Choice Is Not True Or False

The Domain of Rhetorical Argumentation

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Choice is Not True or False: The Domain of Rhetorical Argumentation

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Abstract Leading contemporary argumentation theories such as those of Ralph Johnson, van Eemeren and Houtlosser, and Tindale, in their attempt to address rhetoric, tend to define rhetorical argumentation with reference to (a) the rhetorical arguer's goal (to persuade effectively), and (b) the means he employs to do so. However, a central strand in the rhetorical tradition itself, led by Aristotle, and arguably the dominant view, sees rhetorical argumentation as defined with reference to the domain of issues discussed. On that view, the domain of rhetorical argumentation is centered on choice of action in the civic sphere, and the distinctive nature of issues in this domain is considered crucial. Hence, argumentation theories such as those discussed, insofar as they do not see rhetoric as defined by its distinctive domain, apply an understanding of rhetoric that is historically inadequate. It is further suggested that theories adopting this understanding of rhetoric risk ignoring important distinctive features of argumentation about action.

Keywords Argumentation · Rhetoric · Aristotle · Rhetoric · Nicomachean ethics · Eudemian ethics · Deliberative · Choice · Argumentation theory · Ralph Johnson · Frans van Eemeren · Peter Houtlosser · Christopher Tindale · Domain of issues · Rhetorical argumentation

Since around the century's turn, leading argumentation theorists have been keen to address, even to integrate rhetoric—cf. Johnson (2000), van Eemeren and Houtlosser (1999, 2000, 2001, 2002), and Tindale (1999, 2004). These scholars are performing an important task. However, I aim to show that if they would pay

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attention to the way rhetoric has been defined by a lineage of important thinkers in the rhetorical tradition itself, they could enrich their understanding of the relationship between rhetoric and other approaches to argumentation, and important new insights about argumentation might ensue, in particular with regard to distinctive features of action-related argumentation.

First we should acknowledge the fact that rhetorical thinking is about much more than argumentation. To George Campbell (1776, 1969), rhetoric is about "[t]hat art or talent by which the discourse is adapted to its end." Campbell goes on to explain that "[a]ll the ends of speaking are reducible to four; every speech being intended to enlighten the understanding, to please the imagination, to move the passions, or to influence the will." So the ends of discourse are multiple, and not all the discourse that Campbell would call rhetorical is argumentation, by any definition of that term; for example, poetry, in so far as it aims to "please the imagination", would not belong to the subject matter of argumentation theory. Clearly, then, argumentation theory does not cover the entire discipline that rhetoricians cultivate; argumentation and rhetoric intersect but are not co-extensive. Not all of rhetoric is about argumentation; more importantly, not all argumentation is rhetorical.

The feature that several of the most important thinkers in the rhetorical tradition itself tend to emphasize in setting some argumentation apart as "rhetorical" is its subject matter. They see rhetorical argumentation as centered around a certain domain of issues—those concerning *choice of action*, typically in the civic sphere. However, many contemporary argumentation theorists who address the rhetorical tradition neglect this fact and instead apply a view of rhetorical argumentation based on its aims and means.

I shall support these claims by first looking at three important argumentation theories in our time which explicitly address rhetoric, but which define rhetorical argumentation without any reference to a domain of issues. Then I will show, by contrast, how a strong lineage of rhetorical thinking since Aristotle asserts a definition of rhetorical argumentation based on its domain: that of civic issues. Finally, I will discuss special characteristics of argumentation within this domain that remain undertheorized in modern argumentation theories as a result of this neglect.

I will comment on the three theories in ascending order of their "friendliness" towards rhetoric.

Ralph Johnson, whose theory is most coherently set forth in *Manifest Rationality* (2000), is one of the founders of the "Informal Logic" movement. Insisting on the dialectical nature of argumentation, he has proposed the notion of a "dialectical tier" in argumentation as separate from its "illative core" (1996, 2000, 2002), the dialectical tier being that level in argumentation where the arguer addresses argumentation presented by opponent(s). In general, Informal Logic has much in common with rhetorical thinking, in particular skepticism towards formalization and deductivism in argument description and evaluation. But Johnson lists three features that, in his view, distinguish the rhetorical view of argumentation from the conception he advocates.

First, rhetoric emphasizes "the need to take into account the role of Ethos and Pathos. To be effectively rational, rhetoric will insist that the argument takes account of the human environment and that it, as well, connects with human sentiment. Logic, on the other hand, sees the *telos* of rational persuasion as governed especially by Logos" (p. 269). Secondly, "Rhetoric will not generally require a dialectical tier in the argument" (p. 270). Thirdly, regarding the evaluation of argument, Johnson states: "Informal Logic should tend to favor the truth requirement over the acceptability requirement, whereas rhetoric will, I believe, take the reverse view" (p. 271). Rhetoricians might or might not embrace this formulation, depending on how it is read. The more likely reading is that, according to Johnson, rhetorical argumentation involves a willingness to set aside truth for the sake of acceptance by the audience, i.e., persuasive efficiency. On this view, rhetorical argumentation is defined by the arguer's attitude and is not seen as rooted in a distinctive domain.

Much the same is true of the second theoretical effort we will consider: the pragma-dialectical school. With a background in "speech act" philosophy, Popper's rationalism and a belief in the reasonable resolution of disputes that has much in common with Habermas, representatives of this school have taken an increasingly friendly and integrative stance towards rhetoric (van Eemeren and Houtlosser 1999, 2000, 2001, 2002). But essentially they represent the same view as in Johnson's third point, seeing rhetoric as persuasive efforts aimed at winning, i.e., at resolving a difference of opinion *in one's own favor*. As a result, rhetorical argumentation, in their view, involves "Strategic Manoeuvring", which manifests itself in three respects: (1) topical selectivity, (2) audience adaptation, and (3) presentational devices.

These three points undeniably capture important aspects of rhetoric. But in equating rhetorical argumentation with Strategic Manoeuvring, driven by a wish to win, van Eemeren and Houtlosser neglect the strong tradition in rhetorical thinking defines rhetorical argumentation not only in terms of the arguer's attitude or resources, but also in terms of the issues discussed, i.e., in terms of its *domain*.

Defining rhetoric as they do, van Eemeren and Houtlosser risk to be caught on the horns of a dilemma. What they envisage is, I contend, the peaceful coexistence of two ultimately irreconcilable motives. On the one hand, there is the dialectical assumption, built into their theory, that the purpose of argumentation is to resolve a difference of opinion, which may entail, among other things, the obligation for at least one of the debaters, possibly for both, to retract or modify their original standpoint. On the other hand, there is the motive, in the rhetorical arguer as defined by their theory, to resolve the difference of opinion in his own favor. It is obvious that if both parties in a discussion bring a rhetorical attitude, as thus defined, to their common enterprise, then in at least one of them the dialectical motive and the rhetorical motive will eventually clash; they cannot both "meet their dialectical obligations without sacrificing their rhetorical aims" (van Eemeren and Houtlosser 1999, p. 481). If, however, we define rhetorical

argumentation with reference to a certain domain of issues, then we shall see this dilemma dissolve.[1]

The third of the argumentation theories we shall consider, and the one that most wholeheartedly embraces rhetoric, is that of Christopher Tindale (1999, 2004). Indeed, "Rhetorical Argumentation" is the title of a recent book of his. Yet, like Johnson and van Eemeren and Houtlosser, Tindale neglects many rhetoricians' domain-based definition of rhetorical argumentation; his view is that students of argumentation should approach the entirety of argumentation from a rhetorical point of view, incorporating logical and dialectical approaches in it. While Johnson and the pragma-dialecticians broadly agree to see argumentation in its entirety as a dialectical enterprise, Tindale sees argumentation, in its entirety, as a rhetorical pursuit: "as a central human activity, argumentation is essentially rhetorical in ways that far exceed methodology alone" (p. 19). Only a rhetorical theory of argumentation, then, can be adequate. Central to what Tindale understands by a rhetorical theory is "addressivity", i.e., the notion that argumentation essentially relates to its audience; it is always "in audience", and similarly, it is always "in language", addressing and anticipating its audience in its every linguistic choice. This amounts to saying that *all* argumentation necessarily has (some of) the properties that van Eemeren and Houtlosser subsume under "Strategic Manoeuvring". Further, while the logical approach to argumentation, according to Tindale, sees argumentation as product, and the dialectical approach is concerned with procedure, the rhetorical approach that he favors sees it as a process in which arguer, audience, and argument are inextricably involved.[2]

To be sure, nearly everything in Tindale's approach recommends itself to rhetoricians. The features he highlights are indeed significant aspects of rhetorical argumentation which deserve illumination, and his work is full of valuable insight.

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[1] Undoubtedly, van Eemeren and Houtlosser would deny that there is such a dilemma. Indeed, some of their formulations of how debaters could be rhetorical and dialectical at the same time are such that rhetoricians ought to give them their wholehearted endorsement, for example when they speak of "maintaining certain standards of reasonableness and expecting others to comply with the same critical standards", after which they go on to say that this commitment need not prevent debaters from "attempting to resolve the difference of opinion in their own favour" (2001, p. 151). This sounds like the position often articulated by the late Wayne Booth, and I agree with it completely. However, obeying standards of reasonableness is not the same as being committed to resolving the difference of opinion. It may be true that if debaters in politics and other spheres did obey such standards, they would reach consensus more often; but even with the severest standards upheld they often would not. Why? Some of the authentic debate examples that van Eemeren and Houtlosser have analyzed are actually about the kind of issues where consensus may never ensue, no matter how much reasonable discussion the discussants would have engaged in; this is also the kind of issue where rhetorical argumentation typically occurs. For instance, in the British debate about fox-hunting clearly no resolution of the difference occurs. Yet in most of the strategic manoeuvres on the two sides that van Eemeren and Houtlosser have discussed there is no unreasonableness, no "derailment" of strategic manoeuvring; but there is no consensus either. The pragma-dialectical theory, based on the ideal of the critical discussion and aiming at a resolution of the difference, predicts that if the rules are obeyed, consensus will occur. So why doesn't it? My answer is that legislation on fox-hunting is a typical example of an issue belonging to the rhetorical domain of issues—those ultimately concerned with choice of action, not truth.

[2] This division of labour was first suggested by Wenzel (1990).

Johnson sees *some* argumentation as rhetorical by virtue of the strategic attitude held by the arguer; the pragma-dialecticians, we might perhaps say, see argumentation as rhetorical in varying degrees, depending on the amount and nature of the strategic manoeuvring present in it; Tindale sees all argumentation as essentially rhetorical.

Part of what this approach implies is seen in Tindale's view that truth should be replaced with acceptability in the assessment of premises. This move, in which Tindale chooses Johnson as his opponent, becomes less convincing for being completely general. Tindale questions the use of "truth" in argument evaluation across the entire front, regardless of what issues are being discussed. But this obscures the fact that even if his *general* objections against truth-based argument evaluation fall, there is still a domain of issues where truth would be a misplaced concept; to use a homespun formulation, there are some issues where the concept of "truth" is even *more* misplaced than in others. This domain is that of practical issues, as distinct from epistemic ones—that is, issues regarding choice of action rather than knowledge. Johnson and the pragma-dialecticians offer no indication that a theory of argumentation in the practical domain would have to be in any way different from the general theory they present, for instance with regard to the availability of consensus or the possibility of determining the validity of arguments independently of audiences; neither does Tindale, despite his wholesale espousal of a rhetorical perspective.

Tindale does not distinguish between rhetorical argumentation and other types of argumentation that are not rhetorical. Johnson, as we saw, does makes this distinction by claiming, among other things, that rhetorical argumentation favors acceptability over truth. The pragma-dialecticians also make the distinction in the sense that argumentation using "Strategic Manoeuvring" is seen by them as rhetorical. However, the criteria we actually need to make the distinction do not have to do primarily with the arguers' attitude (as in Johnson), or with the strategies used by the arguers (as in the pragma-dialecticians). Instead, the rhetorical attitude that arguers sometimes take, and the rhetorical strategies they employ, are corollaries of the domain of issues about which they argue. As stated at the outset, the rhetorical nature of an argument or an argumentative exchange has to do with the domain to which the issue in question belongs.

So what is this domain? The domain of rhetorical argumentation centrally includes *decisions about specific actions*. The action may be a political one, e.g., laying down a law or declaring a war; or it may be a forensic action, i.e., one that responds under the law to a past act. Traditionally, rhetoric also includes epideictic, which is not directly tied to action; however, Perelman and Olbrechts-Tyteca (1969) see the main function of epideictic as underpinning the social values invoked in argumentation over actions.

This domain-based view of rhetorical argumentation, which sees it as centrally concerned with choice of action, rather than with any issue at all, can also help us realize that argumentation about actions has characteristics that differ significantly from argumentation over the other main type of issues: those concerned with how something "is".

Another way of marking the same distinction would be to recall the distinction between, on the one hand, "Directive" and "Commissive" speech act types and, on the other, "Assertive" speech act types in regard to "direction of fit". As Searle has it, "the Assertive class has the word-to-world direction of fit and the Commissive and Directive classes have the world-to-word direction of fit" (1979a, p. 76; see also Searle 1979b, 1983). The term "direction of fit" originates in Austin (1953) and was explored in Anscombe (1957). What it pinpoints is that what matters in assertives is that the word (statement) should fit the world; what matters in commissives and directives is that the world should be made to fit the word. The issue in public argumentation over choice of action is a commissive, not an assertive.

It is crucial to realize that in argumentation about actions, such as political debates, the issue cannot necessarily be dialectically or philosophically resolved. About some issues arguers may legitimately entertain, *and* uphold, divergent standpoints.

The claim that some issues are like that superficially resembles the "Protagorean" position in epistemology. To put it simply, Protagoras believed *all* issues were like that, while Plato's believed that *no* issues were like that. Since Aristotle, however, a long line of rhetorical thinkers have realized that *some* issues are essentially like that, namely those concerning choice of action; here, reasonable and legitimate disagreement is common, so a difference of opinion between debaters may not be resolvable, no matter how much reasonable discussion they engage in.

The distinction between those issues that are essentially resolvable and those that are not, together with the very existence of these latter issues, is often bypassed, or explicitly denied, in philosophical thinking. However, to understand rhetoric, and to understand practical argumentation in the political sphere and elsewhere, one must accept this distinction. Further, to understand the distinction one must understand that issues relating to specific actions, or to the evaluation of them, are essentially non-resolvable. In discussing essentially non-resolvable issues arguers may legitimately wish to win *and* persist in this wish, resorting to "Strategic Manoeuvring" all the way. No amount of reasonable dialectical discussion will necessarily compel an arguer to retract or modify his standpoint (although he is sometimes persuaded to do so). Instead, ethos and pathos will often be involved in debates over such issues. The existence of this kind of issues underlies Perelman's insistence on the distinction between "demonstration" and "argumentation", where argumentation, unlike demonstration, is inevitably audience-relative.

In the following section, I take a closer look at how an important tradition in rhetoric itself has seen rhetorical argumentation as defined by a distinctive domain: issues of civic action. The first and foremost representative of this view, I contend, is Aristotle, but the view of rhetorical argumentation as crucially concerned with civic action dominates rhetorical thinking throughout antiquity. In later epochs too it remains continually present, sometimes dominant, sometimes standing alongside other views which see "rhetoric" as primarily defined by the rhetor's aim: to persuade. Yet the original conception of rhetoric as a discipline that deals with

argumentation, as hammered out by ancient theorists from Aristotle onwards, is centered around the notion of rhetoric as argumentation about civic action.[3] Consequently, an argumentation theory that defines "rhetoric" (and its derivatives) primarily with reference to the arguer's aim to persuade has a seriously truncated view of what rhetoric means in the rhetorical tradition itself. Further, I argue that theorists who accept this aim-based, truncated view of rhetoric do so at a cost, since the domain-based conception of rhetorical argumentation as concerned with civic action could have helped them understand crucial features of argumentation in this domain that otherwise tend to be overlooked.

The focus on civic issues as central to the classical conception of rhetoric is well expressed in George Kennedy's unequivocal statement: "Rhetoric in Greece was specifically the civic art of public speaking as it developed under constitutional government, especially in Athenian democracy of the fifth and fourth centuries" (1999, p. 1). The emphasis on civic issues was there from the beginning.

Aristotle has a twofold definition of rhetoric: an intensional and an extensional. As for the intensional approach, the *locus classicus* is this: "Let rhetoric be [defined as] an ability, in each [particular] case, to see the available means of persuasion" (1355b; Kennedy's translation). This statement, when read in isolation, does not in itself imply that rhetoric has a particular domain of its own, but Aristotle has more to say. Other arts, such as medicine and geometry, have their particular domains; the doubt that this raises is whether rhetorical argumentation may then deal with these domains (since no demarcation as to domain has so far been implied), or whether they are off limits to rhetorical argumentation. But a few pages later, in the discussion of the function of rhetoric, Aristotle effectively cancels out the idea that rhetorical argumentation may be about any subject whatever: "Its function is concerned with the sort of thing we debate [*bouleuometha*] and for which we do not have [other] arts" (1357a).[4] Here the domain of rhetorical argumentation is expressly limited to things about which we "*bouleuometha*", that is, "deliberate, take counsel or make a decision" (Liddell and Scott's counterparts for *bouleuein/ bouleuesthai*). The stem of this verb (of which *bouleuometha* is the middle voice,

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[3] Jeffrey Walker seems to make a strong case against such a claim. He sees rhetoric as rooted in the poetic/epideictic kind of discourse performed by "singers", *aiodoi*, according to Hesiod (c. 700 B·C.); the "pragmatic discourse" of later age is, to Walker, a "'secondary' projection of that rhetoric into the particular forums and dispute occasions of civic life" (2000, p. 10). I have no need to contradict Walker's genealogy; as I noted initially, rhetoric is a wider concept than rhetorical argumentation. Yet it remains true that most ancient theorists of rhetorical *argumentation* from Aristotle onwards see it as rooted in civic issues. And in fact, there is a reason why poetic and epideictic features of the discourse of the *aiodoi* may be "projected" into the domain of civic debate. As will be discussed below, such debate is about choosing action, not about the truth of propositions. In debate about choice of action, two opposite standpoints may both be legitimate and reasonable; it is not the case that one is "true" while the other is "false". Hence neither debater may be compelled by dialectical argument to retract his standpoint and agree with the other. Instead, debaters must seek to win the free adherence of their opponents and audience by including, among other arguments and appeals, features known poetic and epideictic discourse.

[4] This follows Kennedy's translation (1991). The translation in the complete English edition of Aristotle's works, by J.H. Freese (Aristotle 1926), consistently uses "deliberate", as does Kennedy some of the time; it is a word which, like the Greek *bouleuein*, is tied more closely than "debate" to discussions of what we *will*.

first person plural) is *boulê*: will, determination, plan, design, decree; it is genetically related to words in later languages such as *volontas* or, indeed, *will*. So *bouleuometha* means that we resolve with ourselves (hence the middle voice) *what is our will* on an issue.[5] Hence rhetoric is *not* a generic name for any kind of argument that aims to persuade, regardless of what it is about.

The next phrase further limits the range of rhetorical argumentation: "…and among such listeners as are not able to see many things all together or to reason from a distant starting point". This may imply that arguing is only rhetoric when it occurs before such an audience; but another plausible reading is that this specifies the *usual* context of rhetorical argumentation, rather than an essential feature. The following passage adds a further limitation: "And we debate [*bouleuometha*] about things that seem to be capable of admitting two possibilities". This implies that *bouleuein/bouleuesthai* only makes sense in relation to certain issues—on my interpretation those where we may *decide* to effectuate either one or the other possibility. Aristotle could not here, I suggest, be referring to all those issues on which people may have different views, for that would hardly imply any limitation at all, thus making the statement vacuous. For example, the question of whether matter is composed of atoms was never an issue on which it would be meaningful to *bouleuein*.[6] To be sure, generations of physicists argued over the existence of atoms; but (to set up a pointed contrast) atoms cannot be "willed" into existence (or out of it), so one cannot *bouleuein* about their existence. An atomic bomb, on the other hand, *can* be willed into existence, so there is every reason to *bouleuein* about doing just that. By contrast, Aristotle's next sentence again insists that some issues are unsuitable for rhetorical argument: "no one debates [*bouleuetai*] things incapable of being different either in past or future or present, at least not if they suppose that to be the case" (1359a makes an almost identical stipulation).

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[5] Long notes that Aristotle uses the middle voice of *bouleuein* throughout the *Ethics*, giving the word the self-reflexive meaning "to take council with oneself", and thereby underlining the importance of this self-reflexivity to his concept of *phronêsis* (2002, p. 52).

[6] This example will probably raise objections to the effect that, as Alan Gross (1990), Jeanne Fahnestock (2003) and others have shown, argumentation in the natural sciences is full of rhetoric. However, while features of rhetorical argumentation may, unavoidably, show up even in domains like science, there remains a difference of principle between arguments over truth and arguments over action. To be sure, a scientist may have been influenced in part by the rhetoric of, e.g., Einstein's writing, to opt for atomic theory in the sense that he chooses to *believe* in the existence of atoms and to propagate this belief in his teaching, etc.; but he may not decide to *bring about* the existence of atoms, any more than he may decide to bring about anything else in the fundamental constitution of nature. He may, however, as any other human being, decide to bring about any number of changes or events in his own life, e.g., to marry, to quit smoking, to eat a hamburger, to kill himself; or he may decide to *help* bring about events and changes in the social world he inhabits, e.g., by voting for a given presidential candidate. Similarly, he may argue for the truth of atomic theory, but not for atoms coming into existence; conversely, he may argue for the election of the candidate of his choice, but that argument is not an argument for the "truth" of that choice. Of course, an argument for someone's election may be (and usually is) *supported* by assertions whose truth the arguer argues for, e.g., that the candidate is well qualified, that his policies are wise, etc. But what we argue for in deliberation, such a the election of a given candidate, is not a proposition that may have a truth value; by contrast, what we argue for in science is precisely a proposition that may have a truth value, even though the philosophy of science tells us that we will never be able conclusively to determine that truth value.

So much for Aristotle's attempt to define rhetorical argumentation intensionally, i.e., with reference to its essential properties; we see that his definition crucially involves *domain*, i.e., the type of issues discussed. Aristotle "extensional" definition of rhetoric enumerates its three constituting *genres*: the deliberative, the forensic and the epideictic. This too clearly restricts the domain of rhetoric. Eugene Garver, in a commentary on van Eemeren and Houtlosser, has put it simply enough: "rhetoric is restricted to the subjects of deliberation, judicial disputes and epideictic situations" (2000, p. 311).

Some would ask whether (and how) the epideictic genre shares all the features Aristotle saw as essential to rhetoric. It clearly shares some features with he other two genres, including their context (speeches in front of a public audience) and all their linguistic resources; but it is not immediately clear that what we do in epideictic speeches is *bouleuein* in the sense just discussed. In the other two genres we clearly do that: in the deliberative genre we argue about a future action in order to reach a decision together (hence *genos SUM-bouleutikon*); this does not imply that what we all *agree* on that decision, but, to apply a distinction suggested by Rescher (1993), those who do not *agree* with it *acquiesce* to it. In the forensic genre, we argue in order to decide on our action in response to a fact in the past (a crime or other legal issue, to which we may decide to respond with a certain punishment or other legal action). So both these genres fit the description of the domain of rhetorical argumentation given above: we argue about what action it is our will to take. The epideictic only fits that description more indirectly; as noted above, Perelman (1969) see epideictic speeches as consolidating the values on which all debate about of actions and judgments must rest (for a related view, see Hauser 1999). Arguably, however, Aristotle's intensional definition of rhetoric (based on the nature of its domain) is not completely coextensive with his extensional definition; but both agree on defining rhetoric and rhetorical argumentation with reference not to a motive or a set of resources, but to a certain domain.

In Chapters 4–8 of the *Rhetoric*, Book I, Aristotle goes on to discuss what he clearly sees as the first and foremost of the three genres: the deliberative. He uses the same words (primarily *bouleuein/bouleuesthai*) and makes many of the same stipulations as he did about rhetoric in general in the first chapters, thus in effect elevating the deliberative to the quintessence of rhetoric, and reiterating how deliberation is restricted to a certain domain of issues, i.e., things that we may decide to *do*:

> As to whatever necessarily exists or will exist or is impossible to be or to have come about, on these matters there is no deliberation…the subjects of deliberation [*peri hosôn estin to bouleuesthai*] are clear; and these are whatever, by their nature, are within our power and of which the inception lies with us (1359a).

This domain-based notion of rhetorical argumentation is also manifest in the following reproach: "much more than its proper area of consideration has currently been assigned to rhetoric" (1359b). There could hardly be a "proper area" if rhetorical argumentation is persuasive argument on anything. But who is the target

of criticism here? A likely answer is: sophists who have taught that *all* issues belong to the domain of rhetoric.

The remarks in the *Rhetoric* on the restricted domain of *bouleuein* do not stand alone. Again and again in Aristotle's other writings on ethics, politics, and related subjects, we find similar, emphatic stipulations. The *Nicomachean Ethics* is quite insistent:

> nobody deliberates about things eternal, such as the order of the universe, or the incommensurability of the diagonal and the side, of a square. Nor yet about things that change but follow a regular process, whether from necessity or by nature or through some other cause: such phenomena for instance as the solstices and the sunrise. Nor about irregular occurrences, such as droughts and rains. Nor about the results of chance, such as finding a hidden treasure. The reason why we do not deliberate about these things is that none of them can be effected by our agency. We deliberate about things that are in our control and are attainable by action…we do not deliberate about all human affairs without exception either: for example, no Lacedaemonian deliberates about the best form of government for Scythia; but any particular set of men deliberates about the things attainable by their own actions (1112a; this is Rackham's translation, which, unlike Kennedy's translation of the *Rhetoric*, is consistent in translating *bouleuein* as "deliberate").

Likewise, the *Eudemian Ethics* has several pointed formulations insisting that we can only *bouleuein* about things we may choose to do because they "rest with us": "we do not deliberate about affairs in India, or about how to square the circle; for affairs in India do not rest with us, whereas the objects of choice and things practicable are among things resting with us" (1226a).

To sum up, *bouleuein/bouleuesthai* is what we do in rhetorical argumentation; moreover, it is a central concept in Aristotle's ethical and political thinking, as is witnessed by the dozens of occurrences of it, many with careful discussion, not only in the *Rhetoric*, but also in the ethical books, the *Politics*, the *Athenian Constitution*, the *Virtues and Vices*, the *Metaphysics*, and others. These passages embody a notion of *bouleuein* as applicable only to debate over actions within the debaters' agency. In brief, the domain of rhetorical argumentation is, for Aristotle, civic action, that is, issues concerning how a body of humans will choose to act.

This exegesis of course comes with the qualification that Aristotle's text is complex and often appears to contradict itself. The scope of Aristotle's theory of rhetoric remains contested—see, for example, the variety of positions in Gross and Walzer's volume (2000). Even so, the point that "deliberation" is about *actions within our own agency* stands out so strongly in the Aristotelian corpus that commentators should pay more attention too it than they have.

Certainly the notion that rhetorical argumentation is about civic action is asserted again and again by later Hellenistic rhetoricians. According to Kennedy (1994, p. 97, citing Sextus Empiricus' *Against the Professors*, 2.62), Hermagoras of Temnos defined the duty of the orator as "to treat the proposed political question (*politikon zêtêma*) as persuasively as possible". Although his writings are lost, we know from the many references to him in Cicero, Quintilian, and others, that for Hermagoras

rhetoric was rooted in civic life (this is the meaning of "political"); forensic and deliberative debate were its two pillars.

Much of the Hermagorean thinking is reproduced in the earliest Latin book of rhetoric, the anonymous *Rhetorica ad Herennium*, and in Cicero's *De inventione*. The *Rhetorica ad Herennium* (Anon 1964; c. 90 BC) defines the function of the orator as follows (in Caplan's translation): "The task of the public speaker is to discuss capably those matters which law and custom have fixed for the uses of citizenship [*ad usum civilem*], and to secure as far as possible the agreement of his hearers" (I.II.2). Notice how the definition of the domain of rhetoric given here goes hand in hand with the understanding that the object sought in rhetoric is the agreement [*adsensio*] of hearers (or as Perelman would say: their *adherence*); further, that the adherence of one's hearers is a matter of *degree* in the sense that one should seek to secure it *as far as possible*—a phrase echoing Aristotle's *endechomenon*.

Cicero's youthful work *De inventione* (Cicero 1968; c. 85 BC) endorses Aristotle's extensional circumscription of rhetoric to the three genres, and agrees that the domain of rhetorical argumentation is indeed circumscribed; he proposes to classify "oratorical ability as a part of political science" (I, vi, 6). Accordingly, Hermagoras is criticized for including too much in the "material of the orator", namely both "special cases" [*causae*] and "general questions" [*quaestiones*] like "Is there any good except honor?" This dichotomy appears also under the names definite vs. infinite questions. Rhetorical argumentation has no business dealing with the latter, whereas the former constitute its distinctive domain: "It seems the height of folly to assign to an orator as if they were trifles these subjects in which we know that the sublime genius of philosophers has spent so much labour" (I, vi, 8).

Cicero may later have felt that he limited the domain of rhetorical argumentation unduly by assigning only the finite issues to its domain. Some of his later writings on rhetoric further dichotomize the "infinite" issues into questions about cognition and questions about action. *De partitione oratoria* (c. 45 BC) distinguishes between a "propositum cognitionis", whose object is a *scientia*, and a "propositum actionis, quod refertur ad faciendum quid". While the former, we may assume, is still the domain of philosophers and "far removed from the business of an orator", it is debatable whether the latter category of issues should be seen as philosophical, rhetorical, or something in between, a "rhetoric of the philosophers", as it were—a term actually used by Cicero in *De finibus* 2.6.17, as discussed by Remer (1999, p. 46). (Today many would call such thinking "practical philosophy".) What remains clear is that rhetorical argumentation is still defined by the social and practical nature of the issues discussed. A statement to that effect from Cicero's fullest work of rhetorical thinking is these words of the statesman and lawyer Antonius in *De oratore* (Cicero 1967; c. 55 BC):

> to return to our starting point, let us take the orator to be someone who, as Crassus described him, is able to speak in a manner that is suited to persuasion. Moreover, let his sphere be restricted to the ordinary practice of public life in communities; let him put aside all other pursuits, however

magnificent and splendid they may be, and, so to speak, be hard pressed day and night in performing this one labor (Book I, p. 260).

Here the broader, motive-based definition ("to speak in a manner that is suited to persuasion") is narrowed and thus becomes the "classical", domain-based definition of rhetoric as speaking about "the ordinary practice of public life in communities". Cicero lets Scaevola take a similar view (Book I, pp. 35–44). It is true that Crassus—whose views are usually taken to coincide with Cicero's own mature position—represents the more expansive conception of rhetoric, where rhetors are in effect defined as practical philosophers; this is most clearly seen in his famous eulogy of oratory as the founder and upholder of human societies. The others object to the breadth of the scope of rhetoric as Crassus sees it, or rather, they question the comprehensiveness of the wisdom and knowledge attributed to the rhetor. The fact remains that all three interlocutors, including Crassus, firmly link the function of rhetoric to the practical and social sphere; in the words of Crassus, rhetoric pertains to the "humanum cultum civilem" and the establishment of "leges iudicia iura" (Book I, p. 33).

In some of the rhetorical thinkers who build on Aristotle and Cicero we see a broad, "general" definition and a narrow, "civic" definition either alternate or co-exist. Quintilian's *Institutio oratoria* (Quintilian 2001; c. 90 AD), conceived in a time of absolute imperial power where citizens had little room for debate and less for decision on the practice of public life, leans toward the broad view, making rhetoric the centerpiece of the education of the "good man"; yet Quintilian too, echoing Isocrates and Cicero's Crassus, emphasizes the indispensability of rhetoric in the domain of civic action: "I cannot imagine how the founders of cities would have made a homeless multitude come together to form a people, had they not moved them by their skilful speech, or how legislators would have succeeded in restraining mankind in the servitude of the law had they not had the highest gifts of oratory" (II.xvi.9). So even if, to Quintilian, rhetoric does not necessarily concern communal civic action, the intimate bond between the two still holds in the sense that communal civic action necessarily involves rhetoric; and despite the broadness of his definition, action is still at its center: "in the main, rhetoric is concerned with action; for in action it accomplishes that which it is its duty to do…it is with action that its practice is chiefly and most frequently concerned" (II.xviii.2).

To Greek rhetoricians in the following centuries, the domain of rhetoric was even more sharply defined, as Malcolm Heath makes clear: "The premise that rhetoric was concerned with speech on civic questions is something on which Zeno, Minucianus, and Hermogenes still agreed in the second century AD" (2004, p. 299). Hermogenes (c. 150 AD), who was to become for centuries the authoritative rhetorician in the Byzantine world, gives no explicit definition of rhetoric, but in the opening of his treatise on *staseis* simply declares: "The present discussion deals with the division of political questions into what are known as heads"; he goes on to stipulate that a political question (*politikon zêtêma*) is "a rational dispute on a particular matter, based on the established laws or customs of any given people, concerned with what is considered just, honourable, advantageous, or all or some of all these things together. It is not the function of rhetoric to investigate what is really and universally just,

honourable, etc." (Quoted from Heath 1995, p. 14). A similar assumption that rhetoric is argumentation about political issues is evident in the two Greek treatises of the third century edited by Dilts and Kennedy (1997), the "Art of Political Speech" by Anonymous Seguerianus and the "Art of Rhetoric" by Apsines of Gadara.

A string of rhetoricians writing in Latin under Christian emperors continue to assert the civic/political definition. In the *De rhetorica* formerly attributed to St. Augustine the rhetor undertakes his task "proposita quaestione civili" (Halm 1863, p. 137). Sulpicius Victor (c. 400 AD) expressly rejects the broad "bene dicendi scientia" as his definition of rhetoric in favor of "bene dicendi scientia in quaestione civili", noting that in such questions it is asked "whether something should be done or not done, whether it is just or unjust, expedient or inexpedient" (Halm 1863, p. 313). To C. Chirius Fortunatianus (c. 450 AD) the function of the orator is "[t]o speak well on civil questions. To what end? In order to persuade, insofar as the state of affairs and the attitude of the audience permits, in civil questions" (Halm 1863, p. 81; translated in Miller et al. 1973, p. 25). Boethius (c. 457–526), in *De topicis differentiis* (Boethius 1978), aims to effect a grand synthesis of argumentative topics into a single art. While the dialectical discipline "examines the thesis only" (1205C), the subject matter of rhetoric is "the political question" (1207C); it is concerned with "hypotheses, that is, questions hedged in a multitude of circumstances" (1205D). He notes another difference not often attended to by modern argumentation theorists, namely that the rhetorician "has as judge someone other than his opponent, someone who decides between them" (1206C). So, according to Boethius, rhetorical argumentation addresses audiences, not opponents, and is defined by its domain: that of civic/political issues. It may be said of Boethius as of many of the other thinkers we are enumerating here: All the distinctive properties of rhetorical argumentation, including its general aim, persuasiveness, and its specific topics and resources, follow as corollaries of its domain. As I shall discuss in more detail shortly, when a debate is about choosing action, not about the truth of propositions, two opposite standpoints may both be legitimate and reasonable; it is not the case that one is "true" while the other is "false". Hence neither debater may be dialectically compelled to retract his standpoint and agree with the other. Debaters must instead try to persuade their opponents (or audiences) to give their adherence freely; this they do by employing a broader range of (non-compelling) topics and resources than the limited range of resources through which, in dialectics, agreement may be compelled.

The domain-based definition is upheld throughout the Middle Ages even by thinkers aiming to apply ancient teachings to the purposes of the church, such as Isidore of Seville (c. 630): "Rhetoric is the science of speaking well: it is a flow of eloquence on civil questions whose purpose is to persuade men to do what is just and good" (Miller et al. 1973, p. 80); and Rabanus Maurus (c. 820): "Rhetoric is, as the ancients have told us, skill in speaking well concerning secular matters in civil cases" (Miller et al., p. 125). Honorius of Autin (12th Century) in his *De animae exsilio* describes rhetoric as "the second city through which the road toward home passes" and declares: "The gate of the city is civil responsibility, and the highway is the three ways of exercising that responsibility: demonstrative oratory, deliberative, and judicial" (Miller et al., p. 201). For encyclopedists of the 13th Century such as

Vincent de Beauvais and Brunetto Latini rhetoric is indisputably the science of speaking well on civil questions; for the latter, it "is under the science of governing the city just as the art of making bits and saddles is included under the art of cavalry" (Robert 1960, p. 110).

Renaissance culture in Italy sees a resurgence of rhetorical thinking with a decisive emphasis on the civic definition. Fumaroli states that "rhetoric appears as the connective tissue peculiar to civil society and to its proper finalities, happiness and political peace *hic et nunc*" (1983, pp. 253–254). According to Cox (2003), rhetoric in Quattrocento Italy "positioned itself, as it had done in Cicero's Rome, as an essential component of the science of government, teaching as it did the skills of rational persuasion through which collective decisions were reached…Practical utility, and specifically utility to civic life, is patently the governing criterion of the genre" (p. 671). The first and perhaps the most comprehensive renaissance textbook of rhetoric, George of Trebizond's *Rhetoricorum libri quinque* (c. 1430), drawing on the *Rhetorica a*d *Herennium* and other classical sources, consistently affirms the domain-based view of rhetoric as "a science of civic life in which, with the agreement of the audience insofar as possible, we speak on civil questions" (quoted from Kennedy 1999, p. 235). Thomas Wilson's *Art of Rhetoric*, as one of many Renaissance rhetoric texts in the vernacular, squarely identifies the "Matter Whereupon an Orator Must Speak" as civic issues, i.e., as "all those questions which by law and man's ordinance are enacted and appointed for the use and profit of man" (1994 [1560], p. 45)—a close paraphrase of the *Rhetorica ad Herennium*.

While the lineage of politically-based definitions of rhetoric thus remains unbroken from antiquity until the Renaissance, it is true that there are also, most of that time, thinkers asserting the broader, persuasion-based definition. In fact, this tradition gains strength in the following centuries—an epoch where rhetoric falls into academic and philosophical disrepute, branded as verbal trickery by leading thinkers such as Locke and, a century later, Kant.[7] Giambattista Vico's is a lonely voice speaking up for rhetoric; characteristically, his *Institutiones oratoriae* (1711–1741) reasserts the action-centred definition: "The task of rhetoric is to persuade or bend the will of others. The will is the arbiter of what is to be done and what is to be avoided. Therefore, the subject matter of rhetoric is whatever is that which falls under deliberation of whether it is to be done or not to be done" (1996, p. 9). Perhaps the most influential 18th Century rhetorician, Hugh Blair (1783), leans towards the broader definition but, like Quintilian, maintains that "the most important subject of discourse is Action, or Conduct, the power of Eloquence chiefly appears when it is employed to influence Conduct, and persuade to Action" (2004, p. 265).

The 20th and 21st Centuries have seen the gradual return of rhetoric to academic respectability. It is true that the term itself has meant a variety of things to different modern thinkers, but the notion that rhetoric is defined primarily by its domain of issues is common to a series of the most important ones. To Perelman and Olbrechts-Tyteca that domain is generally defined as those issues where arguers

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[7] To Locke, in *An Essay Concerning Human Understanding*, rhetoric is a "powerful instrument of error and deceit" (1959 [1690], II, p. 146; Book III, X, p. 34); to Kant, in *Kritik der Urteilskraft*, it is "gar keiner Achtung würdig" (1914 [1790], p. 404; Sect. 53, footnote).

seek the adherence of audiences rather than the demonstration of truths; but from the start they treat "deliberation and argumentation" as synonyms (1969, p. 1) and describe their aim as "a theory of argumentation that will acknowledge the use of reason in directing our own actions and influencing those of others" (3). The view of rhetorical argumentation as crucially concerned with action seems to become clearer in later writings by Perelman, such as the long article which summarizes his theory (1970), significantly titled "The New Rhetoric: A Theory of Practical Reasoning". Other seminal thinkers on rhetoric in our time who have maintained the same connection include Lloyd Bitzer: "a work of rhetoric is pragmatic; it comes into existence for the sake of something beyond itself; it functions ultimately to produce action or change in the world" (1968, p. 4) and Gerard Hauser: "rhetorical communication, at least implicitly and often explicitly, attempts to coordinate social action" (2002, p. 3).

To sum up, it seems fair on this background to say that when contemporary argumentation theorists such as those discussed in the first section, in their attempt to address or integrate rhetoric, adopt a view of it as defined primarily by a motive to persuade, without considering the domain-based view of rhetoric as deliberation about civic action, then they neglect what is arguably the dominant notion in the rhetorical tradition itself of its identity.

But what makes this oversight important? Why does an argumentation theory guilty of this oversight—even a theory that integrates rhetoric or professes to be rhetorical—run the risk of seriously underestimating important insights and distinctions?

The answer is that argumentation which is concerned with proposals for action has distinctive properties setting it apart from argumentation over propositions; these are the properties that are easily overlooked by argumentation theories, such as the three we have discussed, which see argumentation as concerned with the truth or falsity of propositions and inferences. Whenever a debater argues for a certain action and/or an opponent argues against it, neither of these two standpoints can ever be predicated to be "true". As Aristotle points out in the *Eudemian Ethics*, in deliberation we argue about choice; and a choice is not a proposition that can be true or false:

> it is manifest that purposive choice is not opinion either, nor something that one simply thinks; for we saw that a thing chosen is something in one's own power, but we have opinions as to many things that do not depend on us, for instance that the diagonal of a square is incommensurable with the side; and again, choice is not true or false (1226a).

One way to explain why this is so is the following. When a human (or a collective of humans, such as a legislative body) deliberates about a choice, several values may be invoked both pro and con, and several desirable "ends" will be variously affected by whatever choice is eventually made. Friends, wealth, health, honor, security are some of them (Aristotle has enumerated these in Book I, Chapter 5 of the *Rhetoric*). Normally, a given proposal cannot serve all these ends equally; if it is designed to serve one of them, the consideration of one at least of the other ends may speak against it. For example, the introduction in public hospitals of a new treatment which can help some patients may be so costly that it hinders the attainment of other worthy

ends; any decision that has a cost by the same token precludes the use of the same financial means for some other proposal. However, there is no generally agreed and intersubjective way to calculate and balance benefits in one area against costs in another; for example, most people would agree that not all the important considerations relevant to political actions can (or should) be converted into economic terms. In addition to economic cost there are all sorts of other accounts on which a proposal may be either recommended or opposed. For example, national security considerations that may arguably be served by, e.g., the indefinite detainment of suspected terrorists might be contradicted by counterconsiderations of ethics, legality, honor, or the friendship of other countries. In such situations, some individuals in the governing body and the electorate usually judge that the considerations speaking for the proposal or policy outweigh those against, while other individuals judge just as decisively that those speaking against it are weightier.

So in principle, deliberation will always have to recognize the relevance of several ends, several kinds of considerations, and several dimensions to the choice that has to be made. Moreover, individuals will differ in regard to the relative weight they assign to them. It may be that for each consideration in itself—such as the economic cost of a war, or its cost in human lives—debaters may have views that may be more or less true (or at least probable). But the fact remains that the relevant considerations in such a case belong to different dimensions, so that none of these considerations, e.g., cost in human lives, can be reduced or converted to one of the others, or to a "common denominator" or "covering" unit for all the relevant considerations. What lacks is, in a phrase from Stuart Mill, a "common umpire" (1969, p. 226) to which all the considerations may be referred, yielding an objective calculation of how to balance the pros and the cons.

This is where we may see the importance of insisting that the central domain of rhetoric is debate over proposals for action, and of setting this domain apart from that of propositions. Proposals and choices cannot be "true", and do not aspire to it. The problem is not that it is hard to assess the truth value of a political proposal, or that "probability" will have to do; more radically, it is a categorical mistake to speak of truth (or probability, for that matter) in regard to a proposal as such. It may be *supported* by propositions that can be true (or probable); but in principle, none of the opposing standpoints in a deliberative can ever possess truth. Hence debaters representing opposite courses of action may legitimately do so, and *continue* to do so. Because of the inherent multi-dimensional structure of deliberation over proposals (i.e., the fact that several competing ends or considerations may be invoked), debaters may assess the aggregate weight of the pros and the cons differently, and continue to do so; the same holds for the individuals who listen to them and whose adherence they seek.

Looking back, we may now see why it is that the dilemma faced by van Eemeren and Houtlosser dissolves when we realize that rhetorical argumentation is rooted in the domain of proposals and action, not in that of propositions and truth. The dilemma was that arguers cannot "meet their dialectical obligations without sacrificing their rhetorical aims" (1999, p. 481), where the arguers' "rhetorical aims" refer to their intention to "win" (have the difference of opinion resolved in their own favor). There *is* no dilemma because arguers debating proposals are *not*

dialectically obliged to resolve their difference of opinion. In debating choice of action there *is* no truth to be attained, and unlike what happens in Socratic dialectic, or in pragma-dialectical "critical discussion", opponents arguing reasonably will not necessarily move towards consensus. The opposing standpoints represented by the two debaters are *not* contradictory propositions that cannot both be true, and of which at least one has accordingly to be retracted or modified; they are about choice, and, in the words of Aristotle, "choice is not true or false". Arguing for a given choice and arguing against it are in principle equally legitimate standpoints, and it is not the case that, as a result of reasonable discussion between the two arguers, one of the standpoints must necessarily be retracted. So it is not unreasonable for both arguers, when the issue is choice of action, to wish to win (and hence to resort to "Strategic Manoeuvring"): it would only be unreasonable for an arguer to persist in his wish to win if his standpoint had to be retracted as a result of the discussion—which is not necessarily the case.

The fact that, in matters of choice, none of the arguers will necessarily be forced to retract his standpoint, and, conversely, that none can conclusively "prove" his standpoint, is also the reason why all the resources of rhetorical argumentation: ethos and pathos, topical selectivity, audience adaptation, presentational devices, and more, will usually be mustered. Even if arguers cannot demonstrate the "truth" of their standpoints, they may try to win the adherence of the individuals in the audience, or even of their opponent, for them. The pros and the cons in a given issue of choice cannot be aggregated or balanced in an intersubjective manner, since no common measure exists; individuals must assess the relative weights of the pros and cons by their own lights, but arguers have all the resources of rhetoric at their disposal to win their adherence.

As we have seen, a strong and unbroken tradition of rhetorical thinking from Aristotle until the present sees rhetoric as defined by its domain: issues of choice in the civic sphere, where the adherence of other individuals may be worked upon and perhaps gained. But doing just that is also an important concern for arguers discoursing on issues outside the circumscribed domain of civic action; most proponents of, e.g., scientific or philosophical theories naturally wish to be persuasive. So the resources of rhetorical argumentation also play a part outside its central domain; indeed, many thinkers in the rhetorical tradition itself lean towards the "broad" definition. Nevertheless it is problematic when theorists of argumentation see rhetoric as primarily or even exclusively defined by the arguer's wish to persuade. Such a truncated definition allows theorists to forget what a most rhetorical thinkers have always known, namely that argumentation concerning choice of action is a distinct domain with distinctive features.

To reiterate, some of these distinctive features are the following: in argumentation about choice of action reasonable disagreement may exist *and* persist indefinitely[8]; in that domain it is not the case that one of two opposed arguers may conclusively prove his standpoint, or be forced to retract it; but it is a domain rich in

[8] The notion of reasonable disagreement and its inevitability on political, ethical and other practical issues there is a large body of thinking by contemporary philosophers that argumentation theory might do well to address; see, e.g., Rawls (1989, 1993), Larmore (1996); Kock (2007).

resources by which arguers may influence other individuals' adherence. When an issue is truly a matter of choice, as in political deliberation and the civic sphere generally, rhetorical argumentation plays a central and indispensable part, precisely because "choice is not true or false". Every individual, legislator or voter regularly has choices to face; rhetoric is a social practice that helps us choose. In the words of the *Nicomachean Ethics* (1112b), quoted by Garver (2000, p. 310): "On any important decision we deliberate together because we do not trust ourselves".

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