falls within the field. Professor Perelman has argued convincingly on the way changes of meaning and the relations of terms are fruitfully considered in terms of their serviceability in argumentation. The list goes on: education, sociology, and so on through the human sciences.

The scope of the new rhetoric may be indicated in another way. The premises – agreements – and inferential techniques for transferring adherence are tied to the cultural matrix of concepts and opinions. The forms thus cannot be fully abstractable. Nonetheless the theory keeps them still broad enough to be inclusive and overarching. Without this unity, selectively available for the widest use, there would not be coherence in the argumentative mind.

There is equal stress on the problematic specificity of separate disciplines. The new rhetoric's achievement here is that it does not merely apply the general theory selectively to the diverse fields but works out a 'specific logic' for each. This consists in good measure of circumstances attendant on or conditioning proof in the narrow sense – for example, the requirement in law that the judge render a decision, as distinct from the historian's freedom to leave a matter conjectural. (See, for example, 'The Specific Nature of Juridical Proof'[14]). The domain of logic is vastly extended by this conception of it as

including rules of action, but there can be no doubt that these rules guide reason in a decision.

It will be useful to compare the new rhetoric with positions of three modern philosophers for whom as for it, action and the use of language is primary. Our interest is in the way the new rhetoric keeps the 'thought' dimension directive on its own momentum. For Sartre one discovers one's standards after one has chosen and acted.[15] For Professor Perelman conversely the prior argumentation enables us to understand our decisions. Dewey, like Perelman, does make logic come prior to action. But for him the action is an empirical verification of the inquiry: he would model the social sciences on natural sciences.[16] For Perelman, on the other hand, reasoning has an integrity of its own: its durability is tested by action (including the sacrifices one will make to stand by it). It is not proved by the action. Further, while Dewey and Perelman alike oppose the quest for certainty, Dewey's alternative quest is simply for the sharing of joint activity, as against Perelman's quest for its rationality as well. For the later Wittgenstein, who is in this respect closest to Perelman, the uses of language have a logic of their own, but each use is so particularized in meaning as to have each its own unique logic. As already indicated Perelman similarly stresses specializations of logic, but this does not eliminate – it depends on – the general logic. The specializations are specializations of it and employ it inseparably in their discourses. Further, whereas for Wittgenstein the outcome is a purgation of fundamental philosophy, Perelman seeks to restore it and to do so in a way equally opposed to the conception of fixed first principles; instead of purging philosophy he would liberate it.

We have seen that the new rhetoric expands the use of reason by making a resource of the involvement of persons in it. But what of personal factors in the narrow emotive, subjective sense? And of stylistic figures, volitions, time pressure, and so on? These are precluded from calculative reasoning, but they necessarily enter into argumentation, often with adverse results. We consider here the new rhetoric's argumentative treatment of these factors. Aristotle recognized the unavoidability of emotive involvement, but he sought to minimize this by making his quasi-logical forms the body of rhetoric and dealing with the emotions in a separate popular psychology; and in the *Topics* very little consideration is given them. Perelman's premises and method are different. Relying on discourse to which the new rhetoric is restricted to carry an initial sense of order, he tends as much as possible to assimilate feeling into the quality of thought itself, thickening it with an extra dimension. Although when writing as a logical empiricist he used C. L. Stevenson's separation of

cognitive belief from adventitious emotion in the use of a term, he shifts from that position in rhetoric: "the 'emotive meaning' is an integral part of the notion's meaning, not just an adventitious addition".[17] It belongs to the symbolic character of language; and its role in meaning is important argumentatively because it influences the ambiguity of a notion's meaning. The French *le chien* is a favorite example. So also values are not allowed to be reduced to pro or con attitudes. Rather he identifies them by their rhetorical function of marking off a particular audience aware of itself as sharing them.

Again, it is traditional to separate the thought of rhetoric from the style. Professor Perelman disavows this as well. He is here not merely making the conventional assertion of a form-content unity. The point rather is that, whereas some features of style are in fact embellishments and hence negligible for theory, others are argumentative; e.g., when a metaphor causes a shift in perspective.

On ambiguity in a natural language, Perelman holds that the changes in meaning which develop with reapplications of a term are themselves for the sake of argumentation, and the question of whether to make them is the object of it. Words do not merely have a sense; we give them a sense for argument's sake.[18] Indeed the reason argumentation is possible is that natural language is neither the transparent language of realism nor the conventional language of nominalism but an intermediate one adapted to reality as used and changing adaptively.

Besides assimilating feeling into thought as a dimension of it, more significantly he converts feelings to thought or opinion, as in his handling of the will in the will-intellect distinction. Persuading and convincing one are commonly so distinguished. Professor Perelman shifts the distinction to types of audience – the particular is persuaded and the universal is convinced. This enables him in turn to convert a pure 'will' component into an opinion, which then constitutes a dialectical pair with the intellective one. He cites the statement that we can be convinced it is better to eat slowly but still not do so. He translates the failure into an opinion as to the desirability of gaining time. Thus we have a confrontation of opinions instead of a knowledge-will separation.

The heart of rhetoric's proof is conceptual. It is based on ideas, that is, ideas which are neither generalizations of experience nor formal necessities. These ideas are generated to cope with an incompatibility or other difficulty that occurs in the social matrix, as when a child is told by the parent, whom he is supposed to obey, to do something which violates a rule that has been taught him. Similarly, Professor Perelman tells of how fundamental concepts

are generated in this dialectical manner: *nous n'avons l'habitude d'invoquer le droit que quand le fait s'y oppose, de parler de réalité qu'en disqualifiant une apparence.*[19]

Conceptions so generated provide what he calls the arsenal of rhetoric, for rhetorically they are employed as methods of qualification and disqualification. There are other devices in rhetoric but these are the essentially rhetorical ones[20] and are what provide the basis for rhetoric's being the logic of judgments of value. Basically this device is a process of accreditation. Other examples of the concepts are means and ends, quantity and quality, and act and essence. Certainly accrediting an object by placing it under one of these is a key argumentative function of the strictly complementary kind. Although the conceptions have the ambiguity needed by rhetoric in a natural language, in a given case they function as definite kinds.

There is a characteristic of these conceptions which is of special interest in the present paper: they contain or generate complements of each other. Perelman says that the characteristic of quantity and quality is that each implies the other as its complement.[21] Allowing for the flexible meaning the new rhetoric requires and that languages allows, this relation applies to all the concepts of qualification and disqualification. And it constitutes rhetoric's dialectical method in providing the conceptual basis for a confrontation of alternatives. This is the framework for Professor Perelman's statement that "the dialectical method is thinking in dialogue form".[22] But the advantage of the dialogue form for him is not that it constitutes a necessary step by step chain. This is why the outer form of the new rhetoric can for him be a speech as well as a question and answer exchange. Indeed a single philosophic speech must for him confront the complements. Obviously the confrontation is not a naming and juxtaposing of each but the presentation of the tissue of arguments which constitute the defense of each element. *Audiatur et altera pars*, he often cites.

The method applies reflexively to the new rhetoric itself. We have seen that Perelman's defense of it is a paradigm case in providing its confrontation with the method which up to then had claimed to be the whole of reason – missing the essential dialectical condition of the existence of rhetoric as its complement.

Rhetoric is not restricted to the use of the essential argumentative concepts. They stand at the center between devices moving toward 'suggestion' at one extreme and rigorous logic at the other. Rhetoric's devices do not go fully to the extremes but are approximations, e.g., the example is rhetoric's counterpart of rigorous experimental method, and the provision of 'presence'

is the counterpart of suggestion. Seeing that the qualifying concepts stand at the middle between these secondary devices makes clear the 'purely' conceptual character of what he calls the essentially rhetorical.

Sartre and Dewey fall within the scheme but at its outer edges. When Sartre makes the action prior to and determining the rules used, his approach is to provide presence; and Professor Perelman's criticism of the existentialists whom he praised for their insight into action, was just their failure in the realm of reasons. Dewey falls at the other pole; his inquiry is an effort to move toward experimental rigor. What he misses, even though his inquiry has strong ideational elements, is the recognition of the intrinsic integrity of ideas; they are for Dewey plans of action subject to verification. For Perelman the reasons lead to decisions that lead to actions, but these reasons are drawn from the social matrix for dialectical treatment.

When Professor Perelman's whole scheme is considered, the 'pure' and functional concepts make an appropriate center for a rhetorically rational logic. They also constitute a pivotal point for surveying and accrediting related activities from absolutism and formal logic to suggestion and inspiration.[23]

2.

The form of inference of the new rhetoric gives it its specific character. The contrastable concepts used in rhetoric's dialectical method seem particularly suited to justificatory reasoning. The criticism and refutation whose interaction makes it up seem in turn to apply generally to argumentative issues as posed by the cultural milieu, since it operates on the principle of inertia. Existing regularities continue with implicit right until challenged. (Whereas here the negative term, criticism or attack, comes first, in deliberative reasoning the positive term, advice, comes first.) The form of inference is neither deductive nor inductive, but comparative – and this in a way that again fits justification; e.g., in morals "judgments regarding particulars are compared with principles",[24] for a preferential decision in favor of one or another. This is a working of the now noted 'rule of justice', so interpreted as to allow for equity or its analogue.

As evident from the above this rule of justice has been extended by Professor Perelman so that it designates the established rules in virtually every decision-making discipline and region of human affairs. In the early formal analysis he already had noted that justice is a value which regulates the entry of spontaneous values into affairs. True, its flexibility in continued application and change makes the knowledge developed under it historically relative. Nonetheless it works together with justification to give Professor Perelman's

theory a formal cast. The flexibility and historicity keep it within the bounds of argumentation and outside of strict formalism. But the argumentative formalism is dominant in comparison with deliberation. The empty formal definition guides the process of ordering the values, and justificatory reasoning's orientation to rules does the logical work.

This focus on the formal side of argumentation may at first seem to be a vulnerable point. Perelman sees his theory as forward looking to future action, and yet justification in its strict form applies its rules to past acts and is suited specially to retrospective reasoning. Professor Perelman of course has discussed pragmatic argument or utilitarianism side by side with formalism, and in that context argues against the sort of rigidification by which either would eliminate the other. Nonetheless his overview is justificatory, and deliberation and the structure of discovery may be slighted as a result.

On the other hand the advantages of Professor Perelman's treatment philosophically and morally are extensive. Further, his recent new departure into the philosophy of international affairs shows still more of the new rhetoric's inventive versatility.

There is no doubt that the formalism is deeply grounded in Professor Perelman's thought. He holds with Kant that the mind imposes regularities, though of course Professor Perelman (besides not assuming faculties) differs from him in holding the terms employed to be not fixed in meaning but adaptive.[25] His view thus adds up to a formal argumentative conception: that of a rule which is self-modifying for good reason. Of no less importance is the role which the new rhetoric gives the rule of justice in assessing arguments, for that rule puts the stress and value on repetition.

Professor Perelman's perspective is shown further in his preference for the juridical model for philosophy. It marked his turning away from Cartesian certainty and the experimental sciences as the model. But it was also an implicit subordination of a legislative or creative model. The judicial law's position is intermediate between the logico-experimental as not argumentative and the legislature or executive as weighted on the pragmatic side. The reasoning of adversaries and judge alike is justificatory.

The formalism of the new rhetoric gives it a moral quality much needed where men are intent on winning over audiences. Justificatory reasoning's appeal to rules simply as a procedure contributes to this. More important the need of any particular rule for defense in turn carries back to a broader base. This is not the formal rule of justice – it is empty – but the philosopher's vision of a human order. It is open and revisable as argumentation requires and is drawn from concrete aspirations and convictions. Nonetheless, as

indicated, that formal rule is a directional guide to the order of the vision.

The matter may be put more specifically. Besides the general moral climate nourished by justificatory reasonings oriented to rules and their ordering, there is the focus on justice. Professor Perelman's career is marked by his explicit preference for philosophic study of the rationality of justice over that of prudence. In classical terms has he not transformed rhetoric by assimilating the deliberative and epideictic genres to the forensic, not by reducing them but by transforming them? They overlap, as the *New Rhetoric* says, but Aristotle drew the decisive distinction between them: the forensic orator could admit to inexpediency but not to injustice, whereas the deliberative orator could admit to injustice but not to inexpediency.[26] On this last-stand criterion for the unity of an argumentative stance of a genre, is it not the case that for Professor Perelman justice will not submit to the distinction. His one last stand is justice. For him a (deliberative) legislator, in simply giving expression to popular wishes, has to specify criteria for synthesizing them and so "to elaborate a juridical order that will be spontaneously accepted as just".[27] His definition of political philosophy as being concerned with criticizing and justifying the legitimacy of the exercise of political power shows the formalist preference in the focus on legitimacy. Surely the formalist cast here as in the above case has great advantages. It confirms Professor Perelman's claim, evident throughout, that justice unlike prudence covers the *totality* of action.[28]

In the case of epideictic Professor Perelman's assimilative methods work diversely but to the same effect. Here the orator has no opponent; the object being praised is not under criticism. In the new rhetoric the task nonetheless becomes justificatory, for the speaker is to make the audience able and ready to defend the value against future criticism or danger; and the task becomes formal in the speaker's concern for the ordering of values involved by praise of the one. We have noted that justice marks the obligation to order other values.

In more general terms argumentative formalism obviously is inseparable from the concept of the universal audience. By this concept Professor Perelman captures the classical use of common sense, unanimity, universality and so on. And he makes an explicit (though flexible) analogy to the categorical imperative. But the concept of universal audience varying in time, place, and discipline, as well as in different speakers' conception of it, retains the rhetorical dimension undiluted. Among Perelman's many distinctive achievements a key one is that his argumentative formalism, the complement of logistic formalism, makes possible a rhetoric in which winning the argument by adapting to the audience is bound up with moral responsibility.

Finally, of crucial importance is the particular way in which the formal overview avoids the expediential frame. The choice is not between formal argumentation and another kind of argumentation, but between argumentation and a utilitarian probability calculus. This is the point at which the two complements are not supplementary but competitive. The utilitarian calculus requires a reduction of human ends to pleasure/pain and utility. If this monism is rejected in favor of the factually evident multiplicity of human values, that diversity requires formalist argumentation as the method of reasoned action.

The above aspect of argumentation's formalism is bound up with liberty,[29] to which we now turn. There is one sort of liberty in the inertial continuity of the cultural milieu. He analogizes its traditional order with the preestablished order of absolutist philosophers from Aristotle to Descartes. In spite of the difficulties in absolutism, its order had a coherence and context for life which man needs. Classical liberty thus consisted in man's rapport with this order, usually by contemplation. For Perelman the first liberty consists similarly in the security of acting in conformity with the traditional order, so that this order serves as the formal counterpart of the classical. Human action, however, makes and sustains tradition with its many indeterminate internal relations; so there is here, as there is not in the classical order, a second kind of liberty, to criticize and change it. This is initiated as we have seen, by criticism which may be occasioned by injury to self-interest, or by events revealing an incompatibility, or stimulating inventiveness. But the ground for making the change is not, say, a Deweyan readjustment or advance of growth, but 'sufficient reason'. This difference in language from Dewey would be trivially semantic perhaps if it did not, as it does, reflect the pervasive difference between the actional empiricism of the one and the actional rationalism of the other. The overt use of the second liberty suggests that it has a second aspect – implicit acceptance, even if unthinking, of what we do not question. What is implicit here is not Polanyi's tacit knowledge, for that is made explicit in discovery; implicit acceptance rather becomes explicit as a statement of the regularity which is challenged. As thus formulable it is a potential defense under the rule of justice, so that the framework for justificatory reasoning is in the social fabric of customs, techniques crucial to a specific competence, and so on.

The nature of the two liberties has thus put us in the position to see specifically how argumentation is grounded in social continuity and can be an instrument of rational change. We can also see that as a result, the historic process can provide the frame through which Perelman achieves his original

purpose – to see argumentation "as it actually is"; and *The New Rhetoric* orders the theory of argumentation correlatively with the open nature of the historic process. Thus the 'Framework' of the text turns on a contact of minds, corresponding to the milieu's being a human product. 'Starting Points' are agreements ranging from undisputed facts to opposed *loci*, reflecting the traditional order's diversely related stabilities. And in turn the process of developing innovations is often controlled or guided by discursive 'Techniques' ranging, like those of *The New Rhetoric*, from those involving minimal change (quasi-logical tautology) to those capable of transforming total perspectives (dissociation).

Theory of argumentation is then correlative with socio-cultural continuity and change. Is this not because of the role of argumentation in it, aiming through rhetorical philosophy at a progressive universalization of values? Moreover, at a given time the justificatory form is pervasive in it – in the implicit acceptance of the inertial order which is subject to change only for sufficient reason. Since justificatory reasoning is so pervasive in these traditions and innovations, can we not say that the new rhetoric has gone far towards showing the merits of the view that in the life of the mind man is essentially argumentative. The best evidence that reason was not given to fust in us unus'd then becomes the solidarity achieved between the person who constructs an argument and the person who adopts it.

A rhetoric is always required to consider finally that in an obvious sense decision making has an irrational core: judgment is made between noncompelling arguments and there is involved a *marge d'appréciation*. It may be useful here to refer to Plato's *Phaedrus*, for it speaks to this in an idealist frame as the new rhetoric does in an historical frame. Socrates adopts something like a complementary thesis in turning away from (not rejecting) scientistic dissolution of myths and in rejecting Lysias' sophistic maximizing of pleasure and utility; and in his then turning instead to the motions of the soul intensified by a divine madness which is later seen to exhibit coherence and order in a psychagogic rhetoric of the living word. The focus on the motion of the soul, and on dialectical rhetoric's leading it to move, is matched contingently in the new rhetoric by the host of elements which activate mind's reason as it moves to the point of decision: the dependence on inertial continuity as rational; the call upon the society's common sense; the search for unanimity; the conceptual bases of sufficient reason for change; the confrontation of oppositions – does not each of these activate reason? If not, should not reason be reconceived? If so, then this reason-in-use (not an abstract

faculty), as now activated, would now necessarily be engaged in the act of judgment – even if the mode of engagement be mysterious as it is in the *Phaedrus*. The *Phaedrus* sought a rhetoric worthy of a philosopher. The new rhetoric, I believe, is a most significant contemporary response.

This paper has been restricted to argumentative theory. Attention has not been given to the equally if not more important use of it in Professor Perelman's substantive philosophizing. The philosophizing is of course not determined by the formal theory. The theory only opens the way for the other, which is determined by his evolving vision of the human order, and its progressive elaboration is helping constitute a concrete universal audience.

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NOTES

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[1] Ch. Perelman, 'Concerning Justice', *The Idea of Justice and the Problem of Argument* (London: Routledge & Kegan Paul, 1963), p. 53. [Abbreviated IJPA].

[2] 'Concerning Justice', *op. cit.*, p. 16.

[3] In the present volume, Chap. 1, pp. 9, 10.

[4] Ch. Perelman and L. Olbrechts-Tyteca, 'Logique et rhétorique', *Rhétorique et philosophie* (Paris: Presses Universitaires de France, 1952), p. 23. [Abbreviated 'L & R': *R & P*].

[5] Ch. Perelman, *Justice* (New York: Random House, 1967). p. 77.

[6] 'The Social Contexts of Argumentation', IJPA, p. 155.

[7] Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, Trans. by John Wilkinson and Purcell Weaver (Notre Dame: U. of Notre Dame Press, 1968 – French original 1958), para's. 7, 26. [Abbreviated NR].

[8] N.R., p. 9.

[9] 'Sociologie de la connaissance', *R & P*, p. 140.

[10] *Justice*, p. 79.

[11] That is, with revisable and disputable principles as distinct from 'First Philosophies'. Cf. 'Philosophies premières et philosophie régressive', *R & P*, pp. 85–109.

[12] 'Self-evidence and Proof'. IJPA, p. 117.

[13] Published Cleveland, Case Western Reserve University, 1968. See also of course chapter 16 of the present volume.

[14] IJPA, pp. 98–108.

[15] J.-P. Sartre, *Existentialism and Human Emotions*, trans. Bernard Frechtman, pp. 27–30.

[16] John Dewey, *Logic: The Theory of Inquiry* (New York: Holt, Rinehart & Winston, 1938), p. 112.

[17] NR, para. 35.
[18] Cf. 'Avoir un sens et donner un sens', in *Le champ de l'argumentation*, Brussels, Presses Universitaires de Bruxelles, 1970.
[19] 'Philosophies premières et philosophie régressive', *R & P*, p. 104.
[20] 'L & R': *R & P*, p. 34.
[21] For the basic complementarity of notions, see 'Les notions et l'argumentation', in *Le champ de l'argumentation*, pp. 81–82.
[22] 'The Dialectical Method and the Part Played by the Interlocutor in Dialogue', IJPA, p. 163.
[23] This range has some suggestive affinities with the sequence in Plato's *Meno* that begins with unsuccessful attempts to define virtue strictly and moves finally to the treatment of it as good opinion relevant to the social matrix and arising from inspiration. Although I have followed the new rhetoric for some time, this relation was not apparent to me until recent further study of it.
[24] In the present volume, Chap. 1, p. 33.
[25] 'The Rule of Justice', IJPA, p. 83.
[26] Aristotle, *Rhetoric I* iii 1358b.
[27] *Justice*, p. 67.
[28] 'The Rule of Justice', IJPA, p. 79.
[29] Cf. 'Rapports théoriques de la pensée et de l'action', *Justice et Raison* (Bruxelles: Éditions de l'Université de Bruxelles, 1970), pp. 179–183.

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CH. P.

CHAPTER ONE

THE NEW RHETORIC: A THEORY OF PRACTICAL REASONING*

THE LOSS OF A HUMANISTIC TRADITION

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

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

For those of us who have been educated at a time when rhetoric has ceased to play an essential part in education, the idea of rhetoric has been definitely associated with the 'flowers of rhetoric' – the name used for the figures of style with their learned and incomprehensible names. This tradition is represented by two French authors, César Chesneau, sieur Dumarsais, and Pierre Fontanier, who provided the basic texts for teaching what was taken for rhetoric in the eighteenth and nineteenth centuries. The work of Dumarsais, which first appeared in 1730 and enjoyed an enormous success, is

entitled *Concerning Tropes or the Different Ways in Which One Word Can be Taken in a Language.* [1] Fontanier's book, published in 1968 under the title *The Figures of Discourse*, unites in one volume two works, which appeared respectively in 1821 and 1827, under the titles *A Classical Manual for the Study of Tropes* and *Figures Other Than Tropes.* [2]

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

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

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

Against this distinction, this is what Ramus has to say in his *Dialectic*:

> Aristotle, or more precisely the exponents of Aristotle's theories, thought that there are two arts of discussion and reasoning, one applying to science and called Logic, the other dealing with opinion and called Dialectic. In this – with all due respect to such great masters – they were greatly mistaken. Indeed these two names, Dialectic and Logic, generally mean the very same thing, like the words *dialegesthai* and *logizesthai* from which they are derived and descended, that is, dispute or reason .... Furthermore, although things known are either necessary and scientific, or contingent and a matter of

opinion, just as our sight can perceive all colors, both unchanging and changeable, in the same way the art of knowing, that is Dialectic or Logic, is one and the same doctrine of reasoning well about anything whatsoever . . . .[3]

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

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

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

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

This humanistic tradition continued for over a century and finally produced in the *De principiis* by Mario Nizolio (1553) its most significant work from a philosophical point of view. Less than ten years later, however, in 1562, Francesco Patrizi published in his *Rhetoric* the most violent attack upon this discipline, to which he denied any philosophical interest whatsoever. Giambattista Vico's reaction came late and produced no immediate result. Rhetoric became a wholly formal discipline – any living ideas that it contained being included in Aesthetics.

Germany is one country where classical rhetoric has continued to be carefully studied, especially by scholars such as Friedrich Blass, Wilhelm Kroll, and Friedrich Solmsen, who devoted most of their lives to this study. Yet, even so, rhetoric has been regarded only as the theory of literary prose.

Heinrich Lausberg has produced a most remarkable work, which is the best tool in existence for the study of rhetorical terminology and the structure of discourse, and yet in the author's own eyes it is only a contribution to the study of literary language and tradition.[5]

The old tradition of rhetoric has been kept longest in Great Britain – it is still very much alive among Scots jurists – thanks to the importance of psychology in the empiricism of Bacon, Locke, and Hume, and to the influence of the Scottish philosophy of common sense. This tradition, in which the theory of invention is reduced to a minimum and interest is focused on the persuasive aspect of discourse, is represented by such original works as George Campbell's *The Philosophy of Rhetoric* (1776) and Richard Whately's *Elements of Rhetoric* (1828). In this work, Whately, who was a logician, deals with argumentative composition in general and the art of establishing the truth of a proposition so as to convince others, rhetoric being reduced to "a purely managerial or supervisory science."[6] His disciple, the future Cardinal John Henry Newman, applied Whately's ideas to the problems of faith in his *Grammar of Assent* (1870). This outlook still consists in seeing in rhetoric only a theory of expression. It was the view adopted by Ivor Armstrong Richards in his *Principles of Literary Criticism* (published in 1924) and in his *Philosophy of Rhetoric* (1936).

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

Samuel Silas Curry, in a book entitled *The Province of Expression* (1891), was the first to emphasize spoken discourse and its delivery, rather than the composition of literary prose, and to claim autonomy for speech as opposed to written composition. "Expression," as he understood it, did not mean the way in which ideas and feelings are expressed in a literary form, but instead the manner in which they are communicated by means of an art of "delivery." Concern for this element, apparently one of lesser importance, clearly reveals a renewed interest in the audience, and this interest helped to promote the creation of a new "speech profession," separate from the teaching of English and of English literature. Under the influence of William James, James Albert Winans published a volume entitled *Public Speaking* (1915) that firmly established a union between professors of speech and those of psychology. With the cooperation of specialists in ancient and medieval rhetoric, such as Charles S. Baldwin, Harry Caplan, Lane Cooper, Everett Lee Hunt, and Richard McKeon, the whole tradition of classical rhetoric has been

retraced. This study has been continued and further developed in the works of Wilbur Samuel Howell, Donald C. Bryant, Karl R. Wallace, Walter J. Ong, Lloyd F. Bitzer, Douglas Ehninger, and Marie K. Hochmuth. The work of these scholars – the titles of which can be found in the Bibliography that has been regularly published by the Quarterly Journal of Speech since 1915 – constitutes a unique achievement which is as yet too little known outside the United States.[7]

AN ORNAMENTAL OR A PRACTICAL ART?

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

This view of rhetoric as declamation – ostentatious and artificial discourse – is not a new one. The same view was taken of the rhetoric of the Roman Empire. Once serious matters, both political and judiciary, had been withdrawn from its influence, rhetoric became perforce limited to school exercises, to set speeches treating either a theme of the past or an imaginary situation, but, in any case, one without any real bearing. Serious people, especially the Stoics, made fun of it. Thus Epictetus declares: "But this faculty of speaking and of ornamenting words, if there is indeed any such peculiar faculty, what else does it do, when there happens to be discourse about a thing, than to ornament the words and arrange them as hairdressers do the hair?"[9]

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

In his *Rhetoric* Aristotle distinguishes three genres of oratory: deliberative, forensic, and ceremonial. "Political speaking," he writes, "urges us either

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

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

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

Bossuet here is following St. Augustine's precepts concerning sacred

discourse as set forth in the fourth book of his work *On Christian Doctrine*. The Orator is not content if his listener merely accepts the truth of his words and praises his eloquence, because he wants his full assent:

> If the truths taught are such that to believe or to know them is enough, to give one's assent implies nothing more than to confess that they are true. When, however, the truth taught is one that must be carried into practice, and that is taught for the very purpose of being practised, it is useless to be persuaded of the truth of what is said, it is useless to be pleased with the manner in which it is said, if it be not so learnt as to be practised. The eloquent divine, then, when he is urging a practical truth, must not only teach so as to give instruction, and please so as to keep up the attention, but he must also sway the mind so as to subdue the will.

The listener will be persuaded, Augustine also claims,

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

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

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

THINKING ABOUT VALUES

In 1945, when I published my first study of justice,[14] I was completely ignorant of the importance of rhetoric. This study, undertaken in the spirit

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

I was deeply dissatisfied with this conclusion, however interesting the analysis, since the philosophical inquiry, carried on within the limits of logical empiricism, could not provide an ideal of practical reason, that is, the establishment of rules and models for reasonable action. By admitting the soundness of Hume's analysis, I found myself in a situation similar to Kant's. If Hume is right in maintaining that empiricism cannot provide a basis for either science or morals, must we not then look to other than empirical methods to justify them? Similarly, if experience and calculation, combined according to the precepts of logical empiricism, leave no place for practical reason and do not enable us to justify our decisions and choices, must we not seek other techniques of reasoning for that purpose? In other words, is there a logic of value judgments that makes it possible for us to reason about values instead of making them depend solely on irrational choices, based on interest, passion, prejudice, and myth? Recent history has shown abundantly the sad excesses to which such an attitude can lead.

Critical investigation of the philosophical literature yielded no satisfactory results. The French logician Edmond Goblot, in his work *La logique des jugements de valeur,*[17] restricted his analysis to derived or instrumental value judgments, that is, to those judgments that use values as a means to already accepted ends, or as obstacles to their attainment. The ends themselves, however, could not be subjected to deliberation unless they were transformed into instrumental values, but such a transformation only pushes back the problem of ultimate ends. We thus seem to be faced with two extreme attitudes,

neither of which is acceptable: subjectivism, which, as far as values are concerned, leads to skepticism for lack of an intersubjective criterion; or an absolutism founded on intuitionism. In the latter case, judgments of value are assimilated to judgments of a reality that is *sui generis*. In other words, must we choose between A. J. Ayer's view in *Language, Truth, and Logic* and G. E. Moore's view in *Principia Ethica*? Both seem to give a distorted notion of the actual process of deliberation that leads to decision making in practical fields such as politics, law, and morals.

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

I could see but one way to solve the dilemma to which most currents of contemporary philosophy had led. Instead of working out a priori possible structures for a logic of value judgments, might we not do better to follow the method adopted by the German logician Gottlob Frege, who, to cast new light on logic, decided to analyze the reasoning used by mathematicians? Could we not undertake, in the same way, an extensive inquiry into the manner in which the most diverse authors in all fields do in fact reason about values? By analyzing political discourse, the reasons given by judges, the reasoning of moralists, the daily discussions carried on in deliberating about making a choice or reaching a decision or nominating a person, we might be able to trace the actual logic of value judgments which seems continually to elude the grasp of specialists in the theory of knowledge.

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

ARGUMENTATION AND DEMONSTRATION

The new rhetoric is a theory of argumentation. But the specific part that is played by argumentation could not be fully understood until the modern theory of demonstration – to which it is complementary – had been developed.

In its contemporary form, demonstration is a calculation made in accordance with rules that have been laid down beforehand. No recourse is allowed to evidence or to any intuition other than that of the senses. The only requirement is the ability to distinguish signs and to perform operations according to rules. A demonstration is regarded as correct or incorrect according as it conforms, or fails to conform, to the rules. A conclusion is held to be demonstrated if it can be reached by means of a series of correct operations starting from premises accepted as axioms. Whether these axioms be considered as evident, necessary, true or hypothetical, the relation between them and the demonstrated theorems remains unchanged. To pass from a correct inference to the truth or to the computable probability of the conclusion, one must admit both the truth of the premises and the coherence of the axiomatic system.

The acceptance of these assumptions compels us to abandon pure formalism and to accept certain conventions and to admit the reality of certain models or structures. According to the classical theory of demonstration, which is rejected by formalism, the validity of the deductive method was guaranteed by intuition or evidence – by the natural light of reason. But if we reject such a foundation, we are not compelled to accept formalism. It is still insufficient, since we need good reasons to accept the premises from which we start and these reasons can be good only for a mind capable of judging them. However, once we have accepted the framework of a formal system and know that it is free from ambiguity, then the demonstrations that can be made within it are compelling and impersonal; in fact, their validity is capable of being controlled mechanically. It is this specific character of formal demonstration that distinguishes it from dialectical reasoning founded on opinion and concerned with contingent realities. Ramus failed to see this distinction and confused the two by using a faulty analogy with the sight of moving and unmoving colors.[19] It is sometimes possible, by resorting to prior arrangements and conventions, to tranform an argument into a demonstration of a more or less probabilistic character. It remains true, nonetheless, that we must distinguish carefully between the two types of reasoning if we want to understand properly how they are related.

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

act, or *practical*, as provoking either immediate action, the making of a decision, or a commitment to act.

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

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

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

From these specifications it is apparent that the new rhetoric cannot tolerate the more or less conventional, and even arbitrary, limitations traditionally imposed upon ancient rhetoric. For Aristotle, the similarity between rhetoric and dialectic was all-important.[20] According to him, they differ only in that dialectic provides us with techniques of discussion for a common search for truth, while rhetoric teaches how to conduct a debate in which various points of view are expressed and the decision is left up to the audience. This distinction shows why dialectic has been traditionally considered as a serious matter by philosophers, whereas rhetoric has been regarded with contempt. Truth, it was held, presided over a dialectical discussion, and the interlocutors had to reach agreement about it by themselves, whereas rhetoric taught only how to present a point of view – that is to say, a partial aspect of the question – and the decision of the issue was left up to a third person.[21]

It should be noted, however, that for Plato dialectic alone does not attain to metaphysical truth. The latter requires an intuition for which dialectic can only pave the way by eliminating untenable hypotheses.[22] However, truth is the keynote for dialectic, which seeks to get as close to the truth as possible through the discursive method. The rhetorician, on the other hand, is described

as trying to outdo his rivals in debate, and, if his judges are gross and ignorant, the triumph of the orator who shows the greatest skill in flattery will by no means always be the victory of the best cause. Plato emphasizes this point strongly in the *Gorgias*, where he shows that the demagogue, to achieve victory, will not hesitate to use techniques unworthy of a philosopher. This criticism gains justification from Aristotle's observation, based evidently on Athenian practice, that it belongs to rhetoric "to deal with such matters as we deliberate upon without arts or systems to guide us, in the bearing of persons who cannot take in at a glance a complicated argument, or follow a long chain of reasoning."[23]

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

Things are very different within a tradition that follows a juridical, rather than a mathematical, model. Thus in the tradition of the Talmud, for example, it is accepted that opposed positions can be equally reasonable; one of them does not have to be right. Indeed, "in the Talmud two schools of biblical interpretation are in constant opposition, the school of Hillel and that of Shammai. Rabbi Abba relates that, bothered by these contradictory interpretations of the sacred text, Rabbi Samuel addresses himself to heaven in order to know who speaks the truth. A voice from above answers him that these two theses both expressed the word of the Living God."[26]

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

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

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

Such is exactly how matters stand in philosophy. The philosopher's appeal to reason gives no guarantee whatever that everyone will agree with his point of view. Different philosophies present different points of view, and it is significant that a historian of pre-Socratic philosophy has been able to show that the different points of view can be regarded as antilogies or discourses on opposite sides, in that an antithesis is opposed in each case to a thesis.[28] One might even wonder with Alexandre Kojève, the late expert in Hegelian philosophy, whether Hegelian dialectic did not have its origin, not in Platonic dialectic, but rather in the development of philosophical systems that can be opposed as thesis to antithesis, followed by a synthesis of the two. The process is similar to a lawsuit in which the judge identifies the elements he regards as valid in the claims of the opposed parties. For Kant as well as for Hegel, opinions are supposed to be excluded from philosophy, which aims at rationality. But to explain the divergencies that are systematically encountered in the history of philosophy, we need only call these opinions the natural illusions of reason as submitted to the tribunal of critical reason (as in Kant) or successive moments in the progress of reason toward Absolute Spirit (as in Hegel).

To reconcile philosophic claims to rationality with the plurality of philosophic systems, we must recognize that the appeal to reason must be identified not as an appeal to a single truth but instead as an appeal for the

adherence of an audience, which can be thought of, after the manner of Kant's categorial imperative, as encompassing all reasonable and competent men. The characteristic aspect of philosophical controversy and of the history of philosophy can only be understood if the appeal to reason is conceived as an appeal to an ideal audience – which I call the universal audience – whether embodied in God,[29] in all reasonable and competent men, in the man deliberating or in an elite.[30] Instead of identifying philosophy with a science, which , on the positivist ideal, could make only analytical judgments, both indisputable and empty, we would do better to abandon the ideal of an apodictic philosophy. We would then have to admit that in the discharge of his specific task, the philosopher has at his disposal only an argumentation that he can endeavor to make as reasonable and systematic as possible without ever being able to make it absolutely compelling or a demonstrative proof. Besides, it is highly unlikely that any reasoning from which we could draw reasons for acting could be conducted under the sign of truth, for these reasons must enable us to justify our actions and decisions. Thus, indirectly, the analysis of philosophical reasoning brings us back to views that are familiar in existentialism.

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

The part played by the audience in rhetoric is crucially important, because all argumentation, in aiming to persuade, must be adapted to the audience and, hence based on beliefs accepted by the audience with such conviction that the rest of the discourse can be securely based upon it. Where this is not the case, one must reinforce adherence to these starting points by means of all available rhetorical techniques before attempting to join the controverted points to them. Indeed, the orator who builds his discourse on premises not accepted by the audience commits a classical fallacy in argumentation – a

petitio principii. This is not a mistake in formal logic, since formally any proposition implies itself, but it is a mistake in argumentation, because the orator begs the question by presupposing the existence of an adherence that does not exist and to the obtaining of which his efforts should be directed.

THE BASIS OF AGREEMENT

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

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

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

Values are appealed to in order to influence our choices of action. They supply reasons for preferring one type of behavior to another, although not all would necessarily accept them as good reasons. Indeed, most values are particular in that they are accepted only by a particular group. The values that are called universal can be regarded in so many different ways that their universality is better considered as only an aspiration for agreement, since it disappears as soon as one tries to apply one such value to a concrete situation. For argumentation, it is useful to distinguish concrete values, such as one's country, from abstract values, such as justice and truth. It is characteristic of values that they can become the center of conflict without thereby ceasing to be values. This fact explains how real sacrifice is possible, the object renounced being by no means a mere appearance. For this reason, the effort to reinforce adherence to values is never superfluous. Such an effort is undertaken in epideictic discourse, and, in general, all education also endeavors to make certain values preferred to others.

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

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

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

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

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

taking the interlocutor's assent as a sign of the truth of the accepted thesis. Thus Socrates says to Callicles in the *Gorgias*:

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

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

CREATING 'PRESENCE'

What an audience accepts forms a body of opinion, convictions, and commitments that is both vast and indeterminate. From this body the orator must select certain elements on which he focuses attention by endowing them, as it were, with a 'presence.' This does not mean that the elements left out are entirely ignored, but they are pushed into the background. Such a choice implicitly sets a value on some aspects of reality rather than others. Recall the lovely Chinese story told by Meng-Tseu: "A king sees an ox on its way to sacrifice. He is moved to pity for it and orders that a sheep be used in its place. He confesses he did so because he could see the ox, but not the sheep."[35]

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

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

To make "things future and remote appear as present," that is, to create presence, calls for special efforts of presentation. For this purpose all kinds of literary techniques and a number of rhetorical figures have been developed. *Hypotyposis* or *demonstratio*, for example, is defined as a figure "which sets things out in such a way that the matter seems to unfold, and the thing to happen, before our very eyes."[37] Obviously, such a figure is highly important

as a persuasive factor. In fact, if their argumentative role is disregarded, the study of figures is a useless pastime, a search for strange names for rather farfetched and affected turns of speech. Other figures, such as *repetition, anaphora, amplification, congerie, metabole, pseudo direct discourse, enallage*, are all various means of increasing the feeling of presence in the audience.[38]

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

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

THE STRUCTURE OF ARGUMENT

Nonformal argument consists, not of a chain of ideas of which some are derived from others according to accepted rules of inference, but rather of a web formed from all the arguments and all the reasons that combine to achieve the desired result. The purpose of the discourse in general is to bring the audience to the conclusions offered by the orator, starting from premises that they already accept – which is the case unless the orator has been guilty of a petitio principii. The argumentative process consists in establishing a link by which acceptance, or adherence, is passed from one element to another, and this end can be reached either by leaving the various elements of the

discourse unchanged and associated as they are or by making a dissociation of ideas.

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

QUASI-LOGICAL ARGUMENTS

These arguments are similar to the formal structures of logic and mathematics. In fact, men apparently first came to an understanding of purely formal proof by submitting quasi-logical arguments, such as many of the *loci* listed in Aristotle's Topics, to an analysis that yielded precision and formalization. There is a difference of paramount importance between an argument and a formal proof. Instead of using a natural language in which the same word can be used with different meanings, a logical calculus employs an artificial language so constructed that one sign can have only one meaning. In logic, the principle of identity designates a tautology, an indisputable but empty truth, whatever its formulation. But this is not the case in ordinary language. When I say 'Business is business,' or 'Boys will be boys,' or War is war,' those hearing the words give preference, not to the univocity of the statement, but to its significant character. They will never take the statements as tautologies, which would make them meaningless, but will look for different plausible interpretations of the same term that will render the whole statement both meaningful and acceptable. Similarly, when faced with a statement that is formally a contradiction – 'When two persons do the same thing it is not the same thing,' or 'We step and we do not step twice into the same river,' – we look for an interpretation that eliminates the incoherence.

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

Because of its adaptability, ordinary language can always avoid purely formal contradictions. Yet it is not free from incompatibilities, as, for instance,

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

Definitions play a very different role in argumentation from the one they have in a formal system. There they are mostly abbreviations. But in argumentation they determine the choice of one particular meaning over others – sometimes by establishing a relation between an old term and a new one. Definition is regarded as a rhetorical figure – the oratorical definition – when it aims, not at clarifying the meaning of an idea, but at stressing aspects that will produce the persuasive effect that is sought. It is a figure relating to choice: the selection of facts brought to the fore in the definition is unusual because the definiens is not serving the purpose of giving the meaning of a term.[41]

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

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

Some reasoning processes – unlike definition or analysis, which aim at complete identification – are content with a partial reduction, that is, with an identification of the main elements. We have an example of this in the rule of justice that equals should be treated equally. If the agents and situations were identical, the application of the rule would take the form of an exact

demonstration. As this is never the case, however, a decision will have to be taken about whether the differences are to be disregarded. This is why the recourse to precedent in legal matters is not a completely impersonal procedure but always requires the intervention of a judge.

Arguments of reciprocity are those that claim the same treatment for the antecedent as for the consequent of a relation – buyers-sellers, spectators-actors, etc. These arguments presuppose that the relation is symmetrical. Unseasonable use of them is apt to have comic results, such as the following story, known to have made Kant laugh:

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

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

APPEAL TO THE REAL

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

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

Arguments establishing relations of coexistence are based on the link that unites a person to his actions. When generalized, this argument establishes the relation between the essence and the act, a relation of paramount importance in the social sciences. From this model have come the classification of periods in history (Antiquity, the Middle Ages), all literary classifications (classicism, romanticism), styles (Gothic, baroque), economic or political systems (feudalism, capitalism, fascism), and institutions (marriage, the church).[45] Rhetoric,

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

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

ESTABLISHING THE REAL

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

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

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

The argument from analogy is extremely important in nonformal reasoning. Starting from a relation between two term A and B, which we call the *theme* since it provides the proper subject matter of the discourse, we can by analogy present its structure or establishing its value by relating it to the term C and D, which constitute the *phoros* of the analogy, so that A is to B as C is to D. Analogy, which derives its name from the Greek word for proportion, is nevertheless different from mathematical proportion. In the latter the characteristic relation of equality is symmetrical, whereas the *phoros* called upon to clarify the structure or establish the value of the theme must, as a rule, be better known than the theme. When Heraclitus says that in the eyes of God

man is as childish as a child is in the eyes of an adult, it is impossible to change the *phoros* for the theme and vice versa, unless the audience is one that knows the relationship between God and man better than that between a child and an adult. It is also worth noting that when man is identified with adult, the analogy reduces to three terms, the middle one being repeated twice: C is to B as B is to A. This technique of argumentation is typical of Plato, Plotinus, and all those who establish hierarchies within reality.

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

The metaphor is the figure of style corresponding to the argument from analogy. It consists of a condensed analogy in which one term of the theme is associated with one term of the *phoros*. Thus 'the morning of life' is a metaphor that summarizes the analogy: Morning is to day what youth is to life. Of course, in the case of a good many metaphors, the reconstruction of the complete analogy is neither easy nor unambiguous. When Berkeley, in his Dialogues,[49] speaks of "an ocean of false learning," there are various ways to supply the missing terms of the analogy, each one of which stresses a different relation unexpressed in the metaphor.

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

THE DISSOCIATION OF IDEAS

Besides argumentative associations, we must also make room for the dissociation of ideas, the study of which is too often neglected by the rhetorical tradition. Dissociation is the classical solution for incompatibilities that call for an alteration of conventional ways of thinking. Philosophers, by using dissociation, often depart from common sense and form a vision of reality

that is free from the contradictions of opinion.[51] The whole of the great metaphysical tradition, from Parmenides to our own day, displays a succession of dissociations where, in each case, reality is opposed to appearance.

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

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

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

INTERACTION OF ARGUMENTS

An argumentation is ordinarily a spoken or written discourse, of variable length, that combines a great number of arguments with the aim of winning the adherence of an audience to one or more theses. These arguments interact within the minds of the audience, reinforcing or weakening each other. They also interact with the arguments of the opponents as well as with those that arise spontaneously in the minds of the audience. This situation gives rise to a number of theoretical questions.

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

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

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

Such a technique would have to point out that an *exordium* is all-important in some cases, while in others it is entirely superfluous. Sometimes the objections of one's opponent ought to be anticipated beforehand and refuted, whereas in other cases it is better to let the objections arise spontaneously lest one appear to be tearing down straw men.[53]

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

REASON AND RHETORIC

The birth of a new period of culture is marked by an eruption of original

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

Aristotle's discovery of the syllogism and his development of the theory of demonstrative science raised the problem of the relation of syllogistic – the first formal logic – with dialectic and rhetoric. Can any and every form of reasoning be expressed syllogistically? Aristotle is often thought to have aimed at such a result, at least for deductive reasoning, since he was well aware that inductive reasoning and argument by example are entirely different from deduction. He knew too that the dialectical reasoning characteristic of discussion, and essentially critical in purpose, differed widely from demonstrative reasoning deducing from principles the conclusions of a science. Yet he was content to locate the difference in the kind of premises used in the two cases. In analytical, or demonstrative, reasoning, the premises, according to Aristotle, are true and ultimate, or else derived from such premises, whereas in dialectical reasoning the premises consist of generally accepted opinion. The nature of reasoning in both cases was held to be the same, consisting in drawing conclusions from propositions posited as premises.[54]

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

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

What about the *a fortiori* argument? Must we, in using such arguments, always be able to introduce a fictive unexpressed major premise, so as to make them conform to the syllogism?

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

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

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

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

To sum up, it appears that Aristotle's conception, which is essentially empirical and based on the analysis of the material he had at his disposal, distinguishes dialectic from rhetoric only by the type of audience and, especially, by the nature of the questions examined in practice. His precepts are easy to understand when we keep in mind that he was thinking primarily of the debates held before assemblies of citizens gathered together either to deliberate on political or legal matters or to celebrate some public ceremony. There is no reason, however, why we should not also consider theoretical and, especially, philosophical questions expounded in unbroken discourse. In this case, the techniques Aristotle would have presumably recommended would be those he himself used in his own work, following the golden rule that he laid down in his *Nicomachean Ethics*, that the method used for the

examination and exposition of each particular subject must be appropriate to the matter, whatever its manner of presentation.[58]

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

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

> We all know that opinions are admitted into the soul through two entrances, which are its chief powers, understanding and will. The more natural entrance is the understanding, for we should never agree to anything but demonstrated truths, but the more usual entrance, although against nature, is the will; for all men whatsoever are almost always led into belief not because a thing is proved but because it is pleasing. This way is low, unworthy, and foreign to our nature. Therefore everybody disavows it. Each of us professes to give his belief and even his love only where he knows it is deserved.
>
> I am not speaking here of divine truths, which I am far from bringing under the art of persuasion, for they are infinitely above nature. God alone can put them into the soul, and in whatever way He pleases. I know He was willed they should enter into the mind from the heart and not into the heart from the mind, that He might make humble that proud power of reason. . . .[59]

To persuade about divine matters, grace is necessary; it will make us love

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

> It is apparent that, no matter what we wish to persuade of, we must consider the person concerned, whose mind and heart we must know, what principles he admits, what things he loves, and then observe in the thing in question what relations it has to these admitted principles or to these objects of delight. So that the art of persuasion consists as much in knowing how to please as in knowing how to convince, so much more do men follow caprice than reason.
>
> Now of these two, the art of convincing and the art of pleasing, I shall confine myself here to the rules of the first, and to them only in the case where the principles have been granted and are held to unwaveringly; otherwise I do not know whether there would be an art for adjusting the proofs to the inconstancy of our caprices.
>
> But the art of pleasing is incomparably more difficult, more subtle, more useful, and more wonderful, and therefore it I do not deal with it, it is because I am not able. Indeed I feel myself so unequal to its regulation that I believe it to be a thing impossible.
>
> Not that I do not believe there are as certain rules for pleasing as for demonstrating, and that whoever should be able perfectly to know and to practise them would be as certain to succeed in making himself loved by kings and by every kind of person as in demonstrating the elements of geometry to those who have imagination enough to grasp the hypotheses. But I consider, and it is perhaps my weakness that leads me to think so, that it is impossible to lay hold of the rules.[60]

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

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

This conception, while stressing the social importance of rhetoric, makes it a negligible factor for the philosopher. This tendency increases under the influence of Kant and of the German idealists, who boasted of removing all

matters of opinion from philosophy, for which only apodictic truths are of any importance.

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

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

Now if one is not prepared to accept such a limitation to a monism of values in the world of action and would reject such a reduction on the ground that the irreducibility of many values is the basis of our freedom and of our spiritual life; if one considers how justification takes place in the most varied spheres – in politics, morals, law, the social sciences, and, above all, in philosophy – it seems obvious that our intellectual tools cannot all be reduced to formal logic, even when that is enlarged by a theory for the control of induction and the choice of the most efficacious techniques. In this situation, we are compelled to develop a theory of argumentation as an indispensable tool for practical reason.

In such a theory, as we have seen, argumentation is made relative to the adherence of minds, that is, to an audience, whether an individual deliberating or mankind as addressed by the philosopher in his appeal to reason. Whately's distinction between logic, as supplying rules of reasoning for the judge, and rhetoric, providing precepts for the counsel, falls to the gound as being without foundation. Indeed, the counsel's speech that aims at convincing the judge cannot rest on any different kind of reasoning than that

which the judge uses himself. The judge having heard both parties, will be better informed and able to compare the arguments on both sides, but his judgment will contain a justification in no way different in kind from that of the counsel's argumentation. Indeed, the ideal counsel's speech is precisely one that provides the judge with all the information that he needs to state the grounds for his decision.

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

FURTHER DEVELOPMENTS

I introduced the new rhetoric to the public for the first time over twenty years ago, in a lecture delivered in 1949 at the Institut des Hautes Etudes de Belgique.[64] In the course of the same year, the Centre National de Recherches de Logique was founded with the collaboration of the professors of logic in the Belgian universities. In 1953 this group organized an international colloquium on the theory of proof, in which the use and method of proof was studied in the deductive sciences, in the natural sciences, in law, and in philosophy – that is, in the fields where recourse to reasoning is essential.[65] On that occasion, Prof. Gilbert Ryle presented his famous paper entitled 'Proofs in Philosophy,' which claims that there are no proofs in philosophy: "Philosophers do not provide proofs any more than tennis players score goals. Tennis players do not try in vain to score goals. Nor do philosophers try in vain to provide proofs; they are not inefficient or tentative provers. Goals do not belong to tennis, nor proofs to philosophy."[66]

What, then, is philosophical reasoning? What are 'philosophical arguments'? According to Ryle, "they are operations not with premises and conclusions, but operations upon operations with premises and conclusions. In proving

something, we are putting propositions through inference-hoops. In some philosophical arguments, we are matching the hoops through which certain batches of propositions will go against a worded recipe declaring what hoops they should go through. Proving is a one-level business; philosophical arguing is, anyhow sometimes, an interlevel business."[67]

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

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

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

That so much attention should be focused on argumentation in philosophical thought cannot be understood unless one appreciates the paramount importance of practical reason – that is, of finding 'good reasons' to justify a decision. In 1954 I drew attention to the role of decision in the theory of knowledge,[72] and Gidon Gottlieb further developed it, with particular attention to law, in his book *The Logic of Choice.*[73]

Argumentation concerning decision, choice, and action in general is closely connected with the idea of justification, which also is an important element in the idea of justice. I have attempted to show that the traditional view is mistaken in claiming that justification is like demonstration but based on normative principles.[74] In fact, justification never directly concerns a proposition but looks instead to an attitude, a decision, or an action. 'Justifying a proposition' actually consists in justifying one's adherence to it, whether it

is a statement capable of verification or an unverifiable norm. A question of justification ordinarily arises only in a situation that has given rise to criticism: no one is called upon to justify behavior that is beyond reproach. Such criticism, however, would be meaningless unless some accepted norm, end, or value had been infringed upon or violated. A decision or an action is criticized on the ground that it is immoral, illegal, unreasonable, or inefficient – that is, it fails to respect certain accepted rules or values. It always occurs within a social context; it is always 'situated.' Criticism and justification are two forms of argumentation that call for the giving of reasons for or against, and it is these reasons that ultimately enable us to call the action or decision reasonable or unreasonable.

In 1967 a colloquium was held on the subject of demonstration, verification, justification, organized jointly by the Institut International de Philosophie and the Centre National de Recherches de Logique.[75] At that meeting I emphasized the central role of justification in philosophy. Among other things, it enables us to understand the part played by the principle of induction in scientific methodology. Prof. A. J. Ayer claimed that the principle of induction cannot be based on probability theory,[76] yet it did seem possible to give good reasons for using induction as a heuristic principle.[77] But this is only a particular case of the use of justification in philosophy. It is essential wherever practical reason is involved.

In morals, for example, reasoning is neither deductive nor inductive, but justificative. Lucien Levy-Bruhl, in his famous book *La Morale et la science des moeurs* (1903), criticized the deductive character of much traditional moral philosophy and proposed the conception of the science of morals that made it a sociological discipline, inductive in character. Yet in morals absolute preeminence cannot be given either to principles – which would make morals a deductive discipline – or to the particular case – which would make it an inductive discipline. Instead, judgments regarding particulars are compared with principles, and preference is given to one or the other according to a decision that is reached by resorting to the techniques of justification and argumentation.[78]

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

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

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

Argumentation establishes a link between political philosophy and law and shows that the legislator's activity is not merely an expression of unenlightened will. From lack of such a theory, Hume and Kelsen were right in making a sharp distinction between what is and what ought to be and claiming that no inference can be made from one to the other. Things take a different outlook, however, when one recognizes the importance of argumentation in supplying good reasons for establishing and interpreting norms. Kelsen's pure theory of the law then loses the main part of its logical justification.[81] The same befalls Alf Ross's realist theory of the law, as has been shown in the remarkable essay by Prof. Stig Jørgensen.[82]

The new rhetoric has also been used to throw new light upon the educator's task, on the analysis of political propaganda, on the process of literary creation, as well as on the reasoning of the historian.[83] But it is in the field of law that it has made the largest impact.[84] Recent studies and colloquia devoted to the logic of law testify to the keen interest that the subject has aroused, especially among French-speaking jurists.[85] The faculty of law at Brussels has just inaugurated a new series of lectures, entitled 'Logic and Argumentation.'[86]

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

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

To conclude this general, but far from exhaustive, survey, it is necessary to stress again the import that the new rhetoric is having for philosophy and the study of its history. Twenty years ago, for example, the *Topics* and *Rhetoric* of Aristotle were completely ignored by philosophers, whereas today they are receiving much attention.[87] Renewed interest in this hitherto ignored side of Aristotle has thrown new light upon his entire metaphysics[88] and attached new importance to his notion of *phronesis* or prudence.[89] Renewed attention is being given to the classical rhetoric of Cicero,[90] and we are now gaining a better understanding of the historical development of rhetoric and logic during the Middle Ages and the Renaissance.[91]

It is possible too that the new rhetoric may provoke a reconsideration of the Hegelian conception of dialectic with its thesis and antithesis culminating in a synthesis, which might be compared to a reasonable judge who retains the valid part from antilogies. This new rhetorical perspective may also help us to a better understanding of the American pragmatists, especially of C. S. Peirce, who, in his approximation to Hegel's objective logic, aimed at developing a *rhetorica speculativa.*[92]

For these inquiries to be pursued, however, the theory of argumentation must awaken the interest of philosophers and not merely that of lawyers and members of the speech profession. In a synoptic study of the subject, Professor Johnstone deplores the fact that the theory of argumentation is still little known in the United States, although it is now well known in Europe.[93] Attention has been focused on the problems raised by the use of practical reason, and the field has been explored and mapped by theoreticians and practitioners of the law. There is much that philosophers could learn from this work if they would cease confining their methodological inquiries to what can be accomplished by formal logic and the analysis of language.[94] A more dynamic approach to the problems of language would also reveal the extent to which language, far from being only an instrument for communication, is also a tool for action and is well adapted to such a purpose.[95] It may even prove possible to achieve a synthesis of the different and seemingly opposed tendencies of contemporary philosophy, such as existentialism, pragmaticism, analytical philosophy, and perhaps even a new version of Hegelian and Marxist dialectic.[96]

NOTES

* Translated from the French by E. Griffin-Collart and O. Bird. Reprinted from *The Great Ideas Today 1970*, Encyclopaedia Britannica, Chicago, 1970.

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

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

[3] Petrus Ramus, *Dialectic*, 1576 edition, pp. 3–4; also in the critical edition of *Dialectique*, 1555, ed. Michel Dassonville (Geneva: Librairie Droz, 1964), p. 62. Cf. Walter J. Ong, *Ramus: Method, and the Decay of Dialogue* (Cambridge, Mass.: Harvard University Press, 1958).

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

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

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

[7] Robert T. Oliver and Marvin G. Bauer, eds., *Re-establishing the Speech Profession: The First Fifty Years* (New York: Speech Association of the Eastern States, 1959). See also Frederick W. Haberman and James W. Cleary, eds., *Rhetoric and Public Address: A Bibliography, 1947–1961* (Madison: University of Wisconsin Press, 1964). Prof. Carroll C. Arnold of Pennsylvania State University has graciously supplied me the following information: "The statement about the bibliography in Quarterly Journal of Speech is not quite correct. The 'Bibliography of Rhetoric and Public Address' first appeared in the *Quarterly Journal of Speech* in 1947 and was published there annually to 1951. From 1952 through 1969, the bibliography was annually published in *Speech Monographs*. As it happens, the bibliography will cease to be published in Monographs and, beginning with this year, 1970, will be published in a *Bibliographical Annual*, published by the Speech Association of America. As far as I know, this bibliography remains the only multilingual listing of works (admittedly incomplete) on rhetoric published in the United States."

[8] See Vasile Florescu, 'Retorica si reabilitarea ei in filozofia contemporanea' (Rhetoric and its rehabilitation in contemporary philosophy) in *Studii de istorie a filozofiei universale*, published by the Institute of Philosophy of the Academy of the Socialist Republic of Rumania (Bucharest, 1969), pp. 9–82.

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

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

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

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

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

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

[15] *Ibid.*, p. 16.

[16] *Ibid.*, pp. 56–57.
[17] Edmond Goblot, *La logique des jugements de valeur* (Paris: Colin, 1927).
[18] Perelman and Olbrechts-Tyteca, *The New Rhetoric*. See also Olbrechts-Tyteca, 'Rencontre avec la rhétorique,' in *La théorie de l'argumentation*, Centre National de Recherches de Logique (Louvain: Editions Nauwelaerts, 1963), 1, pp. 3–18 (reproduces nos. 21–24 of *Logique et Analyse*).
[19] This identification is faulty, as dialectical reasoning can be reduced to formal calculation no more than commonplaces (topoi). Cf. Otto Bird, 'The tradition of the Logical Topics: Aristotle to Ockham,' *Journal of the History of Ideas* **23** (1962): 307–23.
[20] See *Rhetoric* I, 1354a 1–6, 1355a 35–36, 1355b 8–10, 1356a 30–35, 1356b, 35, 1356b, 37–38; *GBWW*, Vol 9, pp. 593–596.
[21] Plato, *Republic* I, 348a–b; *GBWW*, Vol 7, p. 306.
[22] Plato, *Republic* 511, *GBWW*, Vol. 7, p. 387. *Seventh Letter* 344b, *GBWW*, Vol. 7, p. 810.
[23] Aristotle, *Rhetoric* I 1357a 1–4; *GBWW*, Vol 9, p. 596.
[24] Plato, *Cratylus* 390c; *GBWW*, Vol 7, pp. 88–89. *Theaetetus* 167e; *GBWW*, Vol 7, p. 526.
[25] *Rules for the Direction of the Mind; GBWW*, Vol 31, p. 2.
[26] *Babylonian Talmud*, Seder Mo'ed 2, 'Erubin 136 (ed. Epstein). Cf. Ch. Perelman, 'What the Philosopher May Learn from the Study of Law,' *Natural Law Forum* **11** (1966): 3–4; idem, 'Désaccord et rationalité des décisions, in *Droit, morale et philosophie* (Paris: Librairie générale de droit et de jurisprudence, 1968), pp. 103–10. [In the present volume, Chap. 10].
[27] *Euthyphro* 7; *GBWW*, Vol 7. pp. 193–194.
[28] See Clemence Ramnoux, 'Le développement antilogique des écoles grecques avant Socrate,' in *La dialectique* (Paris: Presses universitaires de France, 1969), pp. 40–47.
[29] Plato, *Phaedrus* 273c; *GBWW*, Vol 7, p. 138.
[30] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 6–9.
[31] *Ibid.*, Sections 15–27.
[32] Ch. Perelman and L. Olbrechts-Tyteca, 'Classicisme et Romantisme dans l'argumentation.' *Revue Internationale de Philosophie*, 1958, pp. 47–57. [In the present volume, Chap. 16].
[33] Plato, *Gorgias* 487 d–e, *GBWW*, Vol 7, p. 273.
[34] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 104.
[35] *Ibid.*, p. 116.
[36] *Advancement of Learning*, Bk II, XVIII; *GBWW*, Vol 30, p. 67.
[37] *Rhetorica ad Herennium* 4. 68.
[38] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Section 42.
[39] To mention only a few works besides Thomas Kuhn's *The Structure of Scientific Revolutions* (Chicago, Ill.: University of Chicago Press, 1962), there is Michael Polanyi's fascinating work significantly entitled *Personal Knowledge* (London: Routledge & Kegan Paul, 1958.) The social, persuasive, nay, the rhetorical aspect, of scientific methodology was stressed by the physicist John Ziman in his brilliant book *Public Knowledge* (London: Cambridge University Press, 1968). The latter is dedicated to the late Norwood Russell Hanson, whose *Patterns of Discovery* (London: Cambridge University Press, 1958), and the *Concept of the Position* (London: Cambridge University Press 1963), gave much weight to the new ideas.

[40] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 45–88.
[41] *Ibid.*, pp. 172–173.
[42] *Ibid.*, p. 176.
[43] *Ibid.*, Sections 45–59.
[44] See J. S. Mill, *Utilitarianism, GBWW*, Vol. 43, pp. 443 ff.
[45] Ch. Perelman, ed., *Les catégories en histoire* (Brussels: Editions de l'Institut de Sociologie, 1969). [In the present volume, Chap. 15].
[46] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 60–74.
[47] *Ibid.*, Sections 78–81.
[48] Ch. Perelman, 'Analogie et métaphore en science, poésie, et philosophie,' *Revue Internationale de Philosophie*, 1969, pp. 3–15. [In the present volume, Chap. 7]; see also Hans Blumenberg, *Paradigmem zu einer Metaphorologie* (Bonn: H. Bouvier, 1960), and Enzo Melandri, *La linea e il circolo: Studio logico-filosofico sull'analogia* (Bologna: il Mulino, 1968).
[49] George Berkeley, *Works*, 2 vols. (London, 1843), 2:259.
[50] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 82–88.
[51] Ch. Perelman, 'Le réel commun et le réel philosophique,' in *Etudes sur l'histoire de la philosophie, en hommage à Martial Gueroult* (Paris: Fischbacher, 1964), pp. 127–38.
[52] Perelman and Olbrechts-Tyteca, *The New Rhetoric*, Sections 89–92.
[53] *Ibid.*, Sections 97–105.
[54] *Topics* I. 100a 25–32; GBWW, Vol. 8, p. 143.
[55] Ch. Perelman, 'Le raisonnement pratique,' in *Contemporary Philosophy*, ed. Raymond Klibansky (Florence: La Nuova Italia, 1969), 1:168–76.
[56] See *Rhetoric* I, 1356a, 15–18; *GBWW*, Vol. 9, p. 595. Paul I. Rosenthal, 'The Concept of Ethos and the Structure of Persuasion,' *Speech Monographs*, 1966, pp. 114–26.
[57] *Rhetoric* I, 1354a 19–27, 1356a 30–31; *GBWW*, Vol. 9, pp. 593, 595–96.
[58] *Ethics* I, 1094b 12–27; *GBWW*, Vol. 9, pp. 339–40.
[59] *On Geometrical Demonstration; GBWW*, Vol. 33, p. 440.
[60] *Ibid*, pp. 441.
[61] Cf. V. M. Bevilacqua, 'Philosophical Origins of George Campbell's Philosophy of Rhetoric,' *Speech Monographs*, 1965, pp. 1–12; and Lloyd F. Bitzer, 'Hume's Philosophy in George Campbell's Philosophy of Rhetoric,' *Philosophy and Rhetoric*, 1969, pp. 139–66.
[62] Whately, *Elements of Rhetoric* (1828), pp. 6–7.
[63] Karl Wallace, *Francis Bacon on Communication and Rhetoric* (Chapel Hill: University of North Carolina Press, 1943); and Ong, *Ramus: Method, and the Decay of Dialogue.*
[64] It was published in 1950 in the *Revue Philosophique de la France et de l'Etranger* under the title 'Logique et Rhétorique,' 75th year, pp. 1–35, and reprinted in Ch. Perelman and L. Olbrechts-Tyteca, *Rhétorique et philosophie* (Paris: Presses universitaires de France, 1952), pp. 1–48.
[65] The Proceedings appeared in the *Revue Internationale de Philosophie*, 1954, 27–28.
[66] Gilbert Ryle, 'Proofs in Philosophy,' *Revue Internationale de Philosophie*, 1954, p. 150.
[67] *Ibid.*, p. 156.
[68] See in this respect Perelman and Olbrechts-Tyteca, *Rhétorique et philosophie*, especially 'La quête du rationnel,' and 'De la preuve en philosophie.' The latter was

published in English in the Hibbert Journal 52 (1954): 354–59. The same theme was dealt with more fully in the articles 'Self-evidence and Proof,' published in Perelman, *The Idea of Justice and the Problem of Argument*, pp. 109–24; and 'Self-evidence in Metaphysics,' *International Philosophical Quarterly*, 1964, pp. 1–19.

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

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

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

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

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

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

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

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

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

[78] See 'Jugement moral et principles moraux,' and 'Scepticisme moral et philosophie morale,' in Perelman, *Droit, Morale et philosophie.*

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

[80] Ch. Perelman, 'Autorité, idéologie et violence,' in *Annales de l'Institut de Philosophie de l'Université Libre de Bruxelles* (Brussels: Editions de l'Institut de Sociologie, 1969), pp. 9–20. [In the present volume, Chap. 14].

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

[82] 'Argumentation and Decision,' in *Festkrift Alf Ross*, ed. Mogens Blegvad, Max Sørenson, and Isi Foighel) Copenhagen: Juristforbundets Förlaget, 1969), pp. 261–84 (with numerous bibliographical notes).

[83] Max Loreau, 'Rhetoric as the Logic of the Behavioral Sciences,' trans. Lloyd I. Watkins and Paul D. Brandes, *Quarterly Journal of Speech*, 1965, pp. 455–63; Otto Pöggeler, 'Dialektik und Topik,': in *Hermeneutik und Dialektik*, ed. J. C. B. Mohr (Tübingen, Germany, 1970), 2:273–310. Cf. 'Education et rhétorique,' in Perelman,

Justice et raison, pp. 104–17; and B. Gillemain, 'Raison et rhétorique, les techniques de l'argumentation et la pédagogie,' *Revue de l'enseignement Philosophique*, 1960, (3), 1961, (2); Paolo Facchi, ed., *La Propaganda politica in Italia* (Bologna: Società editrice il Mulino, 1960). Also, Renato Barilli, *Poetica e retorica (Milan, 1969)*; Ch. Perelman, ed. *Raisonnement et démarches de l'historien*, 2d ed. (Brussels: Editions de l'Institut de Sociologie, 1965); and Giulio Preti, *Retorica e logica* (Turin: G. Einaudi, 1968).

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Graham Hughes, 'Rules, Policy and Decision-Making,' in *Law Reason, and Justice: Essays in Legal Philosophy*, ed. Graham Hughes (New York: New York University Press, 1969), pp. 101–35. Luis Recaséns-Siches, *La logica de los problemas humanos* (Mexico: Dianoia, 1964), pp. 3–34. The Logic of the Reasonable as Differentiated from the Logic of the Rational,' in *Essays in Jurisprudence in Honor of Roscoe Pound*, ed. Ralph A. Newman (Indianapolis, Ind.: Bobbs-Merrill Co., 1962).

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Renato Treves, 'Metaphysics and Methodology in the Philosophy of Law,' in Hughes, *Law, Reason, and Justice*, pp. 235–54.

Theodor Viehweg, *Topik und Jurisprudenz* (Munich: Beck-Verlag, 1963), and his introduction to the German edition of my studies on justice, *Die Gerechtigkeit* (Munich: Beck-Verlag, 1967).

Franz Wieacker, 'Zur Praktischen Leistung der Rechts-dogmatik,' in Mohr, *Hermeneutik und Dialektik* 2: 311–36.

George Wróblewski, 'Legal Reasonings in Legal Interpretation,' in *Etudes de Logique Juridique* 3 (Brussels: Bruylant, 1969), pp. 3–31.

[85] See the volume of the *Archives de Philosophie du Droit* of 1961 devoted to the logic of law; the colloquium of Toulouse on legal logic, *Annales de la Faculté de Droit de Toulouse*, 1967, fasc. I; that of the Instituts d'Etudes Judiciaires de Paris, 1967, of which the Proceedings appeared under the title *La logique judiciaire* (Paris: Presses

universitaires de France, 1969); the Proceedings of the International Congress of the International Association for legal and political philosophy, *Le raisonnement juridique*, (Brussels: Bruylant, 1971).

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

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

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

[89] Pierre Aubenque, *La prudence chez Aristote* (Paris: Presses universitaires de France, 1963).

[90] Alain Michel published, in 1960, an essay on the philosophical foundations of the art of persuasion entitled *Rhétorique et philosophie chez Cicéron* (Paris: Presses universitaires de France), while Renato Barilli devoted an important, lively chapter to Cicero in his *Poetica e retorica* (see note 83).

[91] We have already mentioned Alessandro Giuliani, whose works cover the period stretching from Aristotle to the Scottish philosophy, without neglecting medieval logic, and shed new light on the history of legal logic. Mention must also be made of G. Chevrier's suggestive study 'Sur l'art de l'argumentation chez quelques romanistes médiévaux au XIIe et au XIIIe siècle,' *Archives de Philosophie du Droit*, 1966, pp. 115–48. Finally let us recall the well-known works of Eugenio Garin and of his disciples, which have drawn attention again to the Italian philosophy of the Renaissance and to fifteenth and sixteenth century humanism, in which discussions concerning the relations between philosophy, dialectic, and rhetoric occupied a central place: Garin, *Medioevo e Rinascimento* (Bari, Italy: Laterza 1961); and Garin, Paolo Rossi, and Cesare Vasoli, eds., *Testi umanistici sulla retorica* (Rome: Fratelli Bocca, 1953). Besides Garin's own writings, we must mention those of Paolo Rossi: 'La celebrazione della retorica e la polemica antimetafisica nel De principiis di Mario Nizolio,' in *La Crisi dell'uso dogmatico delle ragione*, ed. Antonio Banfi (MIlan, 1953), pp. 99–221; and Cesare Vasoli, *La dialettica e la retorica dell' umanesimo* (Milan: Feltrinelli, 1968).

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

[93] Klibansky, *Contemporary Philosophy* (see note 55), 1:177–84.
[94] See my article 'What the Philosopher May Learn from the Study of Law,' *Natural Law Forum* **11** (1966), 1–12.
[95] Cf. Ch. Perelman and L. Olbrechts-Tyteca, 'Les notions et l'argumentation,' *Archivio di filosofia*, Rome, 1955, pp. 249–69; idem, 'De la temporalité comme caractère de l'argumentation,' *Archivio di filosofia*, 1958, pp. 115–33. L. Olbrechts-Tyteca, 'Les définitions des statisticiens,' *Logique et Analyse* 3 (1960): 49–60. Ch. Perelman, 'Avoir un sens et donner un sens,' in *Thinking and Meaning, Entretiens d'Oxford*, in *Logique et Analyse*, 1962, pp. 235–39.
[96] Ch. Perelman, 'The Dialectical Method and the Part Played by the Interlocutor in the Dialogue,' in Perelman, *The Idea of Justice and the Problem of Argument*, pp. 161–67; also, 'Dialectique et Dialogue,' in *Hermeneutik und Dialektik* (see note 83), 2:77–84. [In the present volume, Chap. 5].

CHAPTER TWO

RHETORIC AND PHILOSOPHY*

Classical rhetoric, the art of speaking well – that is, the art of speaking (or writing) persuasively – was concerned to study the discursive ways of acting upon an audience, with a view to winning or increasing its adherence to the theses that were presented to it for its endorsement.

One of the fundamental controversies that brought cultured men of Graeco-Roman antiquity into opposition with one another concerned the respective roles of rhetoric, conceived in this way, and of philosophy, in the education of youth. Is it to the rhetor or the philosopher – to Protagoras and Gorgias or to Socrates – to Isocrates or to Plato – that we must entrust the task of completing the upbringing of the man and the critizen, of the one who is to govern the city and preside over its destiny? All were agreed that it is mastery of the *logos* that qualifies a man as a leader, but is it to the good speaker or to the accomplished dialectician that one ought to entrust concern with political affairs?

Even a superficial acquaintance with Graeco-Roman history teaches us that this conflict continued to be lively up to the end of ancient times for it represented the opposition between the two ideal forms of life: the active life and the contemplative life. The ideal of contemplative life was essentially concerned with the pursuit, the comprehension, and the contemplation of the truth concerning the subject himself, the order and the nature of things, or divinity; starting from such comprehension, the wise man was supposed to be able to work out the rules of action, both public and private, as based upon philosophical knowledge. Prudence and reasonable action flowed directly from knowledge, on which they were based and to which they are subordinated. The rhetor, on the other hand, educated his disciples for active life in the city; he was concerned to train serious-minded, politically-oriented men, capable of effectively taking part in courtroom proceedings as well as in political deliberations; able, if necessary, to exalt those ideals and aspirations that ought to inspire and orient the action of people. Thucydides, the pupil of Gorgias, faithfully applies the methods of his master, and in Pericles depicts the model man of action dear to the heart of the Athenians.

In this conflict, which opposes the 'partisans of the ideas' to men of action, Aristotle as always takes a middle position. While according primacy to the

contemplative life, he admits that a good citizen cannot be content with it. For him, knowledge of nontemporal truths determines neither morally good nor politically effective action, for the decisions that we have to make will never be thoughtful or reasonable unless they are preceded by deliberation. Since deliberation concerns only what depends upon us and is essentially contingent, practical discourse requires recourse to dialectical proofs, which permit us to arrive at the best opinion by showing what in each thesis can be criticized and what defended. Metaphysics cannot exempt us from the study of the topics and of rhetoric, because metaphysics concerns the necessary and unchangeable first principles of being and knowledge. It is the study of the topics and of rhetoric that teaches us the use of dialectical proofs to test opinions and persuade an audience. Hence, to those methods that permit the acquisition of scientific knowledge, and to the contemplation of eternal truths, Aristotle adds, in his Organon, the dialectical and rhetorical techniques that are indispensable when the issue is one of praise and blame, of the just and the unjust, of the timely and the illtimed; that is, the techniques that we must use to examine and expound, in a reasonable way, problems concerning values.

The story of the avatars of rhetoric and of the progressive decline of the field from the end of ancient times up to our own day would be intellectually entrancing.[1] In fact, aside from a reversal in the Renaissance centuries, its sphere of action and its influence have been seen to diminish progressively.

As an explanation of the increasing discredit of rhetoric, the change of regime at the end of antiquity has been evoked. In this change, deliberative assemblies lost all power, judicial as well as political, to the profit of the emperor and the functionaries named by him. The subsequent Christianization of the Western World gave rise to the idea that since God was the source of truth and the norm of all values, it was sufficient to trust in the magistracy of the Church in order to learn the meaning and intent of His revelation concerning every issue involving spiritual health. In this perspective, rhetoric and philosophy are subordinated to theology; and even if, thanks to a better knowledge of the texts of Plato and Aristotle, philosophy sought to liberate itself from the tutelage of the theologians, rhetoric in the middle ages remained essentially the art of presenting truths and values already established. The idea that God knows the truth about everything and that the only task of men is to seek it out, served to condemn all disputed theses as depending on mere opinion; one had to reject all those theses that did not compel the recognition of everyone owing to their self-evidence, on the ground that such theses, based on prejudices, passions, and the imagination, were unworthy of

being considered scientific. If two men defend opposing theses on the same issue, at least one of them is irrational, since he is necessarily mistaken; all disagreement is a sign of error and proves that seriousness is lacking.[2]

Neither rationalism nor empiricism, which have dominated modern philosophy, can, from this point of view, give any place to rhetoric, except as a technique of presenting ideas and putting them in form. Finally, calling on the sincerity and spontaneity which are demanded of every artist worthy of the name (since he must compose in just as natural a way as the birds sing), romanticism has rejected rhetoric as a mere technique of stylistic composition and ornamentation. To this role rhetoric had been progressively reduced beginning at the end of the sixteenth century.

But over the last twenty years we have witnessed a slow renaissance of the importance of rhetoric. This has taken place through the extension of philosophical currents, which, starting with philosophies of life, action and value, and leading up to pragmatism, have marked a philosophical renewal for nearly a century.

These various currents have reacted against absolutisms of every kind which have always neglected the rhetorical aspect of thought, supposing that the language used could only act as an obstacle to knowledge. Contemporary philosophies, by contrast, have not only recognized the role of language as an indispensable instrument of philosophical communication, but have understood that the choice of a linguistic form is neither purely arbitrary nor simply a carbon copy of reality. The reasons that induce us to prefer one conception of experience, one analogy, to another, are a function of our vision of the world. The form is not separable from the content; language is not a veil which one need only discard or render transparent in order to perceive the real as such; it is inextricably bound up with a point of view, with the taking of a position. When an author does not express himself after the fashion of a mathematician, in an artificial language that he may have created wholesale, but instead uses the natural language of a cultural com-community, he adopts, with respect to all those points which he has not explicitly modified, the classifications and evaluations that the language carries with it. And because this tacit adherence to the theses implicit in the language is more or less inevitable, the philosopher, to the extent that he takes account of his audience, ought, in order to avoid any misunderstanding or paradox, to warn the readers of each usage that departs from what is customary.

Let us note in this connection that classical philosophies are rarely interested in their audiences and a fortiori that they rarely make any effort to

adapt themselves to them. On the contrary, they demand that the reader make an effort of purification, of ascesis, in order to be better able to have access to the truth. Normally, these philosophies claim to be based upon a relation between subject and object, between the self and the world, between the self and God, on truths thus grounded before being recognized by any rational being, who is supposed to have to accept them because of their self-evidence. It is thus that recourse to nontemporal and universal ideas, such as truth, reason, and self-evidence, permits the philosopher to dispense with the effective adherence of the audience. In fact, if self-evident truths that ought to compel the acceptance of any rational being do not bring about the effective adherence of the audience, it is because the latter suffers from imperfections from which it ought to have been freed in the first place. Even the so-called 'commonsense' Scottish philosophy, according to which the opinion of the audience never ought even to seem to be neglected, sought to accord the status of incontestable certitudes to certain theses very generally admitted by those around the philosopher without his wondering whether an audience from another cultural milieu would be inclined to accord them the same belief. What on the contrary characterizes the rhetorical point of view in philosophy is a fundmental concern with the opinions and values of the audience that the speaker addresses, and more particularly with the intensity of this audience's adherence to each of the theses invoked by the speaker.

When the audience consists only of a single hearer – this hearer being identified, in the case of interior deliberation, with the speaker himself – it is essential to know to what opinions and values he adheres with the greatest intensity and on which ones the speaker can reckon in his discourse in such a way that the latter will have a firm hold on the personality of his hearer. Since one and the same person simultaneously adheres to several social groups and to the theses that express their points of view, it is in such a way he will be bound up, to various degrees, with different audiences; for example, with that of patriots, that of owners, that of socialists, that of heads of families, that of bureaucrats, that of Catholics, and so on. If these different audiences react in the same way to some one thesis, this agreement reinforces adherence to the thesis in question, and the speaker can, without fear of contradiction take the agreement as the point of departure of his argumentation. But if these various audiences have different opinions on a given question, it will be essential to know which of them the hearer feels the most bound up with, and which is the opinion that will prevail in case there is conflict. Without having a clear and precise idea of the intensity of his hearer's adherence to those theses that could serve his discourse as premises, the speaker risks seeing

the collapse of all the development that he planned to base on them just as a painting tumbles down when it is too heavy and the hook is insecurely attached to the wall.

Of course the problem of the speaker will be still much more complicated if he finds himself before a number of hearers rather than just one. How is one to address all of them so as to win the adherence of each, or at least of all those whom one is trying to persuade? It is immediately apparent what a gigantic effort would be required of the speaker if he could not simplify his task by addressing his discourse to a type of audience chosen at the outset. On a good many topics the speaker in fact addresses a specialized audience; he speaks to judges who he supposes will apply the laws of their country, to scientists who he supposes will adhere to their discipline in its present state of development, to union members who he supposes will defend their professional interests, to members of one political party or another, to the faithful of one religion or another. This reduction of audiences to a predetermined type of audience is possible whenever, in order to act effectively, the speaker needs to appeal only to certain opinions and certain values, considered as the only ones relevant to the occasion, and enabling him to neglect all the others. This viewpoint is all the more acceptable to the extent that the theses in question are specialized and isolated from other problems, and to the extent that the ensemble of relevant arguments can be located and its boundaries fixed.

Yet, effective as it is when one is concerned with specialized theses, this manner of envisaging one's audience only under a particular and specialized category very rarely succeeds when the questions at issue implicate various aspects of the personality of the hearers if not all aspects. Each of the hearers can then react in a way that is not entirely foreseeable, accordingly as he is more or less bound up with the various audiences to which he simultaneously belongs. Now this is the situation in which speakers discussing philosophical questions normally find themselves. How is one to extricate himself from the impasse with which the infinite variety of possible audiences supposedly confronts philosophical discourse?

From a traditional point of view, philosophical discourse is discourse addressed to reason, the latter being considered a faculty illuminated by divine reason or at least modeled on it – a non-temporal and invariable faculty, common to all rational beings, and constituting the specific characteristic of all members of the human race. A proposition whose self-evidence is attested to by the reason of any given human being ought to be self-evident for all, and recognized by all as indubitably true. The search for such self-

evident propositions, and the attempt to connect all doubtful propositions to these, by means of demonstrations, thus appears as the philosophical task par excellence, the task that would enable men to commune with one another in the same truths. Disagreement among men, if it is not necessarily a sign of error, nevertheless indicates that the proposition concerning which agreement is lacking is not immediately self-evident and ought to be proved. To prove it is to deduce it from self-evident and indubitable propositions, at least for those who, thanks to methodical doubt, have been freed from prejudices of all kinds. It is thus that self-evidence as experienced by a single attentive mind, suffices as an index of truth of the self-evident proposition; in this way, the idea of a common reason excuses the philosopher from concerning himself with his audience. If the latter was not effectively convinced, it is because perturbing elements prevented it from seeing subjectively the objective self-evidence of such-and-such a proposition; it is because bad education or willfullness furnished psychological obstacles that should be overcome at the outset, and in the long run would be overcome by an argument at once persuasive, purifying, and rhetorical in character.[3]

But if a philosophy that accords importance to the rhetorical point of view also admits the appeal to reason, it does not conceive the latter as a faculty separated from the other human faculties, but as a privileged audience, to wit the universal audience,[4] which is thought of as including all men who are rational and competent with respect to the issues that are being debated. Any philosophical discourse must attempt to convince such an audience. It is true that in the course of history each philosopher has been able to conceive of this audience in a different way, and that in one and the same epoch and in one and the same milieu the universal audience of one philosopher has not coincided with that of another. And consciousness of this fact radically distinguishes a philosophy that is inspired by rhetoric from any traditional philosophy that seeks to constitute itself as a system of self-evident and necessary ideas. Recourse to self-evidence gave classical rationalism an assurance that rhetorical rationalism no longer possesses, for anything presented to the former as a certitude can only be, so far as the latter is concerned, a hypothesis submitted to the test. It is no longer enough to *assume* the agreement of the universal audience; we must rather be effectively *assured* of it. Only the discussion of opposed theses, in a spirit of mutual understanding, will make it possible to locate the elements of the discourse on which an agreement can eventually be reached, provisional though it may be. Such discussion will also turn up theses which, pending new developments, seem the basis of irreducible opposition. According to this rhetorical conception,

the existence of a unique truth in all domains can no longer constitute an initial certitude guaranteeing that in the end all minds endowed with reason will agree on all the problems that men can sensibly raise. Hence it would be possible to understand and justify the existence of a plurality of philosophies, each claiming to furnish a true vision of reality, yet none capable of compelling acquiescence. To the idea of the uniqueness of truth, which does not explain disagreement among philosophers, our conception opposes the pluralism of values and the multiplicity of ways of being reasonable.

A rhetorical philosophy takes note not only of the existence of differing conceptions of the universal audience but also of the fact that each reasonable person is a member of a plurality of particular audiences, to whose theses he adheres with variable intensity, as well as being a member of the universal audience. It is always important to know with which of these particular audiences any concrete individual is going to identify himself in case of conflict.

The effort of philosophers toward more rationality – an effort that makes them the educators of the human race – aims to intensify mankind's adherence to the theses of the universal audience as each philosopher conceives it. And if it is true that philosophers vary in their manner of conceiving this privileged audience, what characterizes them in their role as philosophers is that all of them, in their parallel efforts, are the spokesmen for universal values, and that they cannot give up trying to bring about the universal agreement of minds with respect to these values.

What characterizes philosophical discourse, as opposed to theological discourse (which is addressed only to believers, who at the outset admit certain dogmas or sacred texts), and as opposed to political discourse (which is aimed only at a particular community with its own values and aspirations), is that the former is aimed at all reasonable men, and that each of these has thus the right to take issue with it. Traditionally, such discourse was presented as true – it being supposed that the truth ought to be universally admitted. But in order for it to be possible to claim universal recognition, a thesis does not necessarily have to be true; the practical use of reason does not require the truth of the rules of action, but only their conformity to the Categorical Imperative as Kant conceived it, or to the principle of generalization or of universalization.[5]

In this perspective, a philosophical discourse, even if it does not, like scientific discourse, claim to express an impersonal truth, cannot limit itself to drawing conclusions from the premises of the philosopher; for normally philosophical controversy, when it occurs, concerns the validity of the

premises themselves. The critique of these premises can only be carried out on the basis of presuppositions.

To recognize the possibility of philosophical discussion that is not a dialogue of deaf people is to admit the existence of commonplaces such as have been defined by classical rhetoric; there will be common values, common notions, and common rules of conduct, borrowed from common language. But it goes without saying that divergences will come to light as soon as there is a question of rendering these notions and values more precise, and of situating them in a nexus of conceptual relations. It is in this way that notions like truth, reason, person, freedom, persuading, and convincing will take on different senses and will have different bearings in different philosophies. The reasons given by each philosopher in favor of accepting his vision of things, his definitions, classifications, and evaluations, will be addressed to an audience that already accepts certain theses, thanks to which the alleged facts become reasons for or against the taking of a given position.

According to Mr. Johnstone, what is specific to philosophical controversy is that it is entirely based on *ad hominem* argumentation, since it can only be based on theses explicitly recognized by the philosopher himself, which he cannot deny without contradicting himself. But this concern for consistency is universal, and is not at all limited to philosophy. In philosophical controversy, I must have recourse to theses which, in my opinion, no one can take exception to, and which are thus binding on my interlocutor, even if he has not explicitly recognized them at the outset. This is the consequence of the conception of philosophical discourse as a rational discourse that is addressed to the universal audience. Any philosophical controversy, even that which claim to be based upon external evidence, is best understood in the rhetorical perspective of a speaker who is seeking to convince an audience, and in the dialectical perspective of the person who criticizes the theses of his adversary and justifies his own.

If philosophy makes it possible to clarify and render precise the basic notions of rhetoric and dialectic, the rhetorical perspective makes it possible to understand the philosophical enterprise itself better, by defining it in terms of a rationality that transcends the idea of truth and understanding the appeal to reason as a discourse addressed to a universal audience.

NOTES

* Translated from the French by H. W. Johnstone, Jr. Published in *Philosophy and Rhetoric*, Vol. I, Number 1, January 1968. Pennsylvania State University Press.

[1] Cf. L. Olbrechts-Tyteca – 'Rencontre avec la rhétorique,' in *La théorie de l'argumentation, perspectives et applications*, (Louvain, Nauwelaerts, 1963), pp. 9–11.
[2] Cf. Ch. Perelman – 'Désaccord et rationalité des décisions,' *Archivio di filosofia*, Padova, 1966, p. 88. [In the present volume, Chap 10, p. 111].
[3] Cf. H. Gouhier, 'La résistance au vrai et le problème cartésien d'une philosophie sans rhétorique,' in *Retorica e Barocco*, (Rome 1955).
[4] V. Ch. Perelman et L. Olbrechts-Tyteca, *Traité de l'argumentation*, Paris, 1958, pp. 6–9. (English translation, *The New Rhetoric, a Treatise on Argumentation* University of Notre Dame Press, 1969).
[5] Cf. M. G. Singer, *Generalization in Ethics*, New York, 1961, and R. M. Hare, *Freedom and Reason*, Oxford, 1963.
[6] H. W. Johnstone, Jr., *Philosophy and Argument*, (The Pennsylvania State University Press, 1959), 'Philosophy and Argumentum ad Hominem,' *Journal of Philosophy* 49 (1952), 489–498.

CHAPTER THREE

PHILOSOPHY, RHETORIC, COMMONPLACES*

In the present paper I defend the thesis that philosophical proof is of a rhetorical nature and that to the degree to which philosophical reasoning is based upon premises which are essential to it, it is attached to theses commonly admitted, that is, to general principles, common notions and commonplaces.

I hope to be able to establish this apparently paradoxical thesis which is opposed to the pretentions of philosophical tradition – to show that it is not arbitrary, but that it conforms to the intellectual climate of our times, that it safeguards the specificity of philosophy, gives a central place to rhetoric, and re-evalues common notions and commonplaces as points of departure for all philosophy that is humanistically inspired.

To the question: 'What is philosophy?' every response which pretends to be universally valid would at the same time be dogmatic and deficient. At each epoch of its history, philosophy has been defined in relation to ideas to which it was opposed and which stressed one or other of its aspects.

The well known work of Wilhelm Nestlé, *Vom Mythos zum Logos* (1942) showed the birth of philosophy to be a reaction to the Greek traditional myths, to common opinion filled with contradictions, to Greek religion both infantile and blasphemous, on behalf of a true objective rational knowledge of being and of nature. In opposing reality to appearances, knowledge to opinion, the philosophers intended to give an image of the universe based on reason and as a foundation for wisdom, a mastery of life, guiding men toward virtue and happiness.

Hardly had the Pythagoreans adopted the name philosophers, than Zeno of Elea wrote a work which he entitled 'Against the Philosophers' and whose immediate effect was to modify the very meaning of this notion. If, for Zeno, philosophers identified themselves with the Pythagoreans, then, when qualifyiing Zeno's writing as philosophical, we include under the same word not only Pythagoras' disciples but also their adversaries. Thus, progressively, and through the discussions of the schools, the title of philosopher is given to all who by means of the *logos* examine fundamental questions concerning being, nature, man, the good, the just, man's relations to divinity, man's place in the city, the role of tradition and reason in the elaboration of the laws, and

all things which can be the object of a knowledge based on reason. One after another became autonomous disciplines, at first mathematics, then the others which formed the seven liberal arts grouped into the *quadrivium* and the *trivium*. For a long time philosophy encompassed the study of nature in all its aspects. The first philosophy – it later received the name metaphysics – the knowledge that is suitable to the wise, was according to Aristotle's definition, the knowledge of first principles, ontology or the knowledge of being, and, at the same time, theology, the knowledge of the supreme being (*Metaphysics*, 982, 1026).

The philosophers of nature who exalted, above all else, the search for truth and the contemplative life, were opposed by the great Sophists – the masters of rhetoric – and the Sceptics who doubted the possibility of attaining absolute truth concerning nature and divinity and who recruited, as disciples for the active life, those interested in politics, law and history. Their role has been essential in the development of humanist philosophy. It was their arguments which were taken up, at the beginning of the Christian era, by all those who contrasted faith to knowledge and revelation to reason.

At first, adversaries of philosophy – thinkers inspired by Christianity – tried to reconcile philosophy and religion in a vision of the real which took God as the keystone of their system. At the end of book VI of the Republic, Plato affirmed the existence of a reality which transcends reason but nevertheless, is the condition of truth and knowledge. This conception was developed by Plotinus and his followers and became the basis of a synthesis of Christianity and Neo-Platonism. St. Augustine showed how the love of wisdom and the search for happiness lead necessarily to God, the condition at once of wisdom and eternal salvation. Later centuries saw the submission of philosophy to theology, then the slow and difficult emancipation of philosophy, owing to the efforts of Masters of Arts Faculties of the medieval universities.

The birth of Protestantism and of modern science in the 16th and 17th centuries provoked, at the same time, the wars of religion and the great philosophic efforts to establish by reason certain religious truths to which all men could agree. Disagreement among philosophies became an object of scandal and the thinkers of the 17th and 18th centuries, not being satisfied with the sceptical conclusions of thinkers such as Montaigne, sought to reform our means of knowledge by eliminating causes of illusion and error, elaborating the right method to conduct our reason by way of giving to philosophy the stature of a science as certain as geometry and mathematical physics. With this in view, we can understand the philosophical efforts of Bacon, Hobbes, Locke, and Hume in Great Britain and those of Descartes,

Spinoza, Leibniz and Malebranche on the Continent. Since the latter were rationalists, inspired by the geometric method, they constructed grandiose systems, which became the object of interminable controversies; the empiricists from Bacon to Hume, being more restrictive in their inclination, were the source of the modern positivist current which opposes the imperalism of the rationalist philosophers, and is a radical limitation of the philosophic endeavor.

David Hume concludes his *Enquiry concerning Human Understanding*:

> If we take in our hand any volume; of divinity or school metaphysics, for instance; let us ask, 'Does it contain any abstract reasoning concerning quantity or number?' No. 'Does it contain any experimental reasoning concerning matter of fact and existence?' No. Commit it then to the flames: for it can contain nothing but sophistry and illusion.

Before the extraordinary spread of positivism from Comte to World War II, rationalistically inspired philosophy reached one of its heights, thanks to Kant and 19th century German idealism. Kant undertook a theoretical and practical critique of reason, in response to the question: "What are the constituent conditions of a science of nature and those that render morality possible?" This transcendental philosophy will determine the limits of our faculty of knowing, but above all, show that the idea of duty, of an obligation imposing itself on our freedom, cannot result from some experience, nor from an analytical liaison among ideas, but that it presupposes the existence of synthetic *a priori* judgments.

If, in theoretical matters, Kant's analyses explain the end of traditional metaphysics by the fact that it went unduly beyond the limits of our faculty of knowing, it is, however, in the domain of practical reason that these analyses have a positive meaning, showing that the idea of moral duty or obligation can find its basis neither in the phenomenal world nor in the natural sciences. This result shifts the center of philosophy from theoretical toward practical reason, from the study of nature to the metaphysical foundations of morality and law.

Post-Kantian philosophies take up again the Kantian distinction between the philosophy of nature and the philosophy of freedom, electing deliberately the philosophy of freedom. To the degree that they try to bring forth a philosophy of nature, distinct from the natural sciences, they fail sadly, but in the elaboration of their philosophies of freedom as the manifestation of the Spirit in history, they contribute essentially to the advance of the human sciences, the *Geisteswissenschaften*.

If the second half of the 19th century marks the triumph of the natural

sciences and the constant advance of positivism, the renaissance of philosophy at the end of the century will be the triumph of the philosophies of freedom, of action, and of practical philosophies. The distinction between judgments of fact and value which spread in the 20th century will be tied to the opposition between the sciences and philosophy; the sciences aiming, through procedures of demonstration and verification, to establish factual judgments, value judgments being established by philosophy.

But how could this be achieved? If deduction and induction, recourse to calculation and experiment are the sole means of valid proof and since these are incapable of establishing value judgments, should we not follow Hume's advice and burn all philosophy books, except perhaps, the works of the positivists which reveal, because of a severe linguistic and logical analysis, the sophisms of the reasoning of non-positivist philosophers and the vanity of their pretentions?

It is in this philosophical climate, in 1929, the same year which saw the publication of the Vienna Circle's manifesto, that my own philosophical development began. Philosophy, as the complementary discipline of the sciences, was reduced to axiology, to the systematic study of value judgments, and was exposed to the incessant critiques of the positivists who saw philosophy dragged about between incommunicable intuitions and literary expression of purely subjective emotions. The elaboration of a philosophy based on reason thus became impossible, because it was necessary to choose between a rational method which emptied philosophy of all content and a significant philosophy, whose methods seemed subjective and irrational. It was, however, difficult to be resigned to positivism which declared as equally arbitrary all value judgments, when our whole being revolted against totalitarian ideologies, which scoffed at the dignity of man, and the fundamental values of our civilization, liberty and reason. How are we to free ourselves of this dilemma if it is held that scientific methods, deductive as well as inductive, do not allow us to establish value judgments and to go from what is to what should be?

At the end of the last war, in 1944, I undertook an analysis of the idea of justice entirely from a positivist point of view. I had succeeded in getting at the formal kernel of justice, defined as an equal treatment of essentially similar cases, but I saw that every application of the rule of justice presupposed previously admitted values. But what does one do with a conflict among value judgments? Can philosophy guide us by elaborating solutions acceptable to everyone, or must we be resigned to the fact that the reason of the strongest is always the best?

To respond to this last question, I searched for a logic of value judgments. It seemed to me that lacking this logic, philosophic reason, after having abandoned to the sciences the study of what is, had to admit its equal incapacity to determine what has worth, and what should be. Having renounced the study of nature, philosophy, as a discursive and communicable discipline, had to renounce the elaboration of values and norms governing our action, and deny even the possibility of a justifiable reflection on politics, law, morality and religion.

In seeking to bring forth this logic of value judgments, I found the method of the mathematician Gottlob Frege, the renewer of modern logic, to be the best. As he rediscovered formal logic by the minute analysis of mathematical reasoning, could we not by analyzing the reasoning which deals with the preferable, the just, the beautiful, the real as superior to appearance, find again this logic of the preferable, the object of our investigations?

Ten years of research together with Mrs. Olbrechts-Tyteca convinced us that there was no specific logic of value judgments. But our analyses allowed us to discover, or rather to rediscover, the techniques of argumentation and of persuasion which the Ancients had already studied in works entitled *Topics* and *Rhetoric*.

Formal logic essentially studies proof through calculation, i.e., formally correct demonstrative reasoning. But, the way we reason in a discussion, or in an intimate deliberation, when we give reasons pro or contra, when we criticize or justify a certain thesis, when we present an argument, e.g., in drawing up a preamble for a legal draft or the justification of a judgment, all the techniques utilized in these situations have escaped the modern logician's attention to the extent that he has limited himself to the analysis of purely formal reasoning.[1] It is doubtless that in all these situations we reason, and the nature of these reasonings did not escape Aristotle, considered by everyone to be the father of formal logic. In fact, Aristotle studied, in addition to such analytical reasoning as the syllogism, reasoning which he called dialectical because the latter is used in discussions and controversies, the best examples of these being the Socratic dialogues edited by Plato. For strong reasons, Plato considered dialectics as the proper method for philosophical reasoning. Its field of specific application, as Plato said in the *Euthyphro*, (7 to 9) does not concern the disagreements which can be easily removed by calculation, measure, weight, but differences of opinion concerning good and evil, the just and unjust, the honorable and the dishonorable, i.e., discussions concerning values.[2]

In his *Topics* and *Sophistical Refutations*, Aristotle analyzes the techniques

which allow us to extricate, in a controversy, the best opinion and to show the weak points of sophistic reasonings. If the criteria of strong or weak argument are given neither by calculation nor measure but depend upon an appreciation, e.g., the subject's judgment, then the reasoned conviction of the latter is the final instance when we deal with dialectical reasoning. This conviction is only a form of persuasion, which does not result from an action based on our desires and emotions, but which is based upon dialectical proofs and reasoning. Rhetoric, or the art of persuasion by discourse – as Aristotle had developed it – does not fail to recognize the role of either *ethos* or *pathos* in the endeavors of persuasion, but it insists, above all, upon the importance of proof, of the *logos*, i.e., reasons which support the best considered opinion.

Although, through its techniques of reasoning, classical rhetoric approaches dialectics, this rhetoric, to the extent that it no longer utilizes the technique of questions and responses but long continuous discourses, must center its preoccupations upon problems relative to the audience. In fact, every persuasive discourse is an adaptation to the audience. This is the reason why Aristotle devotes extensive explanations to diverse kinds of audiences, in his *Rhetoric*.

To the degree that the orator seeks to persuade and to achieve an efficacious action by means of a discourse, especially when it is a question of influencing an impressionable and ignorant audience as in the market place, he may be tempted to abuse his rhetorical power. These are the abuses which Plato stigmatized in the *Gorgias* where he showed the Athenians succombing to demagogic flatteries. For the philosopher, personified by Socrates, truth is more important than success, and even if he is condemned by the popular tribunal, nevertheless, his cause is the best.

It should be noted that Plato, if he were an adversary of demagogic rhetoric, is not, however, an adversary of all rhetoric. In the *Phaedrus*, another dialogue devoted to rhetoric, he tells us that there is a rhetoric worthy of the philosopher, the one that could convince the gods themselves (273–274). The quality of the discourse is judged not only by its efficacy, but especially by the quality of the audience it has succeeded in persuading. If Socrates' *Apology* presents an argumentation which seems to us convincing, although it had not persuaded the judges, the reason is that it would have exercised more effect upon an audience attuned to reason. Thus, in generalizing the idea of audience, we can avoid the objections traditionally leveled against rhetoric.

In fact, the contempt habitually shown by philosophers in regard to rhetoric results from what Aristotle, and those who followed him, elaborated as a technique to persuade primarily an audience of ignorant people. Why not

conceive a general theory of argumentation, a rhetoric adaptable to all kinds of audiences which would allow us to introduce along with the efficacy of the discourse, the quality of the audience as an element determining the value of an argumentation? This is how the methodology of a scientific or legal discipline informs us of the kind of argument, the type of proof, that is most convincing for the specialist. Philosophical discourse considered traditionally as an appeal to reason would be characterized by its adaptation to an ideal audience. This audience for Plato, and the religious mind, would be incarnated by a divinity; I would call it the universal audience. In my eyes, the philosophical discourse is inspired, in the field of argumentation, by Kant's categorical imperative: the philosopher must argue in such a manner that his discourse can achieve the adhesion of the universal audience.[3]

Philosophical argumentation, thus defined, belongs to the idea of reason which is no longer conceived uniquely as an instrument for the search for truth, but also for exerting a competence in the domain of action. It is no longer limited to scientific methods alone, to determine rational knowledge, but extends to the whole field of the reasonable, which gives meaning to the ideal of practical reason.

Appealing to reason or to a universal audience, the philosopher can, from his point of departure and reasoning, only support theses and argumentations which, even if in fact they are not admitted by everyone, should in his view impose themselves on all competent minds. This is why his discourse is based on common sense and common experience or make a case for truths, facts, evidences and necessities which everyone should admit. From this we can see the importance of common principles, notions and common places for philosophical communication. They furnish this communication with the starting points for argumentation. It is important for this purpose to put the accent on the term 'common' because it it through community that the philosopher's discourse can be tied to what is deemed admitted by the universal audience. It can be that the principles, considered by the philosopher as universally admitted only express the dominant opinion in his cultural milieu, and the knowledge proper to his age, but which everyone, in his opinion, should recognize. The universality of common notions is less contestable, because the differences, on their behalf can manifest the multiplicity of meanings which affect them and which transform them into essentially confused notions. This idea is well expressed in a passage of Epictetus' *Discourses* which deals with the preconceptions present in every human mind from the age of seven:

Preconceptions are common to all men; and one preconception doth not contradict another. For, who of us doth not lay it down as a maxim, that good is advantageous and eligible, and at all events to be pursued and followed; that justice is fair and becoming? Whence, then, arises dispute? In adapting these preconceptions to particular cases. As when one cries: 'Such a person hath acted well, he is a gallant man;' and another: 'No, he hath acted like a fool.' Hence arises the dispute among men. This is the dispute between Jews and Syrians and Egyptians and Romans, not whether sanctity be preferable to all things, and in every instance to be pursued: but whether the eating of swine's flesh be consistant with Sanctity or not. This, too, you will find to have been the dispute between Achilles and Agamemnon. For, call them forth. What say you, Agamemnon? Ought not there be done which is fit and right? Yes, surely. Achilles, what say you? Is it not agreeable to you, that what is right should be done? Yes, beyond every other thing. Adapt your preconceptions, then. Here begins the dispute. (Epictetus, Moral Discourses, I, XXII, trad. Elizabeth Carter, Everyman Library, (New York, 1966).

Supported by these common principles and notions, the philosopher's endeavor is to make them precise, to define them, to say, for example, what is true justice and religion, so as to decide conflicts which are posed, in a manner conforming to reason.

Similarly, commonplaces and more particularly those we have qualified in the *New Rhetoric* (paragraphs 21–24) as common places of the preferable, are the most general reasons allowing us to justify in all domains, preferences and choices. Examples of such commonplaces are those of quantity (what is useful to the great number is preferable), of quality (what is unique is preferable to what is common), of order (cause is superior to effect) and that of essence (which gives superiority to the more representative individuals of the species), etc.

These commonplaces are opposed to specific places, because they are not tied to a specific discipline such as law or morality, but are applicable to all. They are often antithetical so that the choice of one species of commonplaces can lead to certain decisions, while the choice of other commonplaces to decisions of another kind. The preference given to other types of commonplaces characterize different types of minds. Thus, we have been able to show that recourse to the commonplaces of quantity or quality allow us to distinguish the classical from the romantic mind. See pp. 159–167 of the present volume.

Because philosophical proof is not demonstrative nor constraining, but argumentative and more or less convincing, because recourse to common principles and notions and to common places give room to a multiplicity of interpretations, definitions and applications – thus distinguishing it radically from deductive and experimental reasoning – we can explain the specificity

of philosophy and at the same time what distinguishes it from religions, sciences and arts.

What distinguishes philosophy from religion is that it does not depend on a revelation given to believers, but that the reasons and proofs that it furnishes should be acceptable by everyone endowed with reason and common sense. What distinguishes it from the sciences is that by affirming theses which are not controllable either by calculation or experimentation, philosophy is incapable of assuring the unanimity of minds. It gives reasoned visions of the world, but none can be admitted as exclusively valid, negating all the others.

From this perspective, we can understand what caused the hopelessness of the effort to reconcile the pretentions of philosophers for truth with the irremediable plurality of philosophical systems. Though diverse philosophies can all claim universal adherence, because each of them is an appeal to reason, one cannot consider them as true in the sense that they conform to an objective reality and thus, provide an external criterion, a judge of their adequate character. In fact, each philosophy supporting itself upon the common reality, i.e., common sense, elaborates a philosophic reality which is suitable to it. It is an attempt to a corrected and coherent vision of the real from a common point of departure.[4]

If each great philosophic system could be considered as a work of art comparable to a cathedral or to a symphony[5] the justification of the philosophic construction can only be made by an argumentation which we hope to be convincing as a proof claiming to be acceptable to all. Because a philosophy is only conceived of as an appeal to reason, the conception which it presents of reason is an integral part of the philosophical enterprise.

This very brief paper tried to justify the thesis that philosophical proof is by nature rhetorical with all consequences which flow from this. It does not claim to demonstrate an incontestable scientific truth. In fact, its plausibility, its reasonable and convincing character, depend upon the way the notions of philosophy, rhetoric and commonplaces are understood and defined.

The aim of my whole discourse was to share my convictions that these notions have been presented and defined in a non-arbitrary way and that it corresponds to the fundamental preoccupations of men in our age and culture.

NOTES

* *Bulletin de la Classe des Lettres et des Sciences morales et politiques de l'Académie Royale de Belgique*, T. LVIII, 1972, pp. 144–156.

[1] Perelman and Olbrechts-Tyteca, *The New Rhetoric, A Treatise on Argumentation*, (Notre Dame, 1969). 'Introduction.'

[2] J. Moreau, 'Rhétorique, dialectique et exigence première' in the volume: *La théorie de l'argumentation* (Louvain, 1963), p. 207.

[3] 'Raison éternelle, raison historique', in my *Justice et Raison*, (Brussels, 1963), pp. 95–103.

[4] Perelman, 'Le réel commun et le réel philosophique' in *Le Champ de l'argumentation* (Brussels, 1970), pp. 253–264.

[5] E. Souriau, *L'instauration philosophique*, (Paris, 1939); M. Gueroult, 'Leçon inaugurale' au Collége de France, 4 december, 1951; G. Granger, 'Sur la connaissance philosophique' in *Revue Internationale de Philosophie*, 1959, pp. 96–111.

CHAPTER FOUR

THE PHILOSOPHY OF PLURALISM AND THE NEW RHETORIC*

Like most philosophical notions the notion of 'pluralism' as opposed to 'monism' is confused, since when used in different contexts its meaning and scope change.

Although our everyday experience reveals a variety of different beings and phenomena, the birth of Western metaphysics is to be traced to the great poem of Parmenides, who sets against this multiplicity of appearances an eternal and uniform reality conforming to the demands of reason. Parmenides' philosophy takes the form of an ontological monism disqualifying all phenomena whose existence is commonly accepted by treating them as appearances.

Monotheism which states that there is but one true God, who pervades the whole Universe or who is the Creator of everything that exists, is a form of monism which considers as mere idols the very many divinities of primitive religions. The philosophical concept of this unique God recognizes in Him a perfect being, a model of human reason and a guarantee of every truth. According to St Augustine, human knowledge shall be understood as only a pale and imperfect reflection of divine knowledge. For centuries, the learned man's ideal has been to discover the truths that God knows through all eternity.

The idea that God knows the solution of all moral problems, that there exists a just solution, known to God, for any problem of behaviour, has fostered axiological monism, namely the idea that in any conflict of values there is a way of reconciling all differences of opinion by reducing all values with their infinite diversity to one single value, designed in terms of perfection, usefulness and truth. The various phenomena and values will be regarded merely as aspects of a basic reality, and they will be arranged in a hierarchy and systematized in an unambiguous fashion. In this perspective all conflicts among men arise from the fact that they do not allow themselves to be led by reason alone, but are influenced by their imagination, their interests and passions. Spinoza's philosophy, a prototype of monist philosophy, states in his Ethics (Book IV, proposition 69) that he is free who is led by reason alone and since freedom is conformity to reason, what reason counsels to one man, it advises also to all men (Book IV, proposition 72). Therefore free men cannot but agree among themselves.

Ontological or Axiological monism will most often be associated with a methodological monism according to which there is but one method to follow to reach the truth. This is the demonstrative method used by mathematicians which should in all areas provide us with the same certainty as is provided by mathematical knowledge.

The last monism I wish to mention is the sociological monism which envisages the relationship of an individual to society along the same lines as his relationship to a single God. For a sociologist like Emile Durkheim the rules which conscience commands everyone to obey, would not be God's commandments, but injunctions of the collective conscience, an expression of the society where they live. From this viewpoint, the State, namely the politically and legally organized nation, would instill into all its members, through tradition and education, the whole range of recognized values and compulsory behaviours, by specifying for each member of that society what is forbidden, ordered, and desirable.

The advantage of monism in all its various forms is that it provides in every sphere a systematized and rationalized conception of the universe, thus securing a single and true solution to all conflicts and differences of opinion.

The drawback to monist ideologies is that they promote a reductionism which is sometimes barely tolerable. When they do not succeed in persuading everybody of the truth of their point of view, they may justify coercion and the use of force against the recalcitrants in the name of God, of reason, of truth, or of the State's or party's interest. Those who resist have to be re-educated, and if they do not allow themselves to be persuaded, they must be punished for their obstinacy and reluctance.

The religious wars which bathed Europe with blood during the 16th century, first led to a political compromise recognizing the right of each prince to determine the religion of his subjects (*cujus regio, ejus religio*) and then brought about some religious tolerance.

The fight for human rights, for freedom of thought and speech, for religious and political freedom, associated with the progress of democratic spirit, has led the 20th Century thinkers to oppose to monist philosophies pluralistically inspired ones. Having suffered from totalitarianisms of the left and of the right and having witnessed the abuses resulting from a combination of monist ideologies with the use of force to impose them, theorists of democratic regimes have developed various pluralist ideologies which make the concrete individual the starting point of their investigation.

One of the most striking and fertile philosophies in this respect is the doctrine developed by my teacher, professor Eugène Dupréel (1879–1967).

Its application to both political and economic problems has been discussed in a little book published just after the last war and entitled *Le pluralisme sociologique.*[1]

Instead of setting off the individual against society as if they were entities independent of each other, Dupréel bases his general sociology on the idea of the social relationship which "exists between two individuals when the existence or activity of the one of them influences the acts or psychological condition of the other. A reciprocal influence, actual or virtual is the normal case".[2]

To be able to influence others, a typical feature of social relationship, to achieve the desired result, one will resort sometimes to coercion, sometimes to persuasion, and sometimes to an exchange of goods and services. He who possesses this ability to influence the actions and feelings of others through one of the above means or a combination of them is endowed with a social power of variable size.

Social relationships are quite varied; their duration and nature are quite different. They are positive if they are based on agreement, consent or co-operation. They are negative if one of their components is opposition, conflict or competition. While any positive social relationship increases in some way the social power of each of the parties, a negative relationship is destructive of social power. Social relationships of opposite signs coexist, e.g. sports competitions between clubs which cooperate within national and international federations.

Two social relationships interpenetrate each other if they include a common term. In such a case one of these relationships will be complementary to the other if it strongly influences either the existence or the nature of the other. Because the judge exerts an authority over the policeman, he exerts an influence over the defendant, the first of these relationships being complementary to the second.[3]

By means of the concept of complementary social relationship, Dupréel defines another basic notion, the notion of a social group. A social group or society is a collection of individuals united together and distinguished from other individuals by positive and complementary social relationships.[4]

Families, nations, religions, sports teams, professions, etc., are such social groups. Social relationships among groups vary greatly depending on whether these are of the same nature or heterogeneous. Normally groups of a similar kind are external to each other, having no common members, whereas heterogeneous groups most often have common members. These groups are said to live in symbiosis.

Sociological pluralism results from the fact that individuals are simultaneously part of several groups which sometimes cooperate and at other times oppose each other. Each group seeks to signal its existence and whenever possible its autonomy. The spiritual life, with its own peculiarities, expresses itself largely by the way the individual arranges his or her participation in social life, with all these groups living in symbiosis, each group seeking that individual's cooperation and calling on his or her loyalty and solidarity.

It is thanks to sociological pluralism that notions so central to moral philosophy as freedom and individual responsibility can be explained.

The newborn child is raised like a young animal. He spontaneously imitates his parents and those who surround him. He is taught the behaviours which conform to the habits and rules of the group. Through signs of approval or disapproval, he will know what behaviour is expected of him and what is condemned. The more a society is homogeneous and isolated from outside influences, the more it will be conformist and traditional. But as soon as a society is diversified and the individual integrates into a plurality of groups living in symbiosis, then conflicts are bound to occur when the rules of two groups in which an individual simultaneously participates prove to be incompatible. The typical case is that of an individual who is part of both a national group and a religious group which no longer blend in developed societies. What should he do if the national group drafts him in the army while the religious group forbids him to kill and even sometimes to carry arms? Faced with incompatible orders, the individual is forced to make a choice. If he behaves as a good citizen, he will violate his religious sect's prescriptions and vice-versa. It is with such conflict that a conscientious objector is faced. Rather than conforming to the requirements of one or other of the groups in which he participates, he is often led to take a position toward them. He will have to make comparisons, to make judgments on the rules of the groups from the vantage point of a value which transcends the conventions of one group or the other. In this way, in opposition to the closed society, universalist ideals are developed, (ideals of the open society, as Bergson calls them), and the individual, who no longer completely identifies with any group of which he is a part, acquires a certain consistency of his own. His autonomy, his freedom and the development of his conscience are a result of sociological pluralism, since he no longer identifies entirely with one of the groups of which he is a member. It may be that as in the case of Antigone he rebels against the orders of an authority, orders which he deems unacceptable. It may be also that a man, placed in a difficult situation, initiates efforts to

eliminate incompatibilities, to reduce the conflicts which threaten to develop between groups living in symbiosis.[5]

Social life consists not only of efforts at cooperation but also of conflicts between individuals and between groups which tend to dominate, to establish hierarchies and sometimes to annihilate the opponent.

The history of mankind, after long periods of disorder and violence, has led to the development of a remarkable institution, the politically and legally structured state, to which is entrusted the monopoly of the use of force within its boundaries. Individuals and groups have renounced in principle the right to defend their interests through force of arms and to take justice into their own hands. It is the establishment of the legal structure of the state with its courts, its police force and its army, which underlies international public order since the Middle Ages.

In the pluralist conception, the state can efficiently fulfill its role as the guardian of order and as an arbitrator between individuals and groups living in symbiosis on its territory only by not identifying itself with any one of these. Over the years other missions have been added to the liberal conception of the state as guardian of order, essentially those missions which individuals and groups are unable to perform or which they perform in an imperfect fashion. But if the state should identify itself with any one of the existing groups by assuming the interests and aspirations of such a group, it is likely that it will not be able to perform its crucial mission, that of being the guardian of order, vested with the monopoly of the use of armed forces. When the State, that is a group based on power, adopts an ideology or religion, or wields economic power, it tends to become a totalitarian group tolerating neither independent groups nor individuals unwilling to obey its orders. It may wish to dictate to all those who live within its boundaries the truths they should abide by and the ideals they should pursue. The head of such a state, if he is not equated with a providential and omniscient God will be at least treated as a providential man whose words and deeds cannot be challenged. This monism which makes the leader the source of all truths and values, will be accompanied by a contempt for human rights as well as by persecution of all groups claiming to lead an existence independent of the government of the state. No human aspirations, whether national or religious, scientific or artistic, economic or recreational, will be promoted or even tolerated unless they serve the objectives of the central power. They will be subject to this fundamental consideration, which serves as a general criterion. This criterion will be defined and interpreted by the only recognized authority – that which holds the power – and by those who derive directly

from it. In the totalitarian State, the monism of values complements the ideological arsenal of the central power. Most often this is associated with the monopoly of communications media; the State alone wishes to hold social power. Any opposition is considered revolutionary and it can fight only by recourse to force organized sometimes within, sometimes outside the State.

The pluralist State, however, is based on respect for individuals and for the many groups which sometimes cooperate with each other and sometimes oppose one another. It recognizes that the exercise of rights and freedoms may have some drawbacks and create trouble: the State's function is not to suppress these liberties, but to moderate their most dangerous excesses. This pluralism renounces any aspirations to a perfect order based upon a single criterion. Rather, it recognizes the existence of a pluralism made up of incompatible values. Hence the need for reasonable compromises resulting from a permanent dialogue and a comparison of opposing views.

The social and political life of a democratic society – along with freedom of belief, freedom of the press, and freedom of meeting and association, offers a well known form of sociological pluralism. Each one of these freedoms may obviously create abuses and infringements upon the rights and freedoms of others. It is up to the lawmakers, to the courts and to the jurisprudence to establish and maintain a balance, always delicate, between legitimate claims. In each situation, it is a matter of seeking a solution which is acceptable, reasonable and fair because it is well balanced.

You will note that the terms employed to describe these solutions correspond to vague notions which cannot be expressed in quantifiable figures. These notions derive from such heterogeneous elements as the rights of individuals and groups, the proper operation of institutions, general welfare, fairness and social usefulness, protection of the weak, social trust based on expectations, respect for traditions and a concern for innovation and for social and technical progress. Pluralism is not at its best with precise and quantifiable rules as these imply the reduction of one value to another, and of heterogeneity to homogeneity. On the contrary, respect for diversity implies a search for solutions adapted to situations whose elements may vary from time to time, requiring a sensitivity to all existing values. A judge who is accorded a power of evaluation in performing his duties must not follow his subjective views, but rather try to reflect those shared by the enlightened members of the society in which he lives and by the views and traditions prevailing in his professional milieu. Indeed, a judge called upon to give a legal opinion in a specific case must attempt to render a judgment acceptable to the higher courts and to an enlightened public opinion as well as being

acceptable, in the case of a Supreme Court judgment, to the legislature which will not fail to react if it considers the Supreme Court's decision unacceptable.[6]

It should be noted in this connection that the power of evaluation granted both to the judiciary and the executive branch implies that the competent authority may choose from among a number of options that which has its approval. But this power of evaluation always has certain limits. Every time a decision appears unreasonable it will be considered as an intolerable abuse of power.

We should note that what is seen as reasonable or unreasonable in a given society at a specific stage of its development may cease to be so seen in another environment or at another time. Consider, for example, the motivation of Belgium's Supreme Court in a decision of November 11, 1889 concerning the admission of women to the legal profession. A Belgian woman meeting all requirements of the law had requested her admission to the bar by arguing that Section 6 of the Belgian Constitution proclaimed the equality of all Belgians before the law and that no provision had expressly prohibited the access of women to the Bar. To this request, the first in Belgian history, the Court replied that "if the legislator has not excluded women from the Bar by a formal provision, this was due to the fact that it held as a truism too obvious to need to be expressed that the administration of justice was reserved for men".

The statement which looked obvious nearly a century ago would seem not only unreasonable but even ridiculous today. Let me state, by the way, that it was not until April 7, 1922 that the Belgian legislature set aside the reasons invoked in 1889, and allowed women to practise law.

Insofar as law is seen as an expression of national will, it is natural that it should appear to be a collective work, based on custom and on general principles developed over the years but which could be formulated and interpreted differently in different systems. Most of the time, law will be the work of a collective lawmaker, and democratic systems will see to it that it is applied by judges, independent of the executive branch, before whom it is advisable that opposing views be argued by competent lawyers. In important matters, a single judge will be replaced by a tribunal consisting of several justices or by a common jury. Provision is usually made for actions before an appeal court and a supreme court, so that a judgment in a lower court does not acquire the authority of a *res judicata* until it has been subjected to several reviews.

Such a variety of precautions is unknown in mathematics or natural science. This is because methods of reasoning in law are of a quite different nature

depending normally neither on simple observation nor on formal proof. Pluralism, as it is manifested in politics, in law and in morality, cannot be envisaged without a methodological pluralism. For the plurality of disciplines there corresponds a plurality of methods. This is what Aristotle observed in a famous fragment of Nicomachean Ethics: "Precision is not to be sought for alike in all discussions any more than in all the products of the crafts . . . it is evidently equally foolish to accept probable reasoning from a mathematician and to demand from a rhetorician scientific proofs" (Book 1, 1094b) ". . . for a carpenter and a geometer investigate the right angle in different ways: the former does so insofar as the right angle is useful for his work, while the latter inquires what it is or what sort of thing it is" (Book 1, 1098).

Aristotle who is the father of formal logic stressed the fact that beside analytical reasoning used in demonstrations, one must recognize the existence of dialectical reasoning used in dialogues and controversies as well as in those situations in which one attempts to persuade and convince by argumentation. He examined these forms of reasoning in his well-known *Rhetoric* and claimed to be the first to discuss the techniques of controversy in his *Topics*.

Indeed, when it is a matter of deliberating and judging, selecting and deciding, the reasons given for or against do not constitute demonstrative proofs but arguments which are more or less strong, more or less relevant, more or less convincing. But what seems to be a good argument for one person may seem to be worthless for another. A convincing speech must be adapted to the audience that has to be convinced, as this conviction comes from what the audience concedes. The orator who does not follow this basic rule is bound to make the most serious mistake in argumentation – *petitio principii* or begging the question.[7]

Monist philosophers have always attempted to reduce the plurality of opposing views to the uniqueness of truth. To achieve this, they have imagined a divine reason, a guarantee of truth and justice, of which the human reason is a mere reflection. This eternal and unchangeable reason, by giving recognition to the self-evidence of certain propositions would thus guarantee their truth, this being in turn accepted by all reasonable beings. Thus, for rationalists such as Descartes or Spinoza, the geometer's method which proceeds by intuition and demonstration would serve as a model for the solution of all human problems, rules that are valid in mathematics being applicable to all areas. But before one begins to philosophize and to seek the required solution, it is first necessary to purge one's mind of all passions, emotions, concerns and fancies, indeed of all those prejudices which fill the mind.

In order to be able, under the guidance of reason, to share the same truths,

men must also forget their beliefs and creeds, the heritage of history, tradition and culture, all equally disqualified as prejudices. This would be the utopia of the universal society based on reason, the avowed ideal of the French Revolution.

But it is known that this ideal of universal brotherhood was a prelude to the revolutionary and the Napoleonic wars. And even the Code Napoléon, that most worthy work of this rationalist spirit, appears today as but the incarnation of bourgeois ideology at the beginning of the 19th century.

Consequently we should ask whether pluralist philosophy must dispense with the ideas of truth and of reason.

The idea of truth should serve as a criterion for opinions only to the extent that the techniques of control and verification allow it to be appropriately used without attempting to impose questionable ideologies in the name of truth.

As for the idea of reason, pluralism does not see it as an eternal and unchanging faculty shared by all men and separate from other faculties as well as from history; but considers it to be an ideal of universality peculiar to western philosophy. The appeal to reason whose philosophical tradition goes back to the Greeks should be envisaged as an appeal to agreement by all men who are not disqualified as members of this universal audience. Striving to convince this universal audience by his discourses and writings – the greatest effort which may be required from a philosopher – the orator must renounce persuasive techniques and arguments which are not likely to win the agreement of that audience. To appeal to reason is to submit to the exacting demands that Kant imposed on moral action; that is to conform to the categorical imperative according to which only arguments which can be universally admitted shall be used. But it is obvious that in philosophical pluralism unlike classical rationalism the idea of reason is not limited only to those reasoning methods used by mathematicians. Each philosopher elaborates this ideal of rationality in his own way, in line with what he holds to be acceptable to the universal audience.[8]

This idea, or rather this ideal, that each philosopher holds, must always be subject to the test of experiment, that is to say to dialogue.

Monist rationalism having recourse to self-evident facts is thus able to proceed directly from the consent of one to the consent of all, by disqualifying those who do not share the same self-evident ideas. However, as debate is never compelling, a philosopher proficient in pluralism will admit that different reasonings may correspond to different views we have of the universal audience. Instead of aspiring to impose an eternal truth, the pluralist

philosopher has lesser pretentions; he is satisfied with presenting a view of the world which seems reasonable to him and as such likely to win the agreement of the universal audience. This is only an imperfect endeavour although it is capable of being improved upon through dialogue and debate.[9] To the extent that he believes that they can be generalized, it is the opinions and aspirations of his milieu that inspire a philosopher's efforts.

Keeping open the possibility for such a dialogue favours a conception of society which allows everyone to participate; this is yet another argument with which philosophical pluralism could support those who present themselves as champions of human rights.[10] Having as its starting point the concrete human being engaged in social relationships and groups of all kinds, philosophical pluralism refrains from granting to any individual or group, no matter who they are, the exorbitant privilege of setting up a single criterion for what is valid and what is appropriate – a privilege that can lead only to excess and totalitarianism, as it is likely to oppress and suppress other individuals and other groups equally worthy of respect.

Philosophical pluralism demands a search for moderate, and thus well-balanced, solutions to all conflicts, which it considers nevertheless as unavoidable and recurring. Under the sign of reasonableness, pluralism does not claim to provide the perfect, unique and final solution, but simply human solutions – acceptable but capable of being changed and improved – to the ever-recurring problems created by the coexistence of men and groups, who prefer a fair compromise to the coercion imposed in the name of a unique value, irrespective of how important or even pre-eminent that value may be.

NOTES

* Lecture given in November 1977 at the McGill University in Montreal.

[1] Office de Publicité, Brussels, 1945, 80 pages.

[2] E. Dupréel, *Sociologie générale*, Presses Universitaires de France, Paris, 1948, p. 5.

[3] Cf. *Ibid.* pp. 10–19.

[4] *Ibid.* p. 20.

[5] For a more detailed analysis, see E. Dupréel, *Traité de morale*, Editions de l'Université de Bruxelles, Bruxelles 1967, vol. II, pp. 398–440.

[6] Cf. Ch. Perelman, *Logique juridique*, Dalloz, Paris, 1976, p. 75.

[7] For *petitio principii*, cf. Ch. Perelman et L. Olbrechts-Tyteca, *The New Rhetoric*, Notre Dame University Press, Notre Dame, 1969, p. 28.

[8] For the idea of universal audience, cf. Ch. Perelman et L. Olbrechts-Tyteca, *The New Rhetoric*, Sections 6–9.

[9] Cf. Ch. Perelman, Philosophie, rhétorique, lieux communs, in *Bulletin de la Classe des Lettres et des Sciences morales et politiques de l'Académie Royale de Belgique*, 1972, pp. 144–156. [In the present volume, Chap. 3].

[10] Cf. my essay 'Peut-on fonder les droits de l'homme?' in *Droit, morale et Philosophie*, Librairie générale de Droit et de Jurisprudence, Paris, 1976^2, pp. 67–74.

CHAPTER FIVE

DIALECTIC AND DIALOGUE*

Since Plato, the word 'dialectic' has been used in so many different meanings that some have said that it is advisable to make no further use of it. If the confusion of concepts constituted a strong argument invalidating their usage, then each philosopher would be forced to renew almost the whole philosophical vocabulary. Nevertheless the handling of these different meanings requires particular precaution, awareness of the previous uses and some idea of their historical evolution. If the *Begriffsgeschichte* is valuable for all philosophical notions then it is certainly so when we want to deal with the term 'dialectic'.

If we go back to the origins, to the etymology and to the first usages of this idea we can say that dialectics is the art of discussion and dialogue.[1] Plato tells us (Cratylus, 390c) that the dialectician knows how to question and to answer, and is capable of demonstrating the theses advanced and of refuting the objections presented to him by his questioner. It is the critical spirit which proves his mastery in the pertinent questioning of others and in furnishing satisfactory replies to their questions. It is in this sense that Zeno, Socrates and Plato's Parmenides are dialecticians.

Zeno's dialectics starts from his adversary's thesis and shows that is incompatible with his other theses. Zeno compels his interlocutor to recognize this incompatibility and to make a choice, by surrendering the thesis to which he is least attached. Similarly, Socrates in his search for satisfactory philosophical definitions criticizes his interlocutor's attempts at definition showing that what they propose is incompatible with more certain affirmations, beliefs or theses.

For Plato the metaphysician, dialectics is only a method to transcend hypotheses and to reach the absolute; but the non-hypothetical theses must be assured by an evident intuition. Dialectics alone cannot establish the theses and if evidence gives them a firm basis, then dialectics becomes superfluous because it is critical, but not a constructive method.

The purpose of Platonic dialectics is the discussion of values. A passage from Plato's *Euthyphro* (7b–d) shows this clearly. When we examine non-controversial subjects such as calculation, weight, measure and other such standards upon which we agree, discussion is useless and dialectic is not

needed to resolve difference. It is, however, indispensable when we lack the agreed measures or tools to resolve disagreements.

In Plato's dialogue *Parmenides*, dialectical reasoning opposes not only common sense theses but also previously accepted hypotheses and their negation. It furnishes a model for Kant's transcendental dialectic and its method for reasoning from the absurd. The proof of the falsity of both thesis and antithesis reveals the existence of a false proposition which in both cases has been presupposed uncritically.

The originality of Kant's transcendental dialectic is that different interlocutors do not defend thesis and antithesis. Such interlocutors, then, would only express *opinions*. This, Kant excluded from philosophy in a preliminary critique. For Kant, thesis and antithesis are two necessary manifestations of a reason which goes beyond the limits of legitimate knowledge. Reason's natural illusion forces us to examine critically implicit premises where things-in-themselves and phenomena are confused. The elimination of this confusion, which he owed to critique, allows Kant to present his solution as a synthesis, rejecting both dogmatism and scepticism as antithetical consequences of the confusion between things-in-themselves and phenomena. Let us note, in this regard, that the given synthesis does not result from an automatic and impersonal dialectical movement but from an act of genius of which Kant was justly proud.

Aristotle considered *dialectic* an adjective applicable to reasoning. Dialectical reasoning unlike analytical reasoning does not derive its validity from its conformity to the laws of formal logic. For the latter either the premises are true and the accuracy of reasoning assures the truth of the conclusion or they are hypothetical and then the conclusion is equally so, unless reasoning comes to a false conclusion which would allow us to conclude, if the reasoning is correct – thanks to the proof from the absurd – the falsity of at least one of the premises.

Dialectical reasoning is clearly differentiated from analytical reasoning because it is not formally valid but is only reasonable or probable, e.g., reasoning by example. We cannot then consider the conclusion reached by dialectical reasoning as assured without an expressed or tacit agreement of the interlocutor. This condition shows that dialectical, unlike analytical reasoning, does not come forth impersonally or automatically. Furthermore, the premises of such reasoning are almost never evident nor hypothetical. It is only in eristic dialogues, where through recourse to sophisms, we attempt to place the adversary in difficulty, say what he may, that premises play an unimportant role. On the other hand, with critical or dialectical dialogues, premises and the interlocutor's agreement are essential.[2]

In critical dialogue, a thesis of the interlocutor, or one's own hypothesis, is tested to see if it is not incompatible with other accepted theses. Dialectical reasoning, *sensu stricto*, according to Aristotle, presupposes that its beginning hypotheses are reasonable, i.e., admitted by common sense, the majority of men or the most intelligent among them. If we are to be assured of the interlocutor's agreement we choose well known theses or those to which our interlocutor gives explicit acceptance as premises. It is for this reason that the dialectician must constantly have recourse to the technique of questions and answers.

We must not forget that the ancients, in addition to the dialectical method, used in dialogues, knew another form of oratorical debate which, unlike the Socratic method of questions and answers, is presented by two opposing dicourses which recall the *dissoi logi*, the antilogies of Protagoras.[3] Concerning Protagoras' thesis that man is the measure of all things, Plato, for good reasons makes the famous sophist say the following: "and if you can dispute it (this thesis) in principle, dispute it by bringing an opposing doctrine against it; or if you prefer the method of questions, ask questions."[4]

Thucydides' *History of the Peloponnesian War* makes wide use of the method of antithetical discourses. The events justifying one of the two opponents play the same role as the crucial experiment does in the natural sciences which allows us to decide between two competing hypotheses.[5]

It is in the *Phaedrus*, a dialogue devoted to rhetoric, that Plato introduces the antithetical discourses, opposing the two Socratic discourses to Lysias's. In this he presents an oratory debate, the rhetorical genre *par excellence*. Socrates prefers the dialectical method of questions and answers, unlike the Sophists, Gorgias and Protagoras, who preferred the antithetical discourses. Plato gives us the reason for this preference in the *Republic* (348a–b); after Thrasymachus' discourse on the great many advantages procured by injustice, Socrates says to Glaucon:

> We might answer Thrasymachus' case in a set speech of our own, drawing up a corresponding list of the advantages of justice; he would then have the right to reply, and we should make our final rejoinder; but after that we should have to count up and measure the advantages on each list, and we should need a jury to decide between us. Whereas if we go on as before, each securing the agreement of the other side, we can combine the functions of advocate and judge.[6]

In the oratorical debate, as in the trial, the third party decides, while in the dialectical discussion we dispense with the third party because of an agreement on a truth which is revealed to the interlocutors.

If we now turn to the history of philosophy we cannot but affirm that the diverse philosophical systems come forth as antithetical discourses. Clemence Ramnoux, in an important article, showed this, in detail, in reference to the pre-Socratic thinkers.[7] According to Alexander Kojève, the great Hegel scholar, it was the contrasting course of philosophical systems that had suggested to Hegel his conception of '*Realdialektik*.'[8]

Kojève shows clearly in his two lectures on 'La Dialectique du Réel et la Méthode Phénoménologique chez Hegel,'[9] that "the Hegelian *method* is in no way dialectical", it is purely contemplative and descriptive, even *phenomenological* in Husserl's sense. In the *Preface* and *Introduction* to the *Philosophy of History* Hegel stresses the passive, contemplative and descriptive character of the 'scientific' method. He underscores the fact that there is only a dialectic of 'scientific' thought because there is a dialectic of Being which this thought reveals.[10]

Kojève states that it is not Being that is dialectical but that it is "the *revealed real* totality of Being that possesses this nature; this *revealed* totality is Geist." What is dialectical or trinitarian is *Geist* and not *Sein* (Being); "Being is only the first constitutive element or *Moment* of *Geist*."[11]

In the *Encyclopedia* as against the *Phenomenology of the Mind* we are dealing with a dialectic of nature and this indicates that Hegel himself changed on this point. This, is however, of little importance to our purposes. We are concerned only with the helpful contribution of Hegelian thinking to the history of philosophy. It is undeniable that Hegel's essential contribution is in the field of *Geistesphilosophie*. If we go from the abstract to the concrete, from the formal to the real, from the material to the spiritual, certainly the dialectical aspect becomes less and less negligible and dispensable. Dialectics mark essentially the intervention of the spirit and its freedom, man's fight for recognition through struggle and work, denying the natural world by transforming it into a human, social and historical one: Kojève shows us that it is "this active or *real* negation of the given, which is brought about in struggle and through work, that is the negative or the negating element that determines the dialectical structure of the Real and of Being. We are dealing with a dialectical *Reality* and a *real* Dialectic. This dialectic has an ideal 'superstructure' reflected, in a certain manner, in thought and discourse. In the course of history a philosophy (in the broad sense of the term) emerged to comprehend the actual state of affairs at each decisive turn of the dialectical evolution of the world. Thus, the history of philosophy and 'culture' is itself a 'dialectical movement' although secondary and derived. To the degree that Hegel's thought and discourse reveal and describe the totality of the real

in the course of its becoming, they are themselves a 'dialectic movement', but this movement is in some way tertiary. Hegelian discourse is dialectical to the degree that he describes the real Dialectic of struggle and work, as well as the 'ideal' reflection of this Dialectic in thought as a whole and in philosophic thought in particular. In itself, Hegelian discourse has nothing dialectical in it. It is neither a dialogue nor a discussion; it is a pure and simple 'phenomenological' description of the real dialectic of the Real and of the verbal discussion which reflected this dialectic in the course of time. Hegel does not need to 'demonstrate' what he says nor to 'refute' what others say. The 'demonstration' and the 'refutation' took place *before* him, in the course of history which preceded him. They took place throughout history not by verbal arguments but by proof, *Bewaehrung*, struggle and work. Hegel had only to record the final result of this 'dialectical' proof and correctly describe it. Since by defintion the content of this description will never be modified, completed or refuted, we can say that Hegel's description is the enunciation of the 'necessarily' valid, absolute, universal and eternal truth.

All this presupposes the *fulfillment* of the *Realdialektik* of struggle and work, i.e., the final end of history. It is only 'at the end of time' that a sage (in this case Hegel) can forgo the dialectical method, i.e., all real or ideal negation, transformation, or 'critique' of the given reality and limit himself to description, i.e., to revealing, in discourse, the given, precisely as it is given. Stated more exactly, it is at the moment that man becomes a sage that he is fully satisfied by such a pure and simple description. The active or real negation of the given no longer occurs; the discussion remains indefinitely valid and true, and consequently no longer questioned, it never engenders polemical dialogues.

As philosophical *method*, dialectics is abandoned only when the *Realdialektik* of the active transformation of the given definitely ceases. As long as this transformation lasts, a description of given reality can only be partial or temporary. To the degree that the real itself changes, its philosophic description must change so that it may continue to be adequate or true. In other terms, as long as the real or active dialectic of history lasts, the errors or truths are dialectical in the sense that they are sooner or later 'dialectically overcome', *aufgehoben*. 'Truth' becomes partial and, in a certain sense, false and 'error' true, both becoming the other in and through discussion, dialogue or dialectical *method*.

We can forgo the dialectical method and claim absolute truth, limit ourselves to pure description without any 'discussion' or 'demonstration', if we are sure "that the *Realdialektik* of history is truly achieved."[12]

Previous philosophical discourses, being only the expression of a moment of historical evolution, are for Hegel only an aspect of reality to which another never fails to follow and will be equally its philosophic expression as the antithesis of the preceding one. If the dialectical method is no more than the system of Hegelian knowledge it is because Hegel, having a global vision of philosophical evolution, comes forth as the retainer of a total and definitive vision and this makes every new antithesis inconceivable. Kojève says, "In short, Hegel does not need a dialectical *method* because the truth which he embodies is the end result of the real or active dialectic of world history which his thought is satisfied to reproduce through his discourse."[13]

The privileged position of the Hegelian system in the history of philosophy is the fact that it places itself at the end of history and marks the end of philosophy. The *Absolute Idea* escapes dialectical movement, temporality and the partiality which is the characteristic of philosophies expressing only a moment of history. It can, however, satisfy the requirements of Spinoza's methodology which characterizes the adequate idea as in agreement with an unchanging reality.

If the history of humanity is not fulfilled in Napoleon and the history of philosophy does not end with Hegel then, in each era, there is reason to ask what is living and what is dead in its system of knowledge and, in particular, what lesson we can draw concerning the relationships between the history of humanity and philosophy.

The postulate which is at the base of every philosophical vision of history is, according to Hegel, the unique and simple idea that reason works in history and that universal history manifests this rationality.[14] The role of each philosophical system is the conscious expression of this rationality. Since reason is unique,[15] philosophy and the historical evolution become a necessary dialectical movement, the progressive realization of the absolute idea.

We know that these diverse Hegelian theses gave rise to the difficult problem of the relationship of truth and history, which becomes even more pressing if the Hegelian system is not put at the end of history and does not mark the end of philosophy and there then is cause to insert this system also into the dialectical movement which characterizes the real. Can we reconcile the Hegelian affirmation that the spirit, *Geist*, is freedom and creation with a necessary, and therefore, rational dialectical evolution?

I would like to briefly treat this problem and furnish at least the elements of a solution. For this solution we will introduce a new conception of reason. This conception belongs to the Socratic *logos*, the capacity for argumentation, for furnishing reasons and presenting objections. It is opposed to analytical

reasoning which presents necessary demonstrations, essential to the understanding, as Kant and Hegel conceived it. This new idea of argumentation corresponds to dialectical reasoning as it was developed by Aristotle.

Aristotle held that only analytical and formal deductions are necessary; dialectical deductions are only plausible and reasonable. Logic and mathematics introduce abstract structures and are thus atemporal and ahistorical. Dialectical argumentation, manifesting itself in dialogue and discourse, is rooted in opinion and common sense, which are always historically conditioned. In fact, the latter, through argumentative discourse, aims at gaining the approval of an audience. Philosophic discourse aims for the approval of a privileged audience, which is the universal audience, composed of all normal and competent persons whom the philosopher is addressing.[16] However, this audience is an intellectual creation of each philosopher and thus linked to his milieu and epoch. The universal audience being a concrete and historical embodiment of reason can become the object of a sociology of knowledge. Let us not forget that Aristotle examined dialectical reasonings not only in the *Topics* but especially in his *Rhetoric*. In the latter he studied the means of proof needed to persuade and convince. Philosophical systems come forth as discourses. They start from admitted theses and from the aspirations of a milieu and of an age seeking to structure and orient them coherently. There is nothing that assures us that to each historical moment there corresponds only one philosophical system. On the contrary, according to Robinet, who is a professional historian of philosophy, we must examine all the philosophical systems of an age, seeing how each completes itself through the other so that we can clarify the spirit of the times.[17] Besides, if every society is a field of struggle and disputation, would it not be reasonable to admit that different tendencies have their philosophical spokesmen, and different systems express this struggle in the history of philosophy? This is Nicolai Hartmann's thought as he stated it in his study of Hegelian dialectics:

> What we usually designate as contradiction in life and reality is, in fact, not contradiction at all, but conflict. The clashing of forces, powers, and tendencies, even of heterogeneous legalities, occurs in many realms, perhaps we may say, in all realms, surely in all higher levels of reality. Such conflict is a real and actual contentiousness, *Realrepugnanz*; it can have the direct form of conflict, even of open battle. With contradiction, however, it can have no similarity because the conflicting reality never has the relationship of *A* to non-*A*, of a positive to a negative; rather it has that of positive against positive. Expressed logically, the relationship is contrary rather than contradictory; the contrary relationship of opposition is likewise inadequate because it does not show the dynamics of real contentiousness.[18]

From the previous remarks we can see the essential difference between Greek dialectics as the testing and eventual rejection of a thesis and Hegelian dialectics, the passage from a more abstract thesis to a more concrete one, from a poorer, more formal thesis to a richer, more immediate reality. The manner by which struggle and opposition are expressed, be it in philosophy or in reality, recalls the *dissoi logoi*, the antilogies of Protagoras and Thucydides. Nothing compels us to admit only one antithesis for a given thesis, because two differing theses, *B* and *C* can, on different points, be both incompatible with thesis *A*. Both Marx and Kierkegaard were opposed to Hegel's speculative idealism, the former from the point of view of dialectical materialism, the latter from Christian personalism. Thinkers, whom Hegel and his opponents have influenced, Dilthey, Mannheim, Lukacs or Sartre, have renewed interest in various elements of their precursors.

Thus, the dialectic of the history of philosophy is a secular dialogue among philosophers. Each contributes to an elaboration of a reasonable systematizing of contemporary ideas and values, after having taken the elements which he considers valuable from previous systems. This dialogue is only possible if no one is considered as the holder of the irrecusable revelation, of absolute and definitive truth. Only dialectical pluralism can save use from idolatry. This idolatry is seen in the cult of personality in history, and in philosophical dogmatism. Hegel's teaching will contribute to a better understanding of history and philosophy if, in removing the idea of an impersonal and necessary dialectic, we succeed in establishing more clearly Hegel's place in the secular dialogue of the great philosophers.

NOTES

* *Hegel-Jahrbuch* 1970, ed. Wilhelm R. Beyer, pp. 11–21.

[1] Cf. my article 'Dialectique et Dialogue'. in *Hermeneutik und Dialektik*, (Tübingen, 1970), Vol. II, pp. 77–83, from which I take and develop several theses.

[2] Ch. Perelman, 'The Dialectical Method and the Part Played by the Interlocutor in Dialogue', in *The Idea of Justice and the Problem of Argument* (London, 1963) pp. 161–167.

[3] *Diogenes Laertius*, IX, 51. (Loeb Library).

[4] *Theaetetus* 167 d. (Loeb Library).

[5] J. de Romilly, *Histoire et Raison chez Thucydide* (Paris, 1956) p. 233.

[6] *Republic*, 348 a–b trans. F. M. Cornford. (New York 1953).

[7] 'Le développement anti-logique des écoles grecques avant Socrate', in *La Dialectique* (Paris, 1969) pp. 40–47.

[8] A. Kojève, *Introduction à la lecture de Hegel* (Paris, 1968^2) p. 462.

[9] *Ibid.*, pp. 447–528.

[10] *Ibid.*, p. 449.
[11] *Ibid.*, p. 449, note I.
[12] *Ibid.*, p. 465–467.
[13] *Ibid.*, p. 462.
[14] *Philosophy of History*, Introduction, V. XI, p. 34. (Jubiläumausgabe).
[15] *Jenenser Zeit*, I, pp. 174–175. (Jubiläumausgabe).
[16] For universal audience see: Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric*, Sections 6–7 (Notre Dame, 1969) see also, 'Raison éternelle – Raison historique' in *Justice et Raison*, (Bruxelles, 1963) pp. 93–103, 'Le réel commun et le réel philosophique' in *Le Champ de l'argumentation*, (Bruxelles 1970) pp. 253–264.
[17] A. Robinet 'Dialectique et histoire de la philosophie' in *Dialectique* (Paris, 1969) pp. 106–107.
[18] N. Hartmann, 'Hegel und das Problem der Realdialektik' in *Kleinere Schriften* (Berlin, 1957) Vol. II, p. 345.

CHAPTER SIX

RHETORICAL PERSPECTIVES ON SEMANTIC PROBLEMS*

Under the influence of logicians and mathematicians a concept of language has evolved which views it mainly as an instrument for effective communication.[1]

As Professor A. Church points out, to be used as such a tool, language must be capable of being translated into an artificial formal language conforming to the following requirements:

> 1. It will be necessary to specify all the primitive symbols of this language so that there is a method by which, whenever a symbol is given, it can always be determined effectively whether it is one of the primitive symbols of the language.
>
> 2. The definition of well-formed formulas shall be effective if there is a method by which, whenever a formula is given, it can always be determined effectively whether or not it is well-formed.
>
> 3. The specification of axioms shall be effective in the sense that there is a method by which it can be determined effectively whether or not a well-formed formula is one of the axioms.
>
> 4. The rules of inference, taken together, shall be effective in the strong sense when there is a method by which, whenever an inference is given of one well-formed formula as conclusion from certain premisses, it can be determined whether this inference is in accordance with the rules of inference or not.[2]

For those who hold such a view of language, it is clear that a logistic system should be considered as an ideal language serving as a perfect instrument of effective communication, and the propositions of ordinary language would conform to this ideal in so far as they can be translated into formulas of this ideal language.[3]

The main criteria for the elaboration of this ideal language depend on the idea of adequate communication, governed by the notions of correction, exclusion of ambiguity, of truth and formal proof. The aim is, that nothing should make us doubt that we are faced with the correct, non-ambigous formulas of a language, and that there should be no doubt either as to the meaning or as to the truth or falsehood of these formulas.

To this reductionist conception of language, which is entirely defined by its syntax and by semantic rules of a purely formal nature, I wish to oppose the rhetorical approach which considers language as an instrument enabling one mind to act upon another. If we consider language in this light, we can

show that it is as unsuitable to call a language 'ideal' when it possesses the properties mentioned by Professor Church as it would be unsuitable to call glass an ideal material because it is transparent and cannot lose its shape. Just such qualities are needed for the fabrication of window-panes, but it does not mean that anyone would think of using this material to make a shirt or a pair of trousers.

Analogously, the qualities logicians require of a language to qualify it as an adequate means of effective communication, actually disqualify it, if we consider communication not as something which occurs between machines, but between human beings interacting with one another.

The 'ideal' language presupposes a total agreement on everything which can be the object of discourse. As soon as disagreement, controversy, doubt or even novelty occur, the 'ideal' language fails to supply us with a means of communication and, *a fortiori*, fails to exert any influence on others or even on ourselves. How, indeed, could we conceive the possibility of inward deliberation, of any type of reflection, if the only elements of communication at our disposal were those of the 'ideal' language?

We shall try to show that to serve as an instrument of communication and to affect other minds in different circumstances, a language must contain some expressions on which there exists a preliminary agreement as well as other elements that need clarification and interpretation, and that could only be understood in a process of discussion and even controversy. A language is ideal when it is adaptable not only to analytical discourse but also to dialectical, rhetorical and even poetical or religious discourse.

The linguistic abilities of man are not limited to what Chomsky has taught us about generative grammars. Indeed, not only are we capable of understanding sentences which we have never heard before, if they are made up of elements we already know, but we can also understand new words, i.e. linguistic units, which we have never heard before, if we can associate them with words we already know. Thus, the person who first launched the word 'bankster' without defining it, relied on the fact that his readers would unhesitatingly connect it with 'banker' and 'gangster'. Similarly, when Romain Rolland created the word 'genpillehommes' to designate 'gentilhommes', he knew that his anti-aristocratic intention would escape no one. Although 'bankster' and 'genpillehommes' were not part of the French vocabulary, there was no rule against introducing these words without defining them. If the reader is prepared to make an effort because he presumes that the author intends to communicate an idea for which he invents a new but adequate term, he will manage to understand the meaning of those words which are

created from terms that are already familiar. We thus see that the reader's presumption concerning comprehensibility of communication makes it possible to give meaning to a new, and theretofore unknown word.

The presumption concerning the sensible character of communicating, one consequence of which is that a speaker does not make obviously contradictory statements, often forces us to give different meanings to the same word.

In a play by Pagnol, e.g. when Panisse says: "I do not mind dying but it grieves me to depart from life"[4] we cannot interpret 'dying and 'departing from life' as synonymous without accusing the speaker of incoherence. Similarly, when Heraclitus tells us in the famous fragments "We do and do not step twice into the same river",[5] we must give two different meanings to 'the same river' so as to make sense of what is being said. Oftentimes we make sense of such expressions by distinguishing the real from the apparent.[6] This technique, e.g. enables us to understand Schiller's famous lines: "What religion do I profess? None of all those that you mention. And why none? For religion's sake!".

The rhetorical figure called 'paradox' forces us to modify the usual meaning of words by a reinterpretation, in order to eliminate what appears as an inconsistency when the statement is taken literally.

We act in the same manner when encountering an expression which seems to be insignificant because it is tautologous. Thus, we do not think of such statements as 'boys will be boys' or 'a dime's a dime', as examples of the principle of identity. To be both intelligible and significant, they must be reinterpreted – the same word must be given two different meanings. In natural language, the presumption about the interest of what we are being told prevails over the presumption concerning the univocacy of the signs used.

If we now turn from the audience to the speaker, we shall see that the latter will use a concept differently if he intends to defend or to attack its use. If he attacks or defends a concept designated by a particular term, he will either harder its meaning, thereby making it both open to criticism and difficult to defend or, on the contrary, he will give it flexibility, plasticity, thus making it capable of resisting attack and of surviving criticism. I shall illustrate such tactics by reference to a controversy between two friends, Bobbio and d'Entrèves, both professors at the University of Turin, in Italy, the former attacking the concept of natural law and the latter defending the part it plays in the philosophy of law.[7]

Each was attacking or defending a different concept of natural law. For Professor Bobbio, natural law was a highly organised legal system, superimposed on positive law, but with a different content varied with its spokemen.

For Professor d'Entrèves, natural law was only an undefined ideal expressing our aspiration to justice and serving to limit the arbitrary will of the legislator. In the course of controversy, the meaning of the expression 'natural law' varied, during the debate, from speaker to speaker.

At times we endeavour to modify the extension of a notion that is considered infamous, such as 'communist' or 'fascist' so as to ensure that it applies to our opponents or to avoid its application to our friends. It may happen that such an adaptation may lead to a controversy that will clarify the notion; but, if the discussants stick to their guns, the notions may become more confused, enriched with meanings which are often quite incompatible. This is the well-known fate of the key-terms of philosophy.[8]

A notion that is at first simple and clear may acquire a highly complex meaning, being considered as a condition or a consequence. Thus, in Belgian law, a state between war and peace is called 'placing the army on a war-footing'. Such a state which had been decided by the Belgian Parliament in 1939, existed still in 1947, even though the war had been over for two years. In the meantime many legal measures were adopted that had to last so long as 'the army was on a war-footing'. The measures taken in war-time had to be adapted to the new post-war situation; so long as this was not yet done, and to permit the continuation of the existing state of affairs, the condition had to be maintained although two years previously the country and the army had returned to normal.[9]

The expression was no more than a legal fiction, which had been maintained due to special circumstances and it did not correspond any more to its original meaning. A legal fiction is a legal qualification of a situation in contrast to the facts, to avoid or to bring about certain legal consequences. So in Rome, the *praetor peregrinus*, the judge in charge of foreigners, conferred on them fictitiously the quality of Roman citizens in order to be able to judge according to the civil law which, in principle, applied only to citizens.

Some figures of rhetoric result from the fact that for the purposes of effective speech, we use grammatical rules in an unorthodox manner. Normally we use the future tense in order to speak of future events. But not so in the expression: "if you come, you *are* a dead man". In this figure of speech, called the *enallage of tense*, we use the present tense instead of the future to indicate that the reaction will be immediate. Similarly, to give an impression of *presence*, writers will use the present to describe past events.[10]

If, when putting her child to bed, a mother says: "we will be good" for "*you* will be good", she has recourse to the *enallage of the number of persons*, showing her solidarity by her way of speaking.[11]

Syntactical rules forbid the use of expressions including the demonstrative such as 'that man' except when the person in question has been introduced in the narrative previously. However, well-known authors, such as François Mauriac, occasionally use this expression at the beginning of a story in order to lend more *presence* to a character they introduce.[12]

Rhetorical or poetical effects can be obtained by using expressions in opposition to either semantic or grammatical rules. For some authors such as Jean Cohen, this divergence constitutes the characteristic of poetical language. In his book *Structure du langage poétique* (Paris, Flammarion, 1966) Cohen analyzes various types of divergences and shows how the understanding of a poem is brought about by the reduction of the divergence which would transpose a meaningful communication into an emotive one.

In this respect we should mention the problem of metaphor (For the poetical use of metaphor I refer to Jacques Sojcher's interesting article 'La métaphore généralisée' in the *Revue Internationale de Philosophie*).[13] However, I do not wish to enlarge on the difficult problem of poetical language. I would rather stress the manner in which the rhetorical perspective influences semantic problems, problems concerning the meaning and the interpretation of sacred and legal texts.

The same text will be interpreted differently according to the over-all relation of the reader or interpreter to the supposed author. These differences of interpretation will be particularly perceptible in the case of sacred texts, which convey diverging dogmatic conceptions, such as the biblical or prophetic texts, which differ in Jewish and Christian interpretations, and the texts of the New Testament in the Catholic or Protestant interpretations. Such texts will receive yet another interpretation from those who consider them only as historical, legendary or mythological narratives, for these interpreters do not feel impelled to safeguard the truth of the text.

Even for those who regard such texts as revealing the divine word, which cannot deceive and which must guide us, two different approaches are possible.

Those who regard the sacred books as the epitome of all truth will make no attempt to interpret the text in order to harmonize it with the knowledge obtained from lay – scientific or historical – sources. On the contrary, they will restrict the reach of science in general, whenever it threatens to contradict the Sacred Word, which is beyond argument. On the other hand, those who rely more on lay knowledge will endeavor one way or another to reconcile the sacred text with such knowledge, so that it does not contradict what is considered as true. Should it appear impossible to find a literal interpretation

which would safeguard the truth of the sacred text, recourse will be had, if need be, to a metaphorical or allegorical interpretation. As Pascal wrote: "When the word of God, which is really true, is false literally, it is true spiritually".[14]

All those who see in the Old Testament only the prefiguration and the announcement of the New Testament will find in the text numerous allusions to the Gospels and to the life of Jesus, whereas the Jews see in it nothing of the kind. On the other hand, the masters of the Talmud will succeed in linking the biblical text, considered as the only law for the believer, with the most varied legal prescriptions, which are sometimes very far from the letter and even from the spirit of the text. Not duped themselves by their own hermeneutic acrobatics, they will carefully distinguish between the interpretation of the text that conforms to the traditional methods of exegesis (*pshat*) and that which appears necessary in order to link their legal constructions to the text (*drash*).

Some, like the French philosopher Paul Ricoeur, diverge even more from a literal interpretation. In their attempt to revive the symbolic, deeply human value of the sacred texts, they nevertheless refuse to believe in the mythologies to which some would like to give credit by relying on the same texts. Here is one of Ricoeur's significant passages in his chapter: 'The Interpretation of the Symbols of Evil':

> The harm that the literal – we should say the historicist – interpretation of the Adamic myth has done to Christianity can never be stressed enough; it has driven it to the profession of an absurd story and to *pseudo*-rational speculations about the quasi-biological transmission of the quasi-legal guilt for the fault of *another* man, pushed back in the mists of time, somewhere between the pithecanthrope and the Neanderthal man. At the same time, the treasure hidden in the Adamic symbol was wasted; the free-thinker, the reasonable man, from Pelagius to Kant, Feuerbach, Marx or Nietzsche, will always be right as against mythology; whereas the symbol will always give matter for thought beyond all reductionist criticism. The hermeneutics of symbols open a path between the naive historicism of fundamentalism and the anomic moralism of rationalism".[15]

With this approach we are very far from the unequivocal signs and the well-formed expressions of the ideal language: semantics, the interpretation of texts, and their eventual truth, depend mainly on the attitude the interpreters adopt towards the message and its reach. Thus, Ricoeur asks: "Is not the task of philosophy a ceaseless reopening in the direction of the saying (*être dit*) of that discourse which, for the sake of method, linguistics is continually re-encompassing within the closed universe of signs and the purely internal game of their mutual relations?"[16]

If the exegesis of sacred texts supplies us with a harvest of examples showing the manner in which a global approach reverberates on the interpretation of particular texts, legal hermeneutics, on the other hand, with its methods, its traditions and their variations, gives us another important illustration of diversity in the interpretation of the same texts, although the interpreters are not kept apart by fundamental disagreements. Indeed, all those that interpret texts do so with a supposedly common aim, i.e. to say, for any given case determined by the system of national law in operation, what the law is and how it must be applied.

In the conception of the law which prevailed in France at the end of the 18th century, it was emphasized that law was the expression of the will of the nation as it became manifest through the legislator's decisions. The judge was expected to apply the law in what would be called an impersonal manner. If he deviated from the law, his judgment was annulled by the supreme Court for breach of the law. In the doctrine of the separation of powers, as it was understood at that time, the Supreme Court was not the supreme court of an independent judiciary power, but the policeman appointed by the legislative power to control the judiciary. This Court did not even have the power to interpret the law, for by the law of 16–24 August 1790 concerning judiciary organization, the Constituent Assembly had established the *référé législatif* compelling the judge to refer to the legislator whenever he should consider it necessary either to interpret a law or *to make a new one.*[17] This constraint was designed to limit the judge's freedom of interpretation and to avoid a confusion of powers by preventing the judge from assuming the powers of the lawgiver. But this measure soon proved impracticable as it threatened not only to stop the course of justice and to overload the legislative power, but also to recreate a confusion of powers in favor of the lawgiver. That is why, after long discussions, the *référé législatif* was replaced by the famous article 4 of the Napoleonic Code, which makes it an obligation for the judge to take a decision and at the same time renders the Supreme Court independent from Parliament. Article 4 reads: "The judge who refuses to judge under pretext that the law is silent, obscure or incomplete, will be liable to prosecution as being guilty of denial of justice". Since the judge is compelled to judge, he must be given the powers that are indipensable for the exerciese of his functions, to pronounce judgment in specific cases and to give motives for his decisions.

For three quarters of a century, the school of exegesis used this power as sparingly as possible, always sincerely looking for the express, or presumed, will of the legislation. But at the end of the 19th century, because the Civil

Code was proving less adequate to solve conflicts in conformity with the idea of justice prevailing at the time, the reference to the law grew more and more formal. The tendency to free the judge from the text was fostered by Von Jhering in Germany, Gény in France and, later, by Roscoe Pound in the United States. First an attack was directed against what was called 'Begriffs-juriprudenz' or 'mechanical jurisprudence'. Then it became clear that the texts must be reinterpreted in a dynamic manner, i.e., that they must be adapted to the needs of the present situation. This, of course, brought with it a serious risk of a free interpretation when the judge could emancipate himself entirely from what the law ordained. That is why I personally believe that in his interpretation of the law, the judge should try to discover the legislator's will, i.e. the *present* legislator's will, not necessarily that of the legislator who voted for the bill.[18]

The interpretation must take into consideration the ends to be reached by enquiring either to the *ratio legis*, the spirit of the law, or to the *ratio juris*, the spirit of the legal system. It is also supposed that the legislator is rational,[19] that he adapts the means to the end-in-view, and that if the means prove inadequate in a particular situation, the law must be reinterpreted accordingly.

These few remarks show how the interpreter's attitude, his aims and his conception of the author's text determine the alterations of meaning that may occur a propos a given text. Rhetorical or pragmatic considerations inevitably play a part in arriving at an interpretation, i.e. in solving the semantic problems. Any attempt to treat such matters impersonally – as though questions of meaning were wholly independent of a writer's or speaker's intentions – results in a perversion of the hermeneutic reality which occurs in poetry, in theology, in law, in philosophy, in the social sciences and in everyday communication.

In conclusion, it may be noted that the rhetorical point of view expressed here is close to the view held by German logicians and philosophers such as Lorenzen, Apel and Habermas, for whom pragmatics predominate over semantics.

NOTES

* The French version appeared in *Logique et Analyse*, 67–68, 1974, pp. 241–252. Translated by Thomas O. Sloane.

[1] A. Church, *Introduction to Mathematical Logic*, vol. 1, Princeton University Press, 1956, pp. 50–52.

[2] A. Church, *op. cit.*, pp. 50–51. Cf. Ch. Perelman, 'Logique, langage et communication,'

lecture delivered in 1958 at the XIIth International Congress for Philosophy, reproduced in *Justice et Raison*, Bruxelles, 1963, p. 185.

[3] J. Sinnreich, *Zur Philosophie der idealen Sprache*, D. T. V., München, 1972, p. 8.

[4] M. Pagnol, *César*, Act I. Ed. Kaeser, Lausanne, 1949, p. 24.

[5] *The Pre-Socratic Philosophers*, Kirk and Raven, Cambridge, 1969, p. 197.

[6] Cf. Ch. Perelman and L. Olbrechts-Tyteca, *Traité de l'argumentation*, 2ème éd. Bruxelles, 1970. English edition: *The New Rhetoric – A Treatise on Argumentation*, University of Notre Dame Press, Notre Dame, Indiana, 1969, Section 94, 'Statements Prompting Dissociation.'

[7] Cf. 'Le Droit naturel,' *Annales de l'Institut International de Philosophie politique* **3**, Paris, 1959, pp. 147–158 and 175–190.

[8] Cf. *The New Rhetoric*, Section 35.

[9] Cf. *Ibid.*, pp. 136–137.

[10] Cf. *Ibid.*, p. 160.

[11] For further examples, see *The New Rhetoric*, p. 178.

[12] *Ibid.*, p. 162.

[13] No. 87, 1969, pp. 58–68.

[14] *Pensées* – 555 (31), Bibliothèque de la Pléiade, p. 1003 (687, in Brunschvicg's edition).

[15] P. Ricoeur, *Le Conflit des interprétations*, Paris, Seuil, 1969, p. 280.

[16] *Ibid.*, p. 79.

[17] Cf. Ch. Huberlant, 'Les mécanismes institués pour combler les lacunes de la loi', in *Le problème des lacunes en droit*, Bruxelles, Bruylant, 1968, pp. 47–48.

[18] Cf. Ch. Perelman, 'A propos de la règle de droit, réflexions de méthode,' in *La Règle de Droit*, Bruxelles, Bruylant, 1971, pp. 313–324.

[19] Cf. L. Nowak, 'De la rationalité du législateur comme élément de l'interprétation juridique,' *Etudes de logique juridique III*, Bruxelles, Bruylant, 1969, pp. 65–86.

[20] Cf. Paul Lorenzen, *Normative Logic and Ethics*, Mannheim, Zürich, 1969, Karl-Otto Apel, *Transformation der Philosophie*, Frankfurt-Suhrkamp, 1973, Vol. II, pp. 155–436; Habermas, 'Vorbereitende Bemerkungen zu einer Theorie der Kommunikativen Kompetenz in J. Habermas und L. Luhmann,' *Theorie der Gesellschaft oder Sozialtechnologie*, Frankfurt, 1971, pp. 101–141.

CHAPTER SEVEN

ANALOGY AND METAPHOR IN SCIENCE, POETRY AND PHILOSOPHY*

Analogy and metaphor are tools with which we express and communicate our thoughts and try to influence others. It is normal that to accomplish this efficaciously we must adapt analogy and metaphor to a specific end. A rhetorical study of these forms must not be limited to an examination of them in a particular context and from a specific perspective, because it risks considering as general what is only the specificity of usage and context.

If F. Gonseth is correct in stating that "to give a more precise significance to words whose meanings are open, we must involve them in situations and activities whose demands they can respond to only by a more exact self-determination",[1] then the rhetorical study of notions such as *analogy* and *metaphor* requires their analysis in multiple domains, and not to be limited to an examination of what they become in a particular domain, even if it is as important as the domain of the sciences. Philosophically, it would be as ridiculous to limit analogy to the role it can play in analogical calculus as to wish to derive the meaning of 'real' from its usage in the expression 'real numbers'. Perhaps, Black is correct in saying, "every science must start with metaphor and end with algebra",[2] but no poet would allow that the sole valid employment of metaphors be limited to formal structures. What is efficacious in one realm is completely worthless in another. Being essentially interested in the role of analogies and metaphors in philosophy, it would seem to me useful to examine them antithetically to their use in science and poetry.

I would like to note, at the beginning, that in being opposed to the unwarranted generalization of a conception of analogy that is specific to a domain, I also believe, conversely, that we should not be bound to unacceptable and loose generalities. I believe that a theory on the real ought not to examine what we often designate as real – when this term is taken, e.g. as a synonym for important – but in like manner we must exclude from our examination every case where analogy is synonymous with a sufficiently weak similitude between the terms we compare. I want firmly to underscore that analogy exists only when a *similitude of relations* is affirmed and not simply a similitude among terms. If we affirm that A is B (this man is a fox), we are not dealing with an analogy but with a metaphor, i.e., with a

condensed analogy. We will deal with this later on. The typical schema of the analogy is the affirmation that *A* is to *B* as *C* is to *D*. *A* and *C*, *B* and *D* can be as different from each other as possible. They must be heterogeneous if the analogy is not to be reduced to a simple proportion.

If analogy is to fulfill an argumentative role, it is essential that the first couple (A–B) be less known within a relationship than the second (C–D) which must structure the first by analogy. We name the couple which is object of the discourse, the *theme*, the second couple – by which the transference occurs – the *phoros* of the analogy.[3]

In a mathematical proportion (two is to three, as six is to nine and as ten is to fifteen) the numbers two, six and ten are different and the fact that they are even does not make them analogous. There is between these couples no analogy but an *equality of relationships*. The symmetrical equality is such that the order in which the couples are placed is completely immaterial; this is not the case in an analogy, where *theme* and *phoros* are in no way interchangeable.

If, as a result of a familiarity with the theme the latter becomes so well known that, from an epistemological point of view, *theme* and *phoros* are on the same level, then we are beyond analogy and can affirm the existence of a common structure. In this case, the specificity of the terms *theme* and *phoros* no longer influence the effect of the analogy. *Theme* and *phoros* become different aspects of the same relationship xRy, x and y will be values as much for the terms of the *theme* as for those of the *phoros*.

Just as we cannot identify the analogy with some resemblance among terms, because I see in the metaphor the condensed analogy, I find it impossible to qualify as metaphor the simple replacement of one term by another.

Aristotle in the *Poetics* (1457 b 7110) defines metaphor as the form which gives an object a name belonging to another. This transference is founded upon the relationship of genus to species, of species to genus, of species to species or upon analogy. For him every trope would be a metaphor. But in a *metonymy* and *synecdoche* the transference of terms is based either on a symbolic relation, e.g. the cross for Christianity, or on a relation of part to whole, e.g., sails for boats, on genus to species, e.g., mortals for men, or on species to genus. It is for this reason that I am concerned only with metaphors which Aristotle defines as based on analogies, and which are, as we shall see, only condensed analogies.

Referring again to Aristotle (1457 b 10–13), if we start from the analogy *A* is to *B* as *C* is to *D*, we have a metaphor, if to designate *A* we speak of the relation of *C* to *B* or even if we affirm that *A* is *C*. If old age is to life what

the evening is to the day, we call metaphorically old age the twilight of life or we say that old age is evening or twilight. However, let us note that if the *theme* is as well known as the *phoros* then we may say indifferently 'the evening is an old age' or 'old age is an evening'; we are concerned only with a purely ornamental metaphor. However, metaphor is only successful if its value ceases to be verbal because certain aspects of the *terms* of the phoros place the corresponding terms of the *theme* in a sought after and, often affective perspective. Thus, the metaphor 'youth is a morning or dawn' will be more expressive than 'old age is an evening or twilight' as far as the sensations linked to the freshness of the morning, the fact that they hardly endure, accentuate the aspects to which we want to draw attention.

Black, who seems to be opposed to my view, feels that metaphor is based on a liaison between two *terms* each in its context, with the commonplaces or *loci communes* which are associated with them.[4] The fact however that the context to which he alludes is indispensable for comprehension causes Black to see in the metaphor a condensed analogy, the context representing the self-understood conditions *B* and *D*. If we say that a man is a bear, a lion, a wolf, a pig or a lamb, we metaphorically describe his character, his behavior, or his place among other men, which results from the idea that we form of the character, behavior or of the place of such a species in the animal world. We thus attempt to create relatively to him the same reactions as those that we commonly experience concerning these species.

The linguist subscribing to my definition of metaphor will be tempted to make distinctions which seem important to his own point of view. He will prefer to call *catachresis* and not *metaphor* the metaphoric use of a term designating what language does not have a proper term for: the foot of a mountain, the arm of a chair, the leaf of paper. He will call *expressions having a metaphorical sense* those which through use, are no longer experienced as figures, but are considered as normal means of self-expression, and described in the dictionary, e.g., a clear, sublime, or profound thought. He will reserve the word *metaphor* for original metaphors, where *theme* and *phoros* are neatly heterogeneous. These distinctions interest the rhetorician to the degree that *catachresis* and expressions having a metaphorical sense are easily and spontaneously admitted and through appropriate technique we can give them their full analogic effect. In this way, they can structure our thought and act upon our sensibilities efficaciously.

Scientific style rarely employs metaphors. Yet initially, when the scholar begins a new realm of research, he doesn't hesitate to allow analogies to guide him. They play an essentially heuristic role as instruments of invention; they

give the researcher hypotheses to organize his investigations. Their fecundity, the new perspective that they open to the researcher, give them their importance. Eventually, however, they must be put aside; the acquired results must be formulated in a technical language, whose terms must be gotten from the specific theories of the investigated field. Ultimately, analogy will be replaced by a model, a schema or a general law which encompasses *theme* and *phoros*; mathematical procedure is preferential allurement. In the sciences, analogy does not have the last word.

In poetry, analogies are rarer than metaphors which are the soul of the poetic style. They separate it from the banality of ordinary language. Jean Cohen, stimulated by a distinction made by H. Adank[5] between 'explicative metaphors' and 'affective metaphors,' considers the latter to be characteristic of poetic language.[6] He believes that the poet achieves his goals only when he sets aside normal usage and through the affective metaphor accomplishes the meaning of his message:

> the poet acts upon the message by changing the language. If the poem violates the word code, it is so that language may re-establish it by transforming it. This is the goal of all poetry: to obtain a mutation of language which is at the same time, as we will see, a mental metaphor.[7]

Metaphor, broadly understood, as a synonym for trope, is needed so that we can transform the 'irrelevances' of the message by comparison to the normal code. Poetic metaphors are for Jean Cohen essentially affective, they are understood only if we oppose the emotive sense of words to their cognitive sense. Recalling a distinction which we find for the first time in the well known work of Ogden and Richards, *The Meaning of Meaning* (1927), we are justified in opposing the affective meaning which each word virtually has, and which would be its connotative sense, to the word's habitual meaning which we call denotative and which is found in dictionaries.[8] Poetic language deliberatively violates the objective criterion and does not permit the communication of a satisfying cognitive message, thus it obliges the reader who does not want to resign himself to the absurd, to give to words an appropriate connotative meaning. This is done through the affective metaphor. "The poetic metaphor is not a simple change of meaning, it is a change of type or of the nature of meaning, a movement from the notional to the emotional sense."[9] The poet, to facilitate this transition, will have frequent recourse to these figures, suggested by phonetic similitude, repetition of sounds, syllables and all types of alliterations.

If this thesis is appealing, it nevertheless seems to me to simplify the reality

of phenomena because it fails to recognize what the metaphoric process owes most often to the underlying analogy, whose restitution appeals above all to the reader's intellectual and creative faculties and which is fundamental to the communication of philosophic thought.

The essentially cognitive philosophic use of analogy is as different from the poetic as it is from scientific usage. It occurs to certain philosopher-poets such as Pascal or Nietzsche to use metaphors, but philosophers' *images* are most often analogies. When we examine closely passages from Descartes cited by Spoerri in his essay, 'La Puissance Métaphorique de Descartes,'[10] we can only confirm this. Spoerri remarks that "Descartes, for all practical purposes, does not know metaphor in the true sense"[11] but has recourse freely to analogies. Philosophic thinking, be it as rationalistic as Descartes', cannot dispense with them. The analogy is not a simple hitching post, an auxiliary for the thought for which he is searching, and which he, like the scientist, can do without in his conclusion. The analogy is rather the result and organization of his argumentation and it would be vain to ask that it end in an algebra. It often happens that authors who are most recalcitrant regarding a figurative language, seek their analogies by evoking expressions with a metaphoric meaning that are part of common speech or they protract a *catachresis* which seems for the moment to be the only manner of expression.

From the expression 'the chain of ideas' Descartes comes naturally to speak of the chain of propositions which is no more solid than its weakest link. In the seventh rule of his *Regulae* he writes:

> For frequently those who seek to deduce something too quickly and from remote starting points do not trace the whole chain of intermediate conclusions with accuracy sufficient to prevent their inconsiderably omitting many of the steps, and assuredly when even the smallest link is missing, the chain is instantly broken, and the certainty of the conclusion entirely escapes us.[12]

Thought hardly resists the metaphor which causes us to develop the expression 'the chain of ideas', and we, at once, perceive its analogic character when we oppose another analogy to it. Opposing Descartes' conception of deductive and unitary reasoning and his vision of reasoning as a chain, I, in a work that analyzed the structure of argumentative discourse, wrote:

> When we have to reconstruct the past, the arguments which we use seem to me very much more like a piece of cloth, the total strength of which will always be vastly superior to that of any single thread which enters into its warp and woof.[13]

Should argumentation be conceived of as a chain or as cloth, then all at once the relationship between the total discourse and each of its elements is

seen in a totally different perspective. In fact, each *phoros* structures differently the *theme*; some of its aspects become evident, others become more shadowy. Black has justly remarked that the metaphor selects, suppresses and organizes the qualities of the principal subject (the *theme*). It does this by suggesting assertions which apply normally to the subsidiary subject (the *phoros*).[14] Thus, he notes that in describing a battle with terms borrowed from chess we suppress the emotive aspects of war.[15]

Philosophical discussion often confronts one analogy with another, modifies the adversary's or extends it in a way he never dreamed of. We saw how, by opposing the cloth to the chain, we presented differently the structure of a reasoned discourse. However, philosophical discussion very often uses an unchanged, traditional material or *phoros* and develops or corrects it in diverse ways. The method or the way to acquire knowledge is ordinarily compared to a road, but the way to use this *phoros* to stress some perspective, is, in every case, characteristic of the author's preoccupations.

We know the celebrated image used by Descartes in the second part of the *Discourse on Method*. "But like those who walk alone and after nightfall, I resolved to proceed slowly, and with meticulous circumspection, that if my advance was but small, I should at least guard myself from falling."[16] Leibniz, however, insists on the social aspect of knowledge. He sees, the human race as a crowd of people to whom it is recommended "to go in concert and with order, to distribute the roads, to explore and to repair them."[17]

These two thinkers, in spite of their divergences believe that science exists totally in God's mind; it is sufficient to discover it. The road is there, we must travel it. For Hegel, on the other hand, the absolute mind is in the process of becoming; knowledge is a self-constructing road. I personally would confront this impersonal conception of dialectics with a vision which esteems more distinctly tradition, initiative and practice in the process of knowledge. In other words, I would say that our intellectual endeavor is aided by our parents and teachers and that before building new paths, we need to improve the old ones, given us by the preceding generations, particularly those paths which through neglect and disuse are overgrown with vegetation. We have lost trace of them and we are from time to time glad to rediscover them after centuries of abandonment; certain roads are so steep that only well equipped and long prepared mountaineers dare adventure on them.

The problem for Spinoza is: "to indicate the way and method whereby we may gain the knowledge concerning the things needful to be known."[18] He prefers to use the *phoros* furnished by the hammer and other tools:

– in order to discover the best method for finding out the truth, there is no need of another method to discover such method; nor of a third method for discovering the second, and so on to infinity. By such proceedings, we should never arrive at the knowledge of the truth, or, indeed, at any knowledge at all. The matter stands on the same footing as the making of material tools, which might be argued about in a similar way. For, in order to work iron, a hammer is needed and the hammer cannot be forthcoming unless it has been made; but, in order to make it, there was need of another hammer and other tools, and so on to infinity. We might thus vainly endeavor to prove that men have no power of working iron. But as men at first made use of the instruments supplied by nature to accomplish very easy pieces of workmanship, laboriously and imperfectly, and then when these were finished, wrought other things more difficult with less labor and greater perfection; and so gradually mounted from the simplest operations to the making of tools, and from the making of tools to the making of more complex tools, and fresh feats of workmanship, till they arrived at making, with small expenditure of labour, the vast number of complicated mechanisms which they now possess. So, in like manner, the intellect, by its native strength makes for itself intellectual instruments, whereby it acquires strength for performing other intellectual operations, and from these operations gets again fresh instruments, or the power of pushing its investigations further, and thus gradually proceed till it reaches the summit of wisdom.[19]

If we allow ourselves to be guided by Spinoza'a analogy, we are naturally brought to views contrary to those of classical rationalism. This rationalism asserted that our innate ideas are clear and distinct and that they guarantee the truth of the self-evident propositions which these ideas develop. In fact, if we appreciate our principal intellectual tools as the natural instruments spoken of by Spinoza, then our attention is attracted to their imperfection and to the social and progressive character of knowledge. The latter is no longer the prudent undertaking of a solitary man or even a group marching in concert, but requires for its perfecting a secular tradition, a continuity of the effort of a great number of generations which support each other in their march toward a better future. This example shows how the analogy can be projected upon a meaning that contradicts its author's conclusions.

It is futile to want to submit all these analogies, in all their fullness, to some sort of empirical verification. On the other hand, as a consequence of the analogy, a point of view emerges which is fruitful in certain areas and sterile in others; it might stimulate individual applications, interesting and fertile research, and might result in scientifically controllable data. Often, however, analogy results not in a theoretical empirically verifiable hypothesis but in a rule of conduct as stated in Epictetus' famous apologue:

If a child puts his hand into a narrownecked jar to pull out figs and nuts and fills his hand, what will happen to him? He will not be able to pull it out and he will cry. "Let a few go", someone will tell him, "and you will get your hand out." So I say to you, do

the same with your desires. Wish only for a small number of things, and you will obtain them.[20]

Epictetus' analogy is neither heuristic nor affective; it furnishes a model of conduct. At times the philosophical analogy prepares or expresses an axiology or even an ontology. An analogic material exists which forms a constant of every culture, perhaps even common to all humanity. The sun and light in the visible world serve as *phoros* in speaking of God, the Good, or of knowledge; they are a constant of Western philosophy and religion. Until the Enlightenment, the Platonic, Augustinian and Cartesian tradition was nourished and inspired by these analogies. The Platonic Republic is a long analogy between the sun in the visible world and the Good in the intelligible world. It all culminates in the myth of the Cave.[21]

Scotus Eriugena used the light and the eyes to make us understand the relationship of divine grace to human freedom:

As man surrounded by thick darkness, although he has the sense of sight, sees nothing because he can see nothing before the light comes from the outside, it is as he feels when he holds his eyes closed and begins to see all that surrounds him when he opens them; similarly it is with man's will as long as he is in the shadow of original sin and his being is shackled by his own darkness. But when the light of divine mercy appears, not only does it destroy the night of sin and its culpability, but it heals the will of the sick being, it gives him sight and makes the will capable of contemplating this light while purifying it through good works.[22]

We know how Neo-Platonic influence believed the sun to be a divine reflection or even God's Son. It favored the heliocentric hypothesis held by Copernicus and so many others. It envisioned the sun seated on the royal throne governing the planets, its children, which are circling about it.[23]

By a curious reversal, Cardinal de Bérulle develops in opposition to ancient Egyptian heliocentrism his Christocentrism. The ancient Egyptians called the sun the visible Son of the invisible God. To this Cardinal Bérulle replied that it is Jesus "who is the true Sun who gazes upon us with the rays of His light, who blesses us with his countenance, Who rules us with His movement: Sun that we must always behold and adore. Jesus is verily the unique Son of God . . . "[24]

Descartes, using the analogy of light, seeks to convince us of the unity of human wisdom and the scientific method which he says can be elaborated independently of its object: "No one of the sciences is ever other than (the outcome of) human discernment, which remains always one and the same however different be the things to which it is directed, being no more altered by them than is the light of the sun by the variety of things it illumines."[25]

The variations on this theme are infinite.[26] To show how persistent this tradition is I would like to cite a passage of Brunner who in reply to a challenge of Professor F. Ayer – at the Proceedings of the International Institute of Philosophy – to state a single metaphysical truth replied:

> Here is an example of a metaphysical truth. It is formulated, it is true, as an image. But that takes away nothing from its authenticity; on the contrary, because the image is more synthetic than the conceptual expression and often conceals, as in this case, an infinite source of meditation. The light which is in this room comes from the outside light. I maintain that there is the same relationship between the light that is here and the outside light, as that between the world and God. In fact, the light in here is not the outside light because it is not as clear as it. Nevertheless, it takes all its reality from the outside light. This truth is verified by criteria that I have indicated: its evidence, its universality, its radical power of explanation, and its power of spiritual purification.[27]

Often, if we are to understand the *theme* better, we modify the *phoros* by bringing it close to the *theme* which it must clarify. This is Plotinus' favored procedure, one which Bréhier calls the "correction of images."[28] Another way is the improvement of the analogy, modifying the *phoros* of the interlocutor to give the *theme* that is being discussed another image. We have already given some examples of this. Leibniz prefers this technique of controversy. To Locke who compared the mind to a blank and formless slab of marble, Leibniz replied that this slab possessed veins which predisposed it to assume this figure and not another.[29] In this case the improvement of the *phoros* leads to a better knowledge of the *theme*.

The whole history of philosophy could be rewritten, emphasizing not the structure of systems, but the analogies that guide philosophers' thoughts, the way these analogies reply to each other, change, are adapted to each philosopher's view. There is analogic material which runs through the centuries and which each thinker uses in his own way. The multiplicity of analogies, their adaptability to needs and situations, prevents us from identifying the philosophic vision with Bergsonian intuition, i.e., to say that there is a single, fundamental intuition which is expressed in a multitude of ways in the writings of a philosopher. However, there is no doubt that philosophical thought cannot do without analogies which give it structure, make it intelligible and express, at the same time, the philosopher's personal style, the tradition in which he lives, which he continues and adapts to the demands of his age.

NOTES

* Published in *Revue Internationale de Philosophie* 87 (1969), 23rd year, 3–15 and

Le Champ de l'Argumentation (Brussels, 1970) pp. 271–283.

[1] F. Gonseth, 'Analogie et modèles mathématiques', in *Dialectica*, 17 (1963), 123–124.

[2] M. Black, *Models and Metaphors* (Cornell, 1962), p. 242.

[3] Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric* (Notre Dame, 1969) pp. 371–410. See this work for a more detailed treatment of analogy and metaphor.

[4] Black, *op. cit.*, p. 41.

[5] H. Adank, *Essai sur les fondements psychologiques et linguistiques de la métaphore affective* (Geneva, Union, 1939).

[6] J. Cohen, *Structure du language poétique* (Paris, 1966) pp. 113 ff.

[7] *Ibid.*, p. 115.

[8] *Ibid.*, pp. 210–211.

[9] *Ibid.*, p. 214.

[10] Cahiers de Royaumont, (Paris, 1957) pp. 273–287.

[11] *Ibid.*, 276.

[12] Descartes, *Philosophical Writings*, trans. by N. K. Smith, p. 28.

[13] 'Self-Evidence and Proof', in *The Idea of Justice and the Problem of Argument*, (London, 1963) 122.

[14] Black, *op. cit.*, pp. 44–45.

[15] *Ibid.*, p. 42.

[16] Descartes, *Philosophical Writings*, p. 105.

[17] Leibniz, *Die Philosophischen Schriften*, ed. by C. J. Gerhardt, Vol. VII, p. 157.

[18] *Works of Spinoza*, trans. by Elwes. (New York, 1955) Vol. 11, *Emendatio intellectus*, pp. 11–12.

[19] *Ibid.*, p. 11–12.

[20] Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric*, p. 381.

[21] Plato, *Republic*, VI, 508c.

[22] Scotus Eriugena, *Liber de Praedestinatione*, IV, 8, Patrologie latine, Vol. 122, pp. 374–375.

[23] Th. S. Kuhn, *The Copernican Revolution*, (Cambridge, Mass. 1957) p. 130.

[24] C. Ramnoux, 'Héliocentrisme et Christocentrisme,' in *Le Soleil à la Renaissance*, (Presses Universitaires de Bruxelles, 1965) p. 449. To the above quotation we should note a passage quoted by Hans Blumenberg, *Kopernikus im Selbstverständnis der Neuzeit*, in Akademie der Wissenschaften und der Literatur in Mainz (Wiesbaden, Steiner Verlag, 1964, p. 366) where Marx in his *Critique of Hegel's Philosophy of Law*, makes use of what Blumenberg calls an explosive metaphor, saying that reasonable man "must turn about himself as his true sun. Religion is only an illusory sun which turns about man as long as man does not move about himself." From the same author note his *Paradigmen zu einer Metaphorologie* (Bonn, 1960).

[25] Descartes, trans. by N. K. Smith, p. 2.

[26] See among others R. Misrahi, *Lumière, commencement, liberté*, (Paris, 1969) the whole of the first chapter.

[27] *Dialectica*, 1961, p. 295.

[28] *The New Rhetoric*, p. 379.

[29] *Ibid.*, 389.

CHAPTER EIGHT

SCIENTIFIC METHODOLOGY AND OPEN PHILOSOPHY*

Those philosophers whose reflections were inspired by the formal and natural sciences experienced in the first quarter of the 20th century the loss of absolutes and self-evident certainties. The paradoxes of logic, the theories of relativity and quanta physics, of radioactivity and its amplifications, Heinsenberg's relations of indeterminacy, have all profoundly shaken the confidence of the scholarly world in the accepted image of the universe, and its rationality.

It took some time for the scientific revolution to find an adequate expression in the theory of knowledge. Henri Poincaré's conventionalism, Hilbert's formalism and the Platonizing intuitionism of a Frege and a Husserl, could not provide a theory adequate to the scientific demand because none of them took into account the way the sciences evolved and progressed, integrating into a new formulation what should be preserved from old results. It is only since the second half of this century that a richer and more complete vision of scientific activity began to dominate our culture, placing at the center of our preoccupations not the results of the scientific procedure formulated in the form of propositions but this procedure itself in the concreteness of its evolution, taking into account, much more than previously, its social and historical dimensions. The works of M. Polanyi, N. R. Hanson, Th. S. Kuhn and J. Ziman stress the scholar's activity as a member of the scientific community; they stress the relationships of the former with the cultural and philosophic world in which it suffuses and exercises its action.

This renewal of scientific methodology is largely the result of the continuing and profound influence exercised by the journal, *Dialectica*, and particularly by its promotor, Ferdinand Gonseth. The latter is for me and many of my contemporaries the man of the Zurich *Entretiens*, the force which for close to twenty years, at periodical gatherings, inspired and nourished an ongoing dialogue on scientific methodology and its philosophical repercussions. Scholars from all disciplines, logicians and philosophers of all view points, whose common attitude was to affirm the contribution of the sciences to philosophy, participated in this dialogue.

Ferdinand Gonseth was, from the moment I met him at the Lund *Entretiens* in 1947, the ideal questioner for whom every occasion – a meal

together, a walk along the lake, a boat crossing – was a propitious moment to debate the most varied questions which arise for a mind seeking efficacious and appropriate knowledge, fitting to its end and horizon of reality.

His views which seemed still to be very controversial, and were sharply contested in 1953 at the Colloquium in Brussels on the theory of proof, seem today to have become a commonplace in both scientific and philosophic opinion. The sciences cannot be understood if we do not see in them an activity and an enterprise of the scientific community moving toward efficacious action. They cannot be reduced to a group of systematically tied propositions which would only provide a static moment in their evolution based upon an intuition or a formalism. A purely formal or structural analysis can only take into account one aspect of the scientific activity because it would neglect the creative and the inventive element in the contributions of the most eminent scholars. Gonseth has insisted strongly upon the personal involvement of the most original scholars, upon the fact that the views they present, their hypotheses and their methods constitute options which are made to prevail by an efficacious action.

Since Plato, philosophic reflection has been largely inspired by the methodology of the sciences. The tradition which stems from Descartes has sought to transform all philosophic problems into scientific ones by extolling a method which would be that of unitary science and taking as a model the most advanced sciences, such as mathematics or physics.

Ferdinand Gonseth, although adopting views that were less reductionist, would, in the long run, continue this tradition but with the open methodology which would be concrete scientific research correctly analyzed. It is in this way that I understand Gonseth's position formulated in his philosophical itinerary.

In the choice of a just model of research, the plurality of philosophical systems weighs heavily in the balance. If all pretended to be true unreservedly, no more than one of them could escape error. Perhaps none of them, but if one of them is, nothing in the method which is common to them, i.e., in the unfolding of a rigorous discourse, has in principle the capacity to designate it.[1]

The above text recalls strangely the passage we find in the second of Descartes' *Rules for the Direction of the Mind.*

Now whenever two such men are carried to opposite conclusions regarding one and the same matter, one at least must be in error; indeed, neither of them, it would seem, has the required knowledge. For if the reasoning of either of them was certain and evident, he would be in a position to propound it to the other in such a way as to convince him also of its truth.[2]

Descartes' position is perfectly justified when it is a question of science based upon self-evidence. But what are we to think of Gonseth's reaction to the plurality of philosophical systems as it is expressed in the same work a few pages further on:

> For me the scandal was the discordant plurality of systems aiming for complete certitude; the way of justice (and of the reconciliation of contradictory systems) could only be research, a knowledge in the state of becoming, traversing and clarifying little by little crisis situations which this research cannot but bring about.[3]

Gonseth's hope was, with the aid of the open methodology, to bring into unity the plurality of philosophical systems. Apparently, to reach this a model provided by scientific research would suffice. But this hope would only be illusory if philosophy, having a different object from that of the sciences, could not discover in the latter an adequate model for its purpose. Does philosophy aim uniquely at knowing the real or does it attempt to elaborate an ontology that is capable of guiding action? If this last conception should be adopted, there would be no cause to cry scandal but rather to take account of the undeniable 'fact' of the plurality of irreducible philosophies. If the open methodology is openness to experience, and it must congratulate itself upon this fact, it cannot neglect the experience of an irreducible philosophic pluralism, at least, as long as this scandalous pluralism will not have to be reabsorbed to the satisfaction of philosophers who themselves also have the right to invoke the techniques of their own discipline.

Why cry scandal before the plurality of philosophical systems when we accept as normal the plurality of legal systems? It is because we assimilate, from my point of view in an abusive way, philosophical activity to scientific activity having as its object the search for truth based on experience. But philosophic activity is not exclusively theoretical; it is as much the search for a wisdom as it is a search for a knowledge, and the ontology[4] which the philosopher elaborates provides us with a philosophical reality that hierarchically places the aspects of reality so that the vision of the philosopher gives us not only a theoretical knowledge but also reasons to act.

Within the perspective of practical reasoning, facts and truths do not constitute by themselves reasons for acting. To justify action we must refer to categories such as the useful, the just, the opportune, the reasonable and the obligatory. In this regard nothing guarantees the uniqueness of the appropriate solution except when truths are controlled by experiment. We can ask ourselves – and only a technically structured experience such as the moralist's, the jurist's or that of the student of politics could help us find an

answer – if practical reasoning is to furnish us directly with *the* solution valid for the problems of human action, or if it is limited to setting aside solutions which are not reasonable or adaptable to the problem, without guaranteeing the uniqueness of the appropriate response. The recourse to the principle of technicity which is imposed in all domains and not only in scientific research, allows us to judge, in the final analysis, the appropriateness of the scientific model for a philosophy which is not limited to a purely theoretical research.

Legal experience and the solutions to the practical problems proposed by jurists can, as much as the sciences, furnish a model for philosophy which is worked out in an atmosphere open to experience.[5]

Few situations have contributed so much to the modification of legal theories than the extraordinary events which led to the Nuremberg trials.[6] The impossibility of allowing the crimes of Hitlerian Germany to go unpunished, and the absence of a positive law to this effect, obligated jurists to conceive two equally contrary solutions to legal positivism, the most widespread doctrine in the first half of this century. Either a retroactive law had to be promulgated, violating an essential principle of positivist penal law *nullum crimen sine lege* or one should admit that those responsible for these crimes had violated general principles of law common to all civilized humanity, but which were not concretized in the texts of positive law. This second solution prevailed, thus contributing, by the fact itself, to a renaissance, if not of the traditional doctrine of natural law, at least of a more flexible conception integrating the general principles of law into the positive legal order.

The Nuremberg trials and the lessons which the doctrine drew from them furnish a perfect example of the way the legal experience causes a modification of the principles of law, an example which could be advantageously meditated upon by the philosopher. It teaches us that the stake in efficacy is shown to be quite different when we are to decide upon a plan of action and when we are concerned with knowledge. In the former, efficacy is not a function of correct conjectures but is judged essentially by the evaluation of consequences.

The principles and maxims spelled out by moral philosophy are ordinarily very general directives (e.g., we must look for the good and avoid the bad, we must choose the most useful for the greatest number, we must act in respect of a maxim which we wish would become a law of universal legislation) which are never in themselves adequate to prescribe an individual action; we must concretize them so as to apply them in a given situation. The decision that is

taken is not a result of a conformity to experience past or future, but results from a judgment comparing and hierarchically ordering incompatible values. This is the reason why a practical philosophy having to serve as guide for actions cannot model its methodology on the sciences. Often law will give a more acceptable model for the moralist, although many times the reasons which justify a decision in law – preoccupations relative to legal security or to the obligation to reestablish legal peace – may not prevail when we are concerned with a moral problem.[7]

The principle of technicity properly understood is opposed to the choice of a unique model, considered *a priori* as the most adequate for all disciplines. It requires that we recognize the specificity of each discipline, that we consider its concerns and that we evaluate every model borrowed from another area only as an hypothesis whose adequacy for a given end the technician will have to appraise.

Before elaborating a methodology adaptable to a given discipline, an empirical and analytical detailed study of the methods which provided acceptable solutions in the past will prevent us from referring, in a simplistic manner, problems which are posed in one discipline to another discipline, considered as a model. Thus, by taking seriously the principles of the open philosophy we will accept the fact that the principle of technicity is valid for each discipline and that it is not sufficient to apply it to physicists and mathematicians alone. With this condition, the methodology developed by Gonseth will find, beyond actual scientific research, a fruitful field of application in the human sciences, in law and in philosophy.

The reticence that Ferdinand Gonseth shows at the end of his philosophical itinerary allows me to hope that he could accept the methodological extension suggested in this conclusion.

NOTES

* *Revue Internationale de Philosophie* **93–94** (1970) 24th year, pp. 623–628. (Issue in honor of Ferdinand Gonseth).

[1] F. Gonseth, 'Mon itinéraire philosophique', in *Revue Internationale de Philosophie*, 1970, p. 409.

[2] *Descartes' Philosophical Writings*, trans. by N. K. Smith, (New York, 1958), p. 5.

[3] F. Gonseth, op. cit., p. 418.

[4] Ch. Perelman, 'Le réel philosophique et le réel commun' in *Champ de l'argumentation*, (Brussels, 1970), pp. 253–264.

[5] Ch. Perelman, 'What the philosopher may learn from the study of law' in *Justice* (New York, 1967), pp. 91–110.
[6] Ch. Perelman, 'Peut-on fonder les droits de l'homme' in *Droit, morale et philosophie*, pp. 58–69.
[7] Ch. Perelman, 'Droit et morale', in *Droit, morale et philosophie*, pp. 127–133.

CHAPTER NINE

BEHAVIORISM'S ENLIGHTENED DESPOTISM*

In *Beyond Freedom and Dignity*, Skinner presses his behaviorist views to their extreme consequences. His answers to the philosophical problems that his views raise are not philosophically convincing. In order to show this, I propose to analyze more closely some crucial points concerning his conception of value judgments.

Let us look at this text: "To make a value judgment by calling something good or bad is to classify it in terms of its reinforcing effects", [p. 105].[1] Or,

> When we say that a value judgment is a matter not of fact but of how someone feels about a fact, we are simply distinguishing between a thing and its reinforcing effect. Things themselves are studied by physics and biology, usually without reference to their value, but the reinforcing effects of things are the province of behavioral science, which, to the extent that it is concerned with operant reinforcement, is a science of values.
>
> Things are good (positively reinforcing) or bad (negatively reinforcing) presumably because of the contingencies of survival under which the species evolved [p. 104].

Behavioral science is thus the science of efficacious values (operant reinforcement), philosophy being reduced to the study of inefficacious conditioning. Only by divesting philosophy of the fiction of man's autonomy will we be able to build an efficient science of values, to pass "from the inaccessible to the manipulable" [p. 201]. Thus, instead of reasoning about freedom and dignity, about justice and fairness, we should turn "to good husbandry in the use of reinforcers" [p. 125].

Consequently, if, in conformity with Skinner's ideas, we wish to know whether he has written a good book, we must not ask whether his argumentation is close and coherent, whether he is not making a confusion about the notion of value itself by reducing it to psychological states, whether he is not himself introducing value judgments of a nature other than that of those he has defined; rather we must ask who has been reinforced by reading the book. The answer is clear: the behavioral scientist – he who, relying on efficacy only, becomes the great manipulator of mankind by neglecting "weak methods of control," which do not depend on individuals but on other conditions [p. 99].

The author will not be surprised if those of us who are not behaviorists are not convinced by the argumentation in his book, for he was only presenting

us "weak methods of control." If he wanted to be sure of convincing us, he ought to have conditioned us so as to make us feel the same sense of power that his book is supposed to give behaviorists [see the "wonderful possibilities" he mentions on p. 214].

Every military leader who has to fight an urban guerilla or a resistance movement cannot avoid facing the problem of torture. Must he use the most efficacious means, including torture, in order to get information? The idea of human dignity may somehow keep him from using the most cruel means, but why hesitate if they are indeed the most efficient means? Why should a doctor be restrained by medical deontology and hesitate to send men that are sane but opposed to the régime into lunatic asylums? If he does hesitate, the men in power may well use some "bad reinforcers" on him, and he will think that he is fighting chimeras. The idea of responsibility seems to be a metaphysical construction that has no counterpart in reality, when everything is a matter of more or less efficacious conditioning. According to Skinner, man is not responsible for his actions: "A scientific analysis shifts both the responsibility and the achievement to the environment" [p. 25]. It is difficult to grasp what this means, if not that – "the contingencies of action" being alone efficacious – a change of behavior can only be obtained by working not on the person but on the factors that condition his reactions. However, when it comes to 'responsibility' and 'achievement,' the responsible agent will not be the environment, but those that have the power to transform it, while the behavioral scientist indicates in which direction it ought to be changed. In the behaviorist's outlook, the latter replaces the philosopher as auxiliary to the men in power. However, as a matter of fact, he will only be a tool for them. The ends of action will be determined not by him but by those having authority to manipulate him by all sorts of 'reinforcements' in order to reward or to punish him. Indeed, the point is to know who will manipulate whom and to what end [p. 25].

We may wonder who will still bother about 'good reasons' [p. 137]. The main thing is not to present what is true or right but what is expected to reinforce the sense of well-being of those whom one addresses. Skinner defines a better world as one "that would be liked by those who live in it because it has been designed with an eye to what is, or can be, most "reinforcing" [p. 164].

But men yearn for immortality, and the ideas of an everlasting salvation or everlasting punishment in Hell have always seemed highly 'reinforcing' for the bulk of mankind. So why not favor all efficacious myths, whether they be religious myths, the myth of the superiority of a race, or that of the

dictatorship of the working class? Should we object to those myths because they are not in conformity with truth, as Skinner seems to suggest when he mentions an 'explanatory fiction' [p. 201]? He has, no doubt, been badly conditioned himself, for the value of truth consists solely in the way in which it serves as a 'positive reinforcement.' If the myth is well-designed for our aims, the belief in it must be spread by conditioning men to accept it as true. The only criterion of a value being the way men 'feel about it,' they must be conditioned accordingly. If Skinner does not agree, it must be because he has been conditioned by a decadent society that rejects traditional values for the sake of an ideal of scientific truth. He should be taught his lesson by being sent to one of those camps where they use brainwashing techniques, such as Plato proposed in the *Laws* more than twenty-three centuries ago.

It may be that Skinner is right and that all ideas of liberty, dignity, truth, and justice are the result of centuries of conditioning with the aim of leading men away from the animal condition that was originally theirs. But then traditional education has, before him, done no more than adopt those methods that appeared most efficient for the survival of mankind. Such methods may not be objected to in the name of truth but only on account of their inefficacy. Should we say that efficacy is the only consideration that matters when it comes to action? If so, why stop at behavioral techniques of reinforcement? Why not use still stronger manipulations, such as those presented by Aldous Huxley in *Brave New World*?

Actually, Skinner undertakes to show us that the methods he advocates could lead mankind towards "wonderful possibilities." Why not towards "frightening possibilities?" In the course of history, all types of conditioning have been used by the men in power in order to get their subjects to submit. Why should it be otherwise in this case?

Skinner is guilty of supposing erroneously that values express what men feel, not what they should feel when they are faced with certain situations. Values are normative. However, though we all agree that truth, justice, and happiness are values, we do not, by any means, agree about the way in which they are to be interpreted in particular situations. When disagreement crops up in this respect, are there reasons why Skinner should resist suppressing it by conditioning the opponents, by giving them drugs, or by submitting them to a lobotomy so as to render them less aggressive? We know plenty of means to get rid of our opponents, but the advancement of civilization consists in a desire to convince them by arguments instead of by some kind of conditioning; this has been the age-old ambition of philosophy. I do not think the methods he advocates can solve the fundamental problem concerning which

methods to use when men disagree about what ends to aim at in real situations. Does he suggest that we replace the various political systems, monarchies, oligarchies, or democracies by the behavioral scientist's enlightened despotism?

NOTES

* Reprinted from 'Beyond the Punitive Society,' Freeman, San Francisco, 1973, pp. 121–129. Translated from the French by Harvey Wheeler.

[1] Throughout this paper, page numbers in square brackets refer to pages in B. F. Skinner's *Beyond Freedom and Dignity* (Alfred A. Knopf, New York, 1971).

CHAPTER TEN

DISAGREEMENT AND RATIONALITY*

Dedicated to Professor Th. Kotarbinski

If two people in the same situation must make a decision, e.g., the choice of a candidate, a judicial judgment, etc., and decide differently, can we assume that each is capable of acting reasonably or must we assume that this is impossible and that one of them must act unreasonably because of imperfect knowledge of the facts or the compulsion to act from such irrational motives as passion, interest or capriciousness? Judicial decisions seem to imply this conclusion. J. Roland Pennock admits this when he writes: "Where a Court consists of more than one judge, presumably each of the judges, if acting with complete rationality, would arrive at the same decision in a given case."[1] Although this conclusion seems to conform to common sense it is refuted by the well-known fact that the United States Supreme Court rarely reaches unanimous decisions, yet the Court commands great respect and its judges are known for their competency. The majority of the Court's decisions which have been significant in American judicial history were by a majority of 6 to 3 or even 5 to 4. Should the conclusion be drawn that in each case the majority or minority decided in an unreasonable manner? Is there cause to doubt the intellectual or moral integrity of the Court, because some judges are at times in the majority and at others in the minority?

The relationship that is traditionally established between disagreement and the absence of rationality in one of the opposing parties can be explained by the narrow relationship existing between the idea of reason and that of truth. The principle of non-contradiction guarantees the uniqueness of truth; it is impossible for two contradictory statements to be simultaneously true. Consequently, if there are two different responses to the questions: Who is the best candidate? Is X guilty of murder? Should the law be interpreted in this manner? Should this political policy be followed in such circumstances? One of these responses is mistaken, is in error and therefore, lacks rationality. Descartes' advice concerning this matter is clearly expressed in his *Regulae*:

> Now whenever two such men are carried to opposite conclusion regarding one and the same matter, one at least must be in error; indeed, neither of them, it would seem has the required knowledge. For if the reasoning of either of them were certain and evident, he would be in a position to propound it to the other in suchwise as to convince him also of its truth.[2]

In Descartes' view self-evidence constitutes the final criterion in matters of truth; disagreement is not only a sign of error in one of the disputants but also proof that neither perceives truth with self-evidence. In this case we are not dealing with an evident proposition. Descartes claims that disagreement is both a sign of error and a lack of rationality. The thesis which affirms the uniqueness of truth and the falsity of every judgment opposed to it is for Descartes sufficient reason to affirm that if two men have contrary judgments about the same thing one is mistaken and irrational. From the hypothesis that God, in his omniscience, knows the solution to all theoretical as well as practical problems, we are led inevitably to the conclusion that all questions have true answers, that God knows these from eternity and human reason must seek to discover them.

When Hume distinguishes between what is and what should be, between true and false judgments about what is, and value and normative judgments which express only subjective and emotive reaction, he is in opposition to Descartes. For Hume, reason has the unique function to discover truth or error and is thus prevented from judging values and norms; there does not exist a rational criterion for action.[3] It is, for him, philosophically untenable to speak of the idea of a practical reason capable of judging ends. Our choices and decisions have non-rational criteria, and disagreements in these matters are not explained by the fact that one action is unreasonable; but that both actions are motivated by different subjective and irrational factors. Reason is evidently capable of clarifying the consequences of our actions, but does not give an evaluation of them and thus gives us no guidance in action. This is the conclusion which both Hume and the positivists reach.

The imperialism of rationalistic dogmatism finds its counterpart in the nihilism of positivistic scepticism. Either each question is resolved by finding the objectively best solution and this is the task of reason, or truth does not exist and every solution depends upon subjective factors: reason can be no guide to action. We are thus between Scylla and Charybdis; to the dogmatism and intolerance of the former we oppose the scepticism of the latter.

Western philosophy conceived of reason only as a function which sought to resolve practical problems by assimilating them to problems of knowledge and science and even to mathematical problems. Differently, Jewish Talmudic thought grew by reflection upon the problems of biblical interpretation and the application of the Law. We know the controversies and disagreements which can arise in this regard. The most celebrated of these in the Talmud are between the schools of Hillel and Shammai. The former very often tended to allow what the latter forbade. One controversy lasted three years, each school

claiming that the Law conformed to its teachings. The Talmud tells what Rabbi Abba in the name of Rabbi Samuel says. The latter addressed himself to Heaven to know the truth; from on high a voice responded that both interpretations expressed the word of the living God.[4] The two diametrically opposed interpretations command equal respect because they express thoughtful and recognized ways of thinking and in this they are both reasonable. In practice, we must make a decision and the rabbinical tribunal must be able to say if such behavior is permitted, prohibited or obligatory. Tradition preferred the teaching of the School of Hillel, because its members were known for their modesty, humility, and the fact that they never failed to give their opponent's interpretation.[5] Was this the true reason? Was it not rather that a less restrictive interpretation was preferred? All this is of little importance. What is remarkable is the fact that the School of Hillel was not invoked to disregard the School of Shammai's interpretation, or to show its falsity or its irrationality. Between the two opposed interpretations, *both are seen as equally reasonable*; we will choose, but not on the basis of the falsity or irrationality of the one or the other.

Moral thinkers in the West believed in an objective truth in matters of behavior and in the role of practical reason. This belief is totally opposed to the above point of view. Some characteristic passages from the work of Henry Sidgwick will illustrate this opposition:

> What I judge ought to be must, unless I am in error, be similarly judged by all rational beings who judge truly of the matter.[6]
>
> We cannot judge an action to be right for *A* and wrong for *B*, unless we can find in the natures or circumstances of the two some difference which we can regard as a reasonable ground for difference in their duties. If, therefore, I judge any action to be right for myself, I implicitly judge it to be right for any other person whose nature and circumstance do not differ from my own in certain important respect.[7]
>
> If a kind of conduct that is right (or wrong) for me is not right (or wrong) for someone else, it must be on the ground of some difference between the two cases, other than the fact that I and he are different persons.[8]

Although the first quotation refers to the objectivity of moral laws which is a condition for their rational consideration, the two other quotations express Sidgwick's fundamental maxims of justice and equity. The latter is similar to my own rule of Justice.[9] Professor Singer in his study, *Generalization in Ethics* quotes the last two texts and relates them to his principle of generalization.[10]

Sidgwick's point of view and Singer's restatement are subject to an interesting critique in an article 'Universalizability of Moral Judgments'[11] by P.

Winch. In it, in reference to the moral realm, he arrives at a conclusion analogous to that of the Talmud: two diametrically opposed moral judgments on the same issue can be reasonable and respectable.

Winch bases his whole argument on a rather extensive analysis of the moral problem posed to Captain Vere in Herman Melville's novel, Billy Budd.[12] The story takes place immediately after the Great Mutiny and there was fear that mutinous incidents would occur in other British vessels. Claggart, the master-at-arms of H.M.S. Indomitable falsely accuses the young sailor, Billy Budd, an angelic character, of having incited the sailors to revolt. Billy Budd's indignation makes him unable to express himself and in his confusion he hits Claggart, who falls and strikes his head mortally. Captain Vere is obliged, under martial law, to punish Billy with death for what is considered the most hateful of all crimes. But everyone is aware that Claggart had falsely accused an innocent man. The problem can be seen as a conflict between the formalism of the military code and the demands of conscience; everyone knew that Billy Budd was "innocent in the eyes of God." Vere, however, poses the problem in purely moral terms. "How can we adjudge to summary and shameful death a fellow creature innocent before God, and whom we feel to be so?"

Vere, faced with the tragic moral conflict, decides to condemn Billy to death although some of his officers decided differently. Melville describes Vere as a man of duty, fully conscious of his professional obligations, but also sensitive to the human aspect of the situation. This makes his decision even more difficult. Can we say that he or his officers acted on the occasion in an unreasonable way and that one was wrong and the other right? Can it be said that if Vere did not have the basic responsibility to maintain discipline on board ship, at a very troubled time in the history of the navy, he perhaps might have acted differently? For Vere the moral problem was the demand of discipline, although this was not the case for his officers who believed that it was morally impossible to condemn to a shameful death a man "innocent before God." Can we say that one side or another judged immorally? Peter Winch disregards the implications of relativism and scepticism and answers this last question negatively. He draws what would be a seemingly paradoxical conclusion, i.e.: if *A* says, "*X* is what I must do to act morally," if *B* says in an essentially similar situation, "*X* is not what I must do to act morally," it can be that both are right.[13] Winch affirms this position not because he admits a moral relativism or that he believes that it is sufficient for man to be at peace with himself in order to act well but to stress the fact that men may be led to different decisions by giving differing weights to various reasons. He admits that in evaluating differently the conflicting elements of a given

situation and because of objective reasons, men may, in all honesty, reach different decisions.

This conclusion in no way opposes the possibility of an impartial ethical judgment. Surely *A* would be partial if he applied to himself or to his friends other principles and criteria of judgment than those which he applied to a third party. Both the rule of justice and the principle of equity are fully satisfied if *A* treats in the same way people who are in essentially similar situations. But if *A* reasonably decides what is morally just for himself and others, do others have to decide in the same way in the same situation? This would indeed be the case if we reasoned the justice of a decision as we reasoned the truth of a proposition and would have to consider as necessarily unjust a different decision relating to the same situation. We are, however, in no way obliged to this assimilation of ideas.

A decision is just if it can be justified by sufficient reasons. These are not constraining because the evaluation of the reasons and arguments is tied to the situation and to the philosophy of each person.

From the point of view of a philosophical monism, that excludes as erroneous every other philosophy, it is possible to assimilate judgments of decision to judgments of truth and falsity. Without this monism, it would be presumptuous to assimilate fundamental value differences which are analogous to philosophical ones, to scientific differences where criteria exist allowing us to distinguish between the true and the false. Lacking agreement on criteria we must accept a philosophic pluralism and different scales of values. This alone makes possible the fruitfulness of dialogue and allows full expression to each opposing point of view and gives cause to hope for the subsequent elaboration of a more global view which could embody the opposing theses. There is, however, no guarantee of synthesis, nor of its uniqueness nor even of the end of the process by which successive philosophies come into being.

From a pluralistic perspective two different decisions, on the same subject, can both be reasonable and be expressions of a coherent and philosophically justified point of view. The thesis which holds that only one just point of view exists, and this only God knows, supposes the existence of a global and unique perspective which we can rightfully consider as the only true one.

Admitting a lack of agreement on criteria, when different value judgments can reasonably be made on a state of affairs, it may happen that for practical reasons, uniform behavior is necessary to decide on legislation or to settle a judicial conflict. We then understand that every kind of procedure, e.g., the majority vote, which allows for a settlement between two equally reasonable opposing positions can be taken into account. This does not mean that the

attitude set aside by such a procedure ought to be disqualified and considered unreasonable. Only philosophical arguments can lead to a disqualification of a philosophical position.

In a political community or before a court we may have to choose between several equally reasonable eventualities; the criterion for the decision can be recognized by everyone as involving opportune considerations, but this does not in the least imply that the solution that has been put aside is unreasonable.

NOTES

* This article appeared in Archivio di Filosofia, 1966, pp. 87–93 and *Droit, Morale et Philosophie* (Paris, 1968), pp. 103–109.

[1] J. Roland Pennock, 'Reason in Legislative Decisions' in *Rational Decision*, Nomos VII (New York, Atherton Press, 1964), p. 102.

[2] R. Descartes, 'Règles pour la direction de l'esprit', II, *Oeuvres*, Vol. XI, pp. 205–206, trans. V. Cousin, (Paris, 1826), *Descartes Philosophical Writings*, trans. by N. K. Smith (New York, 1958), p. 5.

[3] Hume, *Treatise of Human Nature*, (ed. by L. A. Selby-Bigge), Book III, Part I, Section I.

[4] *Babylonian Talmud*, Erubin, 13B.

[5] *Ibid.*

[6] The *Methods of Ethics*, 7th e. (London, 1907), p. 33.

[7] *Ibid.* p. 209.

[8] *Ibid.* p. 379.

[9] 'La règle de justice', in *Justice et Raison*, (Brussels, 1963) pp. 224–233, English trans., 'The Rule of Justice' in *The Idea of Justice and The Problem of Argument* (London, 1963), pp. 79–88.

[10] M. G. Singer, *Generalization in Ethics*, (New York, 1961), p. 17.

[11] *The Monist* 49 (1965), pp. 198–214.

[12] H. Melville, *Billy Budd* (Bantham Books, 1961).

[13] Op. cit., p. 209.

CHAPTER ELEVEN

THE RATIONAL AND THE REASONABLE*

The existence of two adjectives, 'rational' and 'reasonable', both derived from the same noun, and designating a conformity with reason, would pose no problem if the two terms were interchangeable. But, most often, it is not so. We understand the expression rational deduction as conformity to the rules of logic, but we cannot speak of a reasonable deduction. On the contrary, we can speak of a reasonable compromise and not of a rational compromise. At times the two terms are applicable but in a different sense: a rational decision can be unreasonable and vice versa. In certain cases the rational and the reasonable are in precise opposition. Parmenides' theses on being, by seeking to eliminate all incoherence from opinions which common sense entertains in relation to this subject, ends in conclusions which can be presented as rational but which certainly are not reasonable. If Wittgenstein is right in affirming (*On Certainty*, 261) that there are things that a reasonable man cannot doubt (e.g., that for a time the earth existed), that a reasonable doubt cannot be arbitrary because it must have a foundation (*Ibid.*, 323), then Descartes' methodical and above all hyperbolical doubt, given as rational, is certainly unreasonable because it would demand an abstention, a refusal to accept, every time we are not compelled by the self-evidence of a proposition. Professor Raleigh rebels against the attitude of William Godwin – the anarchist disciple of Jeremy Bentham – who tries to control all the most human sentiments by the mechanism of the intellect and who seriously maintains that he is wrong to love his father more than other men, unless he is able to prove that his father is better than these other men.[1]

To take into account the difference which separates the rational from the reasonable we have to admit that if the two conform to reason, it is because the idea of reason can be taken in at least two diametrically opposite ways. The *rational* corresponds to mathematical reason, for some a reflection of divine reason, which grasps necessary relations, which knows *a priori* certain self-evident and immutable truths, which is at the same time individual and universal; because by being revealed within a single mind, it imposes its themes on all beings of reason, because it owes nothing to experience or to dialogue, and depends neither on education nor on the culture of a milieu or an epoch.

The concept of the rational, which is associated with self-evident truths

and compelling reasoning, is valid only in a theoretical domain. When it is a question of behavior, we qualify as 'rational' behavior in conformity to principles, to the spirit of the system, behavior which chooses ends through knowledge of cause, makes use of the most efficacious means, and makes action conform to the results of one's reflections and designs, not allowing oneself to be held or led astray by the emotions or passions. According to Bertrand Russell, the rational man would only be an inhuman monster. We would have little chance of meeting him in the flesh, but everyone knows a more or less perfect approximation of him, as in this quotation from Brand Blanshard:

> He tries to incarnate pure intelligence. The wheels of his intellect revolve in a vacuum, and if at a furious pace, so much the better. He acts always from calculation, never from impulse, affection or even hatred. He sees a long way ahead, cunningly adjusts his means to his ends, is all things to all men while caring little for any, never forgets himself, and is never carried away by enthusiasm or sentimentality. While making no mistakes of his own, at least none that mere intelligence could avoid, he sees through everyone else, notes their stupidities and uses them with superlative craft for his own purpose. He is icily competent, intimidatingly efficient, free from all romantic and humanitarian nonsense, knows what he wants, and moves toward it by the straightest line.[2]

This vision of the 'rational' man separates reason from the other human faculties and shows a unilateral being functioning as a mechanism, deprived of humanity and insensible to the reactions of the milieu: he is the opposite of the reasonable man. The latter is a man who in his judgments and conduct is influenced by *common sense.*

He is guided by the search, in all domains, for what is acceptable in his milieu and even beyond it, for what should be accepted by all. Putting himself in the place of others he does not consider himself an exception but seeks to conform to principles of action which are acceptable to everyone. He considers as unreasonable a rule of action which cannot be universalized. Starting thus, from a communal conception of reason, we end in a Kantian categorical imperative which makes the universal the criterion of morality.

If we take the English moralist Henry Sidgwick, the man and his ideas, as a model of the reasonable man,[3] we see impartiality, which makes no exception for anyone, but which considers everyone, in principle, as interchangeable, the criterion, par excellence, of practical reason:

> We cannot judge an action to be right for *A* and wrong for *B* unless we can find in the natures or circumstances of the two some differences which we can regard as a reasonable ground for differences in their duties. If therefore I judge any action to be right for

myself, I implicitly judge it to be right for any other person whose nature and circumstances do not differ from my own in some important respects.[4]

In an analogous manner:

– it cannot be right for *A* to treat *B* in a manner in which it would be wrong for *B* to treat *A*, merely on the ground that they are two different individuals, and without there being any difference between the natures of circumstances of the two which can be stated as a reasonable ground for difference of treatment.[5]

These two negative maxims correspond to what is valuable in the golden rule which says, "do to your neighbor as you would want your neighbor to do to you." But Sidgwick denies that the golden rule gives a sufficient criterion of morality.

A principle of action which others would consider acceptable and even reasonable cannot arbitrarily favor certain people or certain situations: what is reasonable must be able to be a precedent which can inspire everyone in analogous circumstances, and from this comes the value of the generalization or the universalization which is characteristic of the reasonable.

But a rule of action defined as reasonable or even as self-evident at one moment or in a given situation can seem arbitrary and even ridiculous at another moment and in a different situation. I have already cited the decision of The Belgian Supreme Court declaring that "it was too self-evident an axiom to state that the service of justice was reserved to men."[6] This affirmation which seemed self-evident, thus certainly reasonable, a century ago, would be inadmissible, even ridiculous, today. The reasonable of one age is not the reasonable of another: it can vary like common sense.

In this conflict between the reasonable and the rational, which should carry the day? If the reasonable is tied to common opinion, to common sense, every scientific and philosophic effort which would deviate, in the name of certain principles – internal coherence, the spirit of the system, or whatever theory – would be condemned in advance; every paradoxical novelty, every idea departing from the ordinary, but conforming to rational principles, would have to be excluded. We would thus condemn, at the same time, the whole spirit of novelty, all progress of thought – which is inadmissible. The reasonable of today is not the reasonable of yesterday, but is more often an effort toward more coherence, toward more clarity, toward a more systematized view of things which is at the base of change.

On the other hand, it is true that in a philosophic discussion when two systems are opposed to each other, it is only by going back to common

opinions, to common reality, that we find criteria that are independent of each of the competing systems.

It is the dialectic of the rational and the reasonable, the confrontation of logical coherence with the unreasonable character of conclusions, which is the basis of the progress of thought.

How does this confrontation, this dialectic, show itself in law? It would be interesting to examine this.

For centuries, the rational has been identified with natural law. Domat, the best known French legal writer of the 18th century, states in his 'Traité des Lois', that the rules of natural law are those that God himself has established and teaches to men by "the light of reason". These laws present immutable justice, the same everywhere and always; whether written or unwritten, no human authority can abolish or change them (Preliminary book, vol. I, sect. III).

Domat follows here the well-known ideas expressed by Cicero in his *Republic* (Book III, chap. 32):

> There's a true law, right reason that conforms to nature, present in all of us, immutable, eternal; this law directs men to the good by its commands, and detours them from evil by its prohibitions; should it order or prohibit, it does not address itself in vain to the virtuous, but has no influence on the wicked. It is impermissible to oppose it by other laws, nor to derogate its precepts; it is impossible to abrogate this law; neither the Senate nor the people can exonerate us from it. It cannot be different in Rome or in Athens, and it will not be in the future different from what it is today; but one and the same law, eternal and immutable, will impose itself upon all peoples for ever. One Master being the leader, He is the author of this law, who has promulgated and sanctions it. Those who do not obey it, negate human nature and must anticipate the severest punishments.

This idea of human reason, as obeying God's reason, has been reduced, in the continental legal methodology, to the idea of the rationality of the legislator, that is presupposed for the interpretation of legal texts. The legislator is supposed to know the language he is using, the system in which the new laws are inserted, to preserve the coherence of the system, and adapt the means to the ends he is pursuing. Those presuppositions make it possible to apply the arguments *a pari, a fortiori and a contrario*. But unlike natural law, we do not presuppose today that the legal rules are universal and immutable.

The ideas of the reasonable and the unreasonable in law play a completely different role: they provide a framework in which any legal authority has to function. What is unreasonable is always unacceptable in law: the existence

of this framework makes it impossible to reduce the legal system to a formal and positivistic concept.

Every time any legal institution gives to an authority a certain power, even a discretionary power, it is presupposed that this power will not be exercised in an unreasonable manner.

There are different ways to denominate this unreasonable exercise of power: you may call it abuse of law, excess or misapplication of power, bad faith, iniquity, a ridiculous or arbitrary application of legal regulations, an act contrary to the general principles of law common to all civilized nations. Due process of law cannot permit the exercise of power in an arbitrary and unreasonable manner. We find application of this principle in private and in public law, in civil and commercial matters, in the judicial, or even legislative exercise of power.

For example, article 1854 of the Code Napoleon, concerning private partnerships, says that, if associates decide that one of them has the discretionary power to allocate parts, his decision may be attacked if it is clearly inequitable. This is the application of a more general principle concerning possible conventions that states that all decisions have to be reasonable. Domat says in his *Traité* (Book I, t. I, sect. III, par. 11) that nothing is acceptable in law that is beyond the limits of reason and equity. This principle holds in continental law for the decisions of the board of any commercial society, and even for the decisions of the majority of shareholders taken in a General Meeting.

Whenever some discretionary power is given to the Governmental Executive, its decisions would be considered as abuse of discretion if they are clearly contrary to the overall objective.

The unreasonable is the limit that any legal exercise of power cannot transgress: the power that is given implies a possible choice between different eventualities, but only up to a certain limit; in case of trespass, the unreasonable use of legal authority will be censured.

The *rational* in law corresponds to adherence to an immutable divine standard, or to the spirit of the system, to logic and coherence, to conformity with precedents, to purposefulness; whereas the *reasonable*, on the other hand, characterizes the decision itself, the fact that it is acceptable or not by public opinion, that its consequences are socially useful or harmful, that it is felt to be equitable or biased.

When the rational and the reasonable mutually support each other, when reasoning according to principles ends in a satisfying decision, there is no problem. But when the fidelity to the spirit of a system leads to an unaccep-

table, biased or socially inadmissible conclusion, in a word, to an unreasonable conclusion, this leads to the indispensability of a reconsideration of the system. Most often doctrine and jurisprudence find a solution to the conflict by modifying the system on one point or another. But it happens that the reasonable decision, which at first is imposed as the sole equitable one, might be justified only by recourse to a fiction, which might be a presentation of facts contrary to the reality or an apparent motivation.

There are situations which give room frequently to conflicts between the Supreme Court and the intermediate Courts of Appeal, the latter being more concerned with the reasonable solution of the litigation, taking into account the social consequences of the solution to be adopted, the former being more sensitive to the spirit of the system and to the logical coherence of the decision.

A well-known example of such a conflict in Belgian law is the Rossi affair where a Belgian woman, abandoned by her Italian husband, had asked for a divorce, allowed by Belgian law, but unacceptable in Italian law which did not permit divorce. Two Appeal Courts which had to examine the case agreed to the divorce. Twice the Supreme Court opposed it, arguing from the fact that divorce implied that one divorced the husband at the same time as the wife and since Italian law did not permit divorce this solution was legally impossible. Divorce could be granted, according to the Supreme Court, only if the two legislations, the woman's as well as the man's, permitted it. This is the theory of the cumulative effect of legislations.

The Belgian Parliament, finding the jurisprudence of the Supreme Court unreasonable, condemning 300 Belgian women abandoned by their Italian husbands to no possibility of making a normal life for themselves, introduced legislation according to which Belgian law would apply if one member of the marriage was Belgian, as well as in case of marriage among foreigners, if the national law of the plaintiff did not prohibit divorce.

In this case the legislature imposed its will on the Supreme Court, forcing a reasonable solution to prevail over the spirit of the system. But in other cases it is the judge himself who imposes a reasonable solution even at the price of a juridical fiction. To cite an example, in the case of unusual damage from a neighbor, the proprietor, who caused his neighbor damage, although he had committed no fault, was nevertheless required to repair the damage caused, on the basis of Article 1382 of the Civil Code, which explicitly refers to the repair of damages caused by tort. But the fact that recourse was had to a legal fiction caused difficulties which showed up periodically in later law suits. The law suits ceased when a new judicial theory allowed reconciliation of the

rational and the reasonable, equity with the spirit of the system. Article 544 defines the right of property and the consequences to be drawn from it: that each property owner has equal right to the protection of the law, that the courts are obliged to guarantee a balance among property owners, compensating those property owners who have suffered unusual damage as a result of legally exercised property rights of his neighbor. If a property owner constructs a skyscraper next to a small house, preventing a normal flow from the chimney of the neighboring house, he would be obligated, at his expense, to raise the chimney so as to restore its normal operation. The search for a reasonable solution is the cause of progress in law by obligating modification or reinterpretation of existing regulations.

The idea of the reasonable intervenes in law in the absence of a theory which would furnish more precise criteria for the basis of a decision. What is the compensation which the victim has a right to from another's faulty action? What are the consequences that can be reasonably imputed to this action? All theories elaborated in this regard are shown to be unsatisfactory and very often, with complex situations, judges refer to what is reasonable, to justify their decisions without being able to formulate a precise rule which would be applicable in all cases of this kind.

Thus, the idea of the reasonable in law corresponds to an equitable solution, in the absence of all precise rules of adjudication. But it can be that recourse to the reasonable only gives a provisional solution, waiting for the elaboration of new legal construction which would be more satisfying. The reasonable guides this endeavor toward systematization, toward the rational systematic solution.

NOTES

* Lecture delivered at the International Symposium on 'Rationality To-day' held at the University of Ottawa in October 1977. Proceedings published by the University of Ottawa Press, 1979, pp. 213–224.

[1] Cited by Brand Blanshard, *Reason and Goodness* (London, 1961), p. 421.

[2] *Op. cit.*, p. 411.

[3] *Op. cit.*, pp. 90–91.

[4] H. Sidgwick, *Methods of Ethics* (Chicago, 1962), p. 209.

[5] *Ibid.*, p. 380.

[6] Ch. Perelman, 'Le Problème des lacunes en droit, essai de synthèse', in *Le problème des lacunes en droit* (Brussels, 1968), p. 547. See also Chapter 4, p. 68.

CHAPTER TWELVE

REFLECTIONS ON PRACTICAL REASON*

Does the ideal of practical reason have a philosophic import or must we place it on a purely technical level, concerned with the ordering of means to an end? We call 'prudence' the virtue which guides us in the choice of the most efficacious and fruitful means, which teaches us to avoid the painfully surmountable obstacles and to reject enterprises that are too hazardous. Prudence, however, doesn't allow us to appreciate the goal of our acts; at most we can claim that it presupposes a thoughtful egoism. If it is the individual's interest which must implicitly provide the final criterion in matters of conduct, then prudence does not tell us if it is our concrete I, which is the judge of our interests, or if it is the reasonable I inspired by an ideal of wisdom or justice which has this responsibility. In the first case, reason is subordinated to sentiments, governed entirely by irrational, individual and social forces. Practical reason remains faithful to the ideal of Western philosophy when it proposes ends for our conduct, contributes a model of the sage and just man, and provides objective criteria to judge the value of our actions.

The ideal of the sage, of the virtuous man, presupposes the existence of objective criteria of value which makes a science of morality possible. This latter is based upon the knowledge of what is truly worthy, a rationalistic conception of justice as love in conformity with wisdom, which attempts to provide for the good of all "to the degree that we reasonably can, in proportion to each one's needs and merit".[1] The great rationalist philosophers from Plato to Leibniz, as well as St. Thomas, Descartes, Spinoza and Locke, all have in view a rational morality, although they are constantly needled by the sceptics who cite the constant lack of agreement in this realm.

We know that scepticism spread in the West in the 16th century.[2] The success of Montaigne's *Essays* and particularly the 'Apology for Raimond Sebond' (Book II, Chap. XII) does not permit the modern philosopher to avow an ignorance of Pyrrhonism. Some, like Pascal, follow Montaigne, even repeat most of his arguments and mention the incapacity of our reason to know the nature of the highest good and true justice and thus affirm philosophy's fallibility in his realm and the consequent obligation which we feel to accept the divine revelation of Holy Scripture as sole guide to conduct and the only way to avoid scepticism. Others, like Descartes and Spinoza, believe

that in reforming our methods, in trusting only the self-evident, we will come to an indubitable knowledge which will allow a science of rational morality. But the criterion of self-evidence is applied to what is true or even necessary; reason cannot give us knowledge of rules of conduct, the latter being only obligatory. In fact, Hume tells us, "Reason is the discovery of truth or falsehood. Truth or falsehood consists in an agreement or disagreement either to the 'real' relations of ideas, or to 'real' existence and matter of fact. Whatever, therefore, is not susceptible of this agreement or disagreement is incapable of being true or false, and can never be an object of our reason." The consequence of this is that "actions may be laudable or blamable, but they cannot be reasonable or unreasonable".[3] It is not impossible for reason, Hume tells us, to prefer the destruction of the whole world to a scratch on one's finger. There is no rational passage from what is to what should be. Our moral conceptions are determined by our feelings and the habits of our surroundings; this explains the extraordinary divergences that we perceive in this regard and the obligation we feel to give up reason as guide to our behavior. Instead of believing as Spinoza did that reason allows us to combat the passions and to free us from their bondage, we must recognize that reason itself is in the service of the passions and plays only a subordinate role in morality.[4]

After the critiques of the sceptics, the defenders as well as the opponents of the role of practical reason agreed, since Descartes, upon a conception of reason as a faculty capable of indubitably discerning necessary connections. Only such a conception could be opposed to the sceptics' pluralism and relativism. We know that reasoning 'more geometrico', i.e., through self-evident axioms and indisputable demonstrations, became the recognized ideal of the rationalist philosophers. Rationalism, through a natural evolution, became more and more exacting in its methods, driving out ruthlessly non-communicable intuitions and all means of proof other than the repeated experiment and ordered calculation. The consequences of this rationalism is positivism, logical empiricism and finally the elimination of metaphysics and the negation of the role of practical reason.

We know that between Descartes and positivism, Kant made an admirable effort to preserve the role of practical reason while taking into account Hume's critique. Kant recognized, as Hume did, that:

> 'Ought' expresses a kind of necessity and of connection with grounds which is found nowhere else in the whole nature. The understanding can know in nature only what is, what has been, or what will be. We cannot say that anything in nature 'ought to be' other than what in all these time-relations it actually is. When we have the source of nature alone in view, 'ought' has no meaning whatsoever. It is just as absurd to ask what

ought to happen in the natural world as to ask what properties a circle ought to have. All that we are justified in asking is: what happens in nature? What are the properties of the circle?.[5]

The existence of morality forces us to recognize the intervention of things-in-themselves in our practical universe; in fact, the moral law, whose existence is undeniable, allows us to affirm the existence of freedom as its *ratio essendi.*[6] Causality through freedom is defined as the determination of the will through the pure practical reason, a non-empirically conditioned reason,[7] How can we conceive this determination of the will by the pure practical reason? How do we conceive its determination by objective practical laws? The first chapter of the *Analytic of Pure Practical Reason* begins with definitions concerning practical principles and their objectivity:

Practical principles are propositions which contain a general determination of the will, having under it several practical rules. They are subjective, or maxims, when the condition is regarded by the subject as valid only for his own will. They are objective, or practical laws, when the condition is recognized as objective, i.e., as valid for the will of every rational being.[8]

The rationality of a practical law no longer concerns a relationship of necessity or truth but the fact that it posits an objective principle, i.e., valid for the will of every reasonable being.

This extension of reason's field of application from the theoretical to the practical domain is possible only if we no longer identify reason with the faculty of enunciating and recognizing necessary and self-evident judgments. There is no problem if we define rationality as submission to self-evidence and if this extends not only to the knowledge of the true, but also to the good, just, beautiful and to all assumed absolute values. We then subordinate the practical to the theoretical point of view; freedom is only compliance with the self-evident. Choice and all deliberation is, therefore, only the expression of our ignorance. A moral philosophy, although impoverished by these essential elements, remains conceivable. But if we circumscribe the field of the self-evident, then everything outside it is no longer rationality. It is for this reason that since Pascal and Hume, the former a defender of the identification of the rational with the geometric, the domain of values was thought to be dependent upon irrational factors such as the heart, sentiment or revelation. But then, moral reflection ceases to be philosophical and becomes concerned with the technical evaluation of our actions as means or obstacles to the realization of ends whose rationality escapes us. These ends stem from a social or psychic conditioning, from religious and ideological

inspirations which determine our thoughts and actions and allow us to explain, but not to justify them. In this conception we are given causes to determine our decisions and choices, but not reasons to guide and orient our freedom.

Through this perspective we can understand the contemporary positivists and formalists who found nothing better for the axioms of their deductive systems than the principle of tolerance. Since they did not wish to make logic and mathematics dependent upon irrational factors, since they limited rationality to necessity and efficacy and refused the criterion of self-evidence, the construction of a language or of a logic seemed to them arbitrary, and tolerance became the only reasonable attitude. The positivists seem finally however to have understood what the recent [1961] Warsaw Colloquium affirmed, i.e., if the deductive systems and, in particular, their axioms are not self-evident, if it is neither a question of their demonstration nor of their verification, we can nevertheless attempt to justify the theoretician's choices and practices. This marks a sudden change in the relation to classical rationalism, a reevaluation of practical reason, and is intimately associated with the notion of 'justification.' But all this is only realizable, as we have tried to show, when we cease to limit the right usage of reason to a reduction of every problem to self-evident elements which impose themselves upon each reasonable being.

If we begin with certitude we exclude decision, choice and the preliminary deliberations which go with them. Before certitude we can only submit, since our employment of freedom allows no hesitation. The sole conceivable attitude is submission. When there are no alternative actions, justification has no purpose. Justification concerns actions, intentions, choices and decisions. Properly speaking, it deals neither with statements that we can demonstrate or verify, nor with individuals who can or cannot be made responsible for the acts they commit; but the acts themselves are subject to criticism or justification. When we seek to justify a statement, what we, in fact, justify is our acceptance or expression of it. We can only justify the individual's behavior by showing that it is reasonable, because the proposition to which he adheres is true or probable – that it can gain acceptance. If we justify an individual, we either justify his conduct or show that he is not responsible for it, but then we provide an excuse, not a justification.

If justification always concerns an action or a disposition to act, then to admit the possibility of a rational justification is to admit, at the same time, reason's practical employment and not to limit the latter to the faculty of discerning necessary relationships or those concerned with truth or falsity.

Every rational justification assumes that to reason is not only to demonstrate and calculate, it is also to deliberate, to criticize and refute; it is to give reasons for and against, in a word, to argue. The idea of rational justification is inseparable from rational argumentation. It does not occur to us to justify every action or belief. Such an undertaking would be meaningless as well as completely fruitless. It would lead only to an infinite regress. Justification can have meaning only if the actions that are to be justified possess properties which require justification.

This analysis points to the fact that every justification presupposes the existence or eventuality of an unfavorable evaluation of what we justify.[9] Every justification is the refutation of a criticism of the morality, legality, conformity (in the broadest sense of the term), utility or expediency of a behavior. The result is that the possibility even of a criticism that precedes justification presumes the acceptance of norms or ends that further the criticism. When behavior undeniably conforms to admitted norms or achieves recognized ends, when it does not have to conform to norms and does not intend to pursue definite ends, it is free from criticism and justification. Justification only concerns what is disputable and disputed. What is valid in itself, absolute value, can be neither criticized nor justified, every effort in this direction tends to transform it into a relative and subordinate value.

The preceding analysis shows that every criticism, like every justification, presupposes the indisputable acceptance, at least temporarily, of norms and ends in whose name the criticism is made. For the criticism to be pertinent, do these norms or ends have to enjoy universal and indisputable accord? This is not necessarily so. We can doubtlessly conceive of the possibility of a relative criticism concerning the illegality of an act even by those opposed to the law. On the other hand, the confrontation of an action with a law which it transgresses can be the cause for a criticism of the law. It can be argued that the law be subordinated to natural law, to a superior order or to an end which this law should realize, and which it does to a lesser degree than the action. To escape the precariousness of a criticism and justification of individual ends and norms, limited in time and space, the philosopher, contrary to the jurist, begins a search for absolute and indisputable norms.

Has his quest a chance of success? Can the philosopher, starting from the undeniable fact that in every reality and for every mind there are behaviors, norms and models undisputed and thus needing no justification, go from there to the affirmation of the existence of indisputable behaviors, norms and models that are above criticism? How do we go from the acceptance of

certain norms and models which are only a fact, individual or social, and precarious, to the assumption of their absolute value?

Absolutism proposes an ideal that transcends every norm and every value, is the source and foundation of everything to which we adhere. The real problem then does not concern the absolute, which by definition is beyond all criticism, but to what degree these values and norms find in the absolute their unshakeable foundation. If they are multiple, it ought to be assumed that in no circumstance they would oppose each other, that they are always compatible, no matter what the situations to which they relate. It seems that the absolutist even on this score, can justify the basis of his position by showing examples of norms of universal validity such as "we must do good and avoid evil", "we must not without necessity cause suffering to any being", "the maxim of our action must always be valid at the same time as a rule of universal legislation", "we always seek the greatest good of the greatest number", etc. If it is true that these rules express absolute norms, then why do we see those innumerable and constantly renewed discussions arise when we are forced to apply these norms in concrete cases?[10] Does the absolutist dare hope that the given solutions will always escape criticism and preserve the absolute value accorded the general and undetermined rule? In fact, it would mean that not only the laws are absolute, but they are supplied with undeniable interpretative techniques which allow all who must apply them to come to a conclusion as indisputable as the general norm. If this were not the case, the absolute value of the norm, in not prejudging the value of the consequence drawn from it, would make theoretical absolutism perfectly reconcilable with a practical relativism. Criticism and justifications are concerned with varied interpretations necessitated by the needs of practice. Axiologic absolutism becomes a philosophically significant theory if the values and norms which it posits are not only presented as absolute, but as self-evident, capable of being a clear guide in every possible applied instance. Who cannot see that to satisfy this last requirement, a code must be formulated whose unambiguous foresight sees all actions conform to each of the above enunciated rules and to all imaginable situations? It is no longer a unique, vague, general rule but a whole meticulous legislation which absolutism would guarantee. This legislation will need neither lawyers nor judges for its immediate application and each rule will impose itself absolutely and forever.

Failing to satisfy these conditions, absolutism becomes only an aspiration. Concrete problems arise and are resolved only through consideration of the multiple norms and values to which we adhere with variable intensity. These

norms and values furnish the inevitable context without which reason could not orient our actions, decisions and attitudes, because neither criticism nor justification can be employed in a spiritual void. Every criticism acts in the name of a supposedly admitted norm, end, and value; it is by comparison with these same norms, ends and values that we show the inadequacies of what we criticize.

The most banal case of justification is the proof that criticized behavior conforms to a norm and brings about a supposed value or end. This justification can include factual or legal elements. It can be shown that criticized events did not occur, that they occurred far differently, or that they cannot be imputed to the person criticized. This latter explanation provides a reason or cause to excuse the individual. The description of the actions can be accompanied, in this case, by another interpretation of the norm, value or end. This would allow us to reach an appreciation of the actions from which a rejection of the criticism would result.

When it is a question of applying the law, there will be judges to consider the value of the proof; often there will be rules regulating the forms of proof, the interplay of presumptions; there will be judges to decide and to interpret the norms, values and ends. We do not need the judge to end controversies only if everyone can come to recognize the evidence of the facts and norms. Philosophers often appeal to self-evidence but the permanent existence of philosophical controversy seems to show that the convincing value of their proofs cannot be imposed upon everyone equally and in a similar way, and that the assumption of a responsible committed position seems inevitable, even in philosophy.

This is even more valid when the justification results not from an interpretation of norms, ends or values but from their modification or even their rejection. In fact, this time we act not as a judge having to apply admitted norms and criteria, but as a legislator who introduces new norms. If the action is not based simply on the use of force but has recourse to a procedure of persuasion, we can reject the admitted norms and criteria only by showing their inadequacy in relation to the ends and values to be realized or by showing their incompatibility with other more fundamental rules. However, this presupposes recourse to rules, ends and values other than those which we criticise but which are supposed to be equally recognized by those to whom we address our justificatory discourse.

The result of this analysis shows that universal doubt is chimerical because we cannot doubt what is admitted and unreasonably put it aside.[11] To doubt, we must believe in a reason that justifies the doubt. If we hold an opinion, it

is reasonable to hold to it and it is not reasonable to give it up without a reason. This principle of inertia is the basis of the stability of our spiritual and of our social life, and explains the constant recourse to precedent when we must act. To say that we follow precedent is the same as saying that we adopt an attitude that needs no justification because it only applies the rule of justice which treats, in the same way, essentially similar situations.[12] We need to give no justification when, according to precedent, we treat a situation essentially similar to a previous one. We will have proved that no change requiring justification had been introduced.

Yet, if we think of putting aside precedents, rules and traditional societal behaviors, we will be accused of injustice and arbitrariness and our behavior will be considered unreasonable if we do not give sufficient reasons for the change. What can be done when reasons convince some and not others? Who now has the right to decide? We don't give to everyone the right and power to legislate and impose a controversial viewpoint upon society. When rules and criteria are not self-evident, only a legitimate legislature is legally capable of imposing its view. The philosopher can only exercise the role of universal legislator when his propositions are universally accepted, appear self-evident and, as a result, eliminate all controversy. The philosopher, having no political power to judge or legislate, can impose only by the convincing force of his reasons. The latter, however, as we have seen, presuppose admitted societal norms, values, and ends. The just judge and impartial legislator must refer to these norms, values and ends. If this is so, then we understand that these notions are relative and that reasons which are valid in one social and cultural milieu are not in another.

The just judge is not the objective judge who conforms to given external reality. He is not a disinterested spectator who decides by universally valid criteria. He is rather the impartial judge who must be tied to no party appearing before him, but must apply either obligatory legal rules to every case within his jurisdiction or, if he is an arbitrator, apply rules and customs which are accepted by those who are in litigation before him. The idea of impartiality is relative because the rules and values common to the parties can vary in each case. The same person, held to be an impartial arbitrator in a national labor dispute opposing industry to labor, and which will be settled in terms of country's values and norms, can be no longer impartial at all if the conflict is between his and a foreign country. The impartial arbitrator should be above the interests of the parties, and apply the rules of international law to which the two countries are assumed to be adherents. It is the same for the just legislator who in each case should take into account national interests, laws

and values which are very different from those of another country and to which the legislation would not be applicable.

When the philosopher proposes to formulate just laws and to judge justly by means of them – not laws for individual societies and individual group interests, but for all humanity – he must formulate his criteria, norms, laws and values in such a way that they are admitted by all and their justification is based on values and laws which can be shown to be universally valid. It is the same for proofs and interpretative techniques used to recognize facts and to apply laws. This is the meaning we can give to the practical usage of reason: to furnish rules and criteria which we can submit to the agreement of everyone.

If, however, these rules are not necessary, cannot irrefutably be imposed but are rather submitted as reasonable propositions for everyone's agreement, it is mandatory that those to whom these rules are addressed, and who constitute an enlightened humanity, can discuss, criticize and amend them. Practical reason makes no pretense to be apodictic but simply reasonable. If it is not to be dogmatic, it must be open to discussion and dialogue. Absolute monarchy is most suited to realize rational conceptions assured of their certainty, neglecting the opinions of those who do not benefit from these privileged intuitions. The democratic regime of free expression of opinions, of open discussion of all viewpoints, is the indispensable concomitant for the usage of the practical reason that is simply reasonable.

NOTES

* *Le Champ de l'Argumentation* (Bruxelles, 1970), pp. 171–182.

[1] G. Grua, *Jurisprudence universelle et Théodicée selon Leibniz*, (Paris, 1953), p. 507.

[2] R. Popkin, 'The Sceptical Crisis and the Rise of Modern Philosophy,' *The Review of Metaphysics*, 1953–1954, Vol. VII, pp. 132–151, 307–322, 499–510.

[3] *Treatise of Human Nature*, Book III, sect. 1 in V. C. Chappell (ed.) *Philosophy of David Hume*, (New York, 1963), p. 237.

[4] *Ibid.*, p. 227, "Reason is and ought to be the slave of passions, and can never pretend to any other office than to serve and obey them."

[5] Kant, *Critique of Pure Reason*, trans. by N. K. Smith, (New York, 1950), A 547, B 575.

[6] Kant, *Critique of Practical Reason*, trans. by L. W. Beck, (Indianapolis, 1956), *Preface*, 4, note 1.

[7] *Ibid.*, 'Of the Idea of a Critique of Practical Reason', pp. 15–18.

[8] *Ibid.*, 'Analytic of Pure Practical Reason', p. 19.

[9] Ch. Perelman, 'Value judgments, Justification and Argumentation', *Philosophy Today* 6 (1961), pp. 45–51.

[10] See the debate between Professor L. G. Miller and myself on moral scepticism and moral philosophy in *Morale et Enseignement*, bulletin of the Institute of Philosophy of the University of Brussels 11th year, 1962, fasc. 4., pp. 12–26, reprinted in Ch. Perelman, *Droit, Morale et Philosophie*, Paris, 1968, pp. 65–77.

[11] Leibniz, *Nouveaux Essais sur l'Entendement* in *Die philosophischen Schriften*, ed. by C. J. Gerhardt, Vol. V, p. 500.

[12] Perelman, 'The Rule of Justice' in *The Idea of Justice and the Problem of Argument* (London, 1963), pp. 79–87.

CHAPTER THIRTEEN

THE ROLE OF THE MODEL IN EDUCATION*

The educator normally turns to works of moral philosophy in the hope that the analyses to be found there will help him in his task, i.e., when he is not satisfied in finding support in his own prestige for the rules he recommends. His prestige may be insufficient or he desires to develop a critical sense in his students. He then remarks that the great mass of moral treatises, rationally expressed, consider moral rules as technical precepts striving for the welfare either of the agent or of the society of which he is a part.

This reduction of morality to a technique is justified only in a philosophical system which supposes, apart from all discussion, the human or social ideal that we try to realize in practice, because this ideal is determined in a self-evident and univocal manner. But if we reject this hypothesis as being contrary to history's teachings, the moralist can no longer neglect the essential aspect of his activity which is the preliminary determination of the human or social ideal which the observation of rules ought to allow us to promote. It is not possible to conceive and to make comprehensible, even in an imprecise way, what we desire to realize and avoid without recourse to models and anti-models, both for the individual and for society. The role of models and anti-models is of major importance in all forms of education.

When we spontaneously try to imitate those we admire, and to set ourselves apart from those we scorn, it is essential to extol the individuals or the types of men whom we wish to see multiply and to make known the contemptible individuals by displaying the traits which merit them this contempt. The models and anti-models play the same role in the formation of the social ideal, but with this difference: the accent is placed on the model, the positive ideal, when we are concerned with the individual; when it is a social concern, it is placed on the anti-model, i.e., it is easier to describe a saint than paradise, to show the odiousness of hell than that of devils.

Models most often borrowed from history are those of one's own group or from the cultural milieu to which one belongs; often models are imaginary or legendary, frequently they are provided by divinities that we adore and are given to the believers as ideals of perfection. It occurs that idealized or legendary history provide models for social matters. Most often a similar ideal comes from a utopia or a paradisiac vision. It is easier in social

matters to borrow from history anti-models, objects of legitimate indignation

These two complementary forms of education, the model as ideal and the anti-model as the contrast, combine in these hierarchies of beings whose superior and inferior terms contribute to the determination of moral and political norms. The point of departure for these hierarchical pairs is in the social hierarchies of which no society, even the most egalitarian, avoids. In fact, every society admits hierarchies among its members, according to the prestige enjoyed by those who fulfill certain functions, the role which they play in their milieu, their power, and the means of action which are at their disposal. Even societies believing themselves egalitarian – because they exclude certain forms of social hierarchies – will recognize the existence of natural inequalities, i.e., those of age differences, sex, physical force or intelligence. We cannot eliminate the social consequences of one or other of these differences than by conferring upon certain people the power to reduce their supposed antisocial manifestation. We can only combat the existence of certain hierarchies by the establishment of others considered as more just, more reasonable, more in tune with social nature or well being. The stability of a social order, whichever it may be, can only be assured if the hierarchies are in fact recognized by reasonable men as conforming to natural law, to morality, to nature or to reason. The hierarchy of individuals or of essences will have to be justified by the superiority of their qualities or of their acts. The result is that the admitted or proclaimed hierarchies of individuals, which in no way coincide in different societies, bring about multiple hierarchical structures of qualities and acts.

Here are some examples of hierarchical pairs: freemen-slaves, men-women, adults-children, men-animals, gods-men, Greeks-barbarians, Christians-pagans, civilized beings-primitives, whites-blacks, nobles-serfs, bourgeoisie-proletariat, workers-parasites, etc. From a similar pair, from which the hierarchy is socially recognized, we pass to the determination of characters and behaviors which designate the superior and inferior terms of the pair so as to extol the former and condemn the latter.

Deriving from a hierarchy of beings a hierarchy of qualities and behaviors – with the help of an argument which can be called the "argument of the double hierarchy' – shows two characteristics worthy of notice. On the one hand, models admitted by a given society and which are derived most often from a socially recognized hierarchy, characterize this society, allow for the comprehension of the individual traits of its cultural and its moral tradition. On the other hand, as the passage of the preferred model to the proclaimed

conduct is not mechanical, there is room, in the utilization of models, for a certain spiritual freedom which allows invention in morality and explains the evolution of the same moral ideal. In fact, the conception of the model cannot be fixed because it must adapt itself to changing circumstances. The choice of the model, the conception that we have of it, the way in which we imagine that it would act in particular circumstances, is very important because we propose this model and its acts as an ideal to be imitated.

Alongside of models common to all members of a society or of a cultural milieu there exist models proper to a small group or even to this or that individual, models which enjoy an individual prestige in a limited milieu, such as a venerated teacher, a respected father, an older brother, a friend; often we make an imaginary model or we attribute this role to a character in a novel. To know a man it is important to know his model; to educate someone is for the most part to give him the desire to resemble a model.

If the fact of having a model is a source of moral energy, that of being a model is an even more important factor for behavior. *Noblesse oblige*! He who knows that his example will be followed, that his prestige and the role which he enjoys permit him to influence others, their judgments and their acts – and fashion is a secondary manifestation of the same phenomenon – can hardly escape the obligations and the circumspection which the situation imposes upon him. As one tries to resemble and to imitate him, since he is the incarnation of an ideal which will be only imperfectly realized, that his vices will find greater emulation than his virtues – e.g., Alexander's chastity, Pascal writes, has made few chaste while his drunkenness has made many incontinent – he is obliged, unless he degenerates, to take into account the opinion that one has of him. The social bond which can be formed by the fact that certain members of a society are models for others is an incomparable help in moral education because these others do not wish to lose favor in the eyes of those they admire while the models know that their acts have repercussions on the conscience of those who follow them.

If the stability of the social order is reinforced when socially superior beings play model roles and their acts can be imitated, the fact that this is no longer so is an indication of disintegration, of our living in a prerevolutionary era, a prelude to a change of elites.

All those who are opposed to a determined social order cite, on the one hand, the hypocrisy of the ruling classes which no longer conform to their traditional virtues and, on the other hand, try to put forward other values which justify other models, imbedded in other classes of the population. Reasoning no longer passes from person to act, from model to the values it

embodies, but from the act to the person, from value to model. Thus, respect for traditional models characterizes conservatives while their critique, the presentation of new values, coincides with a tendency toward social revolution.

NOTE

* Published in *Morale et Enseignement* (no. 3, Brussels, 1951), pp. 1–4, and *Le Champ de l'argumentation* (Brussels, 1970), pp. 391–394.

CHAPTER FOURTEEN

AUTHORITY, IDEOLOGY AND VIOLENCE*

Political demonstrations, campaigns of civil disobedience and university strife which have spread throughout the world in the last years are considered everywhere to be a rebellion against authority. The latter is identified with power, the use of public force and thus constitutes a continual menace to individual liberties.

A century ago, John Stuart Mill, in his famous study 'On Liberty,' opposed authority to liberty. I would like to cite the following:

> The struggle between Liberty and Authority is the most conspicuous feature in the portions of history with which we are earliest familiar, particularly in that of Greece, Rome and England .... By liberty was meant the protection against the tyranny of the political rulers. The rulers .... constituted of a governing One, or a governing tribe or caste, who derived their authority from inheritance or conquest, who, at all events, did not hold it at the pleasure of the governed, and whose supremacy men did not venture, perhaps did not desire, to contest, whatever precautions might be taken against its oppressive exercise.[1]

In the course of his work John Stuart Mill no longer uses the term 'authority' and uses instead 'power' as if these terms were synonymous. Are these terms, however, interchangeable? If we speak of the holders of power as the 'Authorities' we understand that their power is recognized, adding thereby a nuance of respectful submission or flattery. By this procedure the two terms become synonymous. This is what Littré, the well-known French lexicographer tells us in a note to the word 'authority' where he admits that "in one aspect of their usage these two words are very close to each other," but he adds this limitation: "since authority is what authorizes and power what enables, there is in authority a nuance of moral influence which is not necessarily implied in power."

In the 18th century these two notions were contrasted as was 'fact' to 'right'. Thus, the English moralist and bishop, Joseph Butler, in his second sermon, contrasted the power of the passions to the authority of the conscience. The former is followed because of its factual domination, the latter followed because of its moral superiority.[2] *Auctoritas* in Latin is what the guardian adds to the will of the minor by validating it. He transforms an expression of will, which is juridically without force, into a valid legal act.

Jacques Maritain refers to the same opposition in an important paper 'Democratie et Autorité' which was published in volume II of the International Institute of Political Philosophy's two volumes dedicated to Power. Maritain gives two definitions:

> We call 'authority' the right to direct and command, to be heard or to be obeyed by another. 'Power' is the force which we use and through which we can force the other to listen or to obey. The just man deprived of all power and condemned to drink hemlock is not diminished but enhanced in moral authority. The gangster or tyrant exercises power without authority. Such institutions as the ancient Roman senate or the U.S. Supreme Court have an authority far greater than the power which they exercise by virtue of their determined function. . . . All authority, as soon as it touches social life, wants to be complemented by power . . . by whatever mode and not necessarily a legal mode . . . without which it then risks being vain and inefficacious. Every power that does not express authority is unjust. To separate power and authority is to separate force and justice.[3]

Bertrand de Jouvenel in his two remarkable studies, *On Power*, and *On Sovereignty* has for a long time insisted upon the importance of authority in political matters.

> By 'authority' I mean the faculty of gaining another man's assent. Or again it may be called, through it comes to the same thing, the efficient cause of voluntary association. In any voluntary association that comes to my notice I see the work of a force; that force is authority.
>
> No one doubts the right of an author to use a word in his chosen meaning so long as he give fair notice of what that meaning is. That is not to say that confusion does not result if the meaning he gives to it is too far removed from its usual meaning. I may seem at first sight to be offending in just that way since in current usage authoritarian government signifies one which has large recourse to violence, both in act and threat, to get itself obeyed. Of such a government it would have to be said, according to my definition, that its authority is inadequate to the fulfillment of its plans; it must therefore make good by intimidation.
>
> But this corruption of the word is of quite recent date, and I am doing no more than give it back its traditional significance.[4]

The same distortion that de Jouvenel pointed out, occurs when the authority of the law is identified with the fear of sanction. The police must only intervene if respect for the law does not prevent its violation. Authority always shows a normative aspect; it is what should be followed or obeyed e.g., the authority of the decided case, of reason or that of experience. In fact, to possess power without authority is to force submission but not respect.

Within the Judeo-Christian tradition, authority is a moral and not a legal

notion; it is tied to respect. The model of authority is the father's relationship to his children whom he educates and guides, whom he shows what must be done and what avoided, who brings to his children the traditions, customs and rules of the social and familial milieu, and integrates the children into them. An authority derived from the father is that of the teacher who shows the children the right method of reading and writing and what they must consider as true or false. The teacher says, *magister dixit*, this expression is the best example of the argument from authority. In neither case, be it in the relationship of the father to the children subject to his authority, or in the relationship of the primary school teacher to her pupils, is there a question of equality. In fact, every instruction, in whatever area it may be, begins with an initial period in which it would be absurd to admit the equality of the initiator and the initiated. It is indispensable to give some authority to the person in charge of the initiation, even if we are concerned with adult relationships. If I turn to an instructor to teach me the rudiments of Chemistry or Chinese, during the early stages I must conform to his instruction and information. Every critique presupposes knowledge of the domain in which it is to be exercised. This is the reason why it is normal that primary instruction be more dogmatic than secondary and that university instruction be concerned with the formation of a critical mind. This is not uniquely a question of age and level of education because even in university teaching, dealing with matters unknown to the student, an orientation and trial period is inevitable, but nevertheless, on a basis already habituated to the critical spirit in other fields.

Putting aside the contribution of education, making the past a *tabula rasa*, Descartes came to believe in the existence of innate ideas in the mind of every rational being. This also led Rousseau, in his *Emile*, to the erroneous theory that there was no need to teach children sciences; they must discover them by their own means. Today we know that these experimental methods require the concurrence of a much more competent and inventive teacher than required by the traditional methods, where, if necessary, the instructor could be replaced by a manual. The indispensable role of the father's and educator's authority for young children can hardly be disputed. The real problem is to know at what moment and in what manner the authority relationship must slowly yield to a critical, collaborative one, and, above all, we must know what is the role of authority in the relationships among adults.

In the political and religious domain, appeal is very often made to the father image to express the respect due to the charismatic leader. The father of the country is a political leader whose achievement was and continues to

be creative and protective. The American Founding Fathers created the American constitution and contributed to the respect in which it is held. The ancestor cult is well known in several countries of Asia and Africa. The Judeo-Christian tradition is notable in this respect because to give God the respect and love due to Him, He is called 'our Father, our King' in Judaism, while in Christianity the daily prayer begins with the well known words "our Father Who is in Heaven." The Pope has the authority of father and teacher for he knows the beneficial truths and cares for the welfare of the faithful.

In the Hebraic tradition God holds political power and all royal power comes as a delegation from Him; the Anointed of the Lord is God's Vicar, all political power emanates from God and is responsible to God. This image of the father was used in the Middle Ages to establish the relations between the lord and his tenants, and later to justify morally the colonizer in his relation to the colored peoples, these 'big children.' This paternalism is today in total disrepute.

The Western philosophic tradition from Socrates to the present has always been opposed – in the name of truth – to argument from authority. One reason for Socrates' condemnation is that, in the name of truth, he opposed paternal authority. Bacon opposed the authority of the senses and experience to that of tradition, while Descartes opposed the authority of reason to that same tradition. In the conflict between the Church and Galileo, the latter opposed observation and the experimental method to the Bible and Aristotle. The Enlightenment philosophers called all statements based on religious or lay authorities, prejudices.

When method founded upon experimentation enables us to prove the meaning of an affirmation and to control its truth, no authority can be opposed to it: "a fact is more respectable than a lord-mayor." If having recourse either to experimentation or to calculus, we, without error, come to the same result, recourse to an authority is useless and even bizarre. To admit that two plus two are four requires no authority; when methods which everyone can apply lead to the same result, everyone is equal and the appeal to an authority is simply ridiculous.

For centuries the classical tradition – supported as much by religious as philosophic considerations – could pretend that a true response to all human problems existed. This response which God knows from eternity is the one which every being endowed with reason must try to recover. Is it true, however, that to every question which men can reasonably pose there exists one true response? Can we admit that this truth is discoverable or at least that methods exist which allow us to test every hypothesis that can be formulated?

It is undeniable that in a great many areas of knowledge the ideal of truth must prevail over all other considerations. But when we are concerned with action, knowing what is just or unjust, good or bad, what to encourage or forbid, are there objectively controllable criteria? Can we speak of objective truth when we are concerned with decisions, choices and preferable conduct? If this is not the case, can reason guide us in behavior? Is not the idea of practical reason, as Hume believed, a contradiction in terms? Personally, I believe there is a role for practical reason but it is a negative one; it allows us to discard unreasonable solutions. But there is, in practical matters, no guarantee of a unique reasonable solution. In this case, if there is no single solution as can be found in theoretical matters, the choice of a solution comes from the will, no longer from reason. From this perspective the laws and obligatory rules of the state are represented as the expression of the Sovereign's will, which many theoreticians, from Plato's Thrasymachus to Marx, show he imposes on all – laws which are most favorable to his own interest.

If, contrary to the theoreticians of natural law for whom objectively valid laws exist which the legislator must discover and promulgate, the obligatory rules are the expression of the will of the legislator, then it is normal that those upon whom they are imposed demand the right to participate in their formation and to give their consent directly or through their representatives. Since the Magna Carta of 1215 which promised the nobility and middle class that no tax would be imposed without their consent, there has developed the democratic ideology that powers do not emanate from God or His earthly representatives, but from the nation and its elected officials.

Democratic ideology is opposed to the idea that objectively valid rules exist in matters of conduct, because the majority cannot decide what is true or false. Those who, like Godwin, Bentham's anarchist disciple, believe that in matters of conduct there are ways to determine objectively what is "the greatest happiness for the greatest number", are opposed to the idea that a legislature is necessary to formulate rules of conduct. In fact, in a scientific matter there is no question of imposing authority. If each person possessed in his heart and conscience objective criteria of the just and unjust, the idea of referring to a legislature would be not only odiose, but simply ridiculous.

If, for us, anarchy means not only absence of government but also disorder, when we make decisions, elaborate rules, or choose people to fill certain functions, it is indispensable – having put aside unreasonable decisions – to give to someone or to a constituted body the power to make significant decisions. Only legislative power can formulate obligatory rules within its

territorial limits. Since rules can often be the object of divergent interpretations, a judicial power must have the competence to declare the law.

The constituted powers responsible for the direction of an organized political community are hardly efficacious if force is the sole cause of obedience. To exercise power it is essential that it be recognized as legitimate and that it enjoy an authority that brings about the consent of those who are subject to it. This is the necessary role of ideologies. Whether they are religious, philosophical or traditional they aspire, beyond truth, to the legitimacy of power. Often the legitimacy of power results from its legality, i.e., from the fact that it has been designed in conformity with the legal procedures of nomination and election, but this presupposes that these procedures themselves are not questioned, that they accord with a recognized, explicit or implicit, ideology.

In fact, scientific procedures which try to establish the true or the false, the probable or improbable, are not those which permit us to justify our decisions, or which give us reasons to act, or to choose. Scientific methods allow us only to establish facts, but not to consider these facts as reasons for behavior or preference. Certain naturalistic or positivistic philosophies consider the sole motives of our actions to be the pleasure they bring or the suffering they avoid, the satisfaction they can give in allowing us to gratify our multiple instincts, needs and interests. Every value judgment conceals an interest, the rationalization of a desire. Every ideology is only the false mask for schemes in behalf of the strongest. It is in the works of Marx and Nietzsche that this thesis is clearly brought forth.

The philosophical critique of the dominant ideology is the precursor of revolutionary action because it reveals the paralogisms and sophisms which legitimize a power by establishing its authority. As soon as power is considered as the simple expression of a relationship of forces, a revolutionary force serving antagonistic interests can be immediately opposed to it. Revolutionary partisans can hardly be content to oppose a revolutionary force to the one protecting the established order. They must, in addition, become the apologists of a new order which will be more just and human, which will save man from all kinds of alienations and give him back his lost freedom. A new ideology will have to be created to show the superiority of the new order over the established order.

Scientific methods, at the most, can serve to show how an ideology can dominate but they cannot criticize the reasons which it uses to justify its preferences. It is from another ideology, another ideal of man and society that the prevailing ideology can be criticized. This new ideology similarly

cannot escape critique. Philosophical debate is a permanent struggle between ideologies attempting, in the name of truth, to dominate each other. In fact, the mutuality of critique is the source of spiritual progress, because each ideology, taking into account the objections of the other, modifies its position in the awareness of its vulnerability. After a prolonged and often century old debate, the present positions show a deep difference from the original ones. However, today we often witness not a struggle between ideologies but a confrontation which shows disdain for *all* theoretical construction, borrows arbitrarily contradictory, offensive and illogical slogans, and is satisfied to oppose the established order with violence, thus, denying all authority to the existing Power.

This attitude finds its justification among those to whom we refuse to listen, to whom we deny the privilege of interlocutors and who are thus obliged to use violence to make themselves heard. This confrontation, understood, deserves respect only if it can be accompanied by an ideology that claims respect, e.g., for individual dignity and the establishment of a more democratic society. Only an ideology allows the disputants to justify, e.g., in university disorders, their revolt against appeals to the police. Without an ideology, everything is only relations of forces. Why then be indignant if the defenders of the established order oppose force to force?

If we now turn to the universities, we find that it is traditional in universities not to call upon external forces to maintain discipline, because universities through the ages have been suspicious of power and consider it a menace to academic freedom. It is for a value, respect for academic freedom, that we do not like appeals to the police, who could constitute a danger to the free expression of opinions. It is because universities in the West are considered as traditional sanctuaries of the freedom of thought and expression, of the free investigation of the true and the just, that they must be protected against the use of violence from whatever it may come. It is only through an ideology that recourse to force can be denied; if we reject all ideologies as being baseless rationalizations, if all political life is a balance of forces, then not only the right of the stronger is always the best but even the idea of right disappears and there is only place for violence.

I conclude therefore, that if social and political life is not to become a pure balance of forces, we must recognize the existence of a legitimate Power whose authority rests upon a recognized ideology. A critique of this ideology can only be made by another ideology and it is this conflict of ideologies that is at the base of our contemporary spiritual life. To deny conflict among ideologies is to foster dogmatism and orthodoxy and allow political power to

dominate the life of thought. Denying all value to ideologies is to return political life to an armed struggle for power from which the most influential military leader will undoubtably emerge successful.

Allowing the universities to function under the safeguard of academic freedom is a recognition of the existence of values other than those of force. It is the admission that no ideology is free of criticism and that no ideology can count on brute force to assure its survival.

NOTES

* In *Annales de l'Institut de Philosophie de Bruxelles*, 1969, pp. 9–19, and *Le Champ de l'argumentation* (Brussels, 1970) pp. 207–216.

[1] John Stuart Mill, *On Liberty*, Chap. I, in *The Philosophy of John Stuart Mill* ed. by Marshall Cohen (New York, 1961), pp. 187–188.

[2] J. Butler, *Fifteen Sermons upon Human Nature*, London, 1726, cited in A. I. Melden, *Ethical Theories*, (Prentice Hill, 1967) pp. 252–253.

[3] *Le Pouvoir* Vol. II, (Paris, 1957) pp. 26–27.

[4] Bertrand de Jouvenel, *Sovereignty: An Inquiry into the Political Good*, (University of Chicago Press), pp. 29–30.

CHAPTER FIFTEEN

MEANING AND CATEGORIES IN HISTORY*

Four years ago at the Belgian Center for Logical Research we began studies of how historical categories are born and evolve. Let us close the circle of our work with methodological reflections about our theme.

The problem of historical method known in Germany through such names as Dilthey, Windelband and Rickert who exercised an undeniable influence on Max Weber and his conception of ideal types, is represented in English speaking countries by Collingwood and positivism. In France, apart from the interesting analyses of Raymond Aron and Henri-Irénée Marrou, the historians have given little theoretical attention to these problems. They treat the 'historian's métier' in the practical stream of historical criticism.

The distinction which gives us a useful point of departure for our analysis was established by the philosophers of the Baden School: the generalizing sciences seeking uniformity, natural laws (nomothetic sciences) and the historical sciences, individualizing, interested in the individual, the concrete, in what happens once.

Nevertheless, we don't have to draw the unjustified conclusions from this distinction that the historical sciences are concerned with everything that is concrete and individual in opposition to the nomothetic sciences which study abstract laws. In fact, every science is obligated to set limits and consequently to neglect certain aspects of the real. The criteria of selection are however, clearly differentiated.

The natural sciences together with the social sciences study repeatable phenomena to the degree that they show certain structures and regularities, which only allows us to consider them as patterns of a type of phenomenon. Such research neglects only particularities that are not susceptible to being part of the generalization. The botanist who studies the leaf of an oak is hardly interested in the detail that the leaf has been nibbled at, in such a spot, by a caterpillar. He takes into account only properties common to all oak leaves; the concrete real attracts his attention only to the degree that it is common to a class of objects of the same type.

On the other hand, the historian is interested in the unique and non-repeatable. He does not give all objects of reality his attention; he limits his investigations to those aspects which he believes merit belonging to history,

which are sufficiently *significant* for the historian to consider them as historical facts.

Historians can disagree on what is significant, on what is sufficiently important to merit attention. Fundamental to all historical work is implicitly or explicitly a value judgment as to the importance of certain facts or of certain aspects of them. If history is the study of significant aspects of the human past, it is inseparable from a process of evaluation and selection which results from an outlook proper to the historian and which will lead inevitably to an illumination of the past conditioned by this outlook.[1]

When we ask how history comes to extract the significance and importance of certain events and actions, we find that there are different techniques at work which can combine and which utilize what we have called the liaisons of succession and liaisons of co-existence.[2]

The type of liaison of succession is the end-means relationship. The actions and events acquire a meaning by relation to ends which they are supposed to realize: these ends can be human or divine projections, or the realization of an impersonal orientation which is at work in history (the meaning of history).

The conception closest to common meaning is that which shows past events functioning as man's initiatives, i.e., as willed by the actors of history. It is this conception which Thucydides uses in his *History of the Peloponnesian War* where he shows, in discourses attributed to the people he presents, their purposes and the way they intend to realize them. The meaning of events is indicated by these peoples' success or failure, opposed by others who thwart their designs.

From this perspective there can be no question of the *meaning of history* because these are different people who give a meaning to their action, who seek to realize designs, who fail and succeed partially or entirely. Nothing indicated that to these individual or collective designs corresponds a unique meaning, a synthesis, which may be wished by someone and which indicates the meaning of history. This conception I would call *rhetorical* because it corresponds not only to human intentions, but to real or imaginary discourses which express them. We may oppose to it a *theological* conception that is found in the Bible and the Prophets, but which is especially developed in the Christian view of history from Augustine to Bossuet. In the Bible and particularly in the Prophets, the historical events, from the Flood to the Palestinian Conquest by the Hebrews, to their dispersion, are presented as either a divine punishment for immorality, injustice, or as the realization of a divine promise. The events are determined by the divine will, by the designs of Providence

which, enlarged to the scale of humanity, allow us to conceive them as having a meaning designed by God and which men must decipher.

The third conception which can be qualified as *philosophical* or rationalist, replaces God by the *absolute Spirit* or by *Reason* at work in history. History develops according to a dialectical scheme which is independent of all consciousness but which allows one to understand its objective development and to trace its steps. This scheme gives the historian a guiding thread and permits him not only to grasp the meaning of events but also to give them an objectively determined importance.

Cl. Préaux in a very revealing explanation[3] has shown us how Droysen conceived of the Hellenistic period and showed us how a philosophy of history can be suggestive and even creative because it allows for the structure of a group of events and institutions which, without it, would seem disparate. It goes without saying that this way of seeing things falsifies them somewhat, because the creator of a new historical period would inevitably tend to insist upon the differences with the preceding age and neglect the elements of conformity to be found in it. The historian's view would therefore lay greater importance on certain events by underscoring them and minimizing and blurring those that don't fit his scheme. By presenting the opposition between Greek and barbarian civilizations as thesis and antithesis the author insists upon the originality of Hellenistic civilization, a synthesis of two preceding civilizations. No doubt, the precedent of the Holy Roman Empire of the Germanic nation, another synthesis of the same kind, which no German could be unware of, certainly stimulated Droysen's vision. The march of history, in a sense similar to Hegelian dialectics, ends in the creation of a new category which allows for the organization of the debris of events and facts into a coherent whole.

The birth of this historical category thus leads us very naturally to the second technique used to give history a meaning. This is the problem of structuring and ordering hierarchically the elements of the past, through liaisons of coexistence.

This second technique takes its point of departure also from historical individuals, because it begins with the lives of great men. It is no longer the history of events realizing human designs, but the history of historical personages told through their actions.

The person is, in social life, a center to whom are referred and around whom are organized the individual's acts, considered as a manifestation of his person, of his character, his temperament, his interests, his intentions, and his designs. In this history we retain everything that can allow us to know better

the person under study, his particularities, his specificity, neglecting what he has in common with other men: the fact that he breathes, eats, has physiological needs. We note, in this regard, the particularities which distinguish this individual from others. We retain and give importance only to traits which allow us to extricate better the specificity or the essence. Let it be noted, at once, that for the moment, I take no position in the debate between existentialists and essentialists because I do not pose the problem of the ontological primacy of essence or of human existence. I am concerned only with a technique which the historian uses to organize and structure his narrative.[4]

As a result of the stability usually accorded to the person, we can impute to him certain acts, make him responsible for a certain behavior. We can make a judgment concerning his acts, upon a person and upon his character which will give us a picture of him. This construction will allow us, if such is the case, to consider as exceptional – drawing no consequences from this – certain acts which do not conform to the image we have of the person, and which we attribute to excessive fatigue, drunkenness or bad information, all of them ephemeral situations to which some remedy could easily be applied.

What acts are essential for the image we create of a person? Which are negligible and don't merit attention? We conceive the salutary or nefarious role that we have an individual play; we attach ourselves to certain acts or treat them as insignificant, according to the image we have of the historical person, the sympathy or antipathy that he inspires. Everyone who writes a biography, be it more or less impartial, more or less profound, more or less detailed, cannot be prevented from organizing his story around the principal personage so as to praise or to blame, to accuse or excuse, to give him responsibility for certain events or to free him from this responsibility. We see then at work this curious dialectic which allows us to trace the portrait of our personage through his acts, manifestations of all sorts, and then to interpret these acts and these doings through the idea which we have of the person. This dialectic explains the shifting character and ambiguity of this effort of construction which only ceases to be equivocal when we speak of God or of the devil whose nature and intentions can only be all good or all bad. Thus, even if God and the devil collaborate in the same enterprise, such as the Jobian experience, everything which emanates from God is interpreted as good, everything emanating from the devil is bad, because of the good or bad *intention* we attribute to them.[5]

The manner by which the historian constructs the historical reality of his subject, thanks to the manifestations or in spite of the manifestations which form this subject's acts – insofar as these acts are considered significant and

characteristic or are considered exceptional or negligible – gives an example of a more general thought technique, which concerns the opposition between reality and appearance. Where reality – in this case the person – is a norm and criterion for judging or disqualifying appearances – in this case the subject's acts and manifestations – we must realize that this same reality was generally formed from other appearances.

The idea we form of the person, which at times is only a working hypothesis, can inspire documental research which will confirm or invalidate it. Here is a person we believe to be loyal, then it appears that he behaves in a disloyal way toward one of his friends. How do we explain this fact? Are our behavior patterns so different from his? Was he badly informed? Did he have special reasons? We can see how the historian's view of the person can have a heuristic value, causing researches which should end in a coherent picture of the historical personage.

The historian is not a writer of fiction; he does not invent his personage. Alexander, Caesar or Napoleon existed, we know when they were born and how they died. The elements about them which are known to us are innumerable, but the historian's role is to organize them by relating them to the person, his character, his designs, and his intentions. We know that, in morality and in law, much of the reasoning concerning the responsibility and imputability, merit and blame, cannot do without the relationship 'person-act.'

The idea of a person, the center around which we organize his acts and his manifestations, is a type of category giving them meaning and scope. On this model, other categories are formed which, very often, are not the historian's creations but are elaborations through law, geography, religions and other cultural manifestations.

It is through analysis, conforming to a liaison of coexistence, we explain a person by his acts and vice versa. Similarly, we refer to the same analysis in our descriptions of types of human groupings such as peoples, nations, social classes or political parties. The members of these groups and the properties we attribute to them are considered as the group's expression, as the way the group manifests itself, just as the person's acts are the latter's manifestation.

But as soon as we generalize from the idea of the person, so as to construct other categories, we come up against problems which come forth from this transfer. The group is not born and does not die like a person, its contours can be very difficult to encompass, the criteria determining the properties can vary in time and according to ideology. The fact that the person, in relation to his acts serves as a prototype of the group and of the relation he maintains with the group members, does not necessarily lead to the conclusion that this

may be an unreasonable personification of a social entity. If we see in the group a conceptually elaborated unity, we can also be perfectly conscious of everything that distinguishes the group from the individual. We will be nevertheless forced in describing the group to set in movement the same intellectual procedures as those used to describe a person and his manifestations. It is true that the organization of a group, the hierarchies which are established within it, can make certain of its members more representative of the whole. Procedures for the exclusion of a member differ from the techniques we adopt to prevent the exceptional, deviant act, having a prolonged effect upon the idea that we have formed of the person. But what is important is to see that the interaction between a group and its members is of the same nature as that between a person and his acts. The groups can be more or less structured, their extension can be more or less undetermined. Certain groups – national, familial, religious, professional – are recognized by everyone, guaranteed by their institutions. Others are formed by the solidarity of their members in action, often following the attitude of other people and by their similar reactions, although the persons thus gathered together can contest the artificial solidarity established in this manner. The result of this is that the existence even of a group can be affirmed by some, denied by others – a value judgment, once again, being preliminary to a judgment of fact.

If the usage of the singular in the place of the plural, e.g., 'Le Français' instead of 'Les Français,' can accentuate the unity that we want recognized, the usage of the adjective, the supreme unifier, e.g., French thought, French taste, French cuisine, seems to be less artificial than the substantive and corresponds to the normal way of speaking. In fact, the adjective seems to relate to the *essence* of the reality described. It should be noted that the idea of essence, of what is essential or belongs to essence, can be conceived of as the generalization of the constituant technique of the person, arising from his acts and manifestations. Also here certain manifestations are considered accidental, i.e., not having to be joined to the essence. The opposition between the essential and accidental is a value judgment, a judgment of importance. Those who desire to eliminate this judgment of importance from their analysis try to replace the qualities *essential* and *accidental* by quantitative determinations relative to the frequency or rarity of the qualified phenomena. But they are incapable of giving *meaning* to quantitative results without finally putting numerical data into categories which make these data intelligible.[7]

Instead of being interested in the Greeks, the French or the Belgians, the historian can write a history of Greece, France, or Belgium. He can relate to these entities, their status being determined by law, geography or cultural

criteria, all the documents being at his disposal. The determination of their spatial and temporal limits can be highly controversial, although these entities can be attached to a territory from which we can approximately begin our investigations. But how do we limit such notions as Christianity, socialism or philosophy, so as to write the history of the spiritual, ideological or cultural movement which designate these realities?

In his extremely interesting paper Professor Simon[8] has shown how delicate is the question of Christianity's origins – with what difficulties the first Christians conceived themselves no longer as members of one of the numerous Jewish sects, but as a distinct religion which gradually became opposed to Judaism. When, in Protestant milieux, the idea of the continuity of Christianity and Judaism has been acknowledged and after Professor Simon published his *Verus Israel*, emphasis was given to the persistence of the Judeo-Christians – a Christian variant of Judaism – which continued to exist for more than three centuries and which the combined will of Jewish and Christian historians attempted to efface from history.

When we are dealing with a movement of ideas or political movement, the cultural entity which the historian attempts to study is not fixed like a person or a social group, and the criterion of its individuation can be difficult to establish.

Let us suppose that we are concerned with the writing of a history of philosophy. Most often we are satisfied to begin with an earlier history of philosophy which we modify somewhat by incorporating new interpretations or more recent philosophers, but not changing the course of development which previously was recognized under this title. But suppose, with a new vision of things, instead of seeing in the works of Plato and Aristotle the models of philosophical works, we consider Jesus, Kierkegaard or Marx as the philosopher's models. Suddenly the history of philosophy takes a new turn, because from the philosophers whose works are at the center of this history, we ask about the influences exerted on them and whom they in turn influenced, what were the central problems of their preoccupations and who else was concerned with the same problems. Suddenly the history of philosophy acquires new dimensions, i.e., religious, theological, social or political and we understand that from the second perspective, we accord more space and importance to St. Augustine, Angelus Silesius, Pascal or to a Ricardo and Saint-Simon, than in the more classic perspective of the traditional history of philosophy.

To what degree is philosophy separable from religion or mythology, from economic doctrines or political ideologies? These are grave problems for the

historian of philosophy who poses them because he will have great difficulties finding an indisputable reply. Happily, the majority of historians do not pose these methodological questions because of the confidence with which they carry forth their work. They are embodied in a tradition which they continue and do not contest. Let us take note of the fact that the majority of these categories are not elaborated by the historians, but are given to them by other disciplines. But then the problem which is posed to them most often will be one of qualification. Referring to a certain conception of philosophy or socialism am I to qualify such a work or doctrine as philosophical or socialist and is it sufficiently original or influential for me to include it in my history?

Problems of this nature have been explored in a very suggestive way by Joris in his account concerning the idea of the city.[9] For us there is no doubt that London, Paris, New York or Brussels are cities. We can show a certain number of properties which seem to characterize every city: a minimum number of inhabitants, a strong density of population in contiguous dwellings, forming streets and avenues, an entity possessing a juridical and administrative personality, a cultural and commercial center. These are characteristics which allow us to speak of urban civilization opposing the city to the countryside, giving meaning to adjectives such as bourgeois class, bourgeois spirit or morality or urban economy as opposed to agricultural economy. This brings us to Max Weber's elaboration of the *Idealtypus*, an ideal or ideational type.

But the historian who studies the history of the cities, who wants, e.g., to make a map of the European cities from the XIIth to the XVth century maintains that the criteria on which he agrees are not brought together in all the examples he examines. Is it necessary to give more importance to the fact that we are dealing with a legal unity which is defined as a city in a document? Is it necessary to stick to a minimum population or a cultural or economic role? According to his concerns, the historian establishes his map and accords primacy to one or another characteristic. He asks what is the essential characteristic, the one which conditions the others, the one which is more significant for his study.

These problems of qualification are inevitable each time we go from a temporal, spatial, localized entity to the study of a category such as 'socialism' or 'city' which is not by definition tied to a spatial, temporal localization. This manner of detaching a category from its spatial-temporal context is a phenomenon that is inevitable in the humanities.

Let us suppose that we are studying the feudal institutions of Brabant, in Belgium in the XIIIth century. We can then ask, can we qualify as feudal, Japanese institutions of the XVIIIth century? Let us suppose that we study

the Western European Middle Ages, and that we draw from it considerations on Medieval civilization and poetry. Is this notion of Medieval culture applicable, and to what extent, to Greek and political institutions in the VIIIth century B.C. or to Japan in the XVIth century? This kind of questioning causes us inevitably to deviate from history proper toward comparative history of institutions and cultures, and then toward a sociology, and the categories destined for new employment will be by this fact transformed and at times even profoundly modified. In each case the historian will have to adapt the categories which, in other respects, come to him, and clarify them for the needs of his discipline which obliges him to confront notions with the concrete realities which are the object of his study.

But there are cases more interesting for our purpose where categories are elaborated by the historian himself; it is then no longer a question of the use of categories in history, but, properly speaking, of historical categories, such as the great periods of the past which correspond to historical divisions. The historian operates with these historical divisions to organize his material, to give it a personality or a proper individuality.

We have heard four reports, concerning the problem of historical periodisations, devoted to the Counter-Reformation,[10] the Hellenistic period, the Middle Ages and the Renaissance.[11]

The material from which the historian begins his analysis can be: reform of the XVIIth century Catholic church; the existence of people of barbaric origins now Hellenized, who are assimilated to elements of Greek culture; the Middle Ages in contrast to Antiquity and Modern Times; the renaissance, in XVth century Italy, of classical letters.

What does the historian do who elaborates an historical period? He proceeds from a specific phenomenon which takes place at a certain moment, in a certain place, and considers it as characteristic of an age. He defines the whole period by means of this characteristic. The Hellenistic age is not only a period in which Hellenized barbarians lived, it is a specific period of history where the synthesis of Greek and barbaric civilizations came forth in untold other ways which give this period its individuality. The Renaissance is not only the rebirth of classical letters, it is the birth of a new man, a new vision of the world, a new way of being in the whole and where the renaissance of letters only appears as a phenomenon of limited scope within a total transfomation of society. It is the same with the historian who speaks of the Age of Enlightenment, who begins with a certain cultural phenomenon, which appears among French or English thinkers of the second half of the XVIIIth century, and makes of this trait the essential one by designating it as such.

Once this period is formed, we detail a type of essence which allows us to define the realities which we attribute to it. We describe Hellenistic art, religious Medieval enthusiasm, the Renaissance man, the ancient city, and, in this way, we unify a great number of diverse phenomena. Everything belonging to an age which seems to come from another is seen as an exception: there will be in the Middle Ages precursors of the Renaissance, and in the period of the Renaissance men belonging to the medieval mind. But they hardly change the image of the age in its totality. It is evident that this periodization can find adversaries who, being more devoted to similitudes between two successive periods than to differences, will insist upon the historical continuity and will affirm that all subdivisions are only pedagogically useful conventions and not to be taken too seriously. There will be nominalist historians opposed to realists, the partisans of essence. These critical historians sanction, so as to show the conventional character of all periodization, the division of history into centuries. But, curiously, this manner of speaking forces us to organize the centuries in such a way as to break the framework of the chronology. If I speak of the XVIIIth century man and I refer to his mentality, the XVIIIth century in Western Europe becomes the period which goes from 1715 to 1789 and the XIXth century in Europe goes from 1815 to 1914. The century of Louis XIV is only 25 years, 1660 to 1685, and the century of Pericles is about 50 years, 480 to 430 B.C. The qualitative, if I am to give it meaning, structures the quantitative by removing the conventional chronological divisions.

This way of explaining historical categories, of personalizing certain events or certain spiritual tendencies is shown equally in such notions as *Zeitgeist*, *Volksgeist*, French revolution or Industrial Revolution. We can describe history not only by means of certain essences such as nations or periods, but by means of an analysis of class struggle. History as an expression of a permanent struggle of classes gives us a new perspective, one different from national history or from the history of battles. But are not all these perspectives arbitrary? Are they useful tools or do they allow a better comprehension of the past? Only a philosophy of history permits us to answer these and similar questions.

Whatever the response, we must state that categories allowing us to organize historical knowledge cannot be entirely put aside. The imperfection of the instrument which forms these categories does not lead to their uselessness. The only way to do without them is to replace them with others. If Catholic historians such as Godefroid Kurth wished to continue to divide the history of humanity into two periods separated by the message and death of Jesus,

this conception and organization of history can only disappear when the division of the Christian era into Middle Ages, Renaissance, Modern Times and Contemporary History comes about. In a conception of history seeking to understand the history of humanity through class struggle and the production techniques characteristic of each era, we distinguish a period of the primitive commune, feudalism, capitalism and socialism. The search for documentation trying to justify this historical periodization displaces the historian's basic concern for military, political or intellectual questions with those of economics and production techniques. Thus the change in salaries and price, entirely neglected in a history conceived from the point of view of military and political struggles, is given a growing role in the histories written in the spirit of historical materialism and the results cannot be neglected even by the future historian who does not give the same importance to economic phenomena. Thus, the diverse perspectives, and historical categories connected with them, are heuristic tools which guide the scholar in his search for the significant facts of the past that he studies. For each perspective, for each historical category, facts of another kind seem significant.

This is the statement that merits to be retained from a methodological point of view, whatever the historian's outlook. The facts established by his interlocutors, even if from another perspective, cannot be passed over in silence even if the historian does not give them the same importance. Every historian finds himself before a group of facts to be interpreted, facts which have been retained and noted because they seemed to be significant to some witness from the past; but the historian must reinterpret and place them in his own unified perspective. Because of the existence of a group of incontestable elements, of witnesses, whose interpretation and importance can be the object of controversial judgments, a dialogue among historians can take place and each new perspective brings a new dimension and new facts to this dialogue.

With this plurality of perspectives and categories, historians of a positivist and nominalist turn would rather do entirely without categories which are for them only the result of false generalizations and not worthy of a serious historian. This demand is, however, Utopian because we can only go, in the writing of history, from broader categories to more elaborated ones, but we cannot throw categories overboard as Halkin has shown.[12]

If instead of looking at a table with the naked eye, which shows us a more or less unified surface, we look at a portion of it with a microscope, what seems to be a single piece is shown as discontinued elements; if instead of making generalizations about feudalism in the West you study the feudal

structures of Brabant in the XIIIth century you will see details which escape a survey of history from great heights. It will be necessary, and this goes without saying, to introduce nuances into the variations, which bear on the whole Middle Ages and on all of Western Europe and which can, at most, be broad generalities. But can we say that the study of the structures of feudal Brabant in the XIIIth century allows us to know the reality as such? If we had followed in all details the legal regime of such a village or such an abbey, would we not have to introduce nuances into what we have to say about Brabant as a whole? Every general history neglects the nuances of a more particular history and we know, that to each level of study correspond other requirements in matters of precision and rigor which cease to be significant when we go to another level of generality.

We cannot do without historical categories for the organization of known facts and to complete our knowledge in a direction which our categories show us to be significant and important. We need them to expose our results by showing their importance in a more general perspective. There will always be cause to confront concrete elements with categories whose manifestation and illustration they are. This coming and going between the given and the categories give meaning to the historian's work. It is not possible to do without categories, but we can, from another point of view, reorganize research and the method of exposition by replacing certain categories which no longer provide nuances with others judged more adequate and to which we attach more importance and which seem to correspond to a more exact view of things. A useful historiographical study for this purpose would consist in analyzing historical works and showing the categories used by each historian. I believe that a similar study would reveal both his vision of things and his work methods.

It is not because categories are indispensable and that nominalism is Utopian that certain categories necessarily and inevitably impose themselves, that they correspond to the nature of things or to our intellectual nature.

The dangers of a dogmatic and intolerant realism seems to me as grave as those of a sceptical nominalism. In reality, we cannot do without perspective in an historical work, but other perspectives can be opposed to the ones that have been chosen. This indispensable usage of categories and the recognition of the fact that these categories, as a human product, can be conceived in many ways, make dialogue among historians both possible and indispensable. It is because of such a dialogue, and the enrichment which the historian cannot fail to procure from interlocutors, that the idea of a progress in historical objectivity can be conceived as the infinite march through the

web of opposing theses toward a never achieved and ongoing self-perfecting synthesis.[13]

NOTES

* Published as the conclusion to the volume *Les catégories en histoire* (Brussels, 1969) pp. 133–147 and *Le Champ de l'argumentation* (Brussels, 1970) pp. 372–387.

[1] Ch. Perelman, 'Objectivité et intelligibilité dans la connaissance historique', in *Le Champ de l'argumentation*, pp. 361–371.

[2] Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric*, Part III, ch. II.

[3] Cl. Préaux, 'Réflexions sur l'entité hellénistique' in *Les Catégories en Histoire*, ed. by Ch. Perelman (Brussels, 1969), pp. 17–27.

[4] *The New Rhetoric*, Sections 68–69.

[5] Calvin, *Institution de la religion chrétienne*, Book I, ch. XXIII, Par. I.

[6] *The New Rhetoric*, Section 90.

[7] See: 'La catégorie historique, instrument d'intelligibilité,' which I presented in April, 1965 at the *Entretiens de Jérusalem* of the International Institute of Philosophy on 'La Compréhension de l'histoire', Israeli Academy of Sciences, 1968.

[8] Marcel Simon, 'Le Christianisme: naissance d'une catégorie historique', in *Les Catégories en histoire*, pp. 103–122.

[9] A. Joris, 'La notion de "Ville"' in *Les Catégories en Histoire*, pp. 87–102.

[10] L. Halkin, 'Les catégories en histoire' in *ibid.*, pp. 11–16.

[11] C. Van De Kieft, 'La périodisation de l'Histoire du Moyen Age' in *ibid.*, pp. 41–56.

[12] L. Halkin, 'Les catégories en histoire' pp. 11–12 in *Les catégories en histoire.*

[13] Ch. Perelman, 'Objectivité et intelligibilité dans la connaissance historique,' in *Le Champ de l'argumentation*, pp. 361–371.

CHAPTER SIXTEEN

CLASSICISM AND ROMANTICISM IN ARGUMENTATION*

In the course of a general study devoted to the theory of argumentation we have affirmed, in passing, that certain argumentative structures show traits, which we spontaneously qualify as classical, and others which recall, antithetically, romanticism.[1] It seems to us that an examination of these structures can make some contribution to the precision and clarification of what appears to correspond to two human fundamental tendencies, i.e., the classical and the romantic spirit.

Every argument aims at provoking or augmenting intellectual adherence to theses which are proposed for agreement. It cannot be based uniquely upon the adherence to facts, to truths or to presumptions; it must be able to rest equally upon agreements concerning values, hierarchies, and very general preferential statements, capable of being evoked so as to orient our choices and which we will call *loci of the preferable*. This term, place, *locus*, has fallen into disuse today and exists only in the pejorative expression *common place*, a symbol of banality and mediocrity. It is actually derived from a venerable terminology, i.e., from the ancient treatises called *Topics* and *Rhetoric*. In these works we note numerous places to which we refer habitually for a discussion of values. What is more durable, Aristotle tells us, is preferable to what is less; what is more desirable is what is useful on all occasions or at least on most.[2] Similar assertions which we define as *loci of the preferable* because they serve to justify choices without having to be, in turn, necessarily justified, are expressions of agreement, contestable no doubt, but which suffice in themselves, in argumentation, as long as they are not effectively questioned. On the contrary, in this last case there is reason to justify and to reinforce them. They enter into a complexity of diverse argumentations where perhaps other *loci* of the preferable come into play. The place used will be then supported by other agreements which will seem to have been ancillary to it, without us being able to know, in advance, which would be used. As for discussion, it can equally use multiple means. The simplest, however, will be the opposition to a place of an adverse and antithetical place. To the place that proclaims the superiority of the durable we oppose the value of the precarious, of what endures only for a moment; to what exalts the ability to serve everyone, at every occasion, we oppose the

superiority of seizing what is particularly adaptable to the present situation, to *loci* of *quantity* we oppose those of *quality*.

The *loci* of *quantity* are those which affirm that a thing is worth more than another for quantitative reasons, those which maintain the superiority of what lasts the longest, what is more constant, what renders service to a large number of people, what is useful to the greatest number, what is useful in the greatest number of circumstances, what has the greatest chance to produce or to succeed or what is easier or more accessible. We immediately see that those *loci* correspond to such values as duration, stability, objectivity, universality, efficacy, security. "The whole is worth more than the part" applies to spatial, temporal or conceptual relations. To the *loci* of quantity is tied the concept of reason, common to all – the concept of truth which we must all admit; the conception of the normal as that which shows itself most often. Through this last notion the *loci* of quantity give value to essence, type and 'nature.' They are bound to the notions of equilibrium, symmetry, measure, regularity, homogeneity, repetition, inertia. They allow us to analyze and give meaning to justice, to appreciate the role and importance of law and convention. We exalt 'sound reason', by joining it to the stable and the normal, now normative, and the 'solidity of principles' due to their perennial nature and their certitude.

On the other hand, the *loci* of *quality* affirm the superiority of the unique, the rare, the exceptional, the precarious, the difficult, and the original, with the correlative notions of the individual, of *fact*, the latter being what can be produced only once, what cannot be defined by law alone; they are linked with the notions also of heterogeneity, concreteness, history and coincidence. Because of the *loci* of quality we reject truth based on common consent for a personal intuitive truth, the fruit of an ingenious illumination or of a divine revelation. What merits our love is not what endures but what is going to disappear, not what serves everyone and always but what we must seize because the opportunity concerns us and it will not be present again. The *locus* of the irreparable, when used to engage in action gives a particular, moving character to arguments. "They will be all dead tomorrow", said St. Vincent de Paul showing pious ladies the orphans he protected, "if we abandon them." The bases of the *locus* of the irreparable can be sought for in some *locus* of quantity: duration of effects which our decision will have, the certitude of these effects. But it is rather the unique character of the act which gives it its tragic importance. The urgency surpasses every other consideration because this decision, good or bad, is never repeated. The irreplaceable object, the unique event, are magnified by opposition to what is only a

type, indeed fungible and, because of that, of lesser value. The unique is incomparable but, more often, it is the incomparable which is defined as the unique and acquires the value of the irreplaceable.

The *loci* of quantity and quality which – we think the reader has noticed it – characterize the classical and the romantic spirit are attached to precisely different values. While the classical admire the values of the true, beautiful, good, just, which are universal but abstract values, the romantics are attached more distinctly to concrete values, to irreplaceable individuals, to the unique relations of love which bind us to them. People, country, race or class are personified and conceived as a Being without equal and which arouses the same passionate loves, the same sacrifices, the same involvement and the same trust as the Lady of the novels of chivalry. Fidelity to one self, to what represents concrete, unique individuality is the sign of the Byronic hero, of the Nietzscheian superman and of the existentialist personality.

While in philosophy an eminent place was always accorded to classical values, often qualified as absolute, it is only recently that we recognized the undeniable importance of concrete values which, having been in all ages and at all places, have only come to the forefront since romanticism. We did not ignore them, but saw in them only the embodiment of abstract values. To say of God that he is the supreme Being because He is Truth and Justice is a classical conception. To say of Him that He is concrete Value, the unique Being to whom we address our love is a romantic and mystical vision. The superiority of the group over the individual, of humanity over each people can be justified in classical fashion, by the superiority of the whole over any of its parts. But it can also be justified in a romantic fashion, by a vision of concrete values, qualitatively different, which makes us go from an order of reality to an incomparably superior order.[3] It is the same with certain *loci* of the preferable, such as the *loci* of order or the existent, whose romantic and classical foundations we can find in the *loci* of quantity or quality. The superiority of the anterior, of what is cause of principle, can be justified in a classical way by its greater duration, by its stability, and then in a romantic way we can see what is original, more authentic, free and creative. The superiority of what exists, is real and actual, above the mere possible and eventual, can be tied to the stable, to the durable, to the normal, but it can also be explained by the uniqueness and the fragility which allows us to invoke urgency and the propitious opportunity.

The quantitative *loci*, the abstract values, are the basis of classical thought justifying its optimism, its taste for clarity and order. The qualitative *loci*, the concrete values, these are the disquieting arsenal of romantic thought based

upon the beauty of the transitory, bringing with it the melancholy of the precarious and the obsession with death, the aspiration toward a communion proclaimed as unattainable, the nostalgia for the past, the night of incertitude, the disgust for the mediocre but also the changing colorfulness of folklore, and of the warmth, the incomparable richness of history, the fascination with mystery and the exaltation of transcendence.

Are we saying that we find among the classical and the romantic only arguments based on a certain group of *loci* to the exclusion of others? This supposition is contrary to the idea of argumentation. In fact, the choice of arguments is determined by two fundamental elements: the premises which we use, because we can argue efficaciously only by deriving support from what the audience admits; and the argumentative situation, because we can generally modify a state of affairs only by using arguments opposed to those of our adversary.

Thus among the pioneers of romanticism we find abundant classical *loci*: the pedagogy which Rousseau recommends was to form an abstract man capable of the greatest number of things.[4] Chateaubriand argues in favor of indissoluble marriage by reminding us that we can attach ourselves only to what we cannot lose,[5] and he bases the superiority of Christianity upon the examination of the consecutive works and the favorable consequences of this religion. Victor Hugo speaking on behalf of the superiority of drama over previous genres says that the whole, the complete, is worth more than a part.[6] In general, we will rather find among the later members of a movement, when its points of view and its values have already a large audience, the most characteristic arguments of this movement.

However, the argumentative situation will, independent of the ideas professed, make use of *loci* that the adversary has neglected. Whoever wants to reverse an order of reality, based on truth, objectivity, reason, certitudes, must make room for a higher truth, for an incommensurable order, based, e.g., upon intuition or upon a direct relationship with the One, be it on the divine or human level. It is not surprising that the argumentation of the innovators, the heretics, is often based on the *loci* of quality which give them a romantic character. The relations of protestantism to romanticism have often been discussed; the romantics were called the 'protestants of literature.'[7] Were not the Protestants the romantics of the XVIth century? We must, in any case, in such a matter, distinguish the religious aspect of a doctrine and its heretical, agonistic aspects. In this respect protestantism is indisputably a glorification of an elite and is based upon the value and heterogeneity of the individual.

The usage of classical *loci* is not however incompatible with the revolutionary spirit. The whole history of the XVIIIth century bears witness to this. Yet, we must not forget that what 1789 brings as new in relation to the enlightenment, which was governed by abstract ideas of order, reason, health, is the exaltation of the love of country which Mirabeau called an energetic and 'sacred' sentiment. Truthfully speaking, the use of abstract values, especially universal ones such as the Good, the True, and Justice is favorable to the evolution of ideas because they are malleable and pliant to variable contents. In this respect, they are progressive. The paradox is that these abstract values which evoke classicism, i.e., rest, equilibrium, stability are also those which best lend themselves to the slow and gradual transformation, by argumentation, of customs and ideas. Concrete values, on the contrary, are those fixed by tradition or by revolution. There is both a conservative and a prophetic revolutionary romanticism.

It is important to underscore the level at which we place an argumentation. Calvin deprecated the multiplicity of his adversaries' arguments by opposing the quality of his own to their quantity.[8] But if we put ourselves at the core of a discussion concerning the quality of an argument, the quantitative elements doubtlessly reappear. In the same way, every reference to unity has meaning only at a given level. The social group, considered unique, can be reduced to the level of an aggregate of individuals. On the other hand, Leibniz's classical monad is unique only because the number of qualities being infinite, each monad differs from the others by some infinitesimal quantity. The unique here is a result of quantitative arguments at a different level. It is always necessary to distinguish carefully the level where an argument is transposed by analysis, because in effective discourse this transposition is most often only potential.

Loci of quantity and *loci* of quality propose choices to us. They do not destroy totally what they reject. To whoever admits a *locus*, the antithetical *locus* is not necessarily unattractive; one of the values in discussion can be depreciated but it continues to exist. Its subordinate place must be justified: one often creates for this purpose a particular type of pair which we call the philosophical pair.[9] To be brief, let us here say only that the most eminent example of this is the pair $\frac{\text{appearance}}{\text{reality}}$. Appearance can be what emanates from reality, what hides it or reveals it. Reality alone is what has true value and is seen as a criterion or norm for what appearance can preserve of it.

Classicism and romanticism have their characteristic pairs which merit study. Let us mention that the term above refers to appearance while the

term below refers to reality. The romantic pairs are the following:

$$\frac{\text{abstract}}{\text{concrete}} \quad \frac{\text{reason}}{\text{imagination}} \quad \frac{\text{fantasy}}{\text{imagination}} \quad \frac{\text{reason}}{\text{sentiment}} \quad \frac{\text{rational}}{\text{vital}}$$

$$\frac{\text{form}}{\text{matter}} \quad \frac{\text{theory}}{\text{fact}} \quad \frac{\text{essence}}{\text{becoming}} \quad \frac{\text{immobility}}{\text{change}} \quad \frac{\text{space}}{\text{duration}}$$

$$\frac{\text{representation}}{\text{will}} \qquad \frac{\text{social}}{\text{individual}} \qquad \frac{\text{individual thought}}{\text{Volksgeist}}$$

$$\frac{\text{construct}}{\text{given}} \quad \frac{\text{superadded}}{\text{primitive}} \quad \frac{\text{artificial}}{\text{natural}} \quad \frac{\text{science}}{\text{life}} \quad \frac{\text{rule}}{\text{spontaneity}}$$

$$\frac{\text{analysis}}{\text{intuition}} \quad \frac{\text{philosophy}}{\text{poetry}} \quad \frac{\text{justice}}{\text{love}} \quad \frac{\text{justice}}{\text{charity}} \quad \frac{\text{repetitive}}{\text{original}}$$

$$\frac{\text{universal}}{\text{unique}} \qquad \frac{\text{science}}{\text{wisdom}} \qquad \frac{\text{rational being}}{\text{complete man}}$$

$$\frac{\text{mechanical}}{\text{authentic}} \qquad \frac{\text{common sense}}{\text{genius}}$$

It is of course understood that no romantic thinker would accept indiscriminately all these pairs, certain ones having a very personal character.

It would be too simple to reverse, without further ado, the romantic pairs in order always to discover a classical pair. The reversal is most often accompanied by a modification of terms. Thus, the classical pair opposed to $\frac{\text{artificial}}{\text{natural}}$ will not be $\frac{\text{natural}}{\text{artificial}}$ but $\frac{\text{formless}}{\text{organized}}$; the classical pair opposed to $\frac{\text{fixed}}{\text{temporal}}$ will not be $\frac{\text{temporal}}{\text{fixed}}$ but rather $\frac{\text{transitory}}{\text{non-temporal}}$; the romantic pair opposed to the classical pair $\frac{\text{liberty as choice}}{\text{liberty as order}}$ will be $\frac{\text{adherence}}{\text{creation}}$.

On the other hand, the romantic pair will often be a redoing of a classical pair, e.g.: to the $\frac{\text{transitory}}{\text{durable}}$ of classical antiquity, neoplatonism superimposes a pair $\frac{\text{time}}{\text{eternity}}$ where the durable even when infinite is devalued in relation to the qualitative unity of eternity.

The idea that there may even be classical and romantic philosophies could appear to many as an essentially romantic idea. It is only so to the degree that

classicism and romanticism are considered as qualitative manifestations, heterogeneous and irreducible to one another. It is no longer so if we set up a pair $\frac{\text{romantic philosophy}}{\text{classical philosophy}}$ where only classicism would be treated as a true philosophy, a thesis to which Julien Benda would subscribe. On the other hand, we could establish a pair $\frac{\text{classical philosophy}}{\text{romantic philosophy}}$ tied to the pair $\frac{\text{abstract}}{\text{concrete}}$.

Among the philosophical pairs, we are concerned with those which lead us to envision an essential point: the concern is with the classical and romantic position vis-à-vis argumentation and its means.

The classical pair $\frac{\text{opinion}}{\text{truth}}$ indicates that argumentation must yield to demonstration. We know that Descartes dreamt of a philosophy without rhetoric.[10] But since reason is the common good of all, there exists for the classical author a valid discourse which every normal being admits. The romantic author, on the other hand, knows many pairs, e.g., $\frac{\text{theory}}{\text{action}}$, $\frac{\text{stability}}{\text{becoming}}$, $\frac{\text{order}}{\text{freedom}}$ which indicate the primacy of action. But we must not confuse this action, especially the inner, with activity. "For we can feed this mind of ours/ In a wise passiveness," said Wordsworth.[11] The French symbolist generation retires from the world. The *loci* of the unique, at a certain point, must lead the romantic to silence.

The classical author is from the beginning on the discursive ground of communication. It was often emphasized that French art of the XVIIth century was for a restricted public and that its expansion was made possible by a narrow accord between writer and an elite. On the contrary, the romantic thinks of the people, is interested in the humble. Victor Hugo demanded the democratization of art. But from one point of view, we have an art which considers it good, and possible, to address all men - beyond the few privileged ones who give their attention; from the other, we have an art which believes that the writer can, at best, serve some as a guide, as a prophet, intermediary, as a mage, as an awakener of a nation, as an appeal to a unique and chosen being and, at the worst, be only a cry in the desert. Most of the romantics have in fact, been great talkers, an effusive rather than discursive persuasion, but even on this point also the attitude of certain romantics can be eminently classical.

To the degree that they have remained classical the romantic French poets, like Byron whom they admired, are often bombastic.[12] Perhaps, to the degree that they were romantic certain great classical writers were silent.

The attitude we have toward the audience governs our attitudes toward means of persuasion. It is at times surprising that classical writers who preach the natural, e.g., Boileau, are so often shunted aside. Failing to convince by logic, it is necessary, to visualize through detailed representation, to comprehend through exposition, to make explicit and thus to bring forth comprehension. The image, the artifice, are means for pleasure but are also to be suitably understood by someone who is rightfully supposed to be able to understand. Let us not forget that classicism is social. It has nothing of what we call the sociological spirit in so far as the latter is bound to history, but has trust in the perenniality of what it comprehends and in the interest which this has for its questioners. Classicism is addressed by adult to adults, the form is deference toward the listener, as a means of communication it is a technical adaptation. It is when the classical theoretician fears that this technique may harm persuasion that he recommends the natural.

What is the romantic's conception of action upon another person? Since he rejects discursive, rational action he often envisions favorably recourse to force. Besides, the romantics prefer discourses which seem most fitting to suggestion: poetry rather than prose; metaphor which brings together domains rather than comparison or allegory; word games which throw limits into disorder; better symbolic participation than causal relation; rather than the strategic, hypotactic, Greco-Latin phrase they prefer the paratactic biblical phrase. Rather than the naive realism which satisfies reason, their preference is the supernatural that evokes mystery; rather the banal which reassures, their preference is for the strange which alone has value; rather than the construct, the improvised, rather than the definite, the vague, rather than the stylized, the disordered, rather than the precision of the present and the approachable, the vaporousness of distance and the fluidity of memories.

Like everything new, the romantic writer at the beginning of the XIXth century was often understood only with difficulty. He was accused of trying to be obscure,[13] an accusation which does not veil its stupidity. But the writing of the heirs of romanticism showed that this tendency to hermeticism corresponded to profound traits which romanticism, in its earlier innovations, had not yet revealed.

Studies concerned with argumentation, it seems, tend to show that the notions of classicism and romanticism refer to argumentative premises, to

thought positions, and to modes of expression. Every study of reasoning will show their intimate relationships.

NOTES

* Written in collaboration with L. Olbrechts-Tyteca, published in *Revue Internationale de Philosophie* (Brussels, 1958) pp. 47–57, and *Le Champ de l'argumentation* (Brussels, 1970), pp. 397–406.

[1] Ch. Perelman, L. Olbrechts-Tyteca, *The New Rhetoric*, (Notre Dame, 1969) particularly, Section 25.

[2] Aristotle, *Topics*, 111, 116a, 117a.

[3] According to P. de Reul, Shelley was the first to sing of humanity as a great collective and unique Being. Paul de Reul, *De Wordsworth à Keats, Etudes sur la poésie anglaise*, (Paris, 1933) pp. 217–218.

[4] J. J. Rousseau, *Emile*, (Paris, Firmin Didot 1898) pp. 11–12.

[5] Chateaubriand, *Génie du christianisme*, (Paris, Garuier 1880.) I, p. 50.

[6] Victor Hugo, *Préface à Cromwell*, (Paris, Nelson), p. 19.

[7] G. Charlier, *Le Mouvement romantique en Belgique (1815–1950)*, (Brussels) I, pp. 238–239.

[8] Calvin, *Institution de la religion chrétienne*, book II, ch. V, par. 6.

[9] Ch. Perelman and L. Olbrechts-Tyteca, op. cit., Sections 90–96.

[10] Henri Gouhier, 'La résistance au vrai et le problème cartésien d'une philosophie sans rhétorique,' in *Rhetorica e Barocco*, a cura di F. Castelli, (Rome, 1955).

[11] W. Wordsworth, 'Expostulation and Reply,' in *Poetical Works*, (Oxford Univ. Press, 1917) p. 481.

[12] P. De Reul, op. cit., pp. 169–170.

[13] G. Charlier, op. cit., p. 169.

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