

A TOPICAL APPROACH TO ARGUMENT:
AN UN-ENLIGHTENED PARADIGM OF
RHETORICAL INVENTION

by

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ABSTRACT

In contemporary society, expertise is often a liability for those seeking to persuade the public. This work argues that the contemporary rejection of expertise is caused by a lack of proper rhetorical training, that the lack of rhetorical training is in turn an effect of rhetorical pedagogies rooted in Enlightenment values, and finally that rhetoricians must return to a pre-Enlightenment pedagogy if expertise is ever to obtain the recognition it deserves. Contemporary rhetorical training in argument is examined through a discussion of the argument systems of Stephen Toulmin, Chaïm Perelman, and Aristotle. The important aspects of these argument systems, the Toulmin model of argument, Perelman's universal audience, and the Aristotelian enthymeme, are reviewed and critiqued. In the latter portion of the work, the study describes a distinctly rhetorical method for inventing arguments and discusses its implications for the problem of popularizing expertise.

DEDICATION

I prepared this work for my own edification and understanding of the questions to which I hope it provides some answers. I hope that others may find some value in this rather public attempt to write my way to clarity.

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CHAPTER 1

APPROACHES TO TEACHING RHETORICAL ARGUMENT

The Unsung Expert's Plight

In his dialogue, *The Republic*, Plato explores the relationship between intellectuals and democracy by means of an extended metaphor in which the intellectual is described as the pilot of a ship. Within this metaphor, the ship is symbolic of a type of democratic state run by sailors who are largely untutored in the art of sailing. Each sailor supposes that he knows best how to sail the ship, claims that the art of sailing is unteachable, and jostles among the others for a measure of power over the ship (488b). On this ship, to make matters worse, the man whom the sailors “praise and call ‘skilled sailor,’ pilot and ‘knower of the ship’s business’” is the one of them “who is clever at figuring out how he will get the rule” over others (488c-d). Meanwhile, Plato explains, they label the “true pilot”—the one who is actually a skilled navigator—a “stargazer, a prater and useless” (489a).

The failure of the sailors to recognize who is best equipped to pilot their ship represents Plato’s central complaint against democracy: it allows those who are least qualified to make decisions, even for themselves, the opportunity to make decisions of great importance for the state. While modern democratic states are undoubtedly different from the Athenian democracy of Plato’s day, his critique of democracy still stings. In a somewhat more recent book, *The Death of Expertise: The Campaign Against Established Knowledge and Why It Matters*, historian Tom Nichols chronicles what he calls the American obsession “with the worship of [our] own ignorance” (5). Nichols points to a series of sordid examples that portray just how little

contemporary Americans know and how much they distrust those who do. He describes a nation of AIDS denialists, those who once denied that HIV causes AIDS (10); anti-vaxxers, those who still question the safety of vaccines (18); and ignorant voters, those whom he suggests cannot find Ukraine on a map (10-11). This distrust of experts, Nichols posits, is what led the British public to ignore the opinion of virtually every economist, when they voted to leave the European Union, and the American public to elect Donald Trump in the 2016 Presidential election (156).

Plato seems to have believed the problem was intractable—that the sailors in his metaphor were constitutionally incapable of choosing the right leader, except perhaps by chance. In contrast, Nichols does not seem to think so; rather, he assumes our educational institutions have failed and produced a misinformed public. American universities, he claims, are not teaching students: “critical thinking: the ability to examine new information and competing ideas dispassionately, logically and without emotional or personal preconceptions” (60). Consequently, in an editorial, Nichols claims that “increasing numbers of lay people [...] reject the fundamental rules of evidence and refuse to learn how to make a logical argument” (“America’s Cult of Ignorance” 1). While Nichols does indicate that occasionally experts and intellectuals are wrong, he appears to perpetuate the troubling rejection of experts in contemporary culture by ignoring the essential cause of the problem.

Plato comes much closer to identifying the real reason why expertise is increasingly scorned by the public. In Plato’s metaphor of the sailors and the pilot, it is the false pilot—the one “who is clever at figuring out how he will get the rule” (488d)—who is to blame. The pilot chosen by the sailors gains control of the ship from the owner and the crew and subverts the proper rule of the true pilot by means of clever (*δεινός*) tricks of persuasion. In his dialogue,

Gorgias, Plato changes the metaphor, but not his argument. In the process of defining rhetoric, Socrates compares rhetoric to cookery:

Cookery assumes the form of medicine, and pretends to know what foods are best for the body; so that if a cook and a doctor had to contend before boys, or before men as foolish as boys, as to which of the two, the doctor or the cook, understands the question of sound and noxious foods, the doctor would starve to death.¹

Just as the sailors, the boys are not capable of distinguishing between the cook and the doctor.

Central to the failure of Plato's pilot is his failure to command the art of rhetoric—an art that might also aid the doctor. Without rhetorical skill, Plato acknowledges, the doctor is unable to compete with the cook. In both metaphors, despite having superior knowledge, the expert loses to the flatterers, who win (regardless of their inability to steer the ship or heal the sick) because they are able to please their peers. In his *Gorgias*, Plato defines rhetoric as: “a pursuit that is not a matter of art, but showing a shrewd, gallant spirit which has a natural bent for clever (δεινῆς) dealing with mankind and I sum up its substance in the name flattery.”²

In these dialogues, Plato depicts rhetoric as the central problem. In his estimation, rhetoric enables those who lack knowledge and ability to obtain power they are not equipped to exercise to benefit those who bestowed that power on them. Contemporary culture's rejection of experts also seems to be a problem related to rhetoric. In my view, rather than the problem being that some people use rhetoric unscrupulously, as Plato suggests, it is that the experts—those who

¹ Plato, *Gorgias*, trans. Lamb; Greek text: ὑπὸ μὲν οὖν τὴν ἰατρικὴν ἢ ὀψοποικὴν ὑποδέδυκεν, καὶ προσποιεῖται τὰ βέλτιστα σιτία τῷ σώματι εἰδέναι, ὥστ' εἰ δεοὶ ἐν παισὶ διαγωνίζεσθαι ὀψοποιόν τε καὶ ἰατρόν, ἢ ἐν ἀνδράσιν οὕτως ἀνοήτοις ὥσπερ οἱ παῖδες, πότερος ἐπαίει περὶ τῶν χρηστῶν σιτίων καὶ πονηρῶν, ὁ ἰατρὸς ἢ ὁ ὀψοποιός, λιμῶ ἂν ἀποθανεῖν τὸν ἰατρόν (464d-e).

² Plato, *Gorgias*, trans. Lamb; Greek text: δοκεῖ τοίνυν μοι, ὦ Γοργία, εἶναι τι ἐπιτήδευμα τεχνικὸν μὲν οὐ, ψυχῆς δὲ στοχαστικῆς καὶ ἀνδρείας καὶ φύσει δεινῆς προσομιλεῖν τοῖς ἀνθρώποις; καλῶ δὲ αὐτοῦ (463a).

have knowledge—have been improperly trained in the art of rhetoric. Appropriating Plato’s metaphor, to describe the present problem, one might suggest that Plato’s pilot has learned to speak a language that is foreign and incomprehensible to the ship’s sailors. The pilot’s technical observations about the stars mean nothing to the sailors, and if he wants his knowledge of navigation to be useful, he must learn how to translate that knowledge into terms which they can understand, evince proofs that will demonstrate his expertise, and thereby gain the kind of credibility he needs to win their trust.

The expert’s problem defined

Briefly defined, the problem faced by contemporary experts is this: discipline-specific knowledge does not prepare one to communicate that knowledge effectively to people who do not share it. Awareness of this problem is at least as old as Aristotle who explains why the uneducated are often more persuasive than the educated: the educated “use commonplaces and generalities,” while their ignorant counterparts “speak of what they know and what more nearly concerns the audience” (II.22.3). But this definition of the problem of expertise, as I refer to it henceforth, is more or less uncontroversial—at least to anyone who teaches courses in which rhetoric is the focus. The apparent solution to the problem as expressed above is to teach rhetoric. But, as I demonstrate in subsequent chapters, not just any approach to rhetoric really solves the problem. To better explain the complex nature of the problem of expertise and how it is actually being made worse by current approaches to rhetoric, it is necessary to express three corollaries of the problem.

The cause is pedagogical

In the broadest possible sense, the general approach to teaching rhetoric in the academy, which often focuses on enculturating students into the language and values of the academy, is the

problem. As academics we live in a culture that privileges values not universally shared by the public at large. We talk to each other in disciplinary languages—languages that often bear no resemblance to the ordinary language of public discourse. Many of us train our students to share the cultural values of the academy and to write and to speak a version of our disciplinary language. So, why should the public which has not been exposed to the culture of the academy—its values and language—respect the expert opinions that we offer them, especially when we have not demonstrated the value of what we know? When we train our students to use rhetoric in the way that we do, we only burden them with the same problem under which we labor as subject-area experts trying to communicate to non-experts. Consequently, at best, we train our students to be less expert versions of ourselves who write and speak in the way that we do. If students actually learn what we teach them, they do not have the advantage of being experts and are hobbled by the disadvantage of following the conventions and norms used by experts to communicate with each other.

The solution is paradigmatic

If the problem can be located at the level of pedagogical practice, we must look for the paradigms that inform that practice. Rather than evaluating a single paradigm of rhetorical education, this study seeks to evaluate several paradigms of rhetorical education critically. A paradigm can be difficult to pin down, so I want to specify provisionally what I mean by a paradigm through a few definitions. Primarily, a paradigm of rhetorical education constitutes the ideas, assumptions, and worldview of the educator. It is distinct from a pedagogy in that a pedagogy is specifically concerned with an approach to teaching techniques and methods. A paradigm, for instance, has a view of what the essential role of the teacher is. Some teachers may see themselves as sources of knowledge and wisdom; others may see themselves as facilitating

the student's process of self-discovery. To give an example specific to rhetorical education, a paradigm specifies whether the primary purpose of rhetorical education is to help students find their own voices or to equip them with techniques for persuading others. Many of us probably possess very mixed paradigms derived in part from principles we hold dear and in part from experience of what works at the level of pedagogy. It is at the level of the paradigm that we find the justifications for the problematic pedagogies that are enacted in the classroom. Consequently, the barrier to solving pedagogical problems is largely the attitudes, beliefs, and values that constitute an instructor's paradigm.

The primacy of invention

If there is a paradigmatic solution to the problem of expertise, that paradigm must be prepared to address the rhetorical faculty known as invention. It is not, of course, that the other rhetorical faculties do not matter. They most certainly do matter, and to be effective, experts need training in delivery, memory, style, and arrangement as well. But because of the relationship between invention and the other faculties of rhetoric we need to begin with it. Invention is the guiding force that should shape all of the other choices made in the process of constructing a discourse.³ The argument one seeks to have accepted by the audience ought to influence the order in which one talks about different aspects of the subject. It ought to guide one's choice of words and use of standard or non-standard language. In spoken discourse, it ought to influence the emphasis one places on words and the pace of delivery. Each of the parts of rhetoric is essential, but as one makes choices with respect to each aspect of the rhetorical

³ This view is relatively common if not universal. It is implicit in Aristotle's definition of rhetoric in the *Rhetoric* (I.2.2). For a modern version consider Sharon Crowley's definition: "rhetoric [is] an art of invention, that is, [an art concerned with] the systematic discovery and investigation of the available arguments in a given situation" (2).

canon one ought to be constantly looking back to the products of one's inventive efforts, namely, the arguments used in the discourse.

Literature Review

Having defined the problem of expertise and discussed the general directions in which we ought to look for a solution, it is now necessary to pursue a few possible solutions. Since the critical turn⁴ in our field, pedagogy has become an issue of secondary importance to rhetoricians who teach speech.⁵ Hence, we need to look beyond our own discipline to find paradigmatic solutions to the problem of expertise. In a sense, one is already taking this approach if one looks for an answer in such authors as Aristotle, Stephen Toulmin, or Chaïm Perelman, who were all primarily philosophers. But it is a mistake to look first to philosophy, or even the history of rhetoric, for the answer when there are paradigms of rhetorical pedagogy that have been developed by teachers of rhetoric in the twentieth century. These paradigms were developed in the field of composition, by scholars whose business it is to teach rhetoric. They do not always use the term rhetoric and frequently seem to be unaware of the distinguished history of rhetoric, but what they teach is rhetoric. While composition as a discipline is also affected by the privileged status of research, it remains tethered to the work of the classroom as a result of the discipline's association with the basic writing class.

⁴ The critical turn is the disciplinary move in Communication Studies toward viewing criticism as the purpose of rhetorical scholarship. In his landmark piece, "Critical Rhetoric: Theory and Practice," Raymie McKerrow describes the purpose of critical rhetoric: "to unmask and demystify the discourse of power" (91).

⁵ See Michael Leff, "The Habitation of Rhetoric," (1987), who suggests that the turn away from pedagogy has been a problem as long as rhetoric has been a research area in the contemporary university (143-4).

Writing, one might rightly note, is not speech, and any paradigm of writing is not of direct use to teachers of speech. Of the five aspects of the rhetorical canon, writing requires mastery of only three: invention, arrangement, and style. Speech, in contrast, requires mastery of all five. Since we are attempting to parse paradigmatic approaches to teaching invention, with limited exceptions, anything said about teaching rhetorical invention in writing classes should be applicable to a discussion of teaching invention in speech classes. I begin the following section of the chapter optimistically, by examining two paradigms for the teaching of rhetoric. I follow this discussion with an attempt to deal in a very broad way with important paradigms for teaching rhetorical invention from the history of rhetoric.

Paradigmatic approaches to teaching rhetoric

The problem we have created for ourselves and other experts in the academy and public life begins with how we teach rhetoric to undergraduates. In a much-acclaimed piece entitled “Being a Writer vs. Being an Academic,” the composition theorist Peter Elbow explores the pitfalls of attempting to create students in our own image in the writing classroom. Elbow argues that treating students as novice academics encourages students to think of their primary tasks as listening, learning, and synthesizing information (“Being a Writer” 79-80). The effect of this kind of teaching is that students learn to “write up” (“Being a Writer” 81) or to produce what others have called a “teacher-identified discourse,” that is, a discourse produced to please the teacher, rather than to be effective rhetorically, within the context of the classroom (Dejoy 163). In a limited sense, the teacher-identified discourse is an essay or speech that passively adopts the instructor’s political or ideological viewpoint and argues for it passionately. Thoughtful instructors find ways to hide their own views or not press them too strongly on students. The subtler kind of teacher-identified discourse is that which requires students to use methods, style,

and vocabulary that the instructor prefers. Upper level courses, such as those devoted to teaching students research methods, often lead to the production of this kind of writing.

From Elbow's perspective, the issue with this approach to invention is that it strips young rhetors of their sense of autonomy and their ownership of their discourse (*Everyone Can Write* 269-70). Elbow's solution is to encourage students "to write as though they are a central speaker at the center of the universe" ("Being a Writer" 80). But more than just wanting young rhetors to avoid producing teacher-identified discourse, Elbow wants them to avoid dependence on other sources of authority and to see their ideas as their own. When it comes to reading, he would not have students read texts as though they were "monuments in a museum," but as though they were texts that could be edited and improved ("Being a Writer" 74). This rejection of authority and teacher-identified discourse also includes a rejection of the audience as a guiding factor in the invention process. For Elbow, the audience is a heuristic that functions as a focusing force for new rhetors, but it is also a force on which they should learn not to rely. As he explains: "we need to learn to find in ourselves the support which—perhaps for a long time—we must seek openly from others" (*Writing with Power* 190).

In a public argument with fellow composition theorist David Bartholomae, Elbow clarifies his position on the audience even further. Bartholomae argues that "students write in a space defined by all the writing which has preceded them" (64) and argues that students cannot help but "reproduce master narrative[s]" in their work (67). In essence, Bartholomae's position is that student writers find themselves written by the culture and that the work of the teacher is to introduce them to counter-cultural narratives which enable them to write against the dominant culture. Elbow responds by calling on teachers of writing to have "some faith in the ability of students to make important choices, decisions, and perceptions of their own" ("Responses" 91).

It is a desire to cultivate this autonomy in students that leads him to endorse writing without the audience—at least in the early stages of the author’s development. But ultimately, Elbow agrees that students often find themselves reproducing cultural narratives: “I [don’t] want to leave students completely alone for the culture to play on—with no feedback from me or other students in the class. For the last two-thirds of the semester I try to set things up so that they hear plenty of feedback from peers and from me” (“Responses” 92).

As important as it is to help students cultivate in themselves an individual voice, dismissing the audience is surely a bridge too far. Ignorance of the audience is the problem that Plato’s pilot faces and cannot overcome. Eloquent though he might be in his own mind, if he cannot communicate in a manner that is persuasive to others, his unique individual voice remains unheard and his valuable knowledge unheeded. Moreover, if the expert wishes to persuade others, it is equally problematic for the expert to see the audience’s values and the culture those values constitute as fundamentally illegitimate. Elbow’s work is full of great teaching and composition tips, but deployed without consideration of audience, his techniques produce an intricately designed piece of discourse that no one but the rhetor himself can appreciate. One who learns to use such techniques without regard for an audience becomes a rhetorical technician rather than a visionary rhetor.⁶ In sum, Elbow has crafted a practical approach to rhetoric, but his dismissal of audience from the inventional process perpetuates the very isolation that experts today face.

⁶ The distinction between the technical specialist and the visionary rhetor is often said to be the tension at the heart of Cicero’s dialogue, *De Oratore*. For a primer on the relevance of that text to contemporary discussions about rhetorical education, see Ethyle R. Wolfe, “Cicero’s ‘De Oratore’ and the Liberal Arts Tradition in America” (1995).

Elbow's ideas about composition had their great heyday in the nineteen seventies and eighties. Although Elbow remains enormously influential, other approaches to composition pedagogy have gained followers in the decades since.⁷ The most prominent of these movements is a direct response to Elbow. Led by Thomas Kent, the opposition to Elbow maintains that communication cannot be taught at all. Kent's argument centers on the claim that because every piece of discourse is produced for a particular audience, we cannot generalize techniques that we intend to use for all audiences from our experience with any one audience. As Kent expresses it, "no process can capture what writers do during these changing moments and within these changing relations" (*Post Process Theory 2*).

Kent's followers are bold about their inability to articulate a pedagogy for the classroom: "There is no identifiable post-process pedagogy that we can concretely apply to the classroom" (Breuch 98). Their resistance to teaching writing is ideological: "those of us who teach students the dominant sets of discourse practices in an attempt to insure students' further participation and success [...] perpetuate those practices" (Ewald 121). Three dominant discourse practices specifically critiqued are the five-paragraph essay, the procedure of "claim making" (Ewald 123-8), and "argumentative strategies of deduction, induction, comparing, contrasting, and defining" (Couture 33).

Of course, these scholars do not hold that there is no role for the teacher of rhetoric. Rather, they advocate that instructors should provide feedback on individual texts for individual speakers in individual situations. As Olson argues, no generalizing or theorizing about rhetoric as an art form is permitted because "theory, the noun, is dangerous [...] because it entices us into

⁷ For a valuable survey discussing both the influence of Peter Elbow and the rise of the post-process movement, see Bruce McComiskey. "The Post-Process Movement in Composition Studies" (2000).

believing we somehow have captured a truth, grasped the essence of something” and because it “deprivilege[s] the local even though it is precisely the local where useful ‘knowledge’ is generated” (8). The implications of this view for rhetoric are somewhat alarming. They mean, for instance, that there is little that can be said about invention or argument beyond an analysis of the specific situation in which any given rhetor finds himself. If, as Kent’s post-process paradigm suggests, we are to reject a very basic notion such as claim making or an argumentative approach such as deduction, it would seem there is no such thing as an art of rhetoric at all (much less a faculty of invention). Given that Kent and his followers intentionally do not advocate an alternative to the pedagogies they dismiss, it might seem reasonable to dismiss their views from the outset. But where Elbow dismisses the audience, I demonstrate below that Kent and his followers radically embrace it as a part of the invention process. For that reason, the post-process paradigm deserves consideration. Kent outlines three postulates of his paradigm to support his claim that rhetoric cannot be taught.

The first postulate is that “writing is a public act” (*Post Process Theory* 1-2). Rhetoric, Kent argues, is always produced for an audience, and since each audience is different, a technique that works on one audience cannot be presumed to work on another. Accordingly, the rhetor’s task is to attend to the unique contours of the audience with which she is presented rather than seeking to use techniques developed for audiences in general. Kent’s second postulate is that “writing is an interpretive act” (*Post Process Theory* 3). Kent holds that writing is an action that requires the writer to make judgments about readers, situations, and other people’s motivations—judgments that are uncodifiable into a rigid doctrine (*Post Process Theory* 4). Kent’s final postulate is that “writing [or the writer] is situated.” He explains further: “writers always write from some position or some place; writers are never nowhere” (*Post Process*

Theory 5-6). As a corollary of the first postulate, the third postulate essentially suggests that the writer must think of his own identity, positionality, or subjectivity and how it influences how the audience perceives him.

It is probably fairly evident that Kent's paradigm advocates an approach to teaching rhetoric classes that most rhetoric teachers would not recognize. Without rules or techniques, there would be little in the way of guidelines that the teacher could prescribe before a student's performance. But the post-process paradigm is more than just a critique of rhetoric as it is taught in the classroom. Indeed, it is also a critique of most of the rhetorical tradition. Before concluding my review of the post-process paradigm, I want to demonstrate briefly how it could be used to critique the approach to invention known as the *stasis* system, which was intended as an aid to rhetorical invention for the lawyer in antiquity.⁸ First, one could argue that in offering speakers a list of possible arguments (derived from facts, definitions, quality, and jurisdiction), the *stasis* system itself may function as a substitute for judgment. As such, the system could be misapplied in a specific case. Suppose a person on trial appeared guilty to the audience. Noting the audience's preconception, the defendant could abandon arguing against commission of the crime (an argument from fact) and choose instead to claim self-defense (an argument from quality). But if the defendant chose to focus only on the inventional model, ignoring his own identity and the beliefs of the audience, the defendant would have no way of weighing the relative value of the respective arguments allowed by the system. Without the audience, the four sources of argument would all appear to be of equal value.

⁸ For an accessible and comprehensive description of the *stasis* system see Michael J. Hoppman, "A Modern Theory of Stasis" (2014).

Kent and his followers usually criticize standardized models of writing—such as specific essay forms that dictate a specific means of organizing an essay—and prescriptive approaches to the writing process, such as outlining. But, whether they express it or not their critique applies to invention as well as to arrangement and style. One post-process scholar argues that we should reject approaches to invention in which “the truth of the subject [takes] precedence over the needs of the audience or the writer” (Pullman 17). One cannot imagine a post-process scholar teaching students how to construct arguments by teaching them syllogisms, enthymemes, or even the Toulmin model of argument. In passing, a follower of Kent lists Aristotle’s *topoi* among other failed approaches to invention because they are “a system for categorizing” (Dobrin 136). Though it is not immediately clear in Dobrin’s essay why categorization is wrong, we can presume that to post-process scholars it represents a theoretical prescription for argument that suggests a rigid and systematic approach to invention, which they would reject on principle (Kent, “Beyond System” 492).

While there is much to be said for Kent’s critique of rhetoric, it is not clear to me that his paradigm does anything to solve the problem of popularizing expertise. The three postulates of Kent’s paradigm emphasizing the importance of audience, judgment, and the rhetor’s identity are important principles for any speaker to consider. Taken seriously, these three principles might improve the situation of ignored experts. But in practice, the post-process paradigm does little to help experts argue convincingly and actually reinscribes the problem in various ways. Post-process educators are, as are many in the academy, concerned with undermining “sources of domination” and in general bring their socio-political values to their classrooms (Blyler 71). Educators who do so, particularly in performance classrooms, encourage their students to create discourse that appeals directly to those values, thereby replicating their worldview, and fail to

provide students with practice appealing to audiences who hold different values. To the extent that post-process educators teach students to write for an elite academic audience and fail to help students discover techniques that will persuade non-academic audiences, they actually perpetuate the problem.

Perhaps the deeper problem with Kent's approach to teaching rhetoric is that in specifically rejecting all theory and generalized knowledge about rhetoric as an art, it strips the rhetor of the tools of the art even as it directs attention to the important concepts of judgment, audience, and the subjectivity of the speaker. In contrast, Elbow's approach to teaching rhetoric overflows with tools. But because Elbow views the primary purpose of those tools as enabling the rhetor's self-expression, rather than achieving persuasion with an audience, his approach is also critically and practically flawed. If there is to be a solution to the problem of gaining popular acceptance for expertise, the solution must both emphasize technique and account for the critical role that audience and judgment play in the process of creating rhetoric.

A paradigm that addresses the expert's problem

The tools for solving the expert's problem should be tools distinctly used for the invention of arguments, but they should also be different from the tools that are commonly taught and used for invention in the teaching of rhetoric today. Research to find information and facts, for instance, is not a tool at the center of the new paradigm's teaching on invention. As valuable as research is, it all too often is used by students to avoid having to use their own judgment. By looking to an authoritative source, students often avoid making the difficult decisions about the kind of material they should include. Outlining should also not be a prominent part of the inventive process for the new paradigm because outlining is essentially an instrument for logical arrangement or ordering, not for discovery or judgment.

Other methods such as freewriting or brainstorming, which draw on the rhetor's subconscious, hold more inventional promise. But such techniques are limited because they only aid self-expression and do little to teach rhetors how to write for an audience.⁹ Finally, tools in the new paradigm's invention arsenal must be more than lists of questions or prompts one can ask oneself about a subject. Elbow has a list of such questions that one can use to help produce various kinds of writing (*Writing with Power* 81-93). Although such lists can help, they often become a crutch for young rhetors, and if they are relied on too extensively for too long, they become a means of avoiding the difficult work of exercising judgment, thinking about audience, and considering one's own identity as a rhetor.

At the center of the inventional paradigm presented here is the ancient Greek concept of *topoi*. Much has been written about the *topoi*, but as tools of invention they remain very much misunderstood. Before we dive into an explanation of the *topoi*, we should briefly consider three reasons why they may be worth our attention. First, in contrast to what has been stated about them, the *topoi* are not theoretical constructs (Leff, "Up From Theory" 205). The tendency of just about everyone who has written about the *topoi* is to provide readers with a list of *topoi* (or arguments) to emulate in their own writing. A minority of rhetoricians, significantly including Michael Leff, have recognized that attempts to create theoretical systems of invention out of lists of *topoi* ultimately constitute attempts to avoid difficult judgments about which *topoi* to use ("Up from Theory" 208). Second, the *topoi* create a connection between the audience and the speaker. In *A Theory of Discourse*, James Kinneavy argues that *topoi* are rooted in "ethnologic" or the modes of reasoning unique to and current within a given culture (249). Hence, a topical approach

⁹ Freewriting and brainstorming techniques are examples of how pedagogical practice is influenced by one's paradigmatic assumptions about the purpose of rhetoric and rhetorical education.

to invention could provide the speaker with access to his or her audience. Finally, *topoi* are valuable because, while they are not elements of a theory, they are generalizations. If one is able to grasp a *topos* clearly, one should be able to use it to understand how to create many different arguments in many different situations. Unlike fixed prompts, *topoi* are flexible and productive outside of the specific contexts for which prompts are created.

Defining the term

For such a widely used term, *topos* is notoriously difficult to define. Literally, the Greek word τόπος means place. Its Latin equivalent is *locus*. In almost all of the senses in which the term *topos* is used, it is understood not as a literal place but as a metaphorical place to which a rhetor may go to find material for inventing a discourse. Classicist Jon Hesk suggests the origin of *topos* as a metaphor: “It is probable that a *topos* was originally a place in a handbook which could be imitated and applied by a speaker for his particular rhetorical requirements” (362). In other words, someone’s handbook on rhetoric and its arguments attained such widespread acceptance that rhetors began to refer to the various places (*topoi*) in it. Hesk may be speculating, but his account seems plausible given what we know about the sophistic methods of instruction in rhetoric.¹⁰

Parsing Aristotle’s account of topoi

For an authoritative definition, it seems prudent to consult our earliest example of someone defining the term *topos* in the metaphorical manner described. We thus find ourselves looking to Aristotle, who is the first to use and to comment on the term (McAdon, “Probabilities” 225-6), though Isocrates, Aristotle’s contemporary, also uses it (Rubinelli 254-5). The consensus

¹⁰ It is commonly understood that early sophists produced model speeches (such as Gorgias of Leontini’s *Encomium on Helen*) illustrating rhetorical techniques which students were meant to imitate. For more, see George Kennedy, “The Earliest Rhetorical Handbooks” (169-70).

of scholarly opinion finds Aristotle's comments unhelpful. At best, his definition is difficult to parse, and it really is not clear that he is offering a definition at all in the passage in question, which reads: "I am designating a topic and an element as the same. For an element and topic is that under which many enthymemes fall."¹¹ Aristotle uses the same language elsewhere to make a similar point (II.22.13). But unfortunately, the equation of *topos* with element does not tell us much because, when used in relation to rhetoric, the term for element (στοιχείον) can mean anything from element (i.e. a syllabic element of speech) to elementary principle (or first principle), and there is insufficient context to know exactly what is meant here. But the connection Aristotle makes to his enthymeme is more revealing.

Elsewhere, Aristotle defines the enthymeme as a "rhetorical syllogism" (I.2.8). While there is not an absolute consensus about the enthymeme's identity,¹² we may safely assert that the enthymeme is Aristotle's rhetorical unit of argument. In contrast, the syllogism is the formal unit of argument used in dialectic or logic (I.2.8). So when Aristotle suggests that "many enthymemes" fall under a *topos* or element, it is at least clear that he envisioned a difference between the enthymeme and the *topos*.¹³ Moreover, that difference is hierarchical since enthymemes may fall under a *topos*. Aristotle even tells us what kind of enthymemes may fall under a *topos*: they are "enthymemes which serve to show that a thing is great or small, [...] good or bad, just or unjust or anything else" (II.26.1-2).

¹¹ Aristotle, *Rhetoric*, (II.26.1); here, I have borrowed the translation of Donovan Ochs; see Ochs, "Aristotle's Concept of Formal Topics" (419). Elsewhere, I use Freese's translation, unless otherwise indicated.

¹² Specific discussion of the enthymeme is provided in the next chapter of this study.

¹³ The view is generally accepted by those who have considered the issue carefully. For an example, see Stephen Yarbrough's "Passing Theories through Topical Heuristics" (79).

Aristotle also suggests another connection between the enthymeme and the *topos*:

I mean by dialectical or rhetorical syllogisms those which are concerned with what we call ‘topics,’ [...] such as the topic [*topos*] of the more or less which will furnish syllogisms and enthymemes equally well for Law, Physics or any other science whatever, although these subjects differ in kind. (I.2.21)

To complement the suggestion that enthymemes fall under *topoi*, Aristotle suggests that topics may furnish enthymemes or produce them. As the rhetorical historian Brad McAdon summarizes: “Enthymemes, which are rhetorical arguments, are developed from a wide variety of propositions” including “propositions that are common to all fields alike (*topoi*)” (“Probabilities” 242-3). Even with this much clarity, we have only established two things about the *topos* from relevant passages in Aristotle: 1) the *topos* is an intentional concept of rhetoric that is hierarchically related to the enthymeme, and enthymeme is subordinate to it and 2) that enthymemes may be produced from *topoi*. If we take enthymeme to mean a rhetorical argument, we may then safely assert the following: *topoi* are not the same as arguments though they bear some relation to them.

One reason that we cannot use the English term topic as a synonym for *topos* is that there are two senses of the term topic in the tradition of interpreting Aristotle. When one reads “common topic” in the text, it refers to the *topoi* as I have discussed them so far. These are the topics common to all fields that may be used to generate arguments about anything. One such topic is the topic of more or less which is also called the greater or lesser (II.23.4). Aristotle gives two examples of it when he enumerates his list of twenty-eight common topics in Book Two: “If not even the gods know everything, hardly can men” (II.23.4), and “a man who beats his father also beats his neighbors” (II.23.4-5). The topic involves a comparison between something greater (the knowledge of the gods) and something lesser (the knowledge of men) to

suggest that if the greater cannot achieve something, the lesser cannot either. The same topic is at work in the argument about a man and his parents. If a man beats his father (something greater in value) how will he treat his neighbor whose value, we assume, is less than that of his father?

The other sense of the term topic is usually rendered “special topic” even though the Greek word is not *topos* but *eidē* (εἶδη).¹⁴ The special topics also bear a relation to the enthymeme, and while the definition of the special topic is equally problematic (McAdon, “Probabilities” 243), the normal view is to say that the special topics are concerned with content that is unique to a discipline. The relationship between the special topics, the common topics, and the enthymeme is a subject of some difficulty (McAdon, “The ‘Special Topics’” 420-1), but the focus herein is on the common topics only and, to a lesser extent, the enthymeme.

Issues in translation

At several points in the *Rhetoric*, to further complicate his own account of the common topics, Aristotle insists on calling his examples of the *topoi* enthymemes. This apparent equivalence can be explained by saying that a *topos* is merely a part of any given enthymeme’s whole. But the bigger problem this issue illustrates is the extent to which one has to make interpretive choices when trying to parse Aristotle’s account of the *topoi*. On this point, Michael Leff has very rightly expressed the frustration of many readers of Aristotle when he reports that Aristotle’s account of the *topoi* “rivals the Babel of modern scholarship” (“The Topics of Argumentative Invention” 44). My final attempt to provide a preliminary definition of the *topoi* involves an issue common in every translation of Aristotle’s work. It relates to a distinction that

¹⁴ The special topics are often said to correspond to the material discussed in I.4 through I.15 of Aristotle’s *Rhetoric*.

Aristotle gives us between *topoi* that lead to enthymemes and those that lead to arguments that are not quite enthymematic.

Aristotle's list of twenty-eight formal topics (or enthymemes) is followed immediately by this passage:

But just as it is possible that some syllogisms may be real, and others are not real but only apparent, there must also be *real* and *apparent* enthymemes. [italics mine]¹⁵

Following this passage, there is a description of ten such apparent enthymemes. One example of an apparent enthymeme is an argument from signs (σημείον): “Dionysius is a thief, because he is a rascal.” Here, being a “rascal” is taken as a sign of being a thief. But as Aristotle points out, the argument does not hold because “not every rascal is a thief although every thief is a rascal” (II.24.5). In other words, being a “thief” is properly taken as a sign of bad character, but having bad character (that of a “rascal”) does not make one a thief.

Unfortunately, the tradition of translating Aristotle does not consistently use the same terminology to describe these *topoi* or enthymemes. These differences in translation mask a substantive problem regarding the distinction between what Freese construes as the “real and apparent enthymemes” (II.24.1). An earlier translation of Aristotle's rhetoric by W. Rhys Roberts renders the distinction this way: “besides *genuine enthymemes*, there may be those that *look genuine* but are not” (II.24, italics mine). Another translation by Richard Jebb from the turn of the nineteenth century labels them “real” and “sham” enthymemes (II.24). In addition to the differences in translations, there are differences in how they are rendered in textbooks. Forbes Hill, in his influential chapter on Aristotle in *A Synoptic History of Classical Rhetoric*, renders

¹⁵ ἐπεὶ δ' ἐνδέχεται τὸν μὲν εἶναι συλλογισμόν, τὸν δὲ μὴ εἶναι μὲν φαίνεσθαι δέ, ἀνάγκη καὶ ἐνθύμημα τὸ μὲν εἶναι, τὸ δὲ μὴ εἶναι ἐνθύμημα φαίνεσθαι δέ, ἐπεὶ τε τοῦ ἐνθύμημα συλλογισμός τις (II.24.1).

the distinction between “enthymemes” and “fallacious enthymemes” (61). In the comparatively obscure work, *A Handlist of Rhetorical Terms*, the two types of enthymemes are called “valid” and “fallacious” (Lanham 99). James Herrick’s widely-used text *The History and Theory of Rhetoric* explains the difference this way: “Toward the end of Book II [of the *Rhetoric*], Aristotle catalogued nine types of enthymemes that seem serious or reasonable but are not. These are, to his thinking, fallacies” (83).

The distinction between the various translations is subtle to be sure, but important. The Greek text which Freese uses expresses the difference using two infinitives: εἶναι (to be) and φαίνεσθαι (to appear). A more literal and less readable translation of this passage would be: “just as it is possible for there to be (εἶναι) syllogisms and also syllogisms that are not but *appear to be* there must also be enthymemes that *are* and enthymemes that are not but *appear to be*.”¹⁶ In my judgment, Freese’s “real” is not far off the mark, and he accurately renders φαίνεσθαι (appear to be) in noun form as “apparent.” Nor is W. Rhys Roberts’ rendering of the distinction as “genuine” and “looks genuine” misleading. But it is obvious that Jebb is introducing an almost moral judgment when he labels the distinction as that between “real” and “sham” enthymemes. That moral judgment becomes more obvious in Hill’s introduction of the term “fallacious,” Lanham’s use of the terms “valid” and “fallacious,” and Herrick’s description of these topics as “fallacies.”

Despite Freese’s relatively conservative translation of Aristotle’s introduction to the real and apparent enthymemes, it is probably his translation that is the source of the moral judgment which has crept in to the distinction between real and apparent enthymemes in contemporary texts. After translating Aristotle’s introduction, Freese introduces eight of the ten *topoi* that lead

¹⁶ Here, the translation is my own.

to apparent enthymemes with wording such as “Another fallacy is...” (see II.24.2-3, 5-10).

Freese only departs from this linguistic scheme when Aristotle uses the word *topos* to introduce the point explicitly, as he does for the first apparent enthymeme or *topos* and the fourth (see II.24.1, 4). Clearly, in his own translation, George Kennedy follows Freese, labeling each of the apparent *topoi* “Fallacious Topic 1” and so on (II.24.1). But Kennedy does not indicate when Aristotle has actually used the word *topos* to introduce the topic. Presumably, Freese and Kennedy would

justify their translations by referring to an exclamation by Aristotle, which appears in the middle of the discussion of the third apparent *topos*: “But the whole topic is fallacious (παραλογιστικός)” (II.24.3). This is the only use of *paralogistikos* (appropriately translated as fallacy) in the whole section—and indeed in the whole text. To project from this one use to every apparent *topos* in the section seems rather speculative.

Perhaps the most damaging evidence against this speculative interpretation comes from Aristotle himself when he states “it is further evident that it belongs to rhetoric to discover both the real and apparent means of persuasion.”¹⁷ In the same passage, Aristotle compares rhetoric to medicine, suggesting “it is not the function of medicine to restore a patient to health, but only to promote this end as far as possible; for even those whose recovery is impossible may be properly treated.”¹⁸ In conclusion, this passage suggests that the tradition of translating Aristotle has

¹⁷ πρὸς δὲ τούτοις ὅτι τῆς αὐτῆς τό τε πιθανὸν καὶ τὸ φαινόμενον ἰδεῖν πιθανόν, ὥσπερ καὶ ἐπὶ τῆς διαλεκτικῆς συλλογισμὸν τε καὶ φαινόμενον συλλογισμὸν (I.1.14).

¹⁸ οὐδὲ γὰρ ἰατρικῆς τὸ ὑγιᾶ ποιῆσαι, ἀλλὰ μέχρι οὐ ἐνδέχεται, μέχρι τούτου προαγαγεῖν: ἔστιν γὰρ καὶ τοὺς ἀδυνάτους μεταλαβεῖν ὑγείας ὅμως θεραπεύσαι καλῶς (I.1.14).

misunderstood the scope of Aristotelian rhetoric insofar as it has treated apparently enthymematic arguments as examples of fallacies to be avoided.¹⁹

The wider issue is that the tradition has conflated enthymemes, *topoi*, and fallacies in the discussion of the apparent enthymeme. It is clear that Aristotle thinks of each of the ten so-called fallacious enthymemes as rooted in *topoi*, but traditional interpretations of the *Rhetoric* ignore this point. For while an enthymeme may be real or apparent, valid or invalid, it is not clear that this distinction applies equally to the *topoi* that form the basis of enthymemes. It is impossible to overstate how much damage this interpretation has done to the contemporary understanding of Aristotle's treatment of the common topics and of those among the common topics that he introduces as apparent in particular.

Looking beyond Aristotle

So far, we have attempted to review Aristotle's account of the *topoi* and particularly the common topics largely on its own terms. But anyone who looks closely at Aristotle's list of formal *topoi* knows that Donovan Ochs rightly stated: "Aristotle's list of [formal] rhetorical topics [...] is an amalgam of miscellaneous molds into which rhetorical arguments are usually cast" (425). To express the sentiment more plainly, Aristotle's list of *topoi* is a grab bag containing a variety of methods for crafting arguments. One has only to compare the *topos* of more or less, previously discussed, to the last of the twenty-eight *topoi* where Aristotle suggests that one might find something persuasive about "the meaning of a name" (II.24.29). Whereas the *topos* of the more or less leads one to construct a comparison, this *topos* merely consists of

¹⁹ In his commentary on this passage, Grimaldi observes, "the art of rhetoric enables one to see that which persuades to the truth as well as that which persuades to what is not true, although its object is the truth as far as that is possible" (33). Similarly, in a footnote to his translation, Freese urges, "he who uses sound arguments as well as he who uses false ones are both known as rhetoricians" (15).

suggesting that the speaker create a play on words. A play on someone's name may be an effective way of discrediting that person, but it hardly amounts to a good reason.

In any case, these kind of distinctions are mostly understood by scholars. Sarah Rubinelli distinguishes between two uses of the term *topos* that are relevant here. One definition of a *topos* treats it as a “a subject matter indicator” or as a name for a “subject matter that orators might take into consideration for pleading their cases” (254). Aristotle's *topos* concerning names is this kind of *topos*—it directs the rhetor to consider a specific subject matter (the name of the accused) as a starting point for persuasive material. But the majority of the Aristotelian *topoi* fall under the use of the term *topos* to mean “scheme of argument” or “a procedure for establishing or refuting propositions on which standpoints are adopted” (Rubinelli 255). Jon Hesk describes a similar distinction as a spectrum on which *topoi* “range from content-free or content-neutral at one end of the spectrum to content-specific at the other” (362). W. Ross Winterowd also distinguishes between “content-oriented topics” and “form-oriented topics” (704-5).

Hesk concludes that the Aristotelian *topos* “can be a pattern of argument which one would expect to deploy again and again in different contexts and in relation to different [...] content” (363). Friedrich Solmsen similarly agrees that Aristotle conceived of *topoi* as “a ‘type’ or ‘form’ of argument of which you need grasp only the basic structural idea to apply it forthwith to discussions about any and every subject” (40). Barbara Warnick also defines the Aristotelian *topos* as “a pattern” of argument in “common use” which “will be used over and over in various manifestations” (110). This definition of the *topos* as an abstract pattern or form appears not always to have been dominant. Rubinelli points out that eventually the *topos* came to be treated as equal to the argument itself through “a metonymy development of previous uses” (264). Solmsen makes a similar point but holds that before Aristotle the *topoi* were essentially lists of

common arguments and that Aristotle's innovation was to introduce the *topos* as a form or pattern that leads to argument but is separate from it (40). Solmsen's account seems consistent with other work which has found that "the only significant difference" between the Gorgianic *topoi* of the *Palamedes* and Aristotle's *topoi* "is that Aristotle's are acontextual while Gorgias places his in the narrative context of the Palamedes myth" (McComiskey 19).

As Richard McKeon explains, after Aristotle, "commonplaces underwent degradations and criticism. Topics of memory threatened to become as numerous as things to be remembered and therefore to provide no aid in retaining or ordering them" (201). The extent of the degradation is not as important as the kind of degradation that took place. Manfred Kienpointner notes that "in Roman rhetoric, the *loci* were formulated at a much more concrete level" but that Cicero seems to have carried forward Aristotle's treatment of the *topoi* as abstract patterns (227). By the time of Quintilian, McKeon notes, "the commonplaces [...] mean[t] familiar quotations in which something well-known and widely esteemed is stated" and that "commonplaces were memorized rather than used for invention" (201). Quintilian resisted, but the trend was against him.²⁰

By the time that Boethius prepared *De Differentiis Topicis*, the degradation of the topics was complete. As Michael Leff puts it, Boethius created an "orderly and elegant theory of topical invention" but lost "sight of the types of argumentative performance that Aristotle, Cicero and Quintilian" understood to be the "subject of the rhetorical art" ("The Topics of Argumentative Invention," 40). Leff is not alone in identifying Boethius with the degradation of the topics. John McKenzie reports that, in the development of rhetoric, "one can detect a trend away from the *topoi* as inventional strategy to logical formulae" and blames Boethius for this trend (1). If we

²⁰ For more see Leff, "The Topics of Argumentative Invention" (34).

accept the claims made in the secondary literature, the issue seems to have been that Boethius treated the Aristotelian *topoi*, as he understood them, as authoritative rules of logic and not as heuristic building blocks that happened to work in Aristotle's time.

Perhaps a medievalist would point to a substantially different treatment of the topics between Boethius and the Renaissance, but McKeon describes the period's tradition of the *topoi* as largely influenced by Boethius' treatment of the *topoi* (202). Kienpointner agrees, describing the kind of *topoi* common in the medieval period as "less abstract typolog[ies] of loci" and lists of questions that were memorized, such as the common who, what, where, how, when structure (227-8). By the seventeenth century, David Vancil reports, the topics had assumed the status of logical modes of proof (28). Tainted as they were by the medieval period, the topics were rejected both by Cartesians in the *Port-Royal Logic* (Kienpointner 228) and by the increasingly important British empiricist tradition represented by John Locke and David Hume (Vancil 34). Curiously, the topics were rejected by both the Cartesians and the empiricists, two groups that agree on little else, on the same grounds: that the *topoi* do not discover new knowledge (Kienpointner 228; Vancil 34-5). As a result of their dismissal by the philosophers and logicians of the seventeenth centuries, according to Hoyt Hudson, most rhetoricians of the eighteenth century found little use for them (327-8). George Campbell, for instance, treated them as barriers to the proper method of invention, "recollection of previously acquired inductive material" (Bevilacqua 7). The only exception to this general trend was the Italian rhetorician, Giambattista Vico, who understood their value as sources of invention (Williams and Enos 194).

This brief overview of the development of the *topoi* after Aristotle serves to make a singular point. Whereas the Aristotelian topics were dynamic, heuristic devices primarily intended to assist the orator with the task of invention, in later writers they came to be

understood as rigid rules that limited what could be said. Boethius may be blamed for this change, but he merely followed through on a trend which only a few — Aristotle, Cicero, Quintilian, and Vico—resisted. The major shift in understanding the topics involved three minor shifts: 1) a shift in the kind of topics from abstract to concrete, 2) a shift toward making lists of topics to be memorized, and 3) a shift from viewing the topics as sources of contingent, enthymematic proof to viewing them as sources of logically valid proof. As I argue here, the understanding of the *topoi* that emerged from the medieval period not only resulted in the rejection of the topics, but in a reinterpretation of Aristotle that persists today.

Looking back at Aristotle

As stated previously, the issues in translation related to whether we should construe “apparent enthymeme” as “fallacy” or invalid argument mask a deeper, substantive issue. That issue is related to the functions of the *topoi*. Manfred Kienpointner argues that the *topoi* have two functions. He considers *topoi* to be both “search formulas which tell you how and where to look for arguments” and “warrants which guarantee the transition from argument to conclusion” (226). Similarly, Michael Leff points out that they serve both as “sources of matter” and “connectives or ‘warrants’ in rhetorical arguments” (“Recovering Aristotle,” 366). Leff and Kienpointner are somewhat unique in acknowledging the dual function of the *topoi*; it is common for scholars to acknowledge one function in isolation. Blinn and Garrett, for instance, seem to focus on the connective or warranting function of the *topoi* (94), while it seems that a number of teachers of English from the nineteen-sixties going forward understood the *topoi* chiefly as heuristic devices that would help their students with invention (Bailey 114; Deblois 419). Thomas Sloane summarizes the efforts of composition teachers as working to revive “a listing of the topics only, cut off from their function as ‘argumentative wrestling holds’” (467).

The substantive point at issue in both the historical development of the *topoi* and the problems translating Aristotle is related to the connective or warranting function of the *topoi*. In essence, at various points in the history of the *topoi*, the warrant provided by certain examples of *topoi* was taken to be absolutely true and universal instead of dependent on the opinions of the audience (*doxa*) (McKenzie 2). For instance, in his discussion of the *topos* of more or less, Aristotle gives the following illustration: “If not even the gods know everything, hardly can men” (II.23.4). The connective warrant (or *topos*) here is something such as: if it is impossible for the greater, it must also be impossible for the lesser.

Through Cicero’s *Topica*, this *topos* filters into Boethius’ *De Topicis Differentiis* with a different example. Boethius expresses the warrant as the “maximal proposition: what holds good in the greater holds good in the lesser” (III.21-23). Boethius clearly presents the topic, at least, in a desiccated way. But it is the relation between this topic and actual discourse that Boethius seems to misunderstand. The topic, Boethius claims, is dialectical or logical (IV.6-7), and “the rhetorician always proceeds from dialectical topics” (IV.21), which he regards as universally true (IV.14). In so doing, he inverts of the role of the common topics suggested by Aristotle, who explains one problem with systems of *topoi*:

“The ignorant are more skilled at speaking before a mob.” For the educated use commonplaces and generalities, whereas the ignorant speak of what they know and what more nearly concerns the audience. Wherefore one must not argue from all possible opinions, but only such as are definite and admitted by [...] by all or most of the hearers.²¹

Here at least, it would seem that Aristotle understands the limited role for universally valid (or necessarily true) topics in public discourse.

²¹ (II.22.3); in this passage we see another word (commonplaces) used to translate the term *topoi*, which is a linguistic calque of the Greek *koinoi topoi* (lit. common places).

Boethius tries to make rhetorical propositions valid or necessary (universally true) by deriving his topical system from dialectical topics. Other, contemporary rhetoricians also have this goal in mind; the various translations and explanations of Aristotle from the twentieth century reveal a massive and probably unconscious effort to reinterpret Aristotle's treatment of the common topics. To demonstrate that Aristotle thought certain topics were valid or invalid, real or sham, genuine or fallacious, many historians of rhetoric have attempted to look to Aristotle for authoritative, valid warrants for reasoning, rather than warrants for reasoning that are persuasive and acceptable to audiences. We have not yet encountered enough evidence to decide that their reading of Aristotle is entirely wrong, but we have at least reviewed plausible evidence for supposing that Aristotle's view of the *topoi* and validity is considerably more nuanced than many have supposed.

A valid approach to argument?

Having reviewed the treatment of the Aristotelian *topoi* and the issue of validity, we briefly return to the issue at the heart of this study: the problem of the popular reception of Plato's pilot and of experts in today's social milieu. The great shift in the understanding of the *topoi* between the classical period and our contemporary understanding of them is toward seeing the *topoi* as the basis for a normative approach to argumentation, that is, an approach that helps us generate valid, universally true arguments. Understood in this way, the *topoi* provide the rhetor with a list of approaches to argument which fulfill certain criteria for validity which philosophers and logicians find important. This kind of *topos* is of little help to the expert who seeks to communicate more effectively with non-expert audiences because it prioritizes arguing in a way that satisfies philosophers and logicians (themselves experts) over arguing in a manner persuasive to whatever audience members the expert happens to be addressing.

On further inspection, we find that there are actually two problems which this study aims to address. First there is the problem of experts trying to communicate with non-experts. Second, there is what I call the problem of validity or the quest to create a list of *topoi* which produce valid but not necessarily persuasive arguments. If we accept that *topoi* ought to form the basis of universally valid arguments, we need to insure that our *topoi* are logically sound, and achieving that goal produces a closed topical system built around a limited list of valid *topoi*. Such a system necessarily excludes anything resembling a fallacy. But if we are to deal with the first problem through a system of topical education, we must reject validity as a standard for topical arguments and for our approach to topical education. To be effective, *topoi* need only form the basis for probable or persuasive arguments by drawing from some connection to the minds of the hearers. A list of such *topoi*, if we expressed one at all, could be long and inclusive; even fallacies may creep into such an open system. In the section that follows, I discuss the issues related to the problem of validity, beginning with scholars who argue that rhetorical arguments need to be valid or universally true.

Borderline cases for validity

Admittedly, it is often difficult to decide exactly whether an author posits that rhetoric needs universally valid arguments or not. One such borderline case is Forbes Hill, who labels the apparent enthymeme a “fallacious enthymeme” (61). Elsewhere in *A Synoptic History of Classical Rhetoric*, Hill proclaims: “Rhetoric at its best reasons from statements that are universally probable, as opposed to those universally certain” (71). I admit to not being certain what it means for a statement to be “universally probable.” It seems likely that Hill is sitting on a fence. If we include his labeling of the apparent enthymeme as fallacious in the evidence, the

balance seems to indicate that he prefers rhetoric to use universally valid arguments and avoid persuasive but fallacious arguments.²²

Another borderline case is that of the authors Bilsky, Hazlett, Streeter, and Weaver, who declare: “It is a mistake to assume that the whole problem of teaching students argumentation can be solved by means of logic” (210). They seem to mean that one cannot simply teach students the syllogism, with its formally valid relationship between premises and conclusion, and leave it at that, which suggests they do not recognize the need for universally valid arguments in rhetoric. But their proposed alternative to teaching logic is a list of four *topoi* derived from the dialectical topics of Aristotle (212). They have rejected the devotion to logic typical of those who seek to bring universally valid arguments to rhetoric but have embraced the idea of a closed system of valid topics for invention.

A final borderline case is that of Dudley Bailey, who in many ways represents the English composition instructors of the nineteen-sixties and nineteen-seventies who, discovering Aristotle, decided that the *topoi* must be a solution to their teaching problems. Bailey pleads for a “modern rhetoric [which] would undertake to show, as systematically as may be, the sorts of relations which obtain among the details of our thought—obtain successfully, that is, in educated discourse” (114). Clearly, Bailey is asking for a systematic list of *topoi*, even if he does not know that this is what is meant by the “relations which obtain among the details of our thoughts” (114). His call is typical of those who see in *topoi* a possible fix for the banal thoughts of students that result in still more banal arguments. His case is borderline because there is no indication that he

²² Then again, perhaps Hill is only following the tradition in labeling the apparent enthymeme fallacious, but at this point, speculation about his motives seems unproductive.

understands the justifications advanced by those who seek to introduce universally valid arguments into rhetoric.

Cognition as the basis for validity

We may now turn to one such justification. William Nelson claims that human “cognitive activity tends to cluster in categories” to which “semantic representations” are assigned and which ultimately form the basis for “rhetorical arguments” (3). The essence of Nelson’s view is that humans think in a series of discreet ways that correspond to certain *topoi* of rhetoric. For instance, humans engage in categorical thinking, and this tendency mirrors the Aristotelian *topos* often called *genus* (by which one argues that an entity behaves in a certain way because of its nature). But there is nothing Greek, Polish, British, or even European about human thought because these modes of thinking which mirror the *topoi* are “intrinsic within man” (2). Put reductively, humans are biologically wired to think a certain way. Writing in the nineteen-sixties, Nelson drew on then-current psychological research to support his claims. He seems to believe that there are normatively acceptable *topoi* that are universally valid and acceptable.

Language as the basis for validity

A related, but distinct view is that of Karl Wallace, who rejects the idea that we can connect the *topoi* to biological or psychological imperatives but finds a justification for his list of *topoi* in language use (“Topoi and the Problem of Invention,” 394-5). Wallace argues that “inventive activity” has its roots in “a certain kind of mental activity, the kind that prompts the recovery of meanings that have become symbolized in the language of the speaker, writer and audience” (“Topoi and the Problem of Invention,” 390). Moreover, as he explains elsewhere, “language symbols are not empty symbols” but have specific content (“The Substance of Rhetoric,” 247). He concludes, “A system of *topoi* [...] is an orderly way of searching for

meaningful utterances” (“Topoi and the Problem of Invention,” 395). Wallace’s view seems to be that language has a specific, fixed set of meanings and that when we invent arguments we need an efficient way of searching through those meanings for the right one to express. If the meaning in language is fixed or even highly stable, the system of *topoi* designed to search through it should also be fixed. Accordingly, Wallace provides us with just such a list, though he acknowledges that it will be one list among many (394-5).

Logic as the basis for validity

Where Nelson and Wallace grounded their arguments for a normative approach to argumentation in psychology and language respectively, the next two rhetoricians ground their call for a normative approach in philosophy. William Keith and David Beard presuppose the value of a logical approach to rhetorical invention, declaring: “The basic problem for argument theory lies in distinguishing, in general terms, between legitimate and illegitimate moves” (22). Legitimate moves, one supposes, are those which make an argument valid and illegitimate moves, those which make it invalid. Keith and Beard later reveal that they are in search of “a complete and consistent system [in which] the inference rules will not allow you to make a false inference” (40). An inference rule is essentially a *topos* in its connecting or warranting function (38). Hence, in their view, the goal of an invention system would essentially be to create a list of valid *topoi* that will prevent rhetors from creating invalid arguments. They do not enumerate such a list, but point toward how one might be formed.

Ethics as the basis for validity

Finally, the rhetorician James Crosswhite calls for a normative approach to rhetorical argument on ethical grounds. Responding to the claim that rhetoric should focus on persuasive argument, Crosswhite argues that without some means of reaching universally valid

propositions, rhetoric is “vulnerable to the charge that it is really only a form of flattery, a pandering to [the] audience” (“Universality in Rhetoric” 162). This view, that rhetoric needs to have its methods of argument legitimated in order to avoid being unethical, is probably one that resonates with a number of scholars.²³ What stands out about this view or at least Crosswhite’s expression of it is that it essentially amounts to an argument from consequences. To Crosswhite’s thinking, in order for rhetoric to be an ethical, dignified, non-sophistic discipline, it must have recourse to some means of producing universally valid arguments. The alternatives are unthinkable.

Resistance to valid argument in rhetoric

Where the advocates of a normative approach to argumentation bring forward a variety of rationales for their positions, those who deny that rhetoric requires a normative approach to argumentation tend to advance two main arguments: 1) logic does not work for teaching rhetorical invention in the classroom, and 2) rhetorical arguments do not need to be valid to be persuasive. The only perspective that would fall outside these, in the literature I have reviewed, is that of David Vancil, who argues that a topical system is not a “natural phenomena of the intellect which may be observed in all people. Rather, it is an art which may be learned and used” (35). This position can obviously be read as a direct counterpoint to Nelson, though Vancil is merely attempting to describe why it was that the British empiricists rejected topical invention.

Resistance based on the rejection of logic

The first view, that logic does not work for teaching rhetorical invention, has a number of proponents. Often those who advance this argument are composition instructors. Gail Stygall, for instance, argues that there is little value in using formal logic as the basis for teaching argument

²³ Crosswhite’s proposed solution is discussed at length in the next chapter.

in writing because “comprehending and producing arguments in the real world has much to do with being able to envision underlying assumptions [...] and little to do with mastering the [...] categorical syllogism” (95). To this position we could add Bilsky, Hazlett, Streeter, and Weaver, who assert that teaching students argumentation cannot “be solved by means of logic” (210). A common extension of this view is that using logic to teach argumentation may actually be harmful and immoral. Christopher Schroeder claims that formal logic “exists as a closed system which is not consistent with patterns of discourse” and “the logical ideal is tyrannical” (96). Stygall concurs, arguing that teaching formal logic suggests to students that “there is one ‘right’ answer, one truth, one valid approach. We foreclose other options allowing students to ignore the reasoning and values that lead to other non-formal arguments and conclusions” (95).

Alternatives to validity as a standard

The other argument advanced against a normative system of producing rhetorical arguments is that rhetorical arguments simply do not need to be valid. Henry Johnstone asks: Is “there really any promise after all in the attempt to define philosophical arguments in terms of rhetoric?” (91). Delia has an answer: “The criterion for selection of premises, examples, analogies, authorities, and statistics is ultimately ‘Will the listener accept it?’” (144). Most proponents of this view are not so direct. Michael Leff comes at this conclusion indirectly, arguing that Aristotle’s topics are not “a reflection of philosophical truth” so much as “competing truths” which may or may not “fit the situation” (“Recovering Aristotle,” 367). Moreover, “proper use of the topics helps develop a capacity for arguing in precisely those situations where theory offers the least guidance” (“Up from Theory” 208). It is clear from context that Leff regards “theory” as any attempt to create a system of topics. Hence, Leff regards any attempt to “produce a theory of topics” as “totally misdirected” (208). Douglas

Ehninger seems to concur with Leff and neatly summarizes the argument this way: “a rhetoric which conceives of truth as a transcendent entity and requires a perfect knowledge of the soul as a condition for its successful transmittal automatically rules itself out as an instrument for doing the practical work of the world” (“On Systems of Rhetoric,” 140).

Research Questions

To this point, I have sought to argue that a solution to the problem of experts is rhetorical in nature and concerned with topical invention in particular. My aim has been to provide sufficient evidence in support of my view that the existing paradigms and approaches to teaching rhetoric do not provide such a solution. If we are to address the problem of how experts may communicate effectively, we must first deal with the problem of validity—or whether rhetoric ought to have universally valid arguments. Of course, I have not resolved the problem of validity or even attempted to resolve it because the secondary literature in our field only scratches the surface of the problem. If we are to deal with the problem of validity, we must look to how philosophers have attempted to resolve it and particularly how they have attempted to resolve it so as to permit rhetoric to make arguments that are both valid and persuasive. My first research question is: has anyone created a (topical) system for the invention of arguments that produces arguments which are both valid and persuasive? If there were such a system, it would simply be my task to describe it in great detail. If there were a system that purported to offer us this kind of approach to argument but did not, we would still need to explain the reasons why it failed in its attempt. If there were not such a system, we would need to create one. As Michael Leff argues of his own work dealing with the topics: “the main task before us is to establish a curriculum for rhetorical studies” (209). My second research question is: if no system exists for creating

arguments that are both valid and persuasive, can one be created that at least produces persuasive arguments?

Outline of the Study

This study has five chapters. The first chapter has aimed to justify the study, to introduce the main concepts and perspectives, and to present the two research questions central to the work. Chapter 2 reviews three proposed solutions to the problem of validity: the Aristotelian enthymeme, the universal audience of Chaïm Perelman and Lucie Olbrechts-Tyteca, and Stephen Toulmin's inference warrant. Within this review, I also discuss the topical systems associated with each of the main authors. In the case of Toulmin, I include an analysis of the topical systems that grew out of his work by other authors. Chapter 3 provides scholarly advocacy for and against each of the proposed solutions, along with my own assessment. Taken together, chapters 2 and 3 answer the first research question. Chapter 4 articulates my own vision of the proper relationship between the *topoi* and argument and presents a set of sample *topoi*, answering the second research question. Chapter 5 discusses the implications of my approach and the conclusions of the study.

CHAPTER 2

THREE SOLUTIONS TO THE PROBLEM OF VALIDITY

Introduction

From the perspectives of the philosophers and logicians whose work is discussed here, the problem of validity is one that needs to be resolved in order to bring to public discourse the kind of arguments and the processes for producing those arguments that philosophers know to be valid. For at least two of them, Toulmin and Perelman, the production of persuasive arguments is only a secondary concern to providing an ordinary person with the means of producing valid conclusions by means of informal reasoning. Whether or not Aristotle also adopts this purpose for his system of rhetoric is, in my view, not entirely clear. In the following three sections, I aim to show how the argument systems of Aristotle, Toulmin, and Perelman address the problems discussed in this study and to examine representative examples of *topoi* from their systems.

Aristotle's Enthymeme

If Aristotle's definition of *topos* is at best vague, his definition of enthymeme is a model of clarity. Unfortunately, this clarity has not filtered down into the secondary literature on the enthymeme; the work of modern scholars is rife with what are either highly creative interpretations or perhaps even outright distortions. Despite the relative clarity with which Aristotle discusses the enthymeme, there are nevertheless ambiguities that arise based on interpretations of the text of the *Rhetoric*. Before indicating how my reading of the Aristotelian text fits into the tradition of reading Aristotle, let me review specific textual evidence which

helps us understand how, or indeed whether, Aristotle's enthymeme functions as a solution to the problem of validity.

In Aristotelian formal logic, the syllogistic form supplies the user of logic with a means of demonstrating his claims. More might be said about the syllogism as Aristotle conceived of it, but that is not my purpose herein. Rather, it is enough for us to be aware of his basic definition, as given in the *Topics*: a syllogism “is a discussion in which certain things having been laid down, something other than these things necessarily results through them” (I.28.25). Although the well-known syllogism arguing that Socrates is mortal is not an Aristotelian example, it is a sufficient example to have in mind.²⁴

Perhaps the most obvious point to be made about the enthymeme is one that Aristotle more or less belabors in the *Rhetoric*. Complaining about the previous work done on the subject, Aristotle notes that the enthymeme had been sadly neglected and explains why it is an important aspect of any system of rhetoric:

It is obvious, therefore, that a system arranged according to rules of art is only concerned with proofs; that proof is a sort of demonstration, since we are most strongly convinced when we suppose anything to have been demonstrated; that rhetorical demonstration is an enthymeme, which, generally speaking is the strongest of rhetorical proofs; and lastly, that the enthymeme is a kind of syllogism.²⁵

²⁴ The oft-used example of a syllogism is “Socrates is a man, all men are mortal, therefore, Socrates is mortal.” Aristotle gives an example of a problematic syllogism that is also about Socrates: “He who sits writes and Socrates is sitting, [therefore] Socrates is writing” (*Topics* VIII.14.25).

²⁵ Ἐπεὶ δὲ φανερόν ἐστιν ὅτι ἡ μὲν ἔντεχνος μέθοδος περὶ τὰς πίστεις ἐστίν, ἡ δὲ πίστις ἀπόδειξις τις (τότε γὰρ πιστεύομεν μάλιστα ὅταν ἀποδεδείχθαι ὑπολάβωμεν), ἔστι δ' ἀπόδειξις ῥητορικὴ ἐνθύμημα, καὶ ἔστι τοῦτο ὡς εἰπεῖν ἀπλῶς κυριώτατον τῶν πίστεων, τὸ δ' ἐνθύμημα συλλογισμὸς τις... (I.2.11).

We may glean much from a close reading of this passage. One obvious point is that, for Aristotle, the enthymeme is a type of syllogism. The exact nature of the relationship between the enthymeme and the syllogism is less than clear in translation.

Just as the syllogism is a kind of enthymeme, Aristotle tells us that “proof [πίστις] is a sort of demonstration [ἀπόδειξις].” The English term ‘proof’ does not do justice to the Greek term πίστις (*pistis*). Other common translations include trust, confidence, or even belief. Operationally defined, *pistis* is an effect produced within the hearer that does not fully amount to certainty. By contrast, ἀπόδειξις (*apodeixis*) represents to Aristotle the kind of certainty achieved by logical demonstration. But *pistis* still might be said to be a species of or special kind of *apodeixis* (demonstration). Hence, the enthymeme is a kind of demonstration to be used in rhetoric that leads to the production of confidence (*pistis*) within the hearer if not certainty (derived from *apodeixis*). This distinction is important, particularly because it may shed some light on whether Aristotle is trying to solve the problem of validity at all. He may, we might suppose, regard rhetorical demonstration as not achieving validity at all because it does not need to do so. But this claim is not yet one to which we may commit ourselves.

Aristotle tells us more about the nature of the enthymeme. Specifically, it is not a means of producing proof that has anything to do with emotional or character-based appeals. Early on, he rules out the possibility that the enthymeme has anything to do with appeals to the emotions (e.g. *pathos*) (I.1.3-4) and reinforces this later, suggesting “whenever you wish to arouse emotion, do not use an enthymeme, for it will either drive out the emotion or it will be useless” (III.27.8). Similarly, because character cannot be demonstrated by means of arguments, the enthymeme cannot be used to construct proofs based on *ethos* (III.27.8-9).

Returning to the comparison to the syllogism, Aristotle says more that may help us to distinguish the syllogism from the enthymeme. In the *Topics*, Aristotle suggests that syllogisms demonstrate the most when they “proceed from premises which are true and primary” (I.28.25-30). We may contrast this characteristic of the syllogism with the kind of propositions which are used as the basis for enthymemes: “necessary signs, probabilities and signs” (*Rhetoric* I.3.7). Enthymemes, it seems, draw on propositions that are not certain—where relationships are symptomatic (i.e. symbolic) if not absolute. Since enthymemes draw on these less-than-certain propositions, we might also suppose that they produce in the hearer less-than-certain conclusions. Aristotle seems to give us further evidence for this reading in the *Rhetoric*: “few of the propositions of the rhetorical syllogism are necessary, for most of the things we judge and examine can be other than they are” (I.2.14). In other words, no one ever argues about or seeks to demonstrate things that are known, but where we lack absolute, certain knowledge about the future, for instance, we resort to reasoning using signs, probabilities, and other not fully logical relationships to draw conclusions.

Another characteristic of the enthymeme is that it is employed for hearers who cannot follow long chains of argument. Indeed, Aristotle suggests, “the judge is supposed to be a simple person” (*Rhetoric* I.2.13). From a logical perspective, the value of long chains of argument is that they record each premise or assumption in great detail—nothing is assumed or taken for granted. While this method of laying out all the premises may be valuable to scientists and intellectuals, Aristotle does not seem to think that the “simple person” judging rhetoric has much appreciation for this approach. In this context, Aristotle explains:

The enthymeme [is] a kind of syllogism, and deduced from few premises, often from fewer than the regular syllogism; for if any of these is well known, there is no need to mention it, for the hearer can add it himself. For instance, to prove that Dorieus was the

victor in a contest at which the prize was a crown, it is enough to say that he won a victory at the Olympic games; there is no need to add that the prize at the Olympic games is a crown, for everybody knows it.²⁶

Because this passage functions as a widely-cited reference point for certain definitions of the enthymeme, it requires our close attention.

When Freese translates Aristotle as stating the enthymeme is “deduced from few premises, often from fewer than the regular syllogism,” Freese takes some liberties with the text, probably to make sense of a difficult passage. Specifically, the terms “deduced” and “premise” are introduced by Freese and are not present in the passage. Perhaps a more literal translation of the relevant passage might read: “the enthymeme [is] a kind of syllogism, and from little and often from less than the regular syllogism” (my translation). But this translation, which treats the adjectives as substantive rather than attributive, is very unsatisfactory for the English reader because one is not told what there is less of in comparison to the syllogism. The interpretation Freese offers is that Aristotle means there are fewer premises (προτάσεις) than those in the syllogism. Freese’s interpretation is conservative and sensible, in that this is a widely held view, but it remains an interpretation.²⁷ Aristotle’s practical injunction sheds more light on things: “for if any of these is well known, there is no need to mention it” (I.2.13). Moreover, the Greek text does not tell us what “these” (τούτων) are. Given Freese’s translation, we might assume τούτων

²⁶ τὸ δ' ἐνθύμημα συλλογισμόν, καὶ ἐξ ὀλίγων τε καὶ πολλάκις ἐλαττόνων ἢ ἐξ ὧν ὁ πρῶτος συλλογισμός· ἐὰν γὰρ ἤ τι τούτων γνώριμον, οὐδὲ δεῖ λέγειν· αὐτὸς γὰρ τοῦτο προστίθῃσιν ὁ ἀκροατής, οἷον ὅτι Δωριεὺς στεφανίτην ἀγῶνα νενίκηκεν, ἰκανὸν εἰπεῖν ὅτι Ὀλύμπια νενίκηκεν· τὸ δ' ὅτι στεφανίτης τὰ Ὀλύμπια, οὐδὲ δεῖ προσθεῖναι· γινώσκουσι γὰρ πάντες (I.2.13).

²⁷As Grimaldi notes in his commentary, this interpretation goes back to “the distinguished Peripatetic Alexander of Aphrodisias of the third century” C.E., and while Aristotle “lends strength to this interpretation,” one cannot “say that the enthymeme *by definition* is an abbreviated syllogism” (57-58).

refers to premises (προτάσεις). In light of the example, we understand though that we need not mention *things* which are known to or accepted beliefs of the audience, such as the fact that a crown is the prize at the Olympic games.

Lastly, it is important to note that the enthymeme has a special connection to another Aristotelian rhetorical tool: the maxim. Maxims or sayings are presented in Book II of the *Rhetoric* as an aspect of enthymemes (II.20.1). Aristotle defines the maxim as “a statement, not however concerning particulars [...] but general” and often concerned “with the objects of human actions and with what should be chosen or avoided with reference to them” (II.21.2). In respect to enthymemes, “maxims are the premises or conclusions of enthymemes.”²⁸ An example of a maxim is the statement: “there is no man who is really free” (II.21.2). If one adds the following to the maxim, “for he is the slave of either wealth or fortune,” the result is an enthymeme (II.21.2). Much as the enthymeme may include or exclude certain material based on the knowledge of the audience, there are circumstances in which one may simply state the maxim, such as when the maxim is not disputed, and not include the part which transforms the maxim into an enthymeme (II.21.7).

According to Aristotle, the benefits of using maxims are twofold. First, they help the speaker deal with the “vulgarity of the hearers, who are pleased if the orator [...] hits upon the opinions which they specially hold” (II.21.15). A man who has bad neighbors, Aristotle explains, is happy to hear the maxim “nothing is more troublesome than neighbors,” and the speaker should try to “guess how his hearers formed their preconceived opinions and what they are” (II.21.15). The second benefit of using maxims is that they “make speeches ethical” (ἠθικοῦς

²⁸ Freese injects “premises” (προτάσεις). The Greek text suggests that maxims are the conclusions (συμπεράσματα) of enthymemes (II.21.2).

γὰρ ποιεῖ τοὺς λόγους, II.21.16). Explained another way: “if the maxims are good, they show the speaker also to be a man of good character” (II.21.16), which seems to offer the user of enthymemes a back door to establishing good character (*ethos*) by using enthymemes that contain maxims.

Aristotle and the problem of validity

Based on the textual evidence cited, let me assert the following about Aristotle’s enthymeme. First, the enthymeme occupies a central place in Aristotle’s system of rhetoric, a position analogous to the syllogism in his logic. But because the properly constructed enthymeme proceeds from premises which are merely probable, not true, as in the syllogism, an enthymeme produces in the audience confidence (*pistis*) and not certainty (the province of the *apodeictic* syllogism). Second, one may choose to include all the premises of one’s enthymematic argument or leave some out, depending on the situation and the hearers. To achieve the conciseness needed to address ordinary audiences, one may choose not to include premises or even facts of which they are already aware, which produces a shortened enthymeme. But the shortened character is neither definitive nor typical of the enthymeme because there are also situations in which one deliberately includes premises or conclusions which are known by the audience and which otherwise might be unstated. One intentionally includes known premises or conclusions when they take the form of maxims or common, general expressions with which one’s hearers are familiar and already endorse.

In my view, attempting to read Aristotle’s *Rhetoric* as a work which addresses the problem of validity—as it is understood by contemporary intellectuals—is at best problematic. Clearly, Aristotle sees the enthymeme as the rhetorical analog of the logical syllogism. The syllogism achieves validity by formal means, i.e. by adherence to a formula such as: if A is B,

and B is C, then A is C. But there is little indication that the enthymeme is a formula for argument. Surely, it may be said to resemble the formulaic syllogism, but the extent of the resemblance is unclear. It is a cheap answer to this murky problem to seize upon one comment (e.g. I.2.13) about the audience-oriented character of the enthymeme, a comment that is not really about the form the enthymeme takes, and to use that comment as the basis for deciding that the Aristotelian enthymeme is a formal syllogism minus one premise. It is a much greater error to suppose that the audience-oriented nature of the enthymeme indicates that it is a syllogism which achieves validity by relying on the premises accepted by the audience. Indeed, the passage suggesting that the enthymeme can be briefer than the syllogism does not seem to be about either the form the argument should take or its validity. Reading it in the light of those concerns, it would seem, would privilege one's own values when reading the *Rhetoric*.

The suggestion that the enthymeme is a truncated or shortened syllogism is probably the single most significant flashpoint in contemporary misunderstandings of the *Rhetoric*, but there are other, less controversial complications with reading the *Rhetoric* as a solution to the problem of validity. The most important of these is that Aristotle himself tells us repeatedly that enthymematic argument reasons from signs and probabilities (I.3.7), rather than from observations which are absolutely certain and true. While we have reviewed the commonplace assertion that the enthymeme is analogous to the syllogism, we may advance this point by identifying the kind of syllogism to which the enthymeme is analogous. At the beginning of the *Topica*, Aristotle indicates that there are two kinds of syllogisms. There is the *apodeictic* (ἀπόδειξις) syllogism, which reasons from premises true and primary, and there is the dialectical (διαλεκτικός) syllogism, “which reasons from generally accepted opinions” (100a18.25-100b18.20).

At the very beginning of the *Rhetoric*, Aristotle explains to us which syllogism we ought to consider the relevant analog for the enthymeme: “ἡ ῥητορικὴ ἐστὶν ἀντίστροφος τῆ διαλεκτικῇ” or “Rhetoric is the counterpart of dialectic” (I.1.1). Put simply, the Aristotelian rhetorical enthymeme, in the same manner as the Aristotelian dialectical syllogism, reasons in a way that is generally accepted by most people through reliance on arguments from signs and probabilities. The Aristotelian enthymeme takes into account what the audience already knows and omits the implicitly understood. Occasionally, the enthymeme explicitly taps into that shared knowledge by referring to maxims or common sayings. But these latter two characteristics are incidental, and the enthymeme’s defining characteristics are that it is the analogue of the dialectical syllogism and that it relies on probabilities and signs.²⁹

In light of this evidence, validity seems to be a secondary concern in the *Rhetoric*, if indeed it is a concern at all. The problem Aristotle seems to be addressing with the *Rhetoric* is rather the problem presented in Plato’s *Gorgias*: the problem of popularizing expertise. The *Rhetoric* offers to an intellectual class, one that presumably accepts the utility of dialectical reasoning, an analogous method of reasoning when dealing with the public. If users of Aristotle’s rhetorical system achieve validity, it is because they have mastered the tools in the related but distinct field of philosophy, imported their conclusions, and demonstrated them afresh for a popular audience using the argumentative tool of rhetoric, the enthymeme.

²⁹ My account has focused on the form of the Aristotelian enthymeme in the *Rhetoric* and its connection to *topoi*. But it is possible that the purpose of the Aristotelian enthymeme (persuasion) should be considered its defining characteristic from an operational standpoint. For a very brief introduction to this view, see Robert N. Gaines, “Syllogism” in *Encyclopedia of Rhetoric and Composition*.

The Aristotelian *topoi*

So far, the solution Aristotle presents to the problem of expertise has been incompletely described. It is all too common for Aristotle's enthymeme to be treated apart from "the intellectual apparatus that Aristotle erects around [it]" (Gaines 16). As Gaines rightly suggests, this separate treatment has the effect of divorcing the enthymeme from its context and ultimately leads to "a misappropriation of Aristotle's authority and [...] the demotion of the *Rhetoric* to a shallow heuristic, devoid of consistency or theoretical force" (Gaines 10). To prevent ourselves from falling into this trap and to get at the second half of the Aristotelian solution to the problem of expertise, we must examine the connection between Aristotle's enthymeme and the *topoi*.

As I demonstrated in the previous chapter, the enthymeme is hierarchically related to the *topos* in Aristotle's system of rhetoric (*Rhetoric* II.16.1-2). That is, the *topos* is productive of enthymemes, and if one grasps the *topos*, many enthymemes might be created from it. For instance, the first *topos* in Aristotle's list is that derived from opposites. One can very reasonably decide, says Aristotle, that "self-control is good, for lack of self-control is harmful" or that since "the war is responsible for the present evils, one must repair them with the aid of peace" (II.13.1). Both of these arguments are derived from the same *topos*: opposites. Put another way, the same abstract structure of reasoning underlies both. One embraces peace and self-control because their opposites, war and profligacy, are harmful.

Another way of thinking about the relationship, which might appeal to those seeking a structure for the enthymeme, would be to say that *topos* is a constituent element of the enthymeme. This view is also consistent with what Aristotle says about the relationship between the two constructs in the *Rhetoric* (II.12.13). As an example, we may consider his twelfth *topos*, that from previous judgment. Aristotle offers an example from Sappho: "Death is an evil; the

gods have so decided, for otherwise they would die” (II.13.12). Consider how this argument might be expressed in the form of something resembling a syllogism:

1. The gods avoid doing themselves harm.
2. Anything that does harm to oneself is evil.
3. The gods do not die.
4. Hence, death is an evil.

The previous judgment here is the verdict rendered by the action of the gods. It functions as an element of the broader argument to substantiate the claim that death is evil. Of course, since Aristotle’s example is of an enthymeme, not a syllogism, two very obvious premises are omitted from the example.

Examples of Aristotelian *topoi* are abundant, and while many of them are very easily understood, one often has to dig a great deal into Greek thought to understand others. The twenty-fifth Aristotelian *topos*—concerned with cause and effect—is easily understood at least conceptually but requires a knowledge of Greek history to appreciate fully. Aristotle says: “if the cause exists, the effect exists; if the cause does not exist the effect does not exist; for the effect exists with the cause, and without the cause there is nothing” (II.13.25). As an example, he offers an argument made by Leodamas, a supporter of tyranny, whose name had been inscribed in the Acropolis as an enemy of the people during a time when Athens was ruled by a democracy. Leodamas’ prosecutor, Thrasybulus, claimed that Leodamas had his friends remove his name from the list of traitors during an intervening period when Athens was ruled by tyrants, when he was in favor with the ruling government. But, according to Aristotle, Leodamas defended himself on the grounds that there was no cause for him to seek the removal of his name. After all, if he had been condemned by the democratic government, would this not have been a badge of honor to a supporter of tyranny? In short, he did not have his name removed because it was

never there—and even if it had been there, he would have had no cause for removing it and would not have done so.

This example of *topos* concerning cause and effect, which does rely upon some knowledge of Greek history, also illustrates the role of probability in Aristotle's system of argument. Leodamas' defensive argument is not ironclad. After all, one might rejoin that Leodamas could have anticipated the fall of the tyrants and had his name removed in the hopes of not being prosecuted later. The proposed relationship between cause and effect—that the absence of the cause (a reason to remove his name from the list) resulted in no effect (no removal of his name)—is a probable one rather than a certain one. It assumes certain basic human motives, the desire to be in favor with those in power, prevailed at the time and would have precluded his action. It is probably obvious that such arguments only had play because contemporary types of evidence, such as a photograph of the list before removal, were not available.

Other Aristotelian *topoi* are understandable, if somewhat baffling, and remind us that the *topoi* are cultural, not scientific. For instance, Aristotle's last *topos* is that “derived from the meaning of a name” (II.13.29). Aristotle suggests that one might condemn the proposed law of someone named “Draco” because it is draconian. Such an argument would surely seem ridiculous to contemporary audiences. Another such cultural *topos* is the fifteenth, which Aristotle tells us is “the same as the proverb, ‘To buy the swamp with the salt’” (II.13.15). The essence of this *topos* and the proverb seems to be that there is always some bad consequence accompanying the good. Aristotle gives an example of an argument so constructed; such arguments take the form of dilemmas: “For instance, a priestess refused to allow her son to speak in public; ‘For if’ said she, ‘you say what is just, men will hate you; if you say what is unjust, the

gods will” (II.13.15). This example is the only example of a *topos* in the *Rhetoric* that connects to a maxim, and it illustrates how *topoi* and maxims are deeply cultural. After all, today one would probably have to consult a specialist to understand how salt and swamps are associated, but it seems to have been obvious to people in Aristotle’s time.

This brief discussion of the Aristotelian system of argument,³⁰ has demonstrated the following. First, Aristotle is not primarily concerned with solving the problem of validity. If anything, validity is a secondary concern. Second, it is possible for us to read the argument system presented in the *Rhetoric* as an answer to the problem of expertise discussed in Plato’s various works. Finally, the key components of Aristotle’s solution to the problem of expertise are the enthymeme and the *topos*. The *topoi* function as sources of enthymematic argument, and the enthymeme, while not defined by its connection to audience, nonetheless possesses such a connection. The connection between the enthymeme and the audience is comprised on the one hand by its access to the audience through the incorporation of maxims and on the other by its accommodation of the audience by means of truncation (shortening).

Toulmin’s Model of Rhetorical Argument

In some respects, Stephen Toulmin’s model of argument needs no introduction. If the more nuanced aspects of the model are not widely understood, the central part of the model (claim-warrant-data) is both understood and widely taught. As rhetoricians William Keith and David Beard explain, Toulmin occupies a place in both the fields of communication and composition—a place that “is primarily pedagogical” (25). The pedagogical place of Toulmin is probably not a coincidence, since Toulmin himself positions *The Uses of Argument* as a response

³⁰ Much more might be said of Aristotle’s system of argument. Indeed, there are some twenty-eight *topoi*, and while I return to some of the others in Chapter 4, I do not discuss them all at length.

to logicians who view “logical demonstration” as distinct from “the establishment of conclusions in the normal run of life” (10). Toulmin’s model of argument appears in numerous textbooks (Keith and Beard, 25; Warren, 44). As Christopher Schroeder explains, Toulmin’s system has been widely adopted because “the fundamentals are fairly easy to memorize, and the relationships among the elements can be epiphanous for both the teacher and the student” (99).

Toulmin’s well-known system is a conscious attempt to move beyond the “minor premiss; major premiss; so conclusion” structure derived from the Aristotelian syllogism (95). Yet, being similar to the syllogism, Toulmin’s model is highly structured. Of the three elements that are most commonly discussed, the claim and data are relatively self-explanatory. A claim is for Toulmin “an assertion,” and the data are the “facts to which we can point in its support” (96). The novel feature of Toulmin’s system is the warrant, which he introduces as a “general, hypothetical statement which can act as [a] bridge, and authorize the sort of step [between the data and the claim] to which our particular argument commits us” (97-98). It is the warrant that allows argument to move beyond neatly constructed (but ultimately not very useful) syllogisms and into the discourse of everyday life. As an example, Table 1 summarizes one such argument that is repeated excessively in *The Uses of Argument*.

Table 1

Data: “Petersen is a Swede.”	Warrant: “A Swede can be taken almost certainly not to be a Roman Catholic” (108).	Claim: Petersen is not a Catholic.
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The argument given in Table 1 is perhaps the best example from Toulmin for demonstrating how his system is distinct from formal logical reasoning. In this example, Toulmin has allowed the strength of the claim to rest on a warrant that is not absolutely certain in

all cases. Rather than being certainly true, the warrant is only probably true, e.g. it is likely that Swedes are not Catholics. Toulmin seems to assert that some degree of validity is conferred upon the conclusion, despite the warrant being merely probable or almost certain. In contrast to Toulmin's approach, formal logic would not permit of such a leap between the data and the claim presented here. As Keith and Beard explain: Toulmin "offered an alternative to the formal conditional [a feature of formal logic]; he envisaged a different inference principle, which he called a warrant" (22).

The warrant, Toulmin holds, is supported by what he calls backing. In the case of the example in Table 1, the backing would be the statistic affirming that "the proportion of Roman Catholic Swedes is less than 2%" (108). Backing is that to which one refers when the warrant itself is questioned and consists of "factual content" that "depend[s] on the field of argument" (111). In brief, Toulmin sees fields or disciplines as the ultimate legitimating forces for warrants. Certain kinds of warrants hold in certain fields, while other fields might reject those warrants entirely. Backing is field-dependent knowledge or knowledge shared and agreed upon within a field and that then serves as the basis for formulating warrants.

That this argument about Petersen the Swede is the one which most resembles the kind of arguments made in everyday life suggests that Toulmin's work—while incredibly invaluable—is incomplete. Certainly, if the goal of his work is to introduce a method of accounting for arguments that appear in everyday life, it leaves much to be done by others. Jeanne Fahnestock and Marie Secor explain that, "The Toulmin model is a flexible and powerful analytic device [...] and it can also function as an invention device. But it sits far above the content of an argument" (136). In any case, it seems as though Toulmin's main contribution to argument in

rhetoric is, through his model of argument, to confer upon rhetorical arguments the validity which had previously only been the province of strictly logical arguments.

An invitation to Toulmin

Rhetoricians were quick to realize the value of Toulmin's model for our field and capitalize on it. In the same year that his work was published, Wayne Brockriede and Douglas Ehninger virtually invited Toulmin's model to assume a primary place in our field's understanding of argument. As they put it, Toulmin offers us "an appropriate structural model by means of which rhetorical arguments may be laid out for analysis" (44). Among their many reasons for praising *The Uses of Argument*, two seem significant to mention. First, they regarded the model as a much needed update of Aristotle's concept of the enthymeme because it lays out the parts of the enthymeme explicitly (46-47). Second, they argued, along with many others since, that "in traditional logic, arguments are specifically designed to produce universal propositions," whereas Toulmin's model explains how "claims which are no more than probable" function (46).

In addition to Brockriede and Ehninger's recognition of the value of Toulmin's model, the consensus of rhetorical scholarship closely identifies Toulmin's warrant with *topos*. As Rapp and Wagner explain: "The role of [Toulmin's] warrants resembles that of the *topoi* in Aristotle" (21). Karl Wallace, writing around the same time as Brockriede and Ehninger, points out: "doubtless, Stephen Toulmin's notion of inference-warrants suggests a topical system" and "indeed, Toulmin may have shown what it is to give the old medieval *topoi* a new interpretation and fresh application" ("Topoi and the Problem" 392). More recently, rhetorical historian Barbara Warnick has defined a *topos* as an inference-warrant (110). Fahnestock and Secor, who

criticized the Toulmin model for being too abstract, posit that the *topoi* can fill the gap between Toulmin's model of argument and real world argument invention (144).

Perhaps the most persuasive evidence for this connection is that introduced by Manfred Kienpointer. Without mentioning Toulmin, Kienpointer suggests that *topoi* have two functions. First, they "are search formulas which tell you how and where to look for arguments," and "at the same time, *topoi* are warrants which guarantee the transition from argument to conclusion" (226). If we return to Toulmin's example of Petersen the Swede, we can easily make these two functions clear. If for some reason one needed to discover whether Petersen was a Roman Catholic, we might begin by thinking about his nationality. This heuristic connection is accomplished by the relationship between being Swedish and being Protestant. Swedishness, one might say, is a sign of being Protestant. The sign relationship is the warrant which helps us jump between data at hand, Petersen's being a Swede, and the claim we seek to establish, that Petersen is not Catholic. The sign relationship is but one kind of warrant, but if one is aware of it, one has access to a method of proof. In short, to be aware of the kind of warrants that connect claims to data is to be aware of *topoi*.

Brockriede and Ehninger never explicitly explain that, in trying to make Toulmin's system practical, they are showing how it can be used to analyze *topoi*. In fact, they consistently use the term "argument" in a rather generic way throughout their analysis of Toulmin's system and extension of it. But we may think of the list of arguments they describe as being *topoi*, chiefly because they resemble *topoi* very closely and also because their work has previously been interpreted as establishing just such a connection (Keith and Beard 197). Moreover, in light of everything that has been established in the years since Brockriede and Ehninger invited Toulmin into the field (e.g. the connection between Toulmin's warrant the *topos*), it seems only

appropriate to view their work as presenting us with a topical system that can be analyzed in connection with Toulmin’s work.

Brockriede and Ehninger’s *topoi*

To demonstrate that Toulmin’s system has practical applications, Brockriede and Ehninger describe six *topoi* using the terms familiar to us from Toulmin’s model. In addition to articulating these six *topoi*, Brockriede and Ehninger discuss the kind of claims that each *topos* can support. They sort all claims into four categories: 1) “designative claims,” which address “whether something is;” 2) “definitive claims,” which address “what it is;” 3) “evaluative claims,” which address “of what worth is it;” and 4) “advocative claims,” which address “what course of action should be pursued” (52). Each *topos* is presented as Brockriede and Ehninger describe it, including a simplified version of their example and discussed in connection with the kind of claims they suggest that it may legitimately support.

They describe the first of these *topoi* as the “argument from cause” (48). Arguments from cause typically involve an accepted fact (datum) which is assigned a “creative or generative power” by the warrant (48). The claim simply summarizes the relationship between the accepted fact and a relevant entity. The example they give is described in a simplified form in Table 2.³¹

Table 2

Data: “The U.S. has conducted more tests of nuclear weapons than has the USSR.”	Warrant: “A larger number of tests is more likely to cause a more advanced nuclear weapons arsenal.”	Claim: “The U.S. has a more advanced nuclear weapons arsenal than the USSR” (49).
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³¹ It probably should be noted that Brockriede and Ehninger published their paper in 1960, and their examples are reminiscent of the spirit of that time.

They also suggest that “the reasoning process [can be] reversed,” such that “the argument is from effect to cause,” but instead of pointing to the generative power of the data, the warrant “asserts that a particular causal force is sufficient to have accounted for these facts” (48). In Brockriede and Ehninger’s view, the argument from cause is primarily limited to proving designative claims (or claims about facts) because if one can show that something has an effect, one can prove its existence, and similarly, if one can show that a cause exists, one can imply the existence of the effect (52).

Their second *topos* is the “argument from sign,” which involves using data that are “clues or symptoms” and a warrant which explains the “meaning or significance of these symptoms” (49). In such arguments the claim identifies the “attributes of which the clues have been declared symptomatic” (49). Their example of such an argument continues in the vein of international relations and is summarized in Table 3.

Table 3

Data: Russia has violated numerous treaties before.	Warrant: “Past violations are symptomatic of [...] future violations” (46)	Claim: Russia will violate this agreement to ban nuclear weapons.
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The use of the term “symptomatic” seems to reveal the almost diagnostic function of the *topos*. It identifies certain known facts in the form of symptoms or signs and, by means of the warrant, links those symptoms or signs to something that cannot with absolute certainty be known (e.g. the future). The argument from sign is also limited to advancing designative claims because the sign (or symptom) may reveal the underlying condition, but in Brockriede and Ehninger’s view, the argument from signs may not be useful for classification or definition (52).

Their third *topos* is the “argument from generalization” (49). The data, in such an argument must always consist of more than one fact—or at least a fact about many things. In any

case, the data must be thought to constitute “a representative and adequate sample of a given class of phenomena” (49). And the warrant moves to envelop new members of that class in such a way that what was true of the data sample is also true of “additional members of the class not represented in the sample” (49). Their example is paraphrased in Table 4 below.

Table 4

Data: Five prominent foreign leaders oppose nuclear testing.	Warrant: If this is true of such a representative sample, there must be other such leaders.	Claim: Most world leaders oppose nuclear testing.
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Of additional interest is the backing they identify, which they describe as follows “the sample is sufficiently representative/large enough/etc” (49). Arguments from generalization may tell us both whether a thing exists and what worth it is. Such arguments can advance a designative claim (as in the example above) because if the class exists and has some members, others probably exist as well (52). Similarly, we may know the value of a class based on the value of individual members of the same class, making the argument from generalization suitable support for an evaluative claim.

Their fourth *topos* is the “argument from parallel case” (49). This argument involves a warrant that asserts the existence of “an essential similarity” between one instance (described in the data) and “a second instance in the same category” (49). The claim asserts that what is true of the first instance is also true of the second. A simplified version of their example is described in Table 5.

Table 5

Data: “An unstable balance of power led to World War I”	Warrant: The power imbalance today is “essentially similar to the power imbalance prior to World War I”	Claim: “An unstable balance of power might lead to World War III” (49).
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Furthermore, Brockriede and Ehninger describe this kind of argument as vulnerable to two specific attacks: 1) the assertion that there is a better parallel case to use as a comparison for the current situation, and 2) that despite “some essential similarities,” there is an “essential dissimilarity [that] negates or reduces the force of the warrant” (49).

The argument from parallel case can be used to support designative claims because if one can prove that “one item exists or is so, [one can prove] that a similar item exists or is so” (52). It can be used to prove a definitive claim because one can use comparison to determine what a thing is (52). It can be used to prove an evaluative claim because we can “infer goodness or badness from the quality of an item closely similar” (53). It can also be used to support an advocative claim because we can legitimately argue that “some policy should be adopted or some action undertaken because a closely similar policy has brought desirable results in the past” (53).

Their fifth *topos* is the “argument from analogy” (49). It is distinct from the argument from parallel cases because where the argument from parallel cases sees in two cases an essential similarity, the argument from analogy merely asserts that the same kind of relationship holds in both cases, not that the cases are essentially similar (50). Their example is simplified in Table 6.

Table 6

Data: Precautions such as quarantine “reduce the hazards of infectious disease.”	Warrant: Appropriate precautions prevent disease in the same way that precautions would stop the hazards of nuclear testing.	Claim: Precautions such as underground testing “would reduce the hazards of nuclear testing” (50).
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The argument from parallel cases would assert that a specific breakout of disease should serve as a model for understanding how to deal with the hazards of nuclear testing. But the argument

from analogy is much more modest because it merely asserts that precautions serve the same role in both cases, not that the cases are essentially similar. As Brockriede and Ehninger explain: “in most cases, the analogical relation expressed in an argument from analogy will require a strongly qualifying ‘possibly’” (50).

In the same way that the argument from parallel cases has diverse applications, the argument from analogy can be used to prove all four of Brockriede and Ehninger’s types of claims. The argument from analogy can prove whether something exists because, in their words, one can reason “that D exists or is so because it stands in the same relation to C that B does to A” (52). So when A, B, and C are known to exist, D must also exist. They use this very same example (of A is to B as C is to D) to show that one may know the nature of D if one also knows the nature of A, B, and C. Hence, argument from analogy can support definitive claims about what something is (52). They argue, “By analogy we infer value on the basis of a ratio of resemblances” (53). Hence, arguments from analogy may tell us whether something is good or bad (evaluative claims). Finally, analogy may support advocative claims because “we may support a proposed policy or action [D] because it bears the same relation to C that B does to A, where B is known to have brought desirable results” (53).

Their sixth *topos* is the “argument from classification” (50). The datum consists of the “generalized conclusion about known members of a class,” while the warrant assumes that what is true of the class will be true of a “hitherto unexamined item which is known (or thought) to fall within the class there described” (50). Meanwhile, the claim simply makes the connection between the known class and the new member of it. Their example is described in Table 7.

Table 7

Data: Totalitarian states can usually “make fast crisis decisions.”	Warrant: What is true of one totalitarian state “will probably be true of a particular totalitarian state.”	Claim: “Russia can make a fast crisis decision” (50).
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It is, in many ways, the inverse of the argument from generalization in that instead of moving from several known instances to a general conclusion, it moves from a known conclusion (or established class) to an individual. Brockriede and Ehninger express two reservations about this kind of argument that make it vulnerable to a response: 1) “a class member may not share the particular attribute cited in the data,” while still belonging to the class in question, and 2) “special circumstances may prevent a specific class member from sharing at some particular time or place the attributes general to the class” (50). Similar to the argument from generalization, the argument from classification only supports designative claims to existence of something because if we know the class exists, we can support the existence of new members of that class. It may also support evaluative claims because we may “infer from the worth of known members of a class the probable worth of some previously unexamined item” (53).

Rhetorical Argument in *The New Rhetoric*

If Toulmin is well-known among most teachers of rhetoric, the work of Chaïm Perelman and Lucie Olbrechts-Tyteca, *Traité de L’Argumentation: La Nouvelle Rhétorique (The New Rhetoric: A Treatise on Argumentation)*, is relatively unfamiliar to most instructors. But Rapp and Wagner suggest that Toulmin and Perelman might be considered “the founding fathers [...] of modern argumentation theory” (8). While Mme. Olbrechts-Tyteca might object to this appellation, there is something to it. Just as Toulmin sought to find a logic for everyday arguments, the authors of *The New Rhetoric* aim to accomplish something similar, if not

identical. Perelman and Olbrechts-Tyteca do not directly position their work as offering up a means of applying logic to everyday arguments, but as Toulmin, they do position it as a rejection of the prevailing geometrical approach to argument (12-13). That is, they reject the view that argument is primarily exemplified by neat, pure syllogisms that establish almost mathematical proofs but which are ultimately not very useful. As they explain, “the domain of argument” is not concerned with necessary truths but with “the credible, the plausible, the probable to the degree that [each of these] elude the certainty of calculations” because “no one deliberates where the solution is necessary or argues against what is self-evident” (12).

Perelman and Olbrechts-Tyteca explain their view of the purpose of argument as follows: “the object of the theory of argument is the study of the discursive techniques allowing us to induce or to increase the mind’s adherence to theses presented for its assent” (15). As the title of their work suggests, Perelman and Olbrechts-Tyteca seem to equate rhetoric with argumentation. Their definition of rhetoric, concerned with means of securing adherence to theses, is a major feature of the work. Elsewhere, they argue: “the aim of oratory is the adherence of the minds addressed” (16). Carrol Arnold explains the confusion over their use of the word rhetoric: “As a logician, Perelman’s special concern was to open to notice aspects of logic generally disregarded by contemporary logicians and other philosophers. [But] he retained a certain ambivalence about what his work had to do with the theory of persuasion” (37).

Indeed, in view of his definition of argument, we might easily suppose that the approach to argument in *The New Rhetoric* is chiefly intellectual, but Perelman and Olbrechts-Tyteca reject this assessment. Rhetoric, they argue, is not about achieving “purely intellectual results [...] but [attempts to produce adherence] will often be reinforced until the desired action is actually performed” (59). The means of securing adherence are not primarily logical. Assessing

the Socratic, dialectical approach to argument, they contend, “the adherence of the interlocutor should not, however, be gained solely on the strength of the speaker’s dialectical superiority” (48). We can safely assert that both Toulmin and the authors of *The New Rhetoric* are offering alternatives to traditional logic for use in argumentative discourse, but after that the similarities end.

Auditoire universel

Syllogistic reasoning, which both Toulmin and the authors of *The New Rhetoric* reject, had at least one advantage: it consisted of clearly labeled parts, e.g. major premise, minor premise, conclusion, which are easily understood. Toulmin’s model of argument has a similar advantage and closely resembles the syllogism in that respect. Thus, we might expect Perelman and Olbrechts-Tyteca to offer us something resembling either Toulmin’s model or their own version of the syllogism. But as Thomas Conley explains:

Since Perelman calls his loci “premises” and “argumentative schemes,” one might be tempted to equate them [...] with premises in syllogisms or enthymemes (or perhaps with Toulmin’s warrants). [...] But that is not what Perelman and Olbrechts-Tyteca are up to. (298-99)

Indeed, one will not find such a model of argument in *The New Rhetoric*.

The reason for the absence of a scheme of argument seems to be that Perelman and Olbrechts-Tyteca rejected the idea that validity could be conferred by any kind of formal argument. That is, for the authors of *The New Rhetoric*, validity does not come from an argument possessing certain elements, e.g. a warrant or a valid premise. Instead, validity is conferred based on what the audience accepts. For Perelman and Olbrechts-Tyteca, the audience for an argument is a central part of that argument’s creation (16). But one can go wrong in relying on the

audience to create arguments, especially by relying on what they label a “particular audience” or an audience that is local, prejudiced, or shortsighted. As they explain:

Argumentation aimed exclusively at a particular audience has the drawback that the speaker, by the very fact of adapting to the views of his listeners, might rely on arguments that are foreign or even directly opposed to what is acceptable to persons other than those he is presently addressing. (41)

To avoid this drawback and to achieve validity, one ought to address a universal audience (*auditoire universel*). Perelman and Olbrechts-Tyteca define the universal audience this way:

“the whole of mankind, or at least, of all normal adult persons” (41). Presumably, by addressing such an audience, one avoids the local prejudices that attend particular audiences and achieves validity.

As Perelman and Olbrechts-Tyteca explain, “the primordial importance of the universal audience” is that it provides “a norm for objective argumentation” (41-42). Scott Aikin explains the function of the universal audience in similar terms: “The universal audience’s assent is used to define facts for arguments, and as such, it is a marker of the objectivity of a conclusion” (239). James Crosswhite, perhaps the foremost American adherent of Perelman, suggests that *The New Rhetoric* is a response to the “physical and moral-political devastation of the Second World War [which involved] nationalist and ethnic allegiances [...] overwhelming the modern political project of articulating more universal, transnational principles” (“Is There an Audience” 135). This explanation seems to address the aversion to particular, i.e. national, audiences expressed in *The New Rhetoric* and the admiration for oratory that addresses a wider demographic. Thomas Conley concurs with Crosswhite, regarding *The New Rhetoric* as inseparable from “the background of experiences that give rise to it” (299).

As a concept, the universal audience is a curious means of achieving validity. Perelman and Olbrechts-Tyteca more or less admit that one has to imagine the universal audience because it will never present itself in physical form (42). While they explain at length the function of the universal audience, their extensive treatment of it is never more clear than their initial explanation. Perhaps the most succinct definition of it that appears in the secondary literature is a pithy phrase that Aikin repeats: “the everybody in anybody” (240). Another definition comes from Crosswhite who describes the universal audience as “an audience or a form of receptivity of the highest quality, a paragon of receptivity that possesses all the capabilities and knowledge necessary for making the most reasonable judgments about the strengths of an argument” (“The New Rhetoric Project” 302). In a much earlier work, Crosswhite explained how a speaker can find or discover the universal audience in practice: “exclude from the particular audience all those members who are prejudiced, lack imagination or sympathy, or are irrational or incompetent at following argumentation and include those who are relatively unprejudiced and have the proper competence” (“Universality in Rhetoric” 163). One wonders how Crosswhite would fare today teaching a large class of college freshmen.

Earlier, we pointed out that Perelman and Olbrechts-Tyteca do not offer us a model of argument. The absence of such a model would seem to be a barrier to their presenting us with a system of *topoi* with which to address the universal audience. But where the connection to *topoi* in Toulmin is almost logical (*topoi* resemble his warrants), the authors of *The New Rhetoric* come at *topoi* or *loci* from a different direction. Since Perelman and Olbrechts-Tyteca see argument as originating in the audience, it should be no surprise that they see their *loci* originating in society or the audience writ large. They argue that certain propositions, which are universally admitted or accepted, create a stable ground for discourse (120-2) and that one has to

adhere to certain propositions in order to possess the “minimum confidence necessary for living in society” (119). These propositions coalesce around certain nodes which we think of as the *loci*. Of the *loci*, Perelman and Olbrechts-Tyteca suggest that “only agreement on their validity can justify their application to particular cases” (212). Barbara Warnick explains how this connection works by suggesting that “inference patterns are culturally dependent rather than formal or universal” (111). In other words, *topoi* or *loci* originate in society or the audience and provide the speaker with the discursive techniques required to address the universal audience. If one draws on *topoi* recognized by the universal audience, one will have selected valid arguments.

The New Rhetoric's topoi

While one does not find a model of argument in *The New Rhetoric*, its *topoi* provide a kind of substitute for such a model. The *topoi* are divided into four general categories: quasi-logical arguments, arguments based on the structure of reality, arguments that establish the structure of reality, and dissociation. While Barbara Warnick somehow reduces the *topoi* of Perelman and Olbrechts-Tyteca to thirteen, it is only by a process of extreme reduction that one can arrive at such a low number. In what follows, I review a representative sample of the *topoi* in *The New Rhetoric* that illustrates the nuances of Perelman and Olbrechts-Tyteca's system of argument.

The first category of *topoi* in *The New Rhetoric* is that of the quasi-logical arguments, which “derive their persuasive strength from their similarity with [logically valid], well established modes of reasoning” (215). It is no surprise then that Warnick argues that Aristotle's “enthymematic arguments” would be “confined to [this] category” (112). One of the *topoi* described in this category is concerned with “techniques making it possible to show that statements are incompatible” or contradictory (Perelman and Olbrechts-Tyteca 223). In other

words, one way to address a proposition is to show that it leads to a contradiction. Perelman and Olbrechts-Tyteca do not merely mean that one should show that the proposition is contradictory in semantic terms but that it leads to a situation that is substantially incompatible with what is already known. An extreme form of this argument involves showing that a proposition is ridiculous and “deserves to be greeted with laughter” (228). This is “the most characteristic form of quasi-logical argumentation”:

[It involves] temporarily accepting a statement contradictory to that which one wishes to defend, deducing its consequences, showing their incompatibility with what is accepted on other grounds and thereby inferring the truth of the proposition being defended. (229)

As an example of this *topos*, Perelman and Olbrechts-Tyteca point to an anonymous pamphlet attributed to Richard Whately who used then current methods of biblical criticism to demonstrate that Napoleon did not exist (229). The purpose, of course, was to ridicule the methods of biblical criticism.

Another *topos* in *The New Rhetoric* is that concerned with identity or definition. Identification, the authors of *The New Rhetoric* argue, is only a quasi-logical argument when the “entities, events, or concepts” being identified are “neither arbitrary nor obvious” (232). They note that one may claim the right to define terms as one wishes—almost arbitrarily. But as soon as one tries to use that definition “to deal with the real world” one finds it necessary to define one’s terms again (234). For an example, they point to the work of the economist John Maynard Keynes, who apparently uses unconventional definitions of common economic terms in his work. But it is far from clear, from what is written about definition and identity, how exactly one is supposed to employ definition as a tactic.

Yet another *topos* in the quasi-logical category is Perelman and Olbrechts-Tyteca's somewhat well-known "rule of justice," which "requires giving identical treatment to beings or situations of the same kind" (240). The most rigorous uses of the rule of justice consider cases in which the two beings or situations are "identical, that is, completely interchangeable" (241). But they acknowledge that this is rarely, if ever, the case and that the situations are almost always different in some respects. But for the rule of justice to be applicable, they must be similar "in essential characteristics," and it is establishing the similarity that is the work of argument (241). They give an example from the writing of the philosopher John Locke, a proponent of religious toleration. In the passage, Locke suggests that most people do not complain about their neighbor managing his business affairs poorly (e.g. not planting his field), but they are quick to criticize if their neighbor does not appear in church or if he happens to dissent in any way from the established church. Obviously, Locke wanted the same rule that applied in the first case to apply in the second (242).

Another *topos* is concerned with a series of generic relationships between different elements. One example of these is the relationship of transitivity. Transitivity is the means by which one infers "that because a relation holds between a and b and between b and c, therefore holds between a and c" (248). As an informal example, they give what is apparently a French maxim: "Our friends' friends are our friends" which holds that "friendship is a transitive relation" (248). Another such relationship is that of inclusion. The relationship of inclusion primarily holds between instances in which parts are asserted to be equal to the whole (because they are included in it) or the whole is said to be equivalent to its parts for the same reason (252-4). As an example, Perelman and Olbrechts-Tyteca give a passage from Isocrates, in which he argues that teachers should aspire to instruct the children of the ruling class because whoever

would educate those in power would by extension educate those under his power. In the example, the well-educated ruler serves as a part that serves to influence the whole (253). The opposite of inclusion, and the final example in this category, is the relationship of division which involves “enumeration of parts” (255). Of this relationship, they give an example from Demosthenes in which he presents Athenians with two choices—making war on Philip of Macedon in his land or allowing Philip to attack them on their own land (258).

The fifth *topos* in the quasi-logical category is concerned with comparison. Of this *topos*, Perelman and Olbrechts-Tyteca explain: “Argumentation could not proceed very far without making use of comparisons, where several objects are considered in order to evaluate them through their relations to each other” (263). They enumerate many different kinds of comparison. Among these is comparison between “two terms which were considered, with good reason to be incommensurable,” such as “the comparison between God and man” (264). Moreover, they explain that comparisons of this type always benefit the lesser of the two items compared “to the detriment of the higher term” (264). One special form of the argument from comparison is “argumentation by sacrifice,” which involves a comparison between the value of an end goal and the lost value necessary to acquire it (269). While one might be tempted to think of this kind of comparison as primarily concerned with economics (e.g. cost and benefit), it also applies to other situations. As they argue, “the mountain climber, debating whether he is prepared to make the effort necessary to scale a mountain, has recourse to the same form of evaluation [as the] seller and buyer” (269).

The second category of *topoi* in *The New Rhetoric* consists of arguments based on the structure of reality. In this category, Perelman and Olbrechts-Tyteca are not interested in “assuming” or establishing “any ontological position” on the nature of reality (289). Instead, they

are concerned with how entities that are perceived to be real are understood to relate to one another. These phenomenal relationships include sequential relations (*liaisons*), relations of coexistence, and symbolic relations.

The first of these *topoi* is concerned with what is often called cause and effect. Perelman and Olbrechts-Tyteca show that the cause-effect relationship can produce three types of arguments: argumentation which attaches “two given successive events to each other by means of a causal link,” argumentation which uncovers “the existence of a cause which could have determined a given event,” and argumentation which predicts “the effect which must result from a given event” (290). As an example of this last type of causal argument, they describe the Benthamite or utilitarian tendency to argue about the value of a policy based on the effects it will have on society (293).

While a more extensive analysis of Perelman and Olbrechts-Tyteca’s *topoi* might be instructive, the *topoi* reviewed so far are sufficient to illustrate the essential features of *The New Rhetoric*’s approach to argumentation. Three important features suggest themselves from this description of the *topoi* in *The New Rhetoric*. First, only the *topos* based on transitivity relies on a cultural inference-warrant in the form of the maxim “Our friends’ friends are our friends” (248). This singular connection between the *topoi* of *The New Rhetoric* and culture is a fragile basis for Barbara Warnick’s assertion that the inference-warrant in *The New Rhetoric* is legitimated by the audience or the culture (111). Second, while there are one or two other examples that have some connection to popular thought, the majority of the examples of *topoi* in *The New Rhetoric* are from what we might think of as authoritative sources. There are examples from philosophers, political scientists, economists, rhetoricians, and great writers, but very few examples of *topoi* from cultural artifacts consumed by the masses, which no doubt points to the

authors' attempt to appeal to a universal (and not particular) audience in their own work. We may at least praise them for their consistency. Third, this reliance on a universal audience gives *The New Rhetoric* a very intellectual feel, even if the techniques of argument described in it are supposed to be applicable in less-than-intellectual situations.

Revisiting the Problem of Validity

My analysis of the works of Aristotle, Toulmin, and Perelman suggests three different solutions to the problem of validity. Aristotle seems to address the problem of validity only tangentially. Rhetorical argument, he seems to acknowledge, is limited by the methods available to it. Those methods are analogous to the methods of logical demonstration in his system of logic but are critically different in a way that limits them from producing arguments with certain, necessary, or valid conclusions. Toulmin, by contrast, openly presents his system as a means of bringing logical validity to argument. Two features of Toulmin's system make the final conclusions of arguments formed using his system valid or at least almost valid: the warrant and its backing, grounded in a specific field of knowledge. Perelman and Olbrechts-Tyteca address the problem of validity by means of their construct known as the universal audience. By preparing arguments for universal rather than particular audiences, one avoids arriving at conclusions which are invalid and which would be rejected by the universal audience. The efficacy of each of these solutions and the extensive criticism, especially of the latter two systems, are examined in the next chapter.

CHAPTER 3

CRITICAL VIEWS ON VALIDITY AND RHETORIC

Introduction

In the previous chapter, I reviewed how and to what extent the argument systems of Perelman, Toulmin, and Aristotle address the problem of validity. In this chapter, I aim to consider whether those argument systems are theoretically coherent and practically applicable. In addressing each of these issues, I draw on the scholarly literature to provide criticism where possible and integrate my own criticism into the discussion where necessary. The practical problems identified with each system of argument are, I posit, the result of systematic problems with design. In short, the extent to which the systems of Perelman, Toulmin, and Aristotle fail to provide users of rhetoric with a means of generating argument is largely a function of the extent to which the creator of each argument system designed it to address the philosophical problem of validity and not the rhetorical problem of communicating expertise.

The Virtues and Vices of *The New Rhetoric*

Of the systems of argument examined in the previous chapter, the most extensively criticized is that presented in *The New Rhetoric* by Perelman and Olbrechts-Tyteca. Two different and important streams of criticism address perceived flaws in *The New Rhetoric's* system of argument related to the universal audience as a concept and its role in the production of argument. The universal audience, Perelman's "norm for objective argumentation" (41-42), has been critiqued as incomprehensible and too subjective as a norm for establishing valid

arguments. The latter kind of criticism has largely come from pragma-dialecticians and the former, from rhetoricians, though Perelman's most consistent critic was a philosopher who concerned himself with rhetoric—Henry W. Johnstone, Jr.

Criticism of Perelman

One of the more common mistakes made in reading Perelman and Olbrechts-Tyteca is to equate the universal audience with some other kind of audience. Scott Aikin, for instance, considers the universal audience to be a source of “facts for arguments” and “a marker of the objectivity of a conclusion, not just the breadth of the effectiveness of an argument” (239). But the universal audience does not seem to have been “a marker of objectivity,” for Perelman, who argues:

Each individual, each culture, has thus its own conception of the universal audience. The study of these variations [in the universal audience] would be very instructive, as we would learn from it what men, at different times in history have regarded as *real, true* and *objectively valid* [sic]. (44)

From this sentence, it is clear that the universal audience is not “a marker of objectivity,” as Aikin supposes, but a marker of perceived objectivity. In fact, Perelman later explains that objectivity, not impartiality, is impossible (72). The universal audience is clearly not “endowed with exceptional and infallible means of knowledge.” Indeed, Perelman ascribes those qualities to the “elite audience” (42).

While Aikin misreads the concept by looking to it as an objective standard of argument, others have misread it in the opposite direction, understanding it as an extremely subjective standard. The philosopher Christopher Tindale, for instance, argues that Perelman's chief criterion for argument is whether the “audience for which it was intended” responds positively (337). The pragma-dialecticians, Van Eemeren and Grootendorst take *The New Rhetoric* to be

arguing something similar: “argumentation is regarded as sound if the intended effect of the argument ensues: agreement or more agreement” (Van Eemeren and Grootendorst 122). This reading runs in direct contrast to the way that Perelman has described the concept. As Perelman explains, the “highest point” of agreement “is reached when there is agreement of the universal audience. This refers of course [...] not to an experimentally proven fact, but to a universality and unanimity imagined by the speaker” (Perelman and Olbrechts-Tyteca 42).

Perelman does suggest, though, that if a line addressed to the universal audience but delivered to a particular audience fails, “recourse must be had to another line of argument” (44). If Perelman’s speaker is persistent enough in crafting new arguments to gain the adherence of the particular audience in question, it is not the adherence of the particular audience which certifies the arguments as sound. Rather, it is because the arguments addressed to the universal audience were “self-evident, and possess[e]d an absolute and timeless validity, independent of local or historical contingencies” (42). In short, Tindale and the pragma-dialecticians misunderstand Perelman’s whole concept.³²

Although Van Eemeren and Grootendorst’s critique of Perelman does not pass this test of understanding Perelman, the rest of their critique is worth considering. Logicians, they explain, do not take “an anthropological approach [to argument because] certain cases of formal fallacies would be regarded as arguments” (Van Eemeren and Grootendorst 123). Moreover, they argue, the effect of outsourcing validity to the audience is that “the standard of reasonableness is extremely relative” such that what is valid to one audience might not be valid to another (124). In essence, they find fault with *The New Rhetoric’s* system of argument because it supposedly

³² It is not my purpose here to defend *The New Rhetoric’s* treatment of the universal audience; nonetheless, I want to demonstrate the importance of critiquing Perelman with a solid understanding of his work.

grounds the validity of the arguments it produces in the support those arguments find in their audiences.

Here, my limited discussion of Perelman demonstrates how wrong they are about *The New Rhetoric* and how they have substituted a straw man for Perelman's description of the universal audience. It should also be pointed out that the real reason for their critique of Perelman is that they want to introduce an alternative based on pragma-dialectics. Validity, Van Eemeren and Grootendorst posit, ought to be granted to arguments which have been subjected to "systematic critical testing" or "systematically confronted [...] with antagonistic expressions of doubt" (128). Perelman, it seems, even has an answer for this: "dialogue, as we consider it, is not supposed to be a debate, in which the partisans of opposed settled convictions defend their respective views, but rather a discussion" (48).

While Van Eemeren and Grootendorst's critique falls apart on the grounds that they misunderstand Perelman, any reader who more than casually attempts *The New Rhetoric* realizes just how difficult a concept the universal audience is to comprehend. No doubt, this is the reason most other critiques of *The New Rhetoric* take as their starting point the essential incomprehensibility of the universal audience as a concept. Henry Johnstone seems to understand the universal audience as a concept best, that is, in the manner of Socrates, he acknowledges that either he does not understand it or the concept is incomprehensible. Moreover, Johnstone also realizes that *The New Rhetoric's* system does not produce valid arguments by appealing to the audience, arguing that when Perelman and Olbrechts-Tyteca limit the work to "discursive means" of producing adherence (8) that they "are declaring their refusal to consider parameters that an audience-centered rhetoric ought to concern itself with" (Johnstone 103).

Others have rejected the universal audience as a concept because it is essentially void of meaning. It does not refer to any particular group of people, either local and prejudiced or elite and all-knowing, and hence it cannot really refer to anything. As Harris aptly summarizes:

The universal audience is simultaneously one of the most rewarding and the most problematic concepts introduced by *The New Rhetoric* [...] because it is not, as advertised, universal. It is a product of the individual rhetor, projecting his personal (though, in part at least, socially accrued) standards of reasonableness and objectivity into an ideal construct. (8)

We can draw out two crucial and very powerful objections to the universal audience from Harris's critique. First, the universal audience has no sensory analogue. One cannot go and see it somewhere, one cannot poll it, and one cannot experience a reaction from it when addressing it. After all, the universal audience is an ideal construct, a construct that Perelman admits is "imagined by the speaker" (42). Second, the universal audience is not a universal source of objectively valid arguments. This basic contradiction is verified by Perelman's own account, which states that each culture and each person has his or her own concept of what counts as the universal audience (44).

John Ray views the concept of the universal audience as rooted in a tradition of continental philosophy extending from Rousseau to Kant (372). This tradition, Ray argues, has produced similar concepts, such as Rousseau's general will and Kant's categorical imperative, both of which Ray regards as "excessively formal and abstract—too formal and abstract to provide a standard for rhetorical theory" (372). But this critique appears to miss the point. Presumably, Ray means to say that as a standard for crafting valid arguments, the universal audience fails because it is "too formal and abstract." But departing from formal reasoning is the purpose of *The New Rhetoric*. Regardless of whether the universal audience stands or falls as a concept, *The New Rhetoric* is not attempting to produce valid arguments by strictly formal

means. Ray's assertion that the universal audience is too abstract a standard is more worthy of consideration.

In essence, Ray considers the universal audience to be a more or less empty concept. He claims that to say that "the universal audience is always a correct standard [for argument] because it is the standard of all rational people" is to utter "a tautology" because one is really just saying that "what is rational for all people is rational for all people" (374). Johnstone similarly finds the concept unintelligible arguing that "the universal audience is brought in" to bring validity to rhetorical argument, without appealing to objectivity, "but in this process, the idea of audience is altogether deprived of content; it is vacuous" (Johnstone 103). Johnstone later concludes: "the idea of this audience [the universal audience] is not only unnecessary, it is inconsistent and ambiguous [...] it is included because the authors believed their compendium of rhetorical techniques needed a philosophical underpinning" (106).

Johnstone raises one final concern that seems to undermine the limited utility of the universal audience as a concept. Perelman's best argument for the universal audience is as follows: "by the very fact of adapting to the views of his listeners, [a speaker] might rely on arguments that are foreign or even directly opposed to persons other than those he is presently addressing" (41). Thus, the great virtue of an appeal that works on everyone is that the speaker will never find himself called to account for an argument made in one context, where it was well-received, in another context where it would not be well-received. This concern for the multiple contexts in which speakers may find themselves is important—and is a necessary concern for speakers who inhabit a connected world.

But the concern demonstrated for this uniquely contemporary problem of connectivity is undermined by what Perelman says later about the audience:

If argumentation addressed to the universal audience and calculated to convince does not convince everybody, one can always resort to *disqualifying the recalcitrant* by classifying him as stupid or abnormal. [...] There can only be adherence to this idea of excluding individuals from the human community if the number and intellectual value of those banned are not so high as to make such a procedure ridiculous. (44, italics added)

Four serious problems with Perelman's rhetoric are evidenced in this passage about resorting to disqualifying the recalcitrant. First, this technique leaves open the possibility that large portions of the population who hold prejudicial, biased, or otherwise irrational views should find themselves disqualified as "stupid or abnormal," one might even say deplorable.³³ Perelman's cautionary advice may seem sufficient to moderate this kind of behavior, but it is not. For, if one-third of the voting electorate of a nation ends up repeatedly disqualified or excluded from the national conversation, they may very well latch onto the first speaker who appeals directly to them. Their number and power as a block of voters may not be realized until it is too late. This is no mere hypothetical case. The results of the 2016 U.S. Presidential election reveal this possibility quite clearly.

This technique of disqualifying the recalcitrant also opens up the possibility of excluding highly intelligent people, usually small in number, from the conversation as well. In other words, it can work both ways with regard to the intelligence of the auditors excluded. A third problem with the technique is that it dehumanizes the audience. Perelman admits that the technique involves "excluding individuals from the human community" (44). Used repeatedly, such a dehumanizing technique might very well result in the constitution of an audience with inhumane

³³ In the 2016 election, Hillary Clinton's use of the pejorative "deplorable" to refer to the supporters of Donald Trump became a lightning rod for criticism of her; critics were able to depict her position as excluding or disqualifying all those who were inclined to view Mr. Trump favorably.

views. That is, if one refuses to address an audience with inhumane views, their reaction may not be to reject those views, but to become increasingly attached to them. In effect, the result may not be to quash inhumanity, but to inflame it. Finally, as Johnstone points out, the practice of disqualification makes rhetoric an activity at which the speaker cannot fail. If members of a local, particular audience ignore the speaker, they can be dismissed as prejudiced (104). In short, the technique of disqualification takes what is actually a difficult and necessary task, analyzing the audience, and makes it seemingly much easier—until suddenly the technique of disqualification no longer works.

My own view closely follows Johnstone's. On first encountering *The New Rhetoric*, I found the universal audience essentially pointless as a concept. I have since been persuaded that it has limited value—as a method for avoiding crafting conflicting appeals for conflicting audiences. But on the whole, Perelman's understanding of audience seems fatally flawed and creates problems for *The New Rhetoric* that could be avoided. As Johnstone argues, *The New Rhetoric* is better without the universal audience as a concept. Put simply, Perelman might have been better served to issue the injunction: appeal to the better, more reasonable side of the audience and moved on to the more useful, third chapter of the book.

Perelman redeemed?

Having reviewed the extensive criticism of Perelman, let us now discuss how much of this criticism has actually been rejoined. Perelman's great defender is the rhetorician James Crosswhite, who seems to sally forth any time a challenge to *The New Rhetoric* is presented. Despite all the criticism of the universal audience, there is nonetheless much worth defending about the treatise. Herein, I address briefly Crosswhite's advocacy for the universal audience and then turn to the parts of *The New Rhetoric* that seem worth more consideration. To begin,

Crosswhite sees no practical barriers in using the universal audience as a concept. His description of how one goes about appealing to the universal audience adds little to what Perelman and Olbrechts-Tyteca say about it themselves.³⁴ But Crosswhite does address the concerns of Johnstone, Ray, and others who have dismissed the universal audience as a concept. For Crosswhite, appealing to the universal audience is a means of attaining truth (“Universality in Rhetoric” 160) that is neither “universal but empty [n]or concrete but particular” (157). One might reasonably ask the question: if it is neither concrete nor universal, what is it? Crosswhite does not answer that question. We have already demonstrated elsewhere that objectivity or truth in the usual sense is not Perelman’s purpose.

In any case, the main reason that Crosswhite is unwilling to “just let rhetoric be rhetoric and let philosophy worry itself” seems to be that the philosophers would then occupy the ethical high ground, which rhetoric must hold at all costs (“Universality in Rhetoric” 162). As Crosswhite explains further: without Perelman and the universal audience, rhetoric is “vulnerable to the charge that it is really only a form of flattery, a pandering to a particular audience with particular interests, desires and plans” (162). In short, the end, producing an ethical rhetoric, seems to justify whatever means are necessary to get there, even denuding rhetoric of its ability to address particular audience members who are prejudiced or biased. In my view, Crosswhite’s moral preening is best viewed as insignificant if it is situated in the context of rhetorical history. After all, Perelman is far from the first to try and deal with the problem of rhetoric and ethics. On the whole, he seems too ready to dismiss the practical concerns raised by those rhetoricians who first encountered and responded to *The New Rhetoric* with the mistaken assumption that

³⁴ For my review of Crosswhite’s techniques for appealing to the universal audience, refer to Ch. 2, pg. 64, in the section, *Auditoire Universel*.

Perelman's solution is the only answer to the slurs about mere flattery and pandering that have often been uttered against rhetoric.

When Van Eemeren and Grootendorst sought to advertise their own system of argument, pragma-dialectics, by attacking Perelman's, Crosswhite responded directly and quickly. To the charge that Perelman's approach is "anthropological" or "sociological" (Van Eemeren and Grootendorst 123), Crosswhite rejoined by stating that Perelman's approach is "human" ("Is there an Audience..." 138). For Perelman, Crosswhite maintains, "whether or not we will accomplish our humanity [...] is bound up with our relation to rhetoric" ("Is there an Audience..." 139-40). His position seems a little hyperbolic, but in general Crosswhite is not entirely wrong. Nevertheless, there are other, better reasons for rejecting Van Eemeren and Grootendorst's critique.

One of those reasons is raised by Crosswhite in his response to Van Eemeren and Grootendorst. In true rhetorical fashion, Crosswhite includes in his response an appeal to sentiment, grounded in the historical and biographical context of *The New Rhetoric*. Part of Crosswhite's appeal is recounted in Chapter 2, where I cite his suggestion that *The New Rhetoric* is a response to World War II and its effects on Europe ("Is there an Audience..." 135).³⁵ What exactly Crosswhite means is unclear, but we may assume that he is positioning Perelman's work as an attempt to address the problems that arose from the widespread use of nationalist rhetorics, in support of the war efforts, that appealed to particular, prejudiced audiences. In short, Crosswhite suggests that Perelman's rhetorical system, if widely adopted, could prevent nationalistic rhetorics from gaining traction and, by extension, could prevent a reoccurrence of the problems that arose during World War II.

³⁵ See pg. 63.

If this positioning of Perelman's work is fair, we should ask ourselves why Perelman does not address the issue directly nor deal with the treacherous issue of propaganda, as was common among his contemporaries, such as Jacques Ellul. Potential answers come to us secondhand from a short biographical sketch of Perelman, written by his daughter and included in the collection of essays celebrating his work entitled *The Promise of Reason*. In the essay, Noemi Perelman Mattis explains that she once asked him why he did not write about propaganda and received this reply: "I am a philosopher. As a philosopher, [...] I am only working on the field of rational argument. The way one philosopher would talk to another in an effort to reach the truth" (8-9). In his defense, while recounting his role in the Belgian resistance, she reports: "My father knew about the ugly deeds of which human beings are capable. And if he didn't write about it, it's not because he didn't think it was important" (12).

Crosswhite also recounts a biographical anecdote from a post-war colleague of Perelman's: "Perelman insist[ed] on being driven into Germany immediately after the war. While surveying one leveled city, Perelman reportedly said, 'This is not Europe'" (136). If this second-hand biographical material is accurate, it helps explain why the concept of the universal audience was included in *The New Rhetoric*. First, it was Perelman's inclination as a philosopher to write for a universal audience himself—it was the mode of expression with which he was most accustomed. Hence, it was only natural that he saw it as the foremost alternative to nationalist rhetoric. Second, the biographical materials provide differing accounts of Perelman's ability to deal with and process difficult information. On the one hand, he seems to have been among the first of the leaders in the Belgian Jewish community to acknowledge the reality of the holocaust (Mattis 10-12). If Crosswhite's anecdote is true, Perelman seems also to have been unable to process or deal with post-war Europe. It is not hard to see why someone whose life had been

upended by nationalism and conflict could be prepared to reject everything associated with nationalism and appeals to biased, prejudiced audiences.

Johnstone explains well the effort in which Perelman was engaged: “The need for a philosophical examination of rhetoric is most acute and the examination most welcome when the orderly processes through which people are normally able to persuade [...] suddenly go awry” (41-42). Perelman does seem to be attempting to offer one such examination, but the results of his examination are flawed. In the end, Perelman’s refusal to acknowledge the corporeal reality of one’s audience and his evasion of the central importance of speaking to that particular audience threatens to undo his whole project, or at least the first two books of *The New Rhetoric*. Here, let me again stress that while the concept of the universal audience has been thoroughly discredited, much of Perelman and Olbrechts-Tyteca’s work, which is not attached to the universal audience, is admirable. In particular, the discussion of the *topoi* or *loci* in the third book is especially fruitful.³⁶ In this, I agree with Johnstone: “This book may not be surpassed for another hundred years. But when it is, it will be surpassed by another book on techniques, not by a book on audiences—for such a book would not be to the point” (102).

Stephen Toulmin the Revolutionary

In many ways, we might think of Stephen Toulmin’s model of argument as a peace treaty between rhetoric and philosophy. But if it is a peace treaty, one that has held more or less for sixty years, it is one to which philosophers never agreed and which rhetoricians have flagrantly and repeatedly violated. Nevertheless, the extremely positive reception of Toulmin’s work in the field of rhetoric has at least created the impression amongst many rhetoricians, especially those

³⁶ For my review of this portion of the work, refer to Ch. 2 pgs. 65-70, in the section, *The New Rhetoric’s Topoi*.

who teach basic rhetoric classes, that the old conflicts are resolved, at least when it comes to what should be taught to students about argument. Of course, no such resolution ever even existed. The profuse outpourings of welcome from rhetoricians, such as Ehninger and Brockriede, who adopted Toulmin's approach wholesale, are rivaled only by the bitter reproaches of philosophers who steadfastly rejected it. In what follows I consider the criticism that has coalesced around Toulmin's inference-warrant, those who have sought to preserve it, and explain my own perspective on Toulmin.³⁷

A conservative revolution in logic

Some of the most powerful critiques of Toulmin's model of argument come from his fellow philosophers. Foremost among these is Hector-Neri Castaneda, who greeted Toulmin's work in "On a Proposed Revolution in Logic," with extreme skepticism. From the perspective of rhetoricians, Castaneda's complaints about *The Uses of Argument* seem truly tone-deaf to the real problems with logic which Toulmin addresses. On the surface, Castaneda expresses merely confusion with Toulmin, but his prose style is dripping with suggestions of bitterness and malevolence, and much of the substance of his critique seems truly petty. For instance, Castaneda finds fault with Toulmin's use of the term "warrants" because, he claims, warrants are typically issued by someone and Toulmin's warrants have no issuing authority (282-3).

But some of Castaneda's critique is worth consideration, even if it suggests he did not read Toulmin carefully or entirely. For instance, Toulmin rejects a mathematical approach to reasoning, arguing that "in order to get a logic which is lifelike and applicable [...] we shall have to replace mathematically-idealised logical relations—timeless context-free relations between

³⁷ My brief review of the criticism of Toulmin herein focuses on the important issues relevant to this study and does not include those raised by the pragma-dialecticians (see Jackson and Jacobs: "Structure of Conversational Argument"), among others, which do not pertain to this study.

wither statements or propositions—by relations which in practical fact are no more timeless than the statements to which they relate” (178). Castaneda purports not to understand why Toulmin would reject the mathematical approach: “it is not clear what Toulmin’s objection is to thinking of formal validity *more geometrico*” (284). How is it that Castaneda could have read: “in order to get a logic which is lifelike and applicable” (Toulmin 178) and not understood Toulmin’s objection to mathematical reasoning?

From his criticism of Toulmin, Castaneda clearly approached *The Uses of Argument* as a philosopher and critiqued it as a philosopher, without considering his own humanity or what that entails when it comes to constructing everyday arguments. Nevertheless, Castaneda does identify a critical weakness in Toulmin’s work. Early in his critique, Castaneda expresses confusion as to why Toulmin rejects the idea that inference-warrants should be universal propositions and prefers instead that inference-warrants should be merely probable (e.g. not ‘*all* Guatemalans are Catholic,’ but ‘*almost certainly* a Guatemalan may be taken to be Catholic’) (Castaneda 281). A rhetorician may easily understand why Toulmin would prefer probable statements over universally valid ones for warrants—real world argument relies on probable assertions all the time.³⁸

But Toulmin makes two mistakes that open his work to criticism on this score. First, he positions his model as a response to or development of the Aristotelian syllogism (Toulmin 106). Second, he asserts that his model of argument does not achieve validity by geometrical means, that is by reshuffling the terms of the first two premises around to reach a valid conclusion (117). Castaneda rightly points out that many of Toulmin’s examples of arguments which fit the claim-

³⁸ For my discussion of Aristotle’s enthymeme and the discussion of probability, see Ch. 2 pg. 49, in the section, *The Aristotelian Topoi*.

warrant-data model would be considered formally valid and achieve that validity by mathematical reshuffling of terms (285). In other words, Toulmin promises a substantial departure from or development of the syllogism but does not really deliver when it comes to examples. Castaneda is not the only one to have pointed out that, as an improvement on the syllogism, Toulmin's model of argument falls short (see, for example, Schroeder 100).

But from the perspective of Castaneda and the philosophers he represents, Toulmin's model of argument is just an odd and imperfect version of the syllogism that offers nothing new in terms of philosophy. The most obvious rejoinder to this argument is to point out that Toulmin's work is intended to be a practical logic, not a textbook on new logic. Nonetheless, Toulmin sets himself up for the criticism by not departing enough from philosophy. Had he, for instance, positioned his work as a development of or improvement on the Aristotelian enthymeme, rather than on the syllogism, there would be less to criticize. Furthermore, as much as we can read *The Uses of Argument* as an improvement on the enthymeme, it does seem that Toulmin did not have rhetoric in mind when composing his work. In short, Toulmin's "revolution in logic," as Castaneda described it, could rightly be faulted as insufficiently revolutionary.

A gradual revolution in logic

Toulmin has also received substantial criticism from rhetoricians as well as philosophers. William Keith and David Beard, for instance, take issue with the theoretical coherence of Toulmin's system. Their main concern is that Toulmin does not do enough to define or explain the warrant theoretically (39). In the same way as Castaneda, but speaking from a rhetorical perspective, they realize that Toulmin's examples of warrants leave much to be desired, arguing: "the advertised richness of warrants is difficult to discern" (29). Perhaps the main theoretical gap

that Keith and Beard identify has little to do with Toulmin and more to do with how his work has been applied, how the revolution has been gradually extended. Frequently, they point out, warrants used in communication and composition textbooks are at best vaguely presented as any kind of statement that links data with conclusions: “in some applications of the Toulmin model, warrants end up looking so general they would admit almost any conclusion, so a warrant is just whatever would connect reasons to a claim”³⁹ In other applications, they argue, Toulmin’s reasoning process is “indistinguishable” from geometrical reasoning (31). Based on a closer reading of *The Uses of Argument* and Toulmin’s previous intellectual work, they attempt to limit what counts as a warrant. Remarkably though, they somewhat casually acknowledge and dismiss the idea that the way to complete Toulmin’s theory is to connect it with the *topoi*, in the manner that Brockriede and Ehninger did, on the grounds that such a connection is insufficiently “systematic.”⁴⁰

Others have advanced similar arguments about Toulmin’s warrant. For instance, composition theorist Christopher Schroeder argues that Toulmin’s system is easily abused (101). One may, he points out, choose a warrant which the audience will accept and use it to craft an argument that is persuasive, but which ignores “significant data” (101-2). In Schroeder’s view, this flaw leads to “sophistic forms of argumentation” (102). Another composition theorist, James Warren, also recognizes that there is a connection between the audience and the warrant: “every argument relies on a host of cultural assumptions that go beyond the warrant, and it behooves

³⁹ Keith and Beard (31); for their example see 28-29: data: I was in New York when the murder occurred. Warrant: Being in New York, I could not have killed someone in Moscow. Claim: I did not kill this person in Moscow.

⁴⁰ Keith and Beard view the work of Brockriede and Ehninger, discussed in Ch. 2, pgs. 53-60, as the the equivalent of old medieval lists of *topoi* divorced from any context in which they might be used (see 39-40).

students to be aware of these assumptions” (44). In essence, Warren’s complaint is that cultural assumptions threaten to corrupt what we think of as warrants, and he calls for a stricter definition of warrants that will obliterate the influence of culture on warrant-formation (44-5).

In keeping with the metaphor of revolution, Keith and Beard, Schroeder, and Warren maybe regarded as counter-revolutionary figures. They seek to prevent the revolution from growing increasingly radical by attempting to preserve the limited revolutionary steps taken by Toulmin. In the end, what Keith and Beard want from Toulmin is a theory of argument that distinguishes “in general terms, between legitimate and illegitimate moves” (22) and a system of generating arguments that “will not allow you to make a false inference” (40). The problem with this demand is that fulfilling it would undo all the practical benefits which Toulmin’s model has brought to rhetoric. By demanding theoretical coherence, they would deprive Toulmin’s model of what may be its greatest strength—its ease of application. Incidentally, Keith and Beard admit that they are not searching for a solution which is easily applied. Their solution to the problems with interpreting Toulmin implies a return to mathematical methods of reasoning and is, they admit, “not something that would be introduced to students” (47).

From my perspective, those rhetoricians and composition theorists who oppose the gradual revolution rooted in Toulmin’s work are giving preference to valid arguments over persuasive ones. As practicing rhetoricians, why should we value systematically coherent theories not applicable outside of limited contexts over those with practical application? At best, such preferences seem inconsistent with the spirit of Toulmin’s work which sought to make logic more applicable and useful.⁴¹

⁴¹ It is probably a mistake to concentrate on how Toulmin intended or meant for his model to be used in the first place. Certainly, we who use Toulmin’s model in ways that he would not have approved should not claim his authority when using it.

In any case, the Toulmin model of argument does have heuristic value over and above Toulmin's original intent for it. What is valuable about the claim-warrant-data model is that it encourages us to consider whether our already created arguments pass a simple test of what components should be included in an argument. Should we need to do so, we can consider the other elements of the model, such as backing and qualifier. But too often, applications of the model treat it as a formula for crafting arguments rather than a test to be applied in hindsight. This use of the model attempts to substitute a formula for what is actually a much more complex process—a process of taking into consideration factors for which the Toulmin model does not account. Among these factors, according to Willard, are “attitudes, beliefs, values, emotional sets, open and closed minds” (312). Furthermore, as Schroeder points out, the Toulmin model does not account for other factors that impact the persuasiveness of argument, such as the credibility of the speaker (102). For this reason, Schroeder rightly notes, “Toulmin's system of argumentation is not the panacea that many [...] claim it to be” (103).

The theoretical incompleteness of Toulmin's work is not what makes it flawed. Rather, the problem lies with the limited changes to logic it proposes and with the kind of examples offered. In a way, the problem with *The Uses of Argument* is the opposite of that with *The New Rhetoric*. Where Toulmin is theoretically sufficient, Perelman is lacking, and where Perelman and Olbrechts-Tyteca offer more in the way of practical examples, Toulmin is wanting. It may be valuable to observe that Perelman made the choice to bring on an assistant, Lucie Olbrechts-Tyteca, to do the work of finding examples (Mattis 16), while Toulmin wrote his book alone. Moreover, from the perspective of a user of rhetoric, it is those parts of *The New Rhetoric* that were truly co-authored that are the most valuable. Regardless, there is much to say for *The Uses*

of Argument and the revolution in argumentation that it inaugurated. We have much to gain in the advance of this revolution.

Praise and Blame for Aristotle

The difficulty of dealing with an ancient text in parallel with two texts which are relatively contemporary is that the two kinds of texts are often the focus of different kinds of scrutiny in the scholarly community. Scrutiny of Perelman and Toulmin, for instance, usually takes the form of criticism, while scrutiny of Aristotle usually takes the form of historical exposition which varies greatly in quality. Aristotle is rarely criticized because those who care enough to consider him closely are usually eager to claim that their theory or system of argument is Aristotelian. This is a siren song of which I aim to steer clear.⁴² For my purposes here, I am assuming that the received Aristotle, through his *Rhetoric* in translation, reflects the historical Aristotle accurately, and I offer a critique of the received version of the *Rhetoric*. I do so not with an eye to revising the historical record, but with an eye to applying the received version of the *Rhetoric* and specifically its account of the enthymeme to actual practice.

Re-examining the enthymeme

Conscientious historians of rhetoric have ably demonstrated repeatedly that the enthymeme is not a truncated syllogism, that is, a syllogism minus one premise.⁴³ If it is not a truncated syllogism, as so many have supposed, then the traditional reading of Aristotle tells us that it is a syllogism. Rhetorical historian Robert N. Gaines suggests that an enthymeme is no different from other kinds of syllogisms in following the “three-part inferential structure” which

⁴² See my discussion of Aristotle in Ch. 2, pgs. 38-44 in the section, Aristotle’s Enthymeme, wherein, I attempt to avoid this problem by pointing to problems in the received understanding of the text.

⁴³ See, for example, Robert N. Gaines, “Aristotle’s Rhetorical Rhetoric” (196).

characterizes syllogisms in the *Prior Analytics* (“Aristotle’s Rhetorical Rhetoric?” 197). Gaines is far from alone in rejecting truncation as an identifying feature of the enthymeme.⁴⁴ If Gaines is correct that the enthymeme functions using this three-part inferential structure, then there are three substantial problems with the enthymeme as a rhetorical mode of inference.

First, there is a problem with supposing that any structure of argument functions as a means of generating argument. Structures of argument, such as Toulmin’s model and Aristotle’s syllogism, are really post-hoc rationalizations or explanations for existing modes of reasoning which the authors have observed happening somewhere. Labeling them post-hoc rationalizations does not make such structures somehow unimportant or without merit in their own right. Rather, it acknowledges the obvious point that people have been generating arguments as long as speech has existed—in essence that argument preceded talk about argument. In any case, the syllogism is just one such structure, and as such, it necessarily portrays only a barebones version of how a full argument actually appears in discourse. After all, there are other means of persuading people besides the use of logical argument. Charles Willard offers the following observation about the Toulmin model, which could equally apply to the syllogism or the enthymeme: “the Toulmin diagram cannot serve as a structural representation of human cognitive processes [because it] blur[s] over most of the vital and highly complex cognitive processes which coalesce to produce the symbolic phenomenon we call argument” (311).

If Aristotle supposes that the enthymeme arrives at persuasion via the three-step march of the syllogism, he is wrong. Of course, a knowledgeable reader of Aristotle may at this point object that Aristotle does consider the other methods of proof (*ethos* and *pathos*) and moreover that proof, confidence, or belief (*pistis*) is not the same thing as persuasion. But even if we

⁴⁴ See Carol Poster, “A Historicist Reconceptualization of the Enthymeme” (15).

reformulate the assertion accordingly and try to maintain that the enthymeme merely arrives at proof, confidence, or belief via this three-step process, we would have to maintain the same conclusion. Public argument is much more dynamic than a three-step inferential process, and trying to limit it in that way is almost absurd. Perhaps the reason that so many writers do suppose that Aristotle is describing a mode of argument which is typified by omission of certain premises or reliance on premises accepted by the audience is that they know those kinds of argument work. Aristotle seems to allow for these kinds of argument within the enthymeme, but as we have acknowledged, he does not make them its defining features.

We might then say that a second problem with the enthymeme as a construct is that Aristotle does not devote more attention to these critically important features. That is, he does not stress sufficiently the critical importance of arguing from premises with which the audience may agree or the utility of omitting these premises in some situations. This complaint seems petty, especially since Aristotle is the one who gives us the idea that argument can function in this way. Nevertheless, it is far easier to imagine and to generate an argument for public consumption that follows either of these patterns (premise-omission or using an audience-supplied premise) than it is to generate a persuasive argument using a three-step inference.

Lastly, a third problem with the enthymeme is really not a problem at all so much as a limitation inherent on any philosophical analysis of rhetoric. Without exception, the philosophers whose works we have examined treat rhetoric as a playground in which to recreate versions of their conception of logic.⁴⁵ Seeing rhetoric through the lens of logic to impose upon rhetoric the rules of logic, standards for logical argument, or methods of generating logical argument will always be a difficult task at best. Aristotle performs it as well as and perhaps better than anyone

⁴⁵ In fairness, Stephen Toulmin does not mention rhetoric directly at all.

else, but the nature of the work he is trying to do, seeing rhetorical argument through the lens of logic, imposes limitations.

Finding value in Aristotle

My view is that we should take everything Aristotle says about the enthymeme as a suggestion for how argument might work. We should consider the rhetorical argument's relation to the syllogism, which Aristotle seems to prize, as on par with the suggestion that a rhetorical argument can be composed by omitting premises. We should consider the suggestion that rhetorical arguments are composed from signs and probabilities as equal to the suggestion that rhetorical arguments are composed from premises that the audience may accept. We should do this not because it is what Aristotle thinks, but rather because it accords with our own experience of how argument works. We should always avoid imputing to Aristotle our own experience of argument because it is clear that he attaches different values to the various aspects of rhetorical argument than we do.

In the great war that has been waged over how to interpret the enthymeme, I am firmly on the side of the historians against the textbook authors, composition theorists, and rhetoricians who abuse Aristotle's name. But in many ways, that whole conflict is only important because the people relying on Aristotle to bolster the validity of their theory, textbook, or system make an error that is bigger than simply misinterpreting Aristotle. Their error is to attempt to make themselves little more than intellectual vassals of Aristotle. Arguably, Aristotle's work is the most thorough treatment of rhetorical invention that has yet been written. I do not believe it is surpassed in substance by the work of Perelman and Olbrechts-Tyteca because Perelman offers an implausible means of achieving validity, that is, appealing to the universal audience, and his list of *loci* is only more useful because it is more contemporary and so more accessible. Nor is it

surpassed by Toulmin, whose work is largely dedicated to reforming logic and whose platform of reforms is a good start but is too conservative. Nonetheless, the *Rhetoric* can be surpassed. Any work which surpasses it must begin with the understanding that rhetoric is important in its own right and owes no tribute to philosophy. In any case, if we do not treat Aristotle as a god, his limitations are less striking.

CHAPTER 4

A SYNTHESIZED APPROACH TO ARGUMENT

A System of Rhetorical Invention

Given the dissatisfaction I have expressed with the systems of argument created by Aristotle, Toulmin, and Perelman, it seems incumbent on me to offer an alternative system of argument that demonstrates how one might avoid the problems that have undermined those previous systems. But creating a completely original system of argument would be both daunting and unnecessary; indeed, much of the important work has already been done. Truly, even as I have criticized these works, my aim has been to demonstrate that they deserve a great deal of respect. Most clearly true about Aristotle, from whom we ultimately derive many of the concepts that we use to discuss rhetoric, this point is also true of Toulmin and Perelman. Hence, what I undertake to accomplish in this chapter is a synthetic approach to argument which draws on the best of Aristotle, Toulmin, and Perelman while excluding the flawed aspects of their systems. Whether what I have created is substantially different or derivative is not a concern of mine; rather, I merely want to describe an approach to invention that works in practice. For a system of rhetorical invention to be functional it must primarily be capable of generating persuasive arguments.⁴⁶

⁴⁶ For any individual user of rhetoric, competing concerns such as a desire to be logical, to maintain integrity, or to be ethical may vie with the goal of persuading an audience. But my position here is that any system of rhetorical invention must have achieving persuasion as its foremost goal.

Exclusion of error

My system has four qualities which set it apart. First, in contrast to Perelman's system, it is an audience-oriented system of generating argument. Crucially, in adopting this first quality, I am dismissing the concern for the problem of validity. Second, in contrast to Toulmin and Aristotle's systems of argument, my system is not system chiefly designed to describe argument. Rather, it takes a generative approach to argument. Third, it begins, not with evidence, but with good reasons or *topoi*, and considers all other elements of the argument in relation to the *topos*. This third characteristic is shared, in a limited way, with both Aristotle and Perelman's systems. Finally, my system of argument aims either to construct belief or to transmit truth, but not to create truth. It is prudent to discuss briefly each of these distinguishing qualities below. In order to demonstrate that I have not built my system on an unreliable foundation, let me describe in what follows each of these broad characteristics, compare or contrast these with the characteristics of previous systems, and finally discuss the argument system I am proposing in detail.

Audience-oriented

It need hardly be said that an audience-oriented approach to argument necessarily dismisses the importance of creating valid arguments. But why is rejecting validity an acceptable goal for rhetorical invention? Let me offer two reasons. First, focusing on validity deprives rhetorical argument of its practical utility. Put simply, one cannot always create arguments that are formally valid which are also persuasive. The primary obsession among argumentation scholars with establishing formal validity is what ultimately undermines the practical utility of the systems of argument analyzed here for rhetorical invention. This limitation alone should be

cause enough for rhetoricians to reject validity as a standard for practical, rhetorical argument. In addition to undermining the success of rhetorical arguments, the validity standard does not help us resolve the problem of communicating expertise to popular audiences.

But there is another reason I reject validity as the goal of a rhetorical system of argument. The discussion about what form argument ought to take to achieve validity or to whom argument needs to be addressed to achieve validity seems to be driven by epistemic cowardice, such as is the case with Perelman, who does not want to admit to the possibility of objectivity (e.g. objective, true, real knowledge, 72). When one rejects objectivity, one cannot claim that an argument is substantially right or wrong or that its claims are true or false unless one creates some formal criterion with which to measure it. If one holds objectivity to be possible, then the primary grounds for the ethical condemnation of argument are that it is not objectively true or does not point to objective truth.

The audience-orientation of my system means that it accounts for the beliefs, values, and attitudes of the speaker's audience. Unlike the system presented in *The New Rhetoric*, my system is designed to persuade audiences that actually exist. Moreover, its aim is to accomplish persuasion, not through the crude methods of 1) excluding prejudiced audience members or 2) trying new arguments until one is found that is persuasive (Perelman 44), but rather by imitating the forms of reasoning that are most familiar to the audience. These forms of reasoning are often revealed in common expressions or maxims that people utter almost unconsciously. A speaker who has access to such expressions has a window onto the minds of the hearers. Moreover, by uttering maxims with which the audience is familiar, the speaker has a means of constructing *ethos* and *logos* in the same breath. My description of how one can use such maxims is

compatible with (or at the very least owes much to) Aristotle's treatment of the maxim in the *Rhetoric* (II.21.2).

A generative system

My system is a generative system, rather than a descriptive one, such as those of Aristotle and Toulmin. Those systems provide us with descriptions of how argument functions rather than descriptions of how to generate or to invent argument. Of the two systems, Toulmin's seems to be the most dynamic and hence the most realistic. But it also errs in terms of its emphasis. That is, it privileges the claim and assigns to the warrant merely a linking or certifying function. These are simply characteristics of its descriptive nature. My system draws heavily on Toulmin's terms, but instead of starting with the claim, it starts with the warrant or the *topos*.⁴⁷ It also draws on Aristotle's conception of the relationship between the *topos* and the argument (or enthymeme), approaching the *topos* as a constituent element of the argument (II.12.13). Moreover, I assume a strong connection between maxims and cultural *topoi*. There are essentially three elements to my generative system. One begins with a *topos*, perhaps as it is embodied in a maxim. One then decides what can be proven on the basis of that *topos* and decides on a conclusion that one wants to reach, a claim. Lastly, one searches for evidence that supports the claim.⁴⁸

Starting with good reasons

As my description of this system of rhetorical invention might suggest, it does not start with evidence but with the cultural *topos* on which it relies because it is audience-oriented; that

⁴⁷ I refer to the warrant in my system as the *topos* because the term "warrant" suggests the certifying function of the *topos* rather than its generative or heuristic role as a source for argument.

⁴⁸ This method is demonstrated in the ensuing sections of the chapter. See especially pages 103-114, in the section, "Common Warrants."

is, it is driven by the need to use forms of reasoning that the audience can follow rather than forms of reasoning that lead to validity. This deductive order might seem counterintuitive to adherents of enlightenment thinking who steadfastly maintain that thought develops inductively from evidence. I am not really disputing that claim. Essentially, I agree that rational people learn through a process of induction, beginning with evidence and deriving conclusions from that evidence. But rhetoric is not essentially about education. Rather, it is primarily an art concerned with persuasion. Hence, it is important to build one's arguments, not with any evidence whatsoever, but with evidence that will ring true to the experiences of one's audience members.

In other words, it is not always the case that the evidence which is most apparent to the senses—or indeed most accepted by scientists—is the most persuasive to the audience. Since neither of these standards of evidence works for the purpose of persuasion, rhetors must have some way of identifying the evidence most relevant to their audience. The *topos* provides that standard. If one understands how audience members will process evidence, one can select the kind of evidence with which they should be supplied to reach the conclusion one wants. Of course, the selection of evidence is susceptible to unethical manipulation, but all rhetorical techniques can be used unethically.

Creating belief not truth

Finally, I do not hold that my system in any way generates truth. It may substantiate true claims for the audience, but it only creates belief about those claims. This quality is not necessarily in opposition to any of the systems I have discussed. In fact, it is similar to Aristotle's suggestion that rhetoric creates *pistis* (belief, trust, or confidence) in the auditor as opposed to certainty (I.1.11). It is, however, in opposition to popular contemporary views of

rhetoric as epistemic, that is, as producing a kind of socially constructed truth through the network of claims advanced in any given piece of discourse.⁴⁹

An unanalytical system

The generative system of argument I have described should not be taken as an analytical system of argument; it does not offer an analytical frame for analyzing arguments. Post-hoc analysis is not the purpose of the system I am positing. Perhaps more importantly, my system does not necessarily result in any special effect. One might imagine that I am claiming to have discovered how rhetoric works or to have discovered the secret formula that results with certainty in persuasion. My system is far less ambitious. Actual persuasion results from a total rhetorical effort, not just from the arguments invented. Certainly, this system may facilitate persuasion, and if one uses this system to create arguments, those arguments will be significantly more persuasive than arguments created using other systems.

But there is something particularly insidious about the idea of a system in contemporary approaches to argument. Keith and Beard, for instance, think of a system for generating argument as a formula for removing the possibility of error (40). In my view, rhetoric requires that the rhetor exercise judgment. My aim is to provide the rhetor not with a substitute for judgment, but rather with a method to allow him to generate multiple arguments. From the arguments generated using my system, the rhetor must choose which arguments to use, in what order to place them, the specific words used to describe them, and what emphasis to give to them

⁴⁹ The notion of rhetoric as epistemic or knowledge producing was popular among twentieth-century rhetorical theorists. An early expression of the idea comes from Robert Scott who argued in 1967: “Man must consider truth not as something fixed and final but as something to be created moment by moment [...] rhetoric [...] is a way of knowing; it is epistemic” (16).

in actual speech. Moreover, those who fully understand how the arguments were generated in the first place may generate more as needed.

Methodology: Identifying Cultural Topoi

Since one of my goals for this atheoretical approach to argument is to cultivate the user's ability to discover arguments, I begin this section by explaining how I derived the *topoi* described in the next section. In this way, I reveal the inventional method of my system and demonstrate why the method is more important than the actual list of seven *topoi* it provides. Essentially, the method is one of identifying cultural *topoi* for argument in three steps: find a maxim, abstract to the essentials, and ground in a new context. These steps are necessary precursors to being able to use the *topoi* themselves to form arguments.

Finding a maxim

The first step involves finding a maxim or idiom from which to extract a *topos*. Not all common expressions are suitable for this kind of operation. For instance, cultural expressions often cluster around cliché descriptions (e.g. knee high to a grasshopper) that really only tell one something about the kinds of imagery commonly employed in a culture. Others may be borderline cases, which is often the case with cultural metaphors and similes (e.g. the pot calling the kettle black) because they could serve an argumentative function in addition to a stylistic one.⁵⁰ Aristotle asserts that the only idioms that are useful are those concerned with “the objects of human action and what should be chosen or avoided” (II.21.2). But my contention is that instead there is often a *topos* lurking inside almost any idiom that can be construed as a whole

⁵⁰ For more on this subject, see Michael Leff's “Topical Invention and Metaphoric Interaction” (214-15).

sentence. For purposes of illustration, let us use the following example: even a stopped clock is right twice a day.

Before moving to the next step, I want to address the rustic character of the idioms I have chosen to use. One of the sad effects not of the Enlightenment, but of literary Romanticism is that such idioms have been essentially banished from formal discourse in favor of so-called original means of expressing oneself.⁵¹ Any discourse that uses such idioms openly is regarded as rustic, uncultivated, or even backward. Just as the Enlightenment privileged evidence and induction in invention over the traditional *topoi*, literary Romanticism privileged original means of expression over idioms and clichés. And just as it does not make sense to abjure the *topoi* merely because they are the seeds of argument discovered by someone else and inscribed in culture, it is equally misguided to be aesthetically revolted by maxims or idioms just because they are expressions used by other people. I say more about striking the proper balance between originality and cultural relevance later. Here, let me stress that I am not claiming that one must work only with rustic idioms, as I have done, to invent practical arguments. In fact, there are idioms or modes of expression that develop in communities as small as workplace cultures. One has merely to attend to them to use them in the same way that I am using rustic idioms here.

Abstraction to the essentials

The next step is to engage in a process of abstraction, that is, to think about what is the import as opposed to the purport of the idiom. For the example of even a stopped clock is right twice a day, we can abstract backwards to the import of the sentence in the following way. The

⁵¹ Considerable attention has been given to the influence of literary Romanticism on the role of the author by composition theorists and historians of writing. In a cursory, but revealing history of Romanticism's influence on college writing handbooks, Ryan J. Stark remarks: "Many negative attitudes toward clichés stem from a Romantic idea of the writer as a genius" (see: Stark, "Clichés and Composition Theory" 453-464).

stopped clock might be taken to be something known to be broken, flawed, or unreliable. The observation that even the stopped clock can be right twice a day, is a statement about almost mathematical probability: however low the probability, there is a chance it could be right. Further, it could appear to be functioning. Hence, we can abstract back to the import of the statement, which might be described as follows: even a person or thing known to be unreliable may occasionally appear to be reliable. Once one has discovered the abstract import of the statement, one has discovered the *topos*.

A new context

The final step is to identify a new, concrete situation in which the maxim is applicable. This step is necessary; otherwise, the maxim remains either 1) bound to the original purported referents of the expression (e.g. a clock) or 2) abstract and undefined. To ensure that one understands the *topos* one has discovered, one must bring it back to the ground of argument but in a different location. This *topos* is useful in any situation where one needs to discredit the value offered by an opponent, rival, or competitor. Perhaps one's rival for a promotion has achieved something brilliant recently but otherwise has a reputation for being late, unreliable, or lazy. In contrast, perhaps one does not have any great exploits to which to point but is a model worker in every other respect. For such a person, one argument available to discredit the achievement of the brilliant colleague would be the claim that this apparent coup was an anomaly that happened purely by chance. This argument would be rooted in the *topos* we have extracted.

Common Warrants: Topoi Found in Culture

The method for finding *topoi* described above is the same one I have used to uncover the *topoi* described in this next section. In many cases, I have identified a contemporary expression that aligns with an ancient *topos*, though I do not regard this alignment as a necessary part of a

system of *topoi*. One may certainly have derived these *topoi* in an entirely grounded way by looking only at contemporary idioms. Though I use Toulmin's terms for the parts of an argument in this section, it is only because they serve as a valuable descriptive heuristic. Throughout, I describe the linking function of the *topoi* or warrants. But it should be clear that I continue to view the warrant or *topos* as having a chiefly generative, rather than validity granting (linking), function. It is only necessary to identify the linking function of the *topoi* in order to initially describe them initially. Beyond this distinction, the only other difference between the method described above and the work of explication done below is that I have drawn on real-world examples of *topoi* below to demonstrate that, being more than just rustic idioms, they are actually current in culture.

What's good for the goose is good for the gander

The *topos* of greater or lesser degree is illustrated by the following argument: "a man who beats his father also beats his neighbours" (Aristotle, *Rhetoric*, II.23.4). Aristotle regards the *topos* as valid because if a person performs a less probable action (beating his father), he is also likely to perform an action that is more probable than that (beating his neighbors). If we break this argument down using Toulmin's terms, we can see that the following claim is made: this person beat his neighbor (a more probable action). The following warrant is being used: because he has committed the improbable act of beating his father, it is easy to believe that he also beat his neighbor. The following data is being used: he beats his father (a less probable action). The *topos* resides in the warrant, providing the necessary link and suggesting the kind of data one should look for and the kind of claim one should make.

But the *topos* of greater or lesser is bigger than this example about individual behavior unique to forensic rhetoric. The *topos* reveals itself in any case where a difference in degree is

used to warrant a claim. A good place to look for the *topos* is where comparisons are made between entities of different sizes. A contemporary example of this *topos* comes from Dave Ramsey, a popular personal finance guru, who argues: “government can get out of debt the same way you get out of debt. You quit borrowing money. You quit spending. You balance the budget” (Ramsey). The claim here is that the government can get out of debt. The warrant or justification consists of the unstated idea that if a single individual with limited resources can get out of debt (a less probable outcome), a massive organization with access to numerous resources can also get out of debt (a more probable outcome). The data are that the strategies suggested have worked before for single individuals.

In the example of the man who beats his father, the claim advanced is about a past fact. In the example from Ramsey, the claim advanced is about a future fact. But the *topos* is not limited in application to claims about facts. It can also be used to justify one’s own actions or to make moral or ethical arguments. For example, consider the following argument advanced by a fictional manager who wishes to hire his nephew in the popular mockumentary *The Office*: “God, when he needed help on earth, who did he hire? Jesus Christ, his son [...] Why does God get to do something that I don’t” (“Nepotism”). In this case, the claim advanced is that one should be able to hire one’s own family members. The datum used is that God also committed nepotism. The unstated warrant linking the data and claim is that if God (a supposedly more moral entity) engaged in nepotistic hiring practices, then nepotism must be okay for mere managers, too (less moral entities). In this case, the datum originates with the greater, not the lesser, and only works because the greater is widely regarded as a source of moral authority.

Stranger things have happened

Another Aristotelian *topos* that is closely related to the *topos* of greater or lesser degree is that concerned with improbability (Aristotle, *Rhetoric*, II.23.21). The *topos* involves claiming that because a highly improbable event has happened, a less improbable thing is likely to happen. The *topos* is closely tied to the oft-repeated contemporary adage: “stranger things have happened.” Consider this example of the *topos* used by an optimistic conservative political commentator writing for *The National Review*:

If the [Trump] administration can get a record of steady legislative successes [...] it will quickly acquire the prestige and aura of success of distinguished administrations of the now distant past [...] Stranger things have happened, including [Trump’s] nomination and election. (Black)

Here we have a claim: if certain improbable conditions are met, the Trump administration can be successful. The data presented are that even more improbable events (Trump’s nomination and election) have occurred. The warrant tying the two is the *topos* itself: if the improbable has happened, the slightly less improbable has a greater chance of happening.

Another example comes from the mockumentary, *The Office*. In the seventh season, a salesperson, Pam, claims that before her company was bought out by a larger company, she had been promoted to the role of office manager. However, the corporate office can find no record of her claim to promotion and claims it is unlikely that the paperwork was lost. Pam replies: “Unlikely things happen all the time. My best friend, in High School, she went to Australia, Canberra, I think, and she met this guy who lived only two streets away in America” (“Counseling”). Here an implicit claim is presented: the loss of paperwork, though unlikely, could have happened. The datum presented is that another, even more unlikely thing has happened previously. Here too, the *topos* functions as a warrant connecting the two.

The example that Aristotle gives in the *Rhetoric* is strangely, more similar to the example from *The Office* than that from *The National Review*. Aristotle mentions a speech of Androcles of Pitthus, who, speaking against a particular law, said “the laws need a law to correct them,” and being shouted down, he continued “and fishes need salt, though it is neither probable nor credible that they should, being brought up in brine” (II.23.21). Presumably, Aristotle means to compare a parallel set of improbable circumstances. The claim advanced is that the laws need to be corrected by new laws. The datum presented is that even more improbable things such as fish needing salt, perhaps as a preservative, happen all the time. The warrant is that if we do not discount the improbable in the case of fish and salt, why should we discount the improbable in the case of the law? The *topos* also seems to be widely used in sports reporting—though most of the examples are difficult to decipher because sports writers often count on the audience knowing the stranger thing which has happened.⁵²

Exactly what you’d expect

The argument from type or genus bases itself on the characteristics common to a group of people or a class of objects. It is related to Aristotle’s argument from induction, which reasons from a series of cases to a conclusion, but there is a crucial distinction between the argument from induction and the argument from type. Where induction is used to cast the type (Greeks, women, triremes), the argument from type reasons from the characteristics of the already created type to a specific instance. Thus, the argument from type is not strictly speaking an example of induction. In one of Aristotle’s examples, he quotes an ancient case in which one party asserted:

⁵² The following example stems from a 2012 ESPN sports editorial in which the author pontificates over whether the Mets can make it to the playoffs: “the thought of the Mets surviving this unforgiving 25-game stretch and making the playoffs in a season offering an extra wild-card berth is not quite as absurd as, say, Manchester City winning the Premier League. Yeah, stranger things have happened in sports” (O’Connor).

“in matters of parentage women always discern the truth” (*Rhetoric*, II.23.11). This claim is supported from several observations (data) about instances where Aristotle claims the women involved were right. The argument from type though, does not always present several parallel cases as data to support the claim. Rather, the argument from type often uses the known or assumed characteristics of the class itself as data to support its claim.

Consider for instance the following example of the argument from type, made about former Alabama governor Robert Bentley who purportedly engaged in an extramarital affair while in office:

It seems like Bentley was doing all the shady shit you’d expect out of a rich, scandal-embroiled Alabama governor like himself. Bentley, according to a report by the lawyer in charge of the impeachment investigation, tried to use one of his security guards to break up with Mason and allowed Mason to travel in state vehicles after she was off the government payroll. Bentley also apparently tried to intimidate people who found out about his affair. In another instance, Bentley reportedly opened a hotel room door in just his underwear, expecting to find Mason, only to realize his staff were the ones knocking. (Turton)

There is a claim: Bentley was engaged in a certain kind of behavior (“shady shit”). There is a warrant: his behavior should not be surprising because it is typical of members of his class (“rich, scandal-embroiled Alabama governor[s]”). There are data: Bentley’s salacious behavior is described. In this case, the existence of the class is assumed and known and is the basis for the warrant.

But of course, one can use the *topos* to generate arguments about inanimate objects just as one can use it to generate arguments about people. Consider for instance the following excerpt from a hotel review posted on the popular website *TripAdvisor*: “Attended a luncheon business meeting at the Ritz this week. Everything was exactly what you’d expect from a Ritz property. The service was perfect, the hotel looks great, and the food was tremendous” (*Trip Advisor*).

Here we have an implicit claim: a visit to this hotel will be positive. The warrant used to link this claim to the data is that this hotel is like others of its class (“exactly what you’d expect from a Ritz property”). There are data related to the author’s experience (“the hotel looks great...”). This is a very common *topos* used in the world of online reviews.

In broad daylight

The argument from openness is closely connected to the value accorded to transparency in western civilization. It is easily illustrated by an exchange that occurs in the Christian scriptures between the apostle Paul and Porcius Festus, the procurator of Judea. Paul maintains his innocence on the charge of disturbing the practice of Judaism. He argues that the doctrines he is advancing and the actions he has taken are true and just because “none of these things were hidden [...] for these things were not done in a corner” (Acts 26:26). In this brief statement from Paul’s defense, there is a claim: he is innocent. There are data: his actions and the incidents to which he refers are matters of public record. There is a warrant: having been done in public, all of his actions are blameless. The *topos*, as usual, lies in the warrant. But the warrant itself is based on the value of transparency.

While Paul’s use of this *topos* is the first of which I am aware, it is by no means the last. During the period of the English restoration, the restored King Charles II sought to punish the so-called regicides who had deposed and executed his father. During his trial, one of these regicides, Thomas Harrison, refused to deny his involvement in Charles I’s execution. Rather, he maintained, “the matter that hath been offered to you [...] was not a thing done in a corner” (State Trials, 1024). This example is nearly identical to that from the *Bible*, but another, more contemporary example also begs analysis.

In an article on Trump University published in the conservative magazine *National Review*, the author quotes the Trump institution's general counsel Alan Garten in defense of Trump University:

At no time did we ever represent that it was a certified institution [...] It's not like we were operating in the dark. We were open and notorious. We advertised it quite extensively. People knew exactly what we were doing, including the [state] department of education, and they were fine with it. (Melchior)

Garten's defense essentially amounts to the following argument. We are innocent (claim), because we did not try to hide our actions (data). In fact, we advertised what we were doing (data). Implicit in the whole argument is the assumption that what is done in public is not wrong (warrant). In this case, the warrant is implicit because audience members and the speaker presumably share certain assumptions about the value of transparency.

All that is gold does not glitter

In his sermon titled *Sileni Alcibiadis*, Erasmus of Rotterdam explains the spiritual process of consecration as follows: "You see the water, you see the salt and oil, you hear the words of consecration [...] the power of heaven you neither hear nor see, in the absence of which all the rest would be a mockery" (*Adages* III.2.1). In this example, there is a claim: it is the invisible which hallows the sacrament, not the visible. The data presented actually seem to support the contrary: one sees all the insubstantial elements. But the warrant makes the leap between contradictory data and the claim: what appears is deceptive, things are not what they seem to be. This argument from (or against) appearances shows up in both Erasmus' and Aristotle's works, though Aristotle fails to provide an example (*Rhetoric*, II.23.16).

The argument from appearances also shows up in more contemporary sources. One example comes from a video game review published in the magazine *PCWorld*: "Oh and the

game is *gorgeous*. Can't say that enough. But it's also shallow in many ways. So many undercooked systems, so many instances where design impedes function, so many old ideas masquerading as new" (Dingman). There is a claim: while there were design changes made, the game is nothing special. There are data about the game's functionality which constitutes the substance of the whole article. The warrant which bridges the gap between the positive appearance and the negative functionality of the game is the *topos*: appearances are deceptive.

A final example comes from an article published in the *New York Sun* by the television presenter John Stossel. Trying to explain how publicly funded sports stadia only take jobs away from other businesses in the community, Stossel constructs an elaborate analogy comparing those who build public stadia to small town vandals:

In a small town, an idiot breaks a shop window. He's called a vandal, until someone points out that a window installer now must be paid to replace the window. The window installer then will [...] buy a new suit. A tailor will [...] buy a new desk. And so on. The whole town apparently gains from the economic activity generated by the broken window [...] But it doesn't make sense. It's a fallacy because the circulating money is seen; what is not seen is what would have been done with the money if the window were still whole. (Stossel)

Stossel presents us with a claim: contrary to widespread belief, the broken window does not lead to economic growth. The data presented seem to support the contrary: tradespeople in the town have benefited from circulating cash. The warrant makes the leap from these contrary data to the claim, "what is not seen" matters more than what is seen.

Running scared?

The argument against appearances is very closely related to a *topos* that involves substituting a possible motive for the probable motive in a situation. In fact, the *topos* on motive is really just a more specific application of the argument against appearances. But its applications

are different enough to warrant independent review. The *topos* is exemplified by this question, asked by a member of the Scottish National Party of the British Prime Minister, Theresa May, in a public forum: “Can the Prime Minister tell the people why she’s running scared of a debate with Nicola Sturgeon [the leader of the Scottish National Party]?” (Walker). The question implied a claim: the British Prime Minister, Theresa May, was afraid to debate her opponents. It relied on well-known data: Theresa May had declined to debate on television. The *topos* supplies the warrant: the substitution of a possible motive (fear) for the probable one. In reality, the probable motive was not fear, but a tactical consideration, when the leader of a major party debates the leader of a minor party, only the minor party benefits.

This argument on motive is a conjurer’s trick that is often used to make assertions out of questions. It also appears in a fictional context. It appears in a deleted scene from the iconic film *The Lord of the Rings: Return of the King*. In the scene, a defeated wizard, Saruman, is confronted by his enemy Gandalf, who is in the company of his allies. In a last minute attempt to discredit Gandalf, Saruman asks Gandalf what he wants, implying that he desires several objects that symbolize power: “What do you want Gandalf Greyhame? Let me guess. The Key of Orthanc? Or perhaps the keys of Barad Dûr itself along with the crowns of the seven kings and the rods of the five wizards?” (“The Lord of the Rings”). There is an implicit claim: Gandalf desires power. The data would seem to consist of Gandalf’s successful coordination of a military campaign to defeat Saruman. The *topos* supplies the warrant to leap from these data to the claim: Gandalf’s motives must not be what they probably seem to be.

If it ain’t broke, don’t fix it

In the James Bond film *The World is Not Enough*, Bond comes face to face with the film’s villain, Renard, in a nuclear test chamber. With Bond’s pistol pointed at him, Renard

exclaims: “You can’t kill me. I’m already dead!” (“The World is Not Enough”). The apparent irony makes sense in context. Renard has been shot once previously; the bullet is still inside his skull and will eventually kill him. Consequently, he regards himself as having nothing for which to live. But whether we accept Renard’s statement at its face value or not, it is an example of the argument from definition. In Renard’s argument, there is a claim: he cannot be killed. There is a datum: he is already dead, or at least, nearly so. The warrant is simple and completely unstated: by definition, one cannot kill what is already dead. Interestingly, Bond’s unscripted rejoinder in the film does not dispute the warrant and goes straight for the datum: “not dead enough for me.”

Of course, argument from definition can be found outside of melodramatic scenes in action movies. In a 2016 article on the subject of amnesty for illegal immigrants, one author writing for *Reason* magazine argued the following:

Amnesty means “the act of an authority (as a government) by which pardon is granted to a large group of individuals.” It comes from the Greek *amnēstia*, a word which means “forgotten.” Granting amnesty [...] supposes that a wrong was committed. It’s an authority’s way of saying to an offender: “we will overlook—forget—what you have done. You are pardoned.” Thus, a person without papers is not in need of amnesty: he’s done nothing wrong and so there’s no cause for pardoning him. (Richman)

There is a claim here: “a person without papers” does not need amnesty or a pardon. There is a warrant: the innocent cannot be pardoned. The data needed to substantiate the claim would be data indicating that so-called illegal immigrants have actually done nothing wrong. But, as the author of the article suggests, even if it were shown that paperless migrants had not committed any crimes in the United States, many would quickly reply that such immigrants broke the law simply by crossing the border illegally. To address this anticipated rejoinder, the author uses another argument from definition: “an unjust law is not a law” (*lex injusta non est lex*)

(Richman). Hence, the author's original claim, paperless migrants do not need a pardon, only holds if the argument on which it rests (*lex injusta...*) also holds.⁵³

A final example comes from another fictional source. In the historical fiction, *Dictator* by Robert Harris, Mark Antony and Cicero debate what is to be done to the murderers of Caesar (Brutus, Cassius). Antony proposes that the Roman Senate offer them clemency, but Cicero disagrees:

Clemency in my view means a pardon, and a pardon implies a crime. The murder of the dictator was many things but it was not a crime [...] what is needed here [is] a great national act not of forgiveness [clemency] but of forgetfulness [amnesty]. (Harris, xiv)

Cicero's rejoinder contains all of the elements of an argument from definition. There is a claim: the murderers of Caesar cannot be pardoned. There are data: their actions were not criminal and the fictional Cicero mentions other incidents in which despots were rightly overthrown and reminds listeners of the Greek etymology of the word amnesia. The warrant is plain but unstated: an innocent man cannot be pardoned.

Praxis: Using the Topoi to Teach Rhetoric

What's good for the goose is good for the gander

Intelligent children often find the *topos* of greater or lesser useful, arguing that if their older sibling can do something, they ought to be able to do so as well. So, too, can college students find the *topos* useful when inventing arguments in speeches or papers. For instance, let us consider the fairly banal topic about which many students choose to create persuasive speeches: organ donation. At least two arguments encouraging people to become organ donors

⁵³ Toulmin refers to this kind of argument to support the warrant as "backing" (*The Uses of Argument* 97-98).

can be made using this *topos*. The first could be the argument that a prominent celebrity or public figure is an organ donor, and we should be, too. The claim could be implicit, but nonetheless potent. Obviously, this argument is one from greater (the celebrity) to the lesser (us). Yet another, more explicit argument stemming from this *topos* could be that because a celebrity, whose death is improbable, has signed up to be an organ donor in the event of his or her death, we should also become donors because our deaths are more probable still than someone with security and access to expensive healthcare.

The *topos* of greater or lesser could also be used with the more serious topic of free speech. Students at a private liberal arts college could, for instance, argue that ordinary businesses regularly restrict speech that is not in their interest on their premises, and so universities ought also to restrict speech that is not in the interests of their students. Here, the argument is from lesser to greater, but the difference is one of significance more so than size. Of course, that argument might not be persuasive for a variety of reasons. One can refute the argument by pointing to the differences between colleges and businesses just as one can defend the argument by pointing to their similarities.

Stranger things have happened

This *topos* can be either a compelling argument or a clear example of an argument advanced from desperation. The argument should be most effective when an audience member distrusts his or her own mind's ability to measure probability. Audience members may find themselves uncertain of their own minds, for instance, in times of crisis. As such, it is usually best to conceal the *topos* and not try to argue the warrant too extensively, by selecting data from the same class as the claim. That is, when advancing an improbable claim such as the claim that Trump could become a good president, it is best to use data from a similar situation to make the

point, such as the previous improbable event of his election. Doing so keeps the audience focused on the incredible shift in the political landscape, rather than reasoning closely or thinking about the bigger picture. When data not closely related to the claim are used, the result is to bring to the audience's attention the difference between the topic in the claim and that in the data. Of course, one can also avoid mentioning specific data at all and simply declare that something is possible because stranger things have happened, which might work if the audience knows and supplies the data needed to reinforce the claim.

This *topos* is chiefly one concerned with making assertions about facts that might happen or that could have happened. Chiefly students may be able to use this *topos* when answering questions that ask them to predict the future. Consider the following prompt: will female athletes ever be given pay equal to that of their male colleagues? A student might respond to this query by arguing that since female athletes have managed seemingly unlikely and incredible achievements, such as the underfunded U.S. women's soccer team winning the world cup, that something less likely—such as an increase in pay—might be coming their way. It might be expressed in a sentence such as this: No one ever thought that the U.S. women's soccer team would win the world cup, so maybe now they will beat the odds and finally get paid the same as their male counterparts.

Exactly what you'd expect

The argument from type is fairly common in ordinary discourse because people naturally use classes or categories to predict what their experience will be with an individual member of that category. Of course, such reasoning is not always valid. In fact, arguments created from this *topos* are often associated with the fallacy known as sweeping generalizations. Caution is especially merited when using the *topos* to create arguments about the behavior of human beings.

Nonetheless, the argument from type can be employed persuasively even when it is not valid. Consider for instance the example used in the previous section regarding Alabama Governor Robert Bentley's behavior. The following claim was advanced: Bentley was engaged in "shady shit." The following warrant was used: this should not surprise us because he should be classified with other disgraceful "Alabama governor[s]" (Turton). The data used to support the claim described *Bentley's* activities. To produce a valid argument, it would be necessary to establish the behavior of the class first. Accordingly, the claim should be about the behavior of Alabama governors with Bentley's behavior being but one piece of data in the chain. But since the writer can presumably rely on the audience to think of other less-than-honorable Alabama governors, it is possible to rely on the knowledge that the audience already possesses.

This *topos* could be useful in any situation where one has a category to use as the basis for a claim. Consider, for instance, that a student wished to create a persuasive speech encouraging a ban on Pit bull dogs. The student might use this *topos* to reclassify Pit bulls as a kind of specially bred fighting animal rather than a family pet. They might, for instance, make the following argument: Pit bulls should be banned (claim) because they are not pets but fighting dogs (warrant) and their violent behavior (data) is to be expected from an animal bred for the purpose of fighting. Here, as with most *topoi*, the *topos* provides the warrant for moving between the different parts of the argument. Diligent students will naturally gather the data, but the data will not always support a claim. Awareness of the *topos* both enables students to transition smoothly from data to claim and to be able to repeat that same maneuver when encountering similar situations, that is, situations in which reclassification of a subject (e.g. Pit bulls) changes the audience's expectations of the subject.

In broad daylight

The *topos* of transparency is chiefly useful in defensive situations, where either the morality or legality of an action is doubted but not both. That is, if the action is obviously immoral (e.g. Trump University), one can use the *topos* to argue that the action was obviously legal because no one tried to hide it. If the action is obviously illegal, one can dispute that the actor did not believe it to be immoral (because he did it in public). As I have described the *topos* so far, its use is more suitable in debate as a *topos* for the defense than for public speaking. But it can also be used by an accuser, who can claim that an attempt to hide something constitutes evidence that a crime was committed.

The *topos* could for instance be employed by both sides if one were debating the following proposition: Hillary Clinton should be considered a criminal. The proposition could make the following argument: in setting up a private email server during her time in office, Secretary Clinton attempted to conceal something, which must have been illegal. Convincing or not, there is an argument here. The claim would be that Clinton did something illegal. The data would be that she attempted to conceal her actions by setting up a private server. The warrant would be the *topos*: what is done secretly is done to avoid judgment and is therefore likely to be considered wrong by most people. But the opposition too might also make use of the *topos*. The opposition might claim that Clinton is blameless. They might present data showing that Clinton's actions while in office are all a matter of public record, being enshrined in news reports, publicly available accounting data, televised public appearances, and so on. In the case of someone defending Clinton, the *topos* would also be in operation—because if all of her actions were done in broad daylight, of what is there to accuse her?

All that is gold does not glitter

The argument against appearances can do a great deal of heavy lifting when the speaker is in a difficult situation. When there is a contradiction or the facts are simply against the speaker's position, the argument against appearances can offer the speaker an escape. However, the argument works best when the facts are not immediately evident to the senses or when there is some doubt about the facts. As a further condition of success, it is important that the speaker avoid revealing that the *topos* is being used. This latter condition can be fulfilled by 1) avoiding the use of phrases that reveal the *topos* such as "things are not what they seem," or "it's not what it looks like," and 2) focusing on explaining the alternative rather than denying what appears to be the explanation.

Students can use the *topos* in speeches for any topics where the subject of the speech is a practice, item, or attitude that is new or novel or which might be thought distasteful at first glance. If a student were, for instance, to create a speech on Chinese medicine and mention some of the practices that are a part of Chinese medicine, this *topos* would be useful. From the western medical view, acupuncture might seem to be painful and more or less ineffective. But the use of the *topos* could support the claim that there is an alternate system of measuring health and of treating illness—a system which would explain the need to apply acupuncture needles at certain points. Thus, while the data possessed by audience members might lead them to conclude that acupuncture looks painful and seems senseless, the warrant would support a seemingly contradictory claim.

In an argumentation or debate class, this *topos* is useful as a defensive response to assertions made by the opposition. For instance, suppose students were debating the seemingly indefensible issue of pork barrel spending. The proponent of eliminating pork barrel spending

might claim that such spending constitutes a bribe to voters to keep them satisfied with their current representative. But the defender of pork barrel spending might use the *topos* to claim that an alternate explanation exists: such spending is really local investment designed to stimulate the economy locally and nationally. Such a move would involve claiming that the representative possessed an alternative and much more honorable explanation for his or her actions. The argument against appearances could be used to refute data demonstrating that pork barrel spending benefited marginal congressional seats, which might instead be called depressed areas. The whole operation of refuting these data would be effected by the warrant or the *topos* itself, which might be summarized as: things are not as they seem.

Running scared?

The *topos* on motive is chiefly useful for attacking the character of a person or group. The *topos* is most useful in debates. Consider for instance the issue of legal migration or amnesty for illegal immigrants already living in the United States. In a debate, the affirmative might propose to make immigration easier or to offer amnesty to illegal immigrants who live in the country already. The negative could counter this proposition by arguing that the motive of the affirmative is to increase votes for his or her political party of choice, not the noble motive of permitting freedom of movement. Such an argument has a clear claim: the real motive is not to pursue some high value but is merely to pander for votes. If the affirmative presents data suggesting that freedom of movement is good for the economy, the negative can easily dismiss it as an irrelevant side effect to the real goal: getting more votes. The warrant, or the *topos* itself, permits the data to be dismissed through the substitution of a possible motive for the one presented.

But the *topos* can also be used by students in a class such as public speaking. Consider for instance a persuasive speech on the topic of fake news. Anyone so inclined could advance the argument that all privately held news organizations are fake to some extent because their motive is not to tell the truth but to sell papers or to acquire viewers. This argument might not be very convincing, but it could serve to mar the apparently noble motives of private news organizations. In essence, the claim is that the motives of privately held news organizations are base, being chiefly concerned with revenue. The *topos* or warrant is very useful because all evidence that might show the news organization to have noble motives, such as the revelation of a scandal or the publication of information serving the public good, can be used to support the claim that the organization's motives are not noble. It is at least worth noting that one can also make the same argument about publicly sponsored news organizations, which one can claim are indebted to the government financing them.

The argument from motive is most useful in situations where the person or organization involved does not have a history of consistent action. For instance, if a political party suddenly changes its stance on the issues, the opposition can easily argue that the change is motivated by base vote-seeking behavior. The same is true of individuals. If a celebrity who has no record of producing socially conscious music suddenly comes out with an album that celebrates women or minorities or social justice, it is easy enough to accuse her of trying to boost her own album sales.

Another factor governing success with this argument is whether the probable motives in question are easily understood by the audience. Persons operating in fields where the prevailing motives are calculated, as opposed to natural, may be especially vulnerable to the use of this *topos* to attack them. For instance, in the earlier example of the leader of a major political party

refusing to debate the leader of a minor political party, the prevailing motive is one dictated by political strategists (i.e. debating someone who is not one's equal only elevates the opponent or lowers one to that level). More common, and easily understandable, human motives such as fear, aversion, and anger are not plausible explanations for behavior in that field. Thus, careful calculation can easily be represented to an audience unfamiliar with political motives as a much more basic motive, fear.

If it ain't broke, don't fix it

The argument from definition is primarily useful in situations where some of the facts are already known and accepted by the audience and the speaker. In the example from *The World is not Enough* described in the previous section, the argument (“You can’t kill me. I’m already dead.”) only makes sense because the audience already knows the circumstances to which the argument refers (the impending death of the speaker, Renard; “The World is Not Enough”). The same is true of the argument made by the fictional Cicero in Robert Harris’s *Dictator*—the senate in Harris’s story already agreed that those who killed Caesar should not be punished, making it easy for the fictional Cicero to suggest amnesty over clemency. In the example of amnesty for paperless immigrants, it is precisely because the facts are not agreed upon (some people do not accept that paperless migration is not a crime) that the author is forced to shore up his argument further by redefining the term “illegal.”

Anyone in a debate may find the argument from definition a great source of argument for the negative. Consider for instance a debate on the following resolution: drug offenders should be rehabilitated not imprisoned. A run-of-the-mill affirmative case for the resolution may focus on benefits to society of rehabilitation or the moral imperative to rehabilitate, where rehabilitation is understood to connote vaguely a psychological or medical process of healing

and restoration. At least two arguments from definition present themselves for the negative. First, the negative side could argue that rehabilitation is for the sick or those temporarily disabled, and since drug users are neither sick nor temporarily disabled, they cannot be rehabilitated. Second, if the negative side were so inclined they could argue that the verb “to rehabilitate” means to restore persons to their former state. By this definition, drug offenders, the negative could further argue, cannot be rehabilitated because they will never be in the state which they were before they used illegal drugs for the first time. Hence, the negative might claim that rehabilitation is an exercise in futility.

Securing agreement about the definition of the word in question before revealing the implications of that definition is the key to succeeding with such an argument. Admittedly, the argument from this kind of definition has a dishonest flavor to it, since it depends on defining the word narrowly and abusively, enabling one to win on a technicality. But the first example that depends on commonly used meanings of the word rehabilitate is more persuasive and ultimately more useful. The most persuasive arguments from definition are substantive, that is, the meaning(s) of the word defined have a substantive impact on the discussion that changes how the audience perceives the issue.

CHAPTER 5

THE PROBLEM OF EXPERTISE REVISITED

A Problem that Science Cannot Address

In September of 2017, the state of Alabama held a special election for the vacated seat of former U.S. Senator Jeff Sessions. The election was only interesting because of claims made about the character of the Republican nominee, Roy Moore. Moore, a former Alabama state judge and prosecutor, was accused several times during the election of having molested a fourteen-year-old in the 1980s. People outside of Alabama were understandably shocked when it appeared that both the Republican establishment and legions of Alabama voters intended to back Moore in the election. National news organizations descended on Alabama to find out just why Alabama voters intended to vote for Moore.

As part of the sudden attention being given to Alabama voters, *Vice Magazine* sent a reporter to Birmingham, AL, to conduct a focus group interview with several Alabama voters who intended to support Moore. During the interview, the reporter often challenged the views of audience members either to persuade them or to elicit a different response. In one exchange, the reporter asked the interviewees if the conduct of Moore could be ignored, and one interviewee responded: “Forty years ago, in Alabama, there’s a lot of mamas and daddies that would be thrilled that their fourteen-year-old was getting hit on by a district attorney” (*Vice News*). In the video, many of the other panelists indicate support for her argument.

Apparently considering this view unanswerable, the reporter simply asked another question. However unacceptable we might find this defense of Moore to be, we need to examine why it works so easily for others. In a spirit of generosity, we might express the panelist's view more formally as a kind of data-warrant-claim argument:

Data: Even if Moore molested a fourteen-year-old girl in the 1980s.

Warrant: Alabama was different at the time.

Claim: So Moore's actions would not have been thought wrong.

We could also express it as a syllogism:

Premise 1: Moore molested a fourteen-year-old girl in the 1980s.

Premise 2: But molesting fourteen-year-old girls was not thought immoral in the 1980s.

Conclusion: Therefore, what Moore did should not be judged immoral retroactively.⁵⁴

That this rationale can be expressed using Toulmin's or Aristotle's model of argument is not as important as what the rationale reveals to us about the mind of the speaker. At the end of this chapter, I return to this example to demonstrate how one might also use this voter's argument to change her mind. But for now, this example highlights for us an important deficiency in an approach to argument built on the foundations of enlightenment thinking.

This person's argument is not one that can be dealt with by merely appealing to facts. The argument expressed stipulates the controversial facts in question. The force of the argument is in the *topos* (*Things Have Changed*) which re-situates the controversial actions of Moore in a different place and time where they were ostensibly normal, or at least not objectionable. No

⁵⁴ The formal syllogistic expression of these arguments fails to capture the full reason why they were so persuasive. For instance, the manifest content of the warrant, "Alabama was different at the time," refers literally to a shift in time. But implicit in the warrant is the passive acceptance of male dominance and power prevalent at the time (and perhaps still so). Perhaps this failure is a feature of formal syllogistic expression.

amount of new evidence will be able to unseat this argument. Nor would it help to disqualify the recalcitrant in this case. The argument, and others like it, appealed to a broad enough number of voters to make Moore believe his candidacy was viable, if not certain. Moore's behavior in the 1980s was certainly problematic, and anyone following the election who recognized this problem might have been inclined to give up in exasperation with voters who did not share that view. But making the issues with Moore clear to Alabama voters was only possible by means of rhetoric. In fact, the answer is to acknowledge the voter's warrant and to use it to prove a different point: in the 1980s, Alabama was a male dominated society in which powerful men like Moore were not expected to respect young women.

The Problem of Validity Re-Examined and Reframed

This recent episode from the electoral politics of the state of Alabama illustrates a problem that is much bigger than how one goes about changing the minds of prejudiced or misguided voters. To an expert concerned with constructing valid arguments, the problem is incomprehensible. To someone using Perelman's approach to argument, Alabama voters appear to constitute a local and particular audience which should be ignored. After all, they do not appear to share the values or commitment to reason that a universal audience would share. A user of Toulmin's argument system could rightly point out that the only backing for this warrant (*Things Have Changed*) is its wide acceptance. The best approach then is to attack the warrant for its lack of backing. But attacking the warrant would be a waste of time because it would leave the central issue, that of the immorality of Moore's actions, untouched. As a syllogism, this argument cannot even be attacked on the grounds that it lacks formal validity, which should disturb anyone deeply invested in the syllogism as a solvent for irrationality in argument.

The bigger issue illustrated by this episode is on whom the burden of persuasion rests. The reason that the argument systems of Perelman, Toulmin, and Aristotle cannot cope with this problem is that they are designed to impose upon argument a standard of rationality. They are designed for rhetorical situations in which, echoing the words of the composition theorist Peter Elbow, the rhetor speaks or writes up (“Being a Writer” 81). The systems of Toulmin and Perelman are explicitly designed for this purpose. Toulmin asserts that there is an application for his work in jurisprudence (Toulmin 16). Perelman, it should be remembered, was a philosopher of law. Aristotle’s background is certainly different, but he sought to redress problems created by jurists who were both unethical and who lacked a coherent system of argument.

The courtroom is, in many ways, a situation where writing or speaking up takes place. There are rules for what can and cannot be argued, for what may and may not be said at certain times, and there is an arbiter to enforce these rules of discourse. The influence of the jury, in the common law criminal system, may temper the claim that the courtroom is an ideal situation for rationality to be used as a standard of argument, but in general, it is easy to see why philosophers looking to impose rules of reasoning on ordinary discourse would begin with jurisprudence as their model. Rhetoric, though, has a much wider scope of applications than the courtroom. Electoral politics, for one, is a situation in which one is almost certainly not writing or speaking up. There are few, if any, rules. Many of the rules are merely norms, for which there is no enforcement or arbitration. Those trained to create valid arguments may find themselves ill-prepared for such a lawless rhetorical environment.

It is more helpful, I think, to recast the problem of validity as a problem associated with expertise, which means acknowledging that the burden rests not with those who would be persuaded but with those who would persuade. The burden is not on the unknowledgeable to rise

to the standards of the knowledgeable, but rather, with the knowledgeable to relate to those whom they would persuade. If we were to use a cultural *topos* to explain the proper relationship between the knowledgeable and rhetoric, we would not say that knowledge is power, but that with great knowledge comes the responsibility of relating it to others. For, even the most uneducated, thoughtless member of the public usually believes that he or she has good reasons for holding certain beliefs. Someone who would change that person's behavior must first acknowledge those reasons and craft arguments designed to address the particular *topoi* that hold sway in the mind of the hearer. A rhetor is not a pedagogue who brings proof down from the heavens via reason. Properly understood, a rhetor produces proof from the raw material of the audience. We must begin with this realization or risk making rhetoric an art incapable of persuading real audiences.

An Uncomfortable, Atheoretical Pedagogy

The project of reintroducing topical argumentation into public discourse should begin in the classroom. I hope that current events alone have demonstrated how devastatingly problematic it is to train young rhetors to think, write, and speak as academics do.⁵⁵ At the very least, such training hobbles them and reduces their capacity to persuade people who do not share their fundamental values and beliefs. At the worst, it teaches them to disqualify as recalcitrant all such people who do not agree with them. As suggested in Chapter 1 (p. 15), if we are to train such rhetors, we must reject many of the techniques for teaching invention which are currently being used. Among the rejected techniques of invention are research, outlining, freewriting, and

⁵⁵ Data collected by Pew before the 2016 election found unprecedented polarization in terms of candidate preference based on college education, with college educated voters generally preferring Hillary Clinton and those without a college degree generally preferring Donald Trump.

prompted writing. In Chapter 4, I attempted to demonstrate what kinds of methods we should be teaching for invention, chiefly the process of constructing and deriving *topoi*.

More than any technique, however, we must reject a theoretical pedagogy. Most of us enact pedagogies that are deeply theoretical, that are focused on helping us and our students make predictions about what will happen in the course, what they will learn from it, and the grade they will take away. We help students make these predictions with a raft of devices. The syllabus tells them what they have to do to get a good grade in the class, a rubric tells them what they must do to get a good grade on the assignment, a model thesis sentence tells them how to perform well on one part of the rubric. A good portion of any professor's time is occupied with constructing this kind of material, which has the sole purpose of helping students predict how the class will go and how they will perform in it.

The ill effects of this kind of teaching are illustrated most vividly when people accustomed to having this kind of material to guide them through the process of creating or inventing discourse are asked to invent discourse without it. By definition, creating something for which there is no model is hard. But it is harder still for those who, having come to rely on models and rubrics, suddenly find themselves in a situation where they must express themselves in front of others, and there is no model for their utterance. Hence, the cumulative effect of this kind of teaching has the most adverse effects on those who derive the most comfort from it, while those who find it constraining are the least affected.

Furthermore, this kind of teaching, which is often rooted in a theoretical pedagogy, also adversely affects students who are creative because it does not encourage novelty. At least once a semester, when grading writing assignments, I happen upon something better than what I envisioned when I created the rubric. Often, if I applied the rubric to those assignments

consistently and fairly, such students would end up with a lower grade than those who, with minimal effort and creativity, followed the rubric and produced yet another assignment based on the model. Our pedagogies ought to encourage novelty and creativity, but pedagogies based on producing a predictable class will not accomplish that. Instead of producing people who make the mold, we will produce people of truly limited ability who flounder in contexts outside that in which they were trained to thrive.

I discuss this theoretical pedagogy at great length because there are probably some who believe that they can integrate the teaching of topical invention into their current approach to teaching. But I want to suggest that a more radical change is necessary: we must abandon the idea of creating a class that is predictable if we want to produce students who are capable of taking risks or thinking, writing, and speaking creatively. The lure of a theoretical pedagogy is strong, particularly for anyone tasked with teaching invention. It is strong because teaching invention is not easy. I confess that I, too, would be relieved if there were a way to avoid placing critical decisions about persuasiveness or rhetorical effectiveness in the hands of eighteen-year-olds in an introductory rhetoric class. But I do not think we can do so without kicking the can further down the road. If they cannot be entrusted to make such decisions at eighteen in a college classroom, when will they learn how and with what consequences?

As an approach to teaching argument, topical invention cannot be worked into any kind of predictable system. *Topoi* are not part of a list that can be memorized then regurgitated later at need. Indeed, if one teaches topical invention this way, one is missing the whole point. In some ways, it would almost be foolish for the instructor of a class who intended to teach topical invention to show up on the first day with a list of *topoi* that he or she intended to teach the students. Instead, an instructor teaching topical invention should teach students how to discover

topoi lurking in the worlds of discourse which they inhabit. Another technique would be to give students texts which are *topoi*-rich but not specify what they are to find in them. Using this method, I have often had students find *topoi* I did not see. Through the act of discovering *topoi*, young rhetors become familiar with their rhetorical environment—both with the kind of arguments accepted by the audience and those created by other rhetors. These are far better guides to argument-creation than a model of argument or a list of sanctioned warrants for reasoning.

But this approach could be a profoundly uncomfortable experience for both instructor and students because if one cannot know in advance what *topoi* there are to find, one cannot adequately assess whether students have found them or not. Since one of the goals of discovering *topoi* is to gain a window into the mind of the audience and to create a more persuasive speech, persuasiveness (broadly understood) should be the conceptual standard against which a discourse is judged. For students, the persuasiveness standard suggests that their grades will be determined by subjective factors and will be unpredictable. Many instructors will also find this approach troubling because it makes their authority in the classroom harder to maintain. Without clear guidelines reinforced through rubrics, instructors may feel uncomfortable distributing grades on the basis of a subjective standard such as persuasiveness. But the stakes are too high for comfort to govern our decisions about what and how we teach.

An alternative to the *topoi* that often gets some attention is the system of *stasis* that was invented by Hermagoras and popularized by Cicero. As an approach to invention, the *stasis* system is far easier to sell than the *topoi*. As it came to be understood, the system involves four

prompts.⁵⁶ The first considers whether the issue is a question of fact (did you kill him?). The second and third ask if the act, having been committed, was wrong by definition or by circumstance (was it murder or self-defense? was it justified?). The fourth whether those trying the accused have any authority to do so (what standing do you have to bring this charge?). These are often summarized as arguments from fact, definition, quality, and jurisdiction. The obvious limitation of the *stasis* system is that it is only useful in situations where an accusation is being debated. But it is tempting to want the *topoi* to be like the *stasis* system—for there to be a list of arguments and an order in which to use them. But I think that my discussion of various *topoi* reveals that they are too varied to be treated systematically. I am not the only one to have come to this conclusion—Michael Leff claims that trying to systematize the *topoi* is a “fool’s errand” (“Up From Theory” 208).

Ultimately though, perhaps the most persuasive argument against either attempting to systematize the *topoi* or invention in general is that it is not only impractical but that it is also undesirable. In a well-known passage, the notable Donald C. Bryant used the following words to describe the techniques of propagandists who try to mislead audiences:

They concentrate [...] on the exclusion of competing ideas, on the short-circuiting or by-passing of informed judgment [...] They seek to obliterate [alternatives], to circumvent or subvert the rational processes which tend to make men weigh and consider.
(417)

Those who want to systematize invention seem to be doing something quite similar. They want a way to “short-circuit” or bypass the problem of judgment. They want a system that helps students avoid having to choose between “competing ideas” or a system which effectively

⁵⁶ For an excellent introduction to scholarship on the *stasis* system see: Beth S. Bennett. “Hermagoras of Temnos” in *Classical Rhetoric and Rhetoricians: Critical Studies and Sources*. (187-192).

eliminates all of the bad alternatives. In the end, such a system system subverts, rather than cultivates, “the rational processes which tend to make [students] weigh and consider” (417).

The *Topoi* as Devices of Propaganda

If there are systemic barriers to the introduction of topical invention to the classroom, there are also significant attitudinal barriers that have to be overcome. One of these is the objection that teaching a system of invention that privileges persuasiveness as its primary goal is unethical. By dismissing the importance of rationality in discourse and replacing it with persuasion, I might hastily be charged with sophistry or with trying to teach rhetors the art of creating propaganda and not the art of creating rhetoric. I am sympathetic to these concerns, but I think they are born of faulty premises. The first of these faulty premises is that rhetoric creates truth. When rhetoric is treated as an epistemic, truth-creating art, its methods suddenly become more important than they otherwise would be if rhetoric were viewed as simply an art for discovering persuasive arguments. The supposed epistemic function of rhetoric, which has its roots in Plato’s critique of sophistic rhetoric, leads to the second faulty premise, that we can distinguish in form between rhetoric and propaganda. Bennett and O’Rourke identify targeting “uncritical common places [...] to build consensus or to win adherence” (*topoi*) as one of Plato’s characteristics of unethical rhetoric (“Prolegomenon” 59).

My aim here is not to demonstrate that the first premise is wrong because rhetoric is powerful apart from its relationship to truth. Rather, I intend to demonstrate that we cannot make determinations about ethics in rhetoric based on the form that the arguments take. In other words, in opposition to the Platonic notion that *topoi* are merely shortcuts for bad reasoning, I want to demonstrate that one can use them ethically or unethically and that this has little to do with the

topoi themselves. To demonstrate this claim fully, I ground the discussion in some of the *topoi* I discussed in the previous chapter.

Concealing the *topos* and confusing the audience

In his piece reviewing the work of G.P. Mohrmann, Michael Leff observes: “oratory succeeds best when it appears to blend into the context of ordinary experience” or when “the oration does not call attention to its own status as an art form” (“Textual Criticism” 381). Similarly, William Keith observes “it is the nature of rhetoric that it continually effaces itself” (230). In a line I quoted earlier, Toulmin himself makes the point without using the word rhetoric: “data are appealed to explicitly, warrants implicitly” (92). Finally, Aristotle makes the same point, but in regard to style specifically: “those who practice artifice must conceal it and avoid the appearance of speaking artificially instead of naturally; for that which is natural persuades, but that which is artificial does not” (*Rhetoric* III.2.4-5). Two of the *topoi* described in this study exemplify this principle: the *topos* concerning improbability (*Stranger Things Have Happened*) and the argument against appearances (*All that is Gold does not Glitter*). In both cases, the revelation that one is using the *topos* can prove fatal to the attempt to persuade.

For instance, many uses of *Stranger Things* involve the speaker using a fantastic or unbelievable event to undermine the confidence of listeners in their own ability to decide if another (less fantastic) event is probable or not. If the speaker uses a fantastic or unbelievable example that is both related to the case and outside of the hearers’ realm of direct experience, they will be less likely to note the presence of the *topos* or properly weigh the bearing of the fantastic example on the case in question. The same mechanism is often at work in examples of the argument against appearances (*All that is Gold*). After all, few people have ever been convinced by someone hastily crying out “it’s not what it looks like!” But the concealed version

of the argument can be much more persuasive. In this case, the goal of the speaker is to subvert the apparent evidence of the senses. From the perspective of the speaker using the argument against appearances, the farther removed the evidence of the senses is from the audience members, the better. If the senses are a reliable source of information, the use of this *topos* is obviously very powerful and dangerous in as much as it can distort the audience's conception of reality.

The purpose, it would seem, of both *topoi* (*All that is Gold* and *Stranger Things*) is to confuse the audience, to destroy their confidence in their ability to judge probability, and to undermine their confidence in perception itself. It is easy enough to see how they can be used in an ethically specious manner. It is equally easy to see that the repeated use of these *topoi* in the long term discredits the speaker using them, pointing to his or her lack of good will for the audience and to his or her apparent belief that the audience must be manipulated to be persuaded. To this list we could add the *topos* *Running Scared?*, not because it relies on a concealed *topos*, but because its utility is to confuse the audience about the apparent motives of the person whom the speaker is confronting.

Nevertheless, there are instances where these *topoi* can be used ethically. In the section of *The Uses of Argument* explaining the relationship between warrants and backing, backing is defined as the source of authority that makes the warrant itself valid. Toulmin also points out that backing is field-dependent. Field-dependence simply means that the accepted source of authority or backing changes "as we move from one field of argument to another" (Toulmin 96). If we use the argument against appearances as our warrant in the following ways, it will be clear that the warrant itself is supported by different sources of authority depending on the context within which it is used. The use of the warrant, "All that is gold does not glitter" taken literally, relies

on backing related to science or chemistry (which presumably might explain why some gold does not glitter). The warrant can also be used for the claim: “Not all those who wander are lost,” (Tolkien 170). In the latter case, the source of authority is not science but human experience or history, which might offer us examples of purposeful vagrants.

The field-dependence of backing means that only experts can really judge whether or not the warrant itself is true in a given field. That is, only people who know the standards of proof regarded as normal or acceptable in that field can judge whether the use of a *topos* (warrant) to link data and claim is valid. But audiences are not always experts in the fields about which they are asked to make judgments. Consider the simple example of the claim: This man is not a vagrant. Perhaps the audience for the claim has the impression that wandering vagrants are untrustworthy or dangerous and that a particular person is a vagrant because he is apparently wandering (data). Let us say for our purposes that the wandering person is actually highly trustworthy and not a vagrant. This apparent discrepancy can be explained away using the warrant in concealed form: This man’s wandering behavior (data) is explained by his being a tourist not a vagrant (claim). In this case, the outright expression of the warrant, something such as: “Not all those who wander are lost” might prove fatal since it calls attention to itself and to the attempt to reconcile an apparent contradiction.

In this case, if the *topos* is concealed and a claim is advanced that explains away the person’s wandering behavior, the argument can break the hearers’ false impression of reality and increase their understanding of the case. But this concealment would be unnecessary if the audience consisted of experts on the subject—say persons who knew the wandering person and his or her circumstances. Such people know the backing of the warrant (the person’s character or intent) and that the warrant applies in this case. Because in most instances (say, even in criminal

courts) the audience does not consist of intimate friends of the accused, the *topos* can serve a valid and ethical function—to help make that which is invisible (intent or character) apparent by undermining an audience’s confidence in a false set of facts or a false perception of reality.

Something similar can also happen with *Stranger Things*, but instead of trying to make the invisible apparent, the legitimate use of the *topos* is to make the improbable seem probable. In the example used by Aristotle, he references a speech of Androcles of Pitthus affirming that “the laws need a law to correct them [...] and fishes need salt, though it is neither probable nor credible that they should be brought up in brine” (II.23.21). The principle advanced in this speech, that laws must sometimes change to remain just, is hardly a controversial one today. At least, it is not controversial amongst educated, liberal people who do not think of the law as an unchangeable monolith. But it should not be too hard to imagine an audience for whom the law is writ in stone and for whom reform of the law is more or less unthinkable.

Before such an audience, the argument “the laws need a law to correct them” is more controversial. The intellectual approach to such a problem might be to explain the concept of justice and why the law ought to be just and thus why it is not improbable that the law needs to be changed. Such an approach might not be successful, though, because it requires that the speaker educate the audience members before persuading them. Instead, one might draw inspiration from Androcles of Pitthus and construct an analogy. One might say, occasionally the law needs to be replaced with new laws (claim) just as the police need to be policed because they sometimes abuse their power (data). The claim presented here constitutes the original improbable statement and the data a statement more improbable still that for many people is verifiable and much more tangible than the original claim. My example differs from that used by Aristotle because it keeps the data in the same class as the claim, the law, broadly considered. Even

though the warrant, that the improbable is really not so improbable, is concealed, a didactic but not pedantic lesson is concealed in the comparison constructed between the claim and the data: laws just as those who enforce them may not be perfect.

Stranger Things and *All that is Gold*, clearly have unethical uses. Uses in which they serve to undermine the self-confidence of knowledgeable but perhaps not expert listeners or simply to confuse them. As an example, we can consider a workplace scenario in which a subordinate observes some inefficient or unethical practice taking place at her company. Approaching her boss about the issue, the subordinate might be told “You do not have all the facts” or “I know it seems that way to you, but it is not what you think.” Either response amounts to the straightforward use of *All that is Gold*. There may be some context in which such statements could be legitimately uttered. But in any context where there are, in fact, no extenuating but confidential circumstances or additional facts, the use of the *topos* is unethical. Using it in that kind of case amounts to an appeal to authority—a naked attempt on the part of the superior to distort his employee’s perfectly legitimate perception. If the superior were to conceal the *topos*, by focusing on an alternate explanation that could not be revealed, the ethical problem would not be changed.

The ethical issue is not simply concerned with the form the argument takes. Concealed or unconcealed, the *topos* can be used ethically or unethically. Whether the *topos* is used ethically or not depends on whether it is used to clarify or to distort. As I hope to have demonstrated, in the case of *All that is Gold*, the concealed use of the *topos* can serve to clarify an incorrect perception. In the case of *Stranger Things*, the *topos* can serve to clarify an incorrect understanding of what is probable. But just as easily, both *topoi* can be used to distort the audience’s perception or understanding of the probable. Thus, we may conclude that concealing

the *topos* does not necessarily lead to confusing the audience; consequently, the form of the argument tells us very little about whether it is ethical.

Reasoning without the facts

The facts, data, or evidence assume an important role in post-Enlightenment reasoning. That position is so important that many people assume they only need to be told the facts to form a proper judgment about a case. The preeminence of facts in American public argument is exemplified by the catch phrase “just the facts,” a preference for so-called straight talk, and by exhortations for speakers to “cut to the chase.”⁵⁷ While Bennett and O’Rourke’s typology of propaganda does not make the mistake of assuming that discourse need only consist of unadorned fact, they assert that propaganda exerts “strict control over information flow” and that in contrast, rhetoric allows for a “significant and informed” choice (67).

Two of the *topoi* examined here seem to undermine the apparently fundamental role of facts in the argumentation process. For instance, the *topos All that is Gold* makes use of the warrant, “things are not what they seem,” to subvert data that self-evidently seem to support a claim. In practical terms, a defense attorney whose client was caught red-handed, with all the evidence in the world against him can use any number of arguments constructed around this warrant to sow doubt and to subvert hard evidence in a prosecutor’s case. Similarly, the *topos Running Scared?* can be used to undermine claims about motive, to assert, for instance, that an apparently noble deed is actually base and corrupt. Simply stated, the issue is that our everyday experience of discourse suggests that facts are necessary to argumentation, but these two *topoi* are examples of arguments that are designed to operate without supporting facts. In the case of

⁵⁷ See Mike Myatt, in his column for *Forbes*, where he purports to “clearly and briefly” explain “the tricks of those who practice ‘the black art of confusion.’”

All that is Gold, the *topos* operates using facts that at best are difficult to reconcile with the claim presented. As demonstrated earlier, in the case of *Running Scared?*, the *topos* often depends on the audience's ignorance of the facts to substitute a possible motive for the probable one.

From most of what has been said about them, it would seem that these *topoi* are highly unethical and ought never to be used, except perhaps by sophistic defense attorneys who are paid to exhibit behavior that is questionable in other contexts. But it is also clear from the examples I have given (Erasmus' usage and that of John Stossel) that *All that is Gold* can be used ethically. A further example highlights the ethical uses of this *topos*. In his sermon *Sileni Alcibiadis*, Erasmus uses the *topos All that is Gold* to attack the apparent virtue of clergy who go about performing outward acts that seem to indicate holiness, but who lack virtuous characters (*Adages* III.2.1). According to Erasmus, the data (the appearance of the clergy) seem to suggest their holiness. But things are not what they seem (warrant), and thus, these data can actually be used to support the claim that the apparently holy clergy are corrupt. This usage of the *topos* strikes me as entirely unobjectionable, and yet, just as its more ethically specious cousins, it does not depend on supporting facts to make the case. Instead, Erasmus twists or spins the existing data by means of the warrant to support a different claim.

Twisting the facts and spinning the story are often assumed to be the most basic devices of propaganda. In spite of that, there is a place for twisting the facts in the ethical rhetor's argumentation toolbox.⁵⁸ To acknowledge the place of these techniques in the rhetor's toolbox is not to commit oneself to the radically subjectivist view that there are no facts but is rather to acknowledge that there is sometimes a gap between perception and reality, a gap that can be used

⁵⁸ Twisting the facts has an analogue from Roman rhetorical training known as the *colores* which functioned to "shade the disputed act rhetorically" and "enabled a declaimer to interpret the events of a case in an ingenious or novel way" (see: Beth S. Bennett, "The Elder Seneca" 152).

by the unethical to exploit the ignorant. But as the case of Erasmus shows, even rhetors with good intentions must sometimes confront the gap between appearance and reality and attempt to compensate for the ignorance of the audience by explaining the gap away, twisting the alleged facts, or spinning the story. The less they appear to be engaged in the act of twisting the facts or spinning the story, the better.

Finally, it is not wrong to think of facts as crucial to argument. But facts are not the entirety of arguments, and often, if one wants to win, including the bare facts may actually harm one's case. It is often necessary even for the sincerest of rhetors to avoid lengthy explanations or complex but implausible truths and favor simple, satisfying explanations. Bennett and O'Rourke acknowledge this: the rhetor may not "ever fully explain all points of view and all sides of an argument" (68). Consider, for instance, a hypothetical answer to the charge that one is running scared of a head-to-head debate. One might try to explain one's real motive: "I simply do not think that it is a good strategic decision to debate my opponent at this time, especially given that my opponent is less prominent than I and my debating her provides a wider platform for her bad views." That kind of explanation is deeply unsatisfactory and serves only to highlight the Machiavellian political reasoning behind one's decision. A far simpler and better response would be the one the British Prime Minister Theresa May gave: I would rather "speak directly to the voters" than debate other politicians (Ponsford). The response works because it is not necessarily untrue and also serves to highlight the good qualities of the speaker. But what is apparent from this extended consideration of the role of facts in argument is that the presence or absence of facts is not necessarily a recipe for successful or ethical rhetoric.

Propaganda by cliché

In *On the Study Methods of Our Time*, Giambattista Vico observes “that common sense, besides being the criterion of practical judgment, is also the standard of eloquence” (13). Vico’s notion of common sense (*sensus communis*) differs significantly from the contemporary use of that term. As historian Patrick Hutton explains: “For Vico [...] common sense was a resource of collective memory upon which the rhetorician drew [...] to relate inherited wisdom to the present needs of the community” (878). But of course, common sense is regarded by many intellectuals today as a body of knowledge that students should discard when they come to college, or at the very least, question. Stated in terms of contemporary intellectual values: what common sense is to invention, the cliché is to style.

Two of the *topoi* discussed in this work (*What’s Good for the Goose* and *If it Ain’t Broke*) are well-known English clichés. In a way, to label these *topoi* clichés and not merely idioms is to levy what amounts to a moral charge against anyone who uses them. A user of clichés, after all, is an unoriginal thinker, someone so devoid of individual creativity that he must rely on linguistic formulations developed by the culture to reason. That charge is more or less accurate, if misguided. After all, *What’s Good for the Goose* expresses the same sentiment as one of Aristotle’s *topoi*, the argument from greater or lesser, and *If it Ain’t Broke* is a form of the argument from definition, which was the second step in Hermagoras’ four-part system of *stasis*.

The charge is accurate, but it is misguided because there is no special virtue in being original when one merely needs to find a way to communicate a truth already known and expressed elsewhere. But there is a virtue in creativity. For that reason, it is possible to detest clichés and so-called common sense, as we think of it today, while valuing the *topoi* that underlie them as starting points for invention, if not as the start and finish of all thought on any subject.

But in the specific case of the *topoi* in question, their current cultural expressions are in the form of clichés or idiomatic expressions. As clichés they represent a kind of calcified thinking, which only apply to specific situations. The *topos* of greater or lesser degree, for instance, has been reduced to a quaint heterosocial metaphor about waterfowl: “What’s good for the goose is good for the gander.”⁵⁹

So far from being regarded as a highpoint of knowledge, most teachers of writing would probably regard that idiomatic expression as problematic if not merely trite. To be fair, if that expression showed up word for word in any paper I was grading, I would probably urge the student to expurgate it, not because the expression is problematic or toxic or unoriginal, but because it is undigested. In its idiomatic form, the expression is bound to a particular set of concretes (geese and ganders) and things related by metaphor (women and men). The idiom ties the *topos* down to a situation where there is no real difference in degree. That is, the idiom suggests that one of the two (the gander probably) is the greater, that the other is the lesser, and that what applies to the lesser (the goose) is applicable to the greater. I scarcely need explain why this is problematic. In most cases where *topoi* are embedded in clichés, the rigidity of the idiom belies the real flexibility of the underlying *topos*. In the specific case of *What’s Good for the Goose*, the idiom obscures a whole field of legitimate comparisons between items that are actually different in capability. In essence, the idiom limits thought rather than encouraging it, which is not what a *topos* is supposed to do.

In searching for ways to introduce the *topoi* to contemporary students, this is surely yet another barrier. Because if a *topos* is initially associated with a clichéd expression, it acquires all

⁵⁹ While it has wider application, I doubt there are many people who use that idiomatic expression outside of a context where assertions are being made relating to gender.

the baggage of that expression, and it can be difficult to break that association. *What's Good for the Goose* is a great example of a misapplied *topos* that has colonized our language and so our culture. This cliché has implanted itself in our culture in a rigid form that is barely recognizable as a descendant of the flexible and highly developed *topos* that it once was. The solution to this problem, at least for teachers of rhetoric, is not to cross out all clichés; for clichés are evidence that students have access to the *sensus communis*. Rather, the solution is to encourage students who use clichés to move beyond them, to help them find the *topos* at the root of the cliché, and to find new and novel ways to express that *topos*. This approach has the advantage of simultaneously removing clichés, encouraging creativity, and relieving students of the burden of finding something completely original to say. It should be clear from this discussion that once again, the form the argument takes (i.e. its expression as a cliché) is not an indication of whether it is a moral argument or not.

An Alternative Direction for Ethical Concerns about Rhetoric

I have hardly been coy about the socio-political aims of this work. There is a problem in western political culture and discourse—a problem related to the inability of experts to express themselves—for which rhetoric has a solution. But I have rejected two very common approaches to resolving this problem. The first of these is the philosophical inclination to raise the standard for public argument when it appears that demagoguery is taking hold. For the same reasons, I have rejected the second approach as well, which is the tendency to use formal characteristics of discourse and argument (such as concealing the *topos* or twisting the facts) to distinguish between rhetoric and propaganda. At first glance, my rejection of both solutions appears to be willfully ignoring one of the major problems in our political culture at present: fake news.

I am not attempting to resolve this problem now, but having defended my rejection of form as a means of distinguishing between rhetoric and propaganda, I want to explain briefly where we ought to concentrate our concerns about ethics and rhetoric. Instead of looking to formal characteristics of argument, we ought to look at the substance of the appeals themselves to determine whether they are ethical or not. In the *Rhetoric*, Aristotle distinguishes between two types of proof: “as for proofs, some are inartificial, others artificial” (I.2.2). The artificial⁶⁰ proofs are those created by the art. They are commonly described as *ethos*, *pathos*, and *logos*. The inartificial proofs are those that pre-exist the art such as, “witnesses, tortures, contracts” (I.2.2). Fortunately, the science of discovering inartificial proofs has advanced since Aristotle conceived of this distinction, but the distinction still holds.

In my view, all of the artificial proofs are subject to both ethical and unethical use. One cannot simply condemn a discourse on the grounds that it appeals to the emotions or that it appeals to the audience’s pre-existing notions, or even prejudices. Even ethical, well-intended rhetors use these strategies. But we can more easily evaluate how inartificial proofs are discovered and used as supporting material in a discourse. For instance, journalists already have procedures for evaluating the reliability of sources, and police have rules for preventing the destruction or corruption of physical evidence. It is in this general direction that concerns about ethics and rhetoric ought to be directed. Even the often very limited advice given about how to find and to evaluate credible sources in basic rhetoric classes is advice about inartificial proof. This suggestion may not be satisfactory because it places most of the concerns about ethics

⁶⁰ The slightly negative connotation of the word “artificial” is yet another sign of how enlightenment values affect our understanding of rhetoric, a pre-enlightenment discipline. This is probably why some translations use “artistic” and “inartistic” instead.

outside the purview of the rhetorician, but it is a tenable answer (or a direction toward a tenable answer) for the problem of ethics in rhetoric that can be integrated into rhetorical praxis.

The Enlightenment's Failure?

Throughout this work, I have exhibited a profoundly negative orientation toward the historical movement that we call The Enlightenment. But to the contrary, on the whole, my view is that The Enlightenment involved a series of profoundly beneficial intellectual moves. For the physical sciences, it swept aside the authority of old doctrines and re-focused attention on what mattered: evidence. Rhetoric even benefited from the intellectual trend, though in limited ways.⁶¹ But on the whole, the Enlightenment project was a disaster for the practical art of discourse. As I have sought to demonstrate, the substance of rhetorical invention is not concerned with observation and induction of facts to produce arguments. Very often, rhetorical persuasion relies on the ability of the rhetor to read the audience (or, writ large, the culture) and to invent arguments using paths of reasoning (*topoi*) which that audience finds understandable. To Enlightenment thought, this method of persuasion resembled the discredited methods of thinking that science had replaced.

So, The Enlightenment left this kind of argument behind because it was not the kind of argument thought suitable for use by scientists. I honor science and its methods, but I have grave doubts about whether those methods can ever form the basis for how non-scientists reason with one another. Just as scientists, we should demand evidence for proof, but we should also recognize that unadorned or unexplained evidence is not always enough to guide our judgment.

⁶¹ See for instance Gilbert Austin's scientific treatise on facial expressions, hand gestures, and body positions, *Chironomia*, which is an attempt to explain the meaning and effect of nonverbal gestures in public performances.

In their fervor for science, rhetoricians of the Enlightenment left the art of interpreting, explaining, and using evidence (one function of rhetoric) behind.

Effectively, the rhetoricians of the Enlightenment deserted Vico's *sensus communis* and the *topoi* that are its constituent parts. The *topoi* became the tools of reasoning associated with those untrained in science (rustic barbarians) and became associated with idiomatic expressions, known to us as clichés. In general, the material of rhetorical invention became despised. But I think rhetoricians have long felt the absence of the *topoi*. Hence, many techniques and methods have been substituted for them in the long periods since they were dismissed. Among these are the various forms of logical argument, such as the syllogism or Toulmin's model, research, and outlining.⁶² Perelman's universal audience is problematic for other reasons, but he deserves credit for attempting to reintroduce the *topoi* into rhetorical invention.

It is tempting to say that the only people affected by the dismissal of the *topoi* were those who could not grasp scientific thinking. But I think even scientists are adversely affected by the absence of the *topoi*, at the very least because without them they cannot communicate with others effectively. In a simple sense, the *topoi* are part of a non-specialist method of reasoning that humans use for areas in which they are not experts. The most common field in which the great majority of people are non-specialists, yet must have some opinion, is politics. But *topoi* may be used in other fields of knowledge, too. In any case, by dismissing the *topoi* we have made it much harder for non-specialists to use reason in public forms of discourse. Since we are all non-specialists in some way, we are all disadvantaged by their absence from the public sphere

⁶² For more on the problem with using outlining to invent arguments, see Katherine Rowan, "A New Pedagogy for Explanatory Public Speaking," *Communication Education* 44 (1995): 236-250.

and from rhetorical education. People may find them in other ways, but surely it would be better if they were introduced by the intellectuals whose specialty it is to understand and apply them.

A Parting Example

At the beginning of this chapter, I reviewed an example of a *topos* in action that was being used to defend the reputation of a politician accused of child molestation. To prove that this example is not one that reveals the *topoi* to be an inferior method of reasoning, I want to show how one could use the *topos* to change the minds of those in that audience who accept it as a method of reasoning. In other words, I want to demonstrate that in that situation, topical reasoning is not a liability but an asset. The interviewee in question defended the Alabama politician Roy Moore on the grounds that his predatory behavior would have been perceived differently in Alabama of the 1980s. In effect, her argument relied on the *topos*: times have changed.

Later in the same interview conducted by *Vice News*, the same interviewee expressed some doubt about the credibility of Moore's accusers. Why, she asked, had it taken them forty years to come forward? Again, the interviewer had no reply for this woman's questions. But we may imagine a reply suited to the mode of reasoning which she was using. We might express the reply casually in this manner: in Alabama, at that time, Moore's accuser probably would not have been believed, but hopefully things are different now. To state it more formally:

Evidence: Moore's accusers waited a long time to come forward.
Topos: Because they would not have been believed in Alabama at that time.
Conclusion: Moore's accusers were justified in waiting to come forward.

The same *topos* is in play and awareness of the *topos*, or the ability to decipher it allows one to turn it back toward those who know it—not against them, but toward them so as to persuade

them. This is no automatic recipe for persuasion—the user of the *topos* can disavow it or evade its relevance—but it does a great deal to demonstrate that the argument is endorsed by the self-same processes of reasoning that the audience endorses.

Limitations and Contributions

Above all, this study is limited by the scope of the material it has sought to address. It attempts to read the work of Aristotle, a Greek of the fourth century B.C.E, alongside two twentieth century philosophers, Stephen Toulmin and Chaïm Perelman. In addition, it attempts, to acknowledge briefly the influence of a vast intellectual movement, the Enlightenment, on the process of rhetorical invention. While the study expends considerable space attempting to read Aristotle into the conversation, yet more could be devoted to understanding Aristotle's place in the contemporary conversation about rhetoric. The same could be said of the readings of Perelman and Toulmin just as it could be said that the discussion of the Enlightenment in the study is cursory at best.

This work is not a history of rhetorical invention but neither is it a completely original account of how rhetorical invention functions. The main technique of invention described in Chapter 4 is mentioned in a cursory way in Aristotle's *Rhetoric*. The paradigm I am cultivating around the technique of topical invention is rooted in principles that others have described and defended.⁶³ The contribution of this work is to synthesize the various views on rhetorical invention propounded by philosophers, historians, and rhetoricians into a conversation that is dominated by a desire to discover both what techniques work and what paradigm will allow those techniques to be taught.

⁶³ The work is especially indebted to Michael Leff whose work on the *topoi* prompted this investigation.

Future Directions for Research

Part of the reason that this work is not a comprehensive history is that it has endeavored to furnish a rhetorical solution to current socio-political problems. I do not claim that the technique of invention I propound in Chapter 4 is a cure-all for the socio-political ills that attend nationalism, populism, and demagoguery. The solution to these ills rests in accepting the principle that rhetoric is and ought to be an audience-oriented art. There is surely more to be done to extend the application of this principle to rhetorical practice. My suggestions about topical invention are but the first steps. Certainly, rhetoricians ought to apply this principle to the teaching of the other aspects of the rhetorical canon. While style has received much attention, more work needs to be done to understand how the audience should influence arrangement.

On the historical side, there is some room for a history of Enlightenment rhetoric. In many ways, Enlightenment rhetoric is already well-understood. The work of Vincent Bevilacqua paints a picture of the views of rhetoric expressed by many of the major figures of the era, including George Campbell, Giambattista Vico and Adam Smith. Bevilacqua explains the demise of the *topoi* as a consequence of Baconian empiricism (“Campbell, Vico and the Rhetorical Science” 7). But this kind of history tells us little about the influence those ideas had outside of the literate circles within which they were discussed. I think it is clear that they impacted the teaching and study of rhetoric, but what is needed is a history of invention in the rhetoric classroom in the seventeenth and eighteenth centuries. For instance, in late sixteenth century England, we know that Erasmus’ treatise *De Copia* was widely used to teach the figures of style, and we even know which parts of it were taught and which parts ignored (Sloane, “Schoolbooks” 114). If we are to find a place for the *topoi* in contemporary rhetorical education, we need to understand fully why they were originally rejected and what replaced them.

Conclusion

The Enlightenment attempted to fix a field of knowledge that was not broken and that had in fact been raised to a high degree of perfection in the ancient world. If as a culture, we are to regain that lost excellence, if as a discipline, we are to restore rhetoric to its pre-eminent place in the academy, we must look past the intellectual biases and standards erected during the Enlightenment. Achieving this goal is not easy because it requires rejecting much of what we hold dear as members of a post-Enlightenment society and as intellectuals working in an environment that encourages an Enlightenment pedagogy. But our intellectual heritage transcends the Enlightenment because it predates it. We should not of course forget that it was the widespread acceptance of Enlightenment values that helped western society realize important goals such as the abolition of slavery and the spread of representative government. At root, Enlightenment values are also the source of our ongoing struggles to eliminate the evils of racism and sexism. But to rescue these values and to see them realized, we must reject the methods of inventing arguments (if not the methods of thought) which the Enlightenment introduced. I think this project of reform is worth it because the only way to combat rhetoric and rhetors that we may rightfully detest is to create better rhetoric and train better rhetors.

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