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The Difference between the Rhetorical and the Philosophical Concepts of Argumentation

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The dominant philosophical concept of argumentation, as I see it, is essentially Platonic. More precisely, argumentation is an activity that, through dialectical discussion, aims to find the true answer to some question. It is assumed, in principle, that if an argument is good, any reasonable person will have to follow the steps in reasoning that it presents. In other words, any dialogue partner will be led by necessity to the solution the arguer presents. In a sense, the dialogue partner represents everybody, that is, any reasonable person; he or she assents to the steps in the argument on behalf of everybody, for the philosophical arguer's claim aspires to universal validity.

This, admittedly, is a view of argumentation that only represents some of Plato's works—in particular, "middle" dialogues such as, e.g., the *Phaedo*, where Socrates argues in such a manner for the immortality of the soul. We know that Plato's Socratic method of philosophical inquiry was inspired by contemporary geometry, for example Theaetetus, among whose achievements was the irrefutable proof that there are five and only five "Platonic solids" (the tetrahedron, the cube, etc.). Without venturing into Platonic exegesis, I think it fair to say that Plato created a tradition which saw philosophical reasoning as, in principle, analogous to mathematical proof. Argument, no matter what issue it is about, is meant to seek out the truth regarding some problem, in a way

that aims to be compelling, regardless of the dialogue partners' subjective disposition.

There is also a traditional philosophical view of *rhetorical* argumentation; this too originates with Plato. Socrates says in the *Gorgias*: "rhetoric is a producer of persuasion. Its whole business comes to that" (453a2-3). Here, rhetorical argumentation is defined as argumentation whose dominant aim is to persuade. That is why it uses, among other things, appeal to emotions and verbal trickery.

This view took a firm and lasting hold. In the late 17th Century, we find it, for example, in John Locke. To him, rhetoric obstructs "the proper ends of language": "if we want to speak of things as they are, we must allow that all the art of rhetoric (except for order and clearness)—all the artificial and figurative application of words that eloquence has invented—serve only to insinuate wrong ideas, move the passions, and thereby mislead the judgment; and so they are perfect cheats" (*An Essay Concerning Human Understanding*, 1690, Book II, Ch. 10, Section 34). Kant, a century later, takes the same line: „Rednerkunst (ars oratoria) ist, als Kunst sich der Schwächen der Menschen zu seinen Absichten zu bedienen (diese mögen immer so gut gemeint, oder auch wirklich gut sein, als sie wollen), gar keiner Achtung würdig" (*Kritik der Urteilskraft*, 1790, § 53).

So, there is a tradition in philosophy for seeing rhetorical argumentation as defined solely (or primarily) by the arguer's *aim to persuade* and by an arsenal of dubious *persuasive strategies*—including a tendency to sweet-talk the audience (what Socrates in the *Gorgias* called *kolakeia*).

In our own time, several philosophers with an interest in argumentation have again begun to look to rhetoric. Ralph Johnson, for example, is one of the founders of the "Informal Logic" movement. Among the features that, in his view, separate the rhetorical and the logical views of argumentation are these: rhetoric emphasizes "the need to take into account the role of Ethos and Pathos. … Logic, on the other hand, sees the *telos* of rational persuasion as governed especially by Logos"; furthermore: "Informal Logic should tend to favor the truth

requirement over the acceptability requirement, whereas rhetoric will, I believe, take the reverse view" (2000, 269). In other words, rhetorical arguers are willing to set aside truth for the sake of persuasive efficiency.

Another trend in modern argumentation theory is the Amsterdam school of "pragma-dialectics". It draws on "speech act" theory, on Popper's rationalism and on the "dialogische Logik" of the Erlangen school (Paul Lorenzen). Pragma-dialectics has much in common with Habermas and believes that good argumentation should serve the reasonable *resolution* of disputes. Since around 2000, the leaders of this school have tried to integrate rhetoric, rather than take a skeptical attitude to it, as they originally did. But essentially, they hold the traditional view: rhetoric is defined as argumentation aimed at winning; rhetorical argumentation therefore involves "Strategic Manoeuvring", which manifests itself in *topical selectivity*, *audience adaptation*, and *presentational devices*. "Strategic Manoeuvring", which in practice is synonymous with rhetoric, is all right as long as it does not get "derailed" (cf. van Eemeren & Houtlosser, 1999, 2000, 2001, 2002). I admit I find it hard to see how two arguers can stay on the rails and aim to resolve their dispute, that is reach consensus, while at the same time they both aim to win.

So, as we see, philosophers and argumentation theorists tend to define rhetorical argumentation with reference to its *aims and strategies*. I will argue that this definition is misleading.

What many of the most important thinkers in the rhetorical tradition itself tend to emphasize when they define rhetoric is something else: its *subject matter*. They typically define rhetorical argumentation with reference to a certain *domain of issues*—those concerning *choice of action*, typically in the civic sphere. I will take a closer look at some of these thinkers.

Aristotle has a twofold definition of rhetoric: one intensional, one extensional. The intensional definition is famous and begins: "Let rhetoric be [defined as] an ability, in each [particular] case, to see the available means of persuasion" (1355b; Kennedy's translation). But that is not all he has to say: "The function of Rhetoric … is to deal with things about which we deliberate, but

for which we have no systematic rules" (1357a). This is Freese's translation. The authoritative English translation nowadays is usually thought to be Kennedy's (1991). Freese seems to have followed the tradition of philosophical suspicion against rhetoric by naming his translation *The "Art" of Rhetoric*; but unlike Kennedy, Freese was at least consistent in using "deliberate" for the Greek verb βουλεύειν (*bouleuein*). This I consider important.

Bouleuein is derived from *boulē*: will, determination, plan; it is genetically related to words such as Latin *voluntas* or English *will*. Literally *bouleuein* means that we resolve with ourselves *what is our will* on an issue. What Aristotle's use of this verb means is that rhetoric is *not* a generic name for any kind of argument that aims to persuade, regardless of its subject; rhetoric is about a certain *domain* or *category* of subjects: "we only deliberate about things which seem to admit of issuing in two ways".

Here, Aristotle clearly is not just referring to all those issues on which people may differ; that would mean any issue at all and make the statement vacuous. Take, for example, the scientific issue of whether matter is composed of atoms; to say that atoms exist is to claim that a chemical element cannot be divided endlessly and remain that element. Scientists in the past have *argued* about this issue, on which a decisive argument for atoms was advanced by Einstein in 1905. But scientists could not and did not *deliberate* about the issue, since atoms cannot be "willed" into existence. Issues like that are unfit for rhetorical argumentation; Aristotle says: "as for those things which cannot in the past, present, or future be otherwise, no one deliberates about them, if he supposes that they are such" (1357a). Thus, we cannot decide that atoms should exist by saying "Let there be atoms"; but certain groups of humans can, for example, choose to build an atomic bomb.

As for Aristotle's "extensional" definition of rhetoric, he names the famous three *genres*. This too is a clear demarcation of the *domain* of rhetoric. In the deliberative genre we argue about a future action in order to reach a decision together (although we may not all *agree* with that decision). In the forensic genre we try to decide on an action that responds adequately to a crime or some other fact in the past.

The debate in Thucydides about how Athens should punish the rebellious people of Mytilene (see on this Jørgensen 2003) is a forensic debate that nevertheless is also clearly deliberative (*The Peloponnesian War*, 3.36).

As for epideictic speeches, we may wonder what they have to do with deliberation. Perelman and Olbrechts-Tyteca (1969, 50-51) explain that the function of epideictic speeches is to consolidate the set of shared *values* on which all debate about of actions and judgments must rest; so, epideictic rhetoric helps consolidate the warrants that argumentation and deliberation in the other two genres is based on.

In short, both Aristotle's ways of defining rhetoric—one of them intensional, the other extensional—refrain from referring to the arguer's aim or strategies. Instead, they refer to a domain of subjects: *those on which we can deliberate*. And Aristotle insists that deliberation is about that which we may decide to *do*: the issues of deliberation "are all those which can naturally be referred to ourselves and the first cause of whose origination is in our own power" (1359a). This may be why he goes on to say that "much more than its proper area of consideration has currently been assigned to rhetoric" (1359b)—perhaps a criticism aimed at certain sophists.

In his other works too, Aristotle insists on the restricted domain of *bouleuein.* One example of several is from the *Nicomachean Ethics*, which says:

> nobody deliberates about things eternal, such as the order of the universe, or the incommensurability of the diagonal and the side, of a square. … 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 (1112a).

In sum, *bouleuein* is central to what we do in rhetorical argumentation; also, it is a central concept in Aristotle's ethical and political thinking. The domain of rhetorical argumentation is, for

Aristotle, civic action, that is, issues relating to how a collective of humans will choose to act.

This notion of rhetoric is also asserted by later rhetoricians. Cicero's *De inventione* proposes to classify "oratorical ability as a part of political science" (I, vi, 6). Rhetorical argumentation has no business dealing with general or "infinite" questions: "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).

In later writings, Cicero defines a middle ground between rhetoric and philosophy; this middle ground is concerned with "infinite" questions of right action. We might call it a "rhetoric of the philosophers"—a term used by Cicero himself in *De finibus* 2.6.17. Today many would call it "practical philosophy". What remains clear is that Cicero defines rhetorical argumentation by the *social* and *practical* nature of the issues discussed. The statesman and lawyer Antonius in *De oratore* (c. 55 BC) suggests that the sphere of the orator "be restricted to the ordinary practice of public life in communities" (Book I, 260). In the same work, Crassus—whose views are often taken to coincide with Cicero's own—represents a more expansive conception of rhetoric, where rhetors are in effect defined as practical philosophers; but all three speakers in the dialogue agree to link the function of rhetoric to the practical and social sphere: according to Crassus, rhetoric pertains to the "humanum cultum civilem" and to the establishment of "leges iudicia iura" (Book I, 33).

Quintilian's *Institutio oratoria* (c. 90 AD), written under an absolute imperial rule where citizens had little room for civic debate, leans toward a broader, less domain-bound view. Rhetoric to him is central to the education of the "vir bonus"; yet 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" (II.xviii.2).

The domain-based definition is upheld throughout the Middle Ages even by thinkers who apply rhetoric to the purposes of the church, such as Isidore of Seville (c. 630): "Rhetoric is … a flow of eloquence on civil questions whose purpose is to persuade men

to do what is just and good" (quoted from Miller, Prosser and Benson 1973, 80). Renaissance culture in Italy sees a resurgence of rhetorical thinking, still with a strong emphasis on the civic definition. For example, the first great renaissance textbook of rhetoric, George of Trebizond's *Rhetoricorum libri quinque* (c. 1430), drawing on all the classical sources, 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, 235).

It is true that there are also thinkers who assert a broader, persuasion-based definition. In fact, a broad view of rhetoric as *belles-lettres* gains strength in the 1600's—and at the same time rhetoric loses the prestige it had in the world of learning during the Renaissance. Instead follows the long period where rhetoric is condemned as verbal trickery by leading philosophers such as Locke and Kant. Only a few thinkers such as Giambattista Vico speak up for rhetoric; it is significant that his *Institutiones oratoriae* (1711-1741) reasserts the action-centered 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, 9).

Not until late in the 20th Century did rhetoric begin to regain academic respectability. Chaïm Perelman's thinking played a major part here. To him, the domain of rhetoric, and of argumentation, is usually defined as those issues where arguers seek the *adherence of audiences* rather than the *demonstration of truths*; deliberation and argumentation are seen as synonyms (1969, 1), and the aim of Perelman's work is to construct "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 centered on action seems to become even clearer in Perelman's later writings, such as the long article titled "The New Rhetoric: A Theory of Practical Reasoning" (1970). Other important rhetoricians in our time have asserted the same view, such as 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, 4), and Gerard Hauser: "rhetorical communication, at least implicitly and often explicitly, attempts to coordinate social action" (2002, 3).

To sum up: the original and perhaps the dominant definition of rhetoric in rhetoric itself is the *domain*-based definition, where rhetoric is deliberation about civic action. From Aristotle onwards, leading rhetoricians see rhetoric as practical argumentation, which means not just argumentation *in* practice, but argumentation *about* practice.

The distinction between philosophical and rhetorical argumentation can be restated with a term from the philosophy of language. John Searle and others have defined different types of speech act and analyzed their distinctive features. For example, "assertive" speech acts differ from "directive" and "commissive" speech acts in regard to their so-called "direction of fit". Searle says: "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, 76; see also Searle 1979b, 1983). What matters about assertives is that the word (a proposition) should fit the world; what matters about commissives and directives is that the world should be made to fit the word (which may be, for example, a proposal). Argumentation theorists too often neglect this distinction, seeing all argumentation as concerned with the truth of assertions and the validity of inferences. But the key issues in rhetorical argumentation are commissives or directives, not assertives; rhetorical argumentation is centered on the choice and evaluation of actions, based on value concepts.

If we understand that, we will see that the features which Plato, Locke, Kant and other philosophers used to define rhetorical argumentation are really just corollaries or secondary features that *follow* from this primary feature. Many other differences between philosophical argumentation and rhetorical argumentation follow from this understanding, as I will now try to explain.

When we argue about the truth of an assertion, we only have one value dimension to deal with: truth value. When we argue

about action, we are dealing with many dimensions, because an action may be called good or bad in many respects. In ethics, two types of goodness or badness of an action are often distinguished: First, we may argue that the action is good or bad as a matter of principle. That is a *deontic* argument; another term for the principle it invokes is a *value concept*. But we may also say that the action is good or bad in view of the *consequences* we expect it to have. These are *consequentialist* arguments. They refer to *advantages* or *drawbacks* of the action. An action may have advantages and drawbacks in many respects or dimensions. It might save money; it might save lives; it might facilitate traffic; it might save the environment; it might create a thing of beauty; it might be fun. All such arguments also rely on value concepts—but on different value concepts. When we argue about actions, we use a plurality of value concepts as "warrants", as Toulmin (1958) would say, for our arguments.

These value concepts we often assume to be shared by our audience already. If my daughter suggests that the whole family watch a DVD of the film *American Pie* tonight, I might say, No, *American Pie* is vulgar, let's all see *Der Untergang* instead, it's a deep and serious film, then I take for granted that the other family members already that vulgarity is bad and depth and seriousness are good.

This is why rhetorical reasoning is full of *enthymemes*. This is Aristotle's term for a premise which is assumed to be present in the hearer's mind—and just that is the original meaning of the word. Philosophers tend to use the word "enthymeme" as referring to any argument with an unexpressed premise, but the fact that it may be unexpressed is not essential. An enthymeme is something which an arguer assumes to be there already in the *thymos*, i.e., "in the soul", of the hearer. In fact, it might *not* be there. For example, some family members might think that vulgarity, although quite bad, is not *so* bad, so they might agree to watch a film which has some vulgarity in it if it also has other qualities. Others might actually think that the vulgarity of *American Pie* is appealing, not appalling.

From this follows another fact which some thinkers are very suspicious about, namely that these value concepts may differ from one hearer to the next, or to be quite frank: they are in a sense *subjective*.

An example illustrating the same point, but this time on the level of national policy, might be a law which invades people's privacy in order to promote security against terrorism. Some citizens might resent such a law, feeling that the drawback (loss of privacy) outweighs the advantage (the alleged gain in security); but other citizens might have it the other way around. So, although different individuals may *share* the values that rhetorical argumentation appeals to, they may not support them with the same *degree of strength*. In other words, the strength of the value concepts on which rhetorical argumentation relies for its warrants is subjective; with a less provocative term, it is audience-relative. The reason Perelman provided a large place for the audience in his theory is that his theory is about rhetorical argumentation.

But even though most people in a culture do have a lot of value concepts in common, most individuals probably also hold values *not* shared by a majority. And just as importantly, we have seen that even though they share these values, they may not agree on the *relative priorities* among them.

A further complication, however, and perhaps the most important one, is that the values held by any one individual are not necessarily in harmony with each other. For example, when I face a specific decision, the values I believe in often turn out to be incompatible. This is due to what the philosopher Isaiah Berlin calls "value pluralism"; he points out, for example, that "neither political equality nor efficient organization nor social justice is compatible with more than a modicum of individual liberty … justice and generosity, public and private loyalties, the demands of genius and the claims of society can conflict violently with each other" (1958, repr. 1998, 238).

Of course humans have always known this in an intuitive way, and practical philosophers have said it. Cicero wrote in *De officiis* that "since all moral rectitude springs from four sources (one of which is prudence; the second, social instinct; the third, courage;

the fourth, temperance), it is often necessary in deciding a question of duty that these virtues be weighed against one another" (*De officiis* 1.63.152).

Yet many philosophers, beginning with Plato, tend to theorize as if all values *are* compatible and do *not* clash—or at least as if their incompatibility is no real problem. These philosophers have mainly discussed what it meant for a thing to be good, and argued about what things are good in a general sense, and so they have thought less about situations where many different things are good, but we cannot have them all.

Some philosophers who have actually faced the problem of plural values, such as Jeremy Bentham, believed they could solve it e.g., by going for the "greatest happiness for the greatest possible number". Stuart Mill (1863), however, wrote about the lack of a "common umpire" to settle any clash between incompatible values. Such a common umpire would have to be a universally agreed common denominator. If we had it, we could, among other things, balance deontic arguments against consequentialist arguments, and we could also take the possible advantage that a given action might have in regard to a certain value, convert it to "happiness" and balance it objectively against the unhappiness caused by the drawbacks the action might have in regard to other values; for example, the invasion of privacy that an anti-terror law might entail could be objectively measured against the advantage of possibly preventing some terrorist acts, and increasing the chance of solving others.

Unfortunately, and obviously, such a common denominator does not exist and never could exist; the very construction of it would be just as contentious as the contested law in our example.

The problem is that the relevant arguments on any practical issue usually belong to different *dimensions*. There *is* no common denominator or unit by which they can all be objectively computed and added up. They are, to use a mathematical term, incommensurable. The German philosopher and argumentation theorist Harald Wohlrapp has described the difficulty this way:

> Um hier methodisch sicher voranzukommen, dazu hätten wir ein subjektinvariantes metrisches Prädikat der Form ‚Argument A wiegt n' zu bilden. Dieses Prädikat wäre eine Größe, mit der Argumente in eine hierarchische Präferenzskala einzuordnen wären. So etwas zu konstruieren erfordert die Lösung einiger gravierender Probleme:
>
> - die Präferenzhierarchien sind in der Regel subjektspezifisch
> - die Präferenzhierarchien sind meistens nicht einmal innerhalb desselben Orientierungssystems transitiv
> - Argumente können in verschiedenen Kontexten verschiedene Präferenzen haben.

Wohlrapp further points out that

> ein so ermöglichtes Berechnen kein Argumentieren ist. Die Chancen des argumentierenden liegen allemal vor dem Berechnen: nämlich dort, wo es darum geht, wie und weshalb einem bestimmten Argument ein bestimmtes Gewichtsquantum zugeordnet wird. Das „Gewicht" von Argumenten ist ja zunächst einmal etwas subjektives (2008, 319).

So we have at least three fundamental reasons why rhetorical argumentation is different from truth-oriented argumentation: There is, first, the *subjectivity* of the many value concepts which are the necessary warrants when we discuss what actions to take; secondly, there is the *incompatibility* of all these values; thirdly, we now also face what some recent philosophers have called their *incommensurability.*

This does not mean that all possible actions are equally good, or that there is no point in discussing what to do, or in choosing one action over another. It means, rather, that we have no *objective* method of *calculating* or deciding philosophically what to choose. If we did have such a method, we would have no choice; our "choices" would be prescribed and already made for us by the method. Choice means precisely that we may legitimately decide to do *either* this *or* that; choice does not mean that we might as

well not choose anything, or that there is no reason to debate our upcoming choices. The point, rather, is that each individual has the right to choose, and that no one has the authority to choose on everyone's behalf.

Individuals and societies have choices to make every day, and that nevertheless makes it desirable that they have somehow compared and weighed the advantages and drawbacks, the pros and the cons, of the alternative choices. Now this weighing process, while not possible in an objective way, is still necessary and possible in a non-objective way.

When a social group must choose between actions that are within its power to undertake, the choice may be preceded by what we call deliberation. This word is related to the Latin *libra*, a pair of scales. Given the individual's value concepts and the preference hierarchies existing among them (which, as we remember, are in principle subjective), and given the alternative choices as they appear to that individual, one of the alternatives may eventually, after a comparison of the pros and cons, the advantages and drawbacks, appear preferable to the individual. The same alternative may not appear preferable to that individual's neighbour, or to the majority. But then individuals are free to try to influence their neighbours so that they may perhaps eventually come around and see things as they themselves do. This kind of influencing is mostly exerted by means of language and is called rhetoric.

Below, we will look at some distinctive features of rhetorical argumentation. Let us remember the difference between what we argue about in the two domains. In truth-oriented argumentation, also known as "epistemic" argumentation, we argue about propositions that may be true or false. But rhetorical argumentation is about choice of action, and actions as such do not have the property of being true or false. 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; here follows this key insight, given in its context:

> 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. For ends we may also read "values". 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, then the other ends that we are also committed to may not be served quite so well, or they may actually be harmed, and that may speak against the proposal.

For example, a new treatment for a certain disease may be so expensive that public hospitals that use it cannot give patients with other diseases the best available treatment at the same time; more generally, any decision that costs public money precludes the use of the same money to do something else. 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, but this might be contradicted by counter considerations of ethics, legality, honor, or the friendship of other countries. In such situations, some people usually judge that the considerations speaking for the proposal or policy outweigh those against, while

others feel just as strongly 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 regarding the relative weights 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 Stuart Mill's phrase, a "common umpire" (1969, 226) to which all the considerations may be referred, yielding an objective calculation of how to balance the pros and the cons.

Now for some of the distinctive features where practical (i.e., rhetorical) and epistemic argumentation differ.

First, the status of arguments is different in the two domains.

Rhetorical pro and con arguments draw, for their warrants, on deontic principles and on advantages and drawbacks instantiated by the proposed action; these arguments, if valid, remain valid even if another action is chosen.

Let us take a simple example drawn from family life. One family member, let us call him F, wants to buy a large Chesterfield armchair for the family room. He argues that such a chair is comfortable and great for watching TV and chilling out. Another family member, let us call her M, agrees that such a chair is comfortable, etc., but argues that it is ugly, heavy and expensive. F acknowledges these drawbacks but thinks that the advantages offered by the chair outweigh them. M disagrees. So, both F and M may well agree on all the advantages and drawbacks of the chair. However, they still disagree on how much *weight* to assign to each of them. No advantages or drawbacks are "refuted" even if either F or M "wins" the debate. If the family buys the chair, it is still heavy

and expensive. If M manages to keep the chair out of her home, it remains comfortable.

In epistemic argumentation, by contrast, pro and con arguments are only relevant by virtue of what we may call their probative or inferential force (Johnson speaks of their "illative" force—a term with the same verbal root as "inferential"); that is, they are important for what they appear to signify or suggest, not for what they *are*. They are *signs* that a certain state of affair obtains, not *qualities* of a proposed state of affairs. Einstein's 1905 paper argued that the irregular movements of tiny particles suspended in a liquid was a sign of the existence and activity of atoms, and this together with a later paper went far toward deciding the issue (and won him his Nobel prize in physics in 1926). Once an epistemic issue has been decided, any arguments supporting the refuted position are then seen as irrelevant; they did not signify what they were thought to signify. Inferential signs are *external* to the conclusion they argue for; the good or bad qualities that are used as arguments for or against a proposed action are *inherent* in it.

Second, the fact that the principles, advantages and drawbacks advanced as pros and cons in rhetorical argumentation may all be real and relevant, and remain so even after a choice is made, explains why two alternative actions at issue may both be valid and legitimate options at the same time. In epistemic argumentation, by contrtast, the reasons used as pro and con arguments may also be true in themselves, but the two conclusions signified by the pro arguments and the con arguments, respectively, cannot both be true simultaneously.

Third, arguments in rhetorical argumentation can never in principle be logically "valid" in the traditional sense: that their conclusion is *entailed* by the premises. An argument for a certain policy may be completely good and relevant, but it cannot deductively *entail* the policy it argues for. Perelman and Olbrechts-Tyteca made this *the* distinctive feature of what they call argumentation. All premises in that domain are, in principle, like weights among other weights on a pair of scales—except that the "weights" (premises) in rhetorical argumentation do not have an

objective physical mass. Whether or not to accept the action they argue for is a matter of choice for each individual in the audience. In epistemic argumentation, by contrast, logically valid inferences from premises to conclusion do exist, and scholars and scientists are trying to make them all the time.

Logicians and other philosophers have had great difficulties understanding this difference, and in accepting the idea that reasons advanced in rhetorical argumentation can be perfectly good without being logically "valid". But we need only look at any political proposal to see that this is so. There are, for example, many good reasons (premises) for building the 18 kilometer Femern Belt tunnel below the Baltic Sea between Germany and Denmark (a project now in progress). There are also many good reasons that speak against the project. That is precisely why neither the case for the tunnel nor the case against it is logically valid.

Manfred Kienpointner, in his otherwise excellent book *Alltagslogik*, has discussed whether "Gültigkeit" is necessary for "Plausibilität", and he seems to conclude „dass Gültigkeit im Sinne der APL [Aussage- und Prädikatslogik] und auch der IL [Informal Logic] nicht ausreicht, um Plausibilität zu gewährleisten" (1992, 106). This suggests that arguments to be good must *at least* be logically valid, and many textbooks take the same position. This is probably because there are many everyday arguments that are in fact flawed because they *pretend* to be valid although they are not. However, the reason they are flawed is not that they are invalid, but that they pretend to be valid. So it is wrong to claim, as Kienpointner seems to imply, that *all* invalid arguments are bad. In the domain of action, some arguments are good, and some are bad; but they are all logically invalid.

Fourth, the weight of arguments in rhetorical argumentation is a matter of degrees. Advantages and drawbacks come in all sizes. People may gradually come to attribute more weight to a given argument for a proposal, for example the Femern Belt tunnel, so they may gradually warm up to that proposal. Not so in epistemic argumentation. The philosophical tradition has it that arguments are *either* sound ("haltbar") *or* unsound.

Fifth, in rhetorical argumentation arguers should have no problem in granting the relevance of their opponents' reasons. The cons that my opponent sees in my proposal may in fact be real and relevant, just as the pros that I see in it. In philosophical argumentation theory we rarely hear about situations where there are relevant and weighty reasons on both sides of an issue; there is a tradition for looking at premises one at a time to decide whether that particular premise is sound. Carl Wellman, a Canadian philosopher, proposed the term *conductive reasoning* for reasoning with relevant reasons on both sides, to supplement the widely held view that *de*ductive and *in*ductive reasoning were the only legitimate kinds (1971). His attempt, which does have some unclear aspects, never found much resonance. Harald Wohlrapp (2008) has deplored the lack of theory building in this domain, and he rightly praises another Canadian philosopher, Trudy Govier, for being almost the only argumentation theorist who has seriously discussed these pro-and-con situations; yet he also criticizes her procedure for balancing pro and con arguments (Govier 2004) because it doesn't prescribe a decision on specific issues. To this critique a rhetorician would say that there cannot *be* a philosophical procedure which prescribes a decision because choice and subjectivity are involved. Yet Wohlrapp seems to envisage a dynamic procedure by which it can actually be objectively determined which side has the stronger case, for example on the issue of legalizing euthanasia. Here I think Wohlrapp falls into the Platonic trap of believing that philosophy can and should definitively decide practical issues.

Sixth, this brings us to a crucial feature of rhetorical argumentation. As the armchair example shows, two opponents in rhetorical argumentation will not necessarily move towards consensus, let alone reach it, even if they follow all the rules we may devise for responsible and rational discussion. They may legitimately *continue* to support their contradictory proposals. In epistemic argumentation, for example on whether there is a man-made global warming going on, both sides in the debate (assuming there *are* two sides) cannot be right. There is a truth somewhere about such a matter, and we want to find it. So indefinite

disagreement in, e.g., science over an issue like that is an unstable and unsatisfactory state of affairs.

Jürgen Habermas has emphasized, just as I do here, that there are divergent domains of argument, and that arguing about actions is not like arguing about the truth of propositions; the warrants we appeal to in action-related discussions will not only be propositions that we hold to be true, but *norms of action* that we hold to be "right". This "rightness", Habermas points out, is a *Gültigkeitsbedingung* of a different kind from truth. This is an important insight; nevertheless Habermas originally maintained that utterances in both of these domains, truth and action, have the same goal, namely "die Erzielung, Erhaltung und Erneuerung von Konsens … und zwar eines Konsenses, der auf der intersubjektiven Anerkennung kritisierbare Geltungsansprüche beruht" (1981, I, 37). In later writings, however, Habermas himself has recognized that "in the case of controversial existential questions arising from different world views" it is "reasonable to expect continuing disagreement" (2001, p. 43).

The belief that consensus will be the ultimate goal of rational argumentation, even in the sphere of action, is a major point where rhetoricians must differ from (early) Habermas and those who have followed him. There is such a thing as what John Rawls has called "reasonable disagreement" (1989, 1993). Individuals may legitimately disagree over some practical proposal, and *continue* to do so, even after a prolonged discussion that follows all appropriate rules of communication and argument. This is due to the fact, noted above, that although *most* norms or values in a culture are shared by most of its members, not *all* their norms are the same, and—even more importantly perhaps—everyone does not have the same *hierarchy* of norms. As we saw in the armchair example, for some people an appeal to one given norm carries more weight than an appeal to a certain other norm, whereas for another individual it is the other way around—although both in fact recognize both norms. If they realize that they share some of the same norms, they may reach what the political philosopher John Dryzek calls "meta-consensus" (e.g., Dryzek & Niemeyer 2006), and that would be a big and important step; but even so

they may never reach consensus on what to do, no matter how reasonably they argue.

So in rhetorical argumentation consensus is *not* the inherent goal, and it is therefore legitimate, despite Habermas, that both individuals in such a discussion argue in order to gain adherence for his or her proposal, that is, argue "strategically" (which Habermas condemns), rather than aim for consensus. In deliberation, dissensus is not an anomaly to be rectified. So, instead of trying to *prove* that the opponent is wrong, the wise deliberative debater will often acknowledge the relevance of the opponent's premises (that is, if they are indeed found to be relevant), and then try to make his own *outweigh* them in the view of those who are to judge (or *some* of them). This kind of discourse is the core of rhetoric.

The seventh feature of rhetorical argumentation that we shall look at has to do with what we just saw. In rhetorical argumentation, arguers argue in order to persuade *individuals*. The weight of each argument is assessed subjectively by each individual arguer and audience member, and each individual must also subjectively balance all the relevant arguments; it follows from this that what will persuade one individual will not necessarily persuade another. In epistemic argumentation, by contrast, there is an underlying presumption that whatever is valid for one is valid for all. To be sure, it is also true that an epistemic proposition will in fact only be accepted by some, not by all; but the presumption of just about any philosophical theory is that it is presents a truth which is still valid for all. By contrast, practical arguers hope to win or increase the adherence of *some* individuals for the proposal they support. That is also why in a democracy we tend to have votes taken on practical proposals, but not on propositions. A majority cannot decide what the truth is; but in a democracy it can decide what the collective it belongs to will *do*.

So the nature of rhetorical argumentation is controversy more than it is consensus. It is certainly good if antagonists do find consensus, but they might not, and it may be legitimate and reasonable that they don't; that is to say, none of the disagreeing parts is "wrong", just as none is "right". In epistemic

argumentation, continued dissensus means that uncertainty still prevails, and debate must continue until consensus is reached.

All these properties of rhetorical argumentation may lead someone to reason that if there is no one true answer in the domain of deliberation, is there any reason to have criteria of argumentative and deliberative merit? Why not conclude that in rhetorical argumentation anything goes—not just in the sense that in fact we see absolutely anything being used by political opponents against each other, but also in the sense that rhetorical and democratic theory should just accept this as the way things are, and have to be?

A theory of rhetorical argumentation should come down decisively on the side of those who would define and try to uphold criteria of argumentative merit. It should stand in a third position in relation to two extreme positions, both of which it rejects: on the one hand the belief that consensus will and should ultimately ensue after proper discussion (a belief shared, in two very different versions, by early-Habermasian ideas of deliberative democracy and pragma-dialectical argumentation theory)—and on the other hand various more or less cynical beliefs in some varieties of political theory that politics is a raw struggle between selfish interests in which argumentation can change little or nothing.

But the question remains as to why we should have argumentation of some merit at all if not in order to find consensus, or at least move toward it. What other purposes and functions could argumentation between antagonistic positions possibly have? And *how* could it have these functions?

To answer these questions one has to think of a factor that is curiously left out of most current theories of argumentation: the *audience*. It is primarily for the sake of the audience that it makes sense to have a debate between antagonists in rhetorical argumentation. The civic sphere consists not only of participants, but also, and primarily, of spectators who are also citizens. They are individuals who are all, in principle, entitled to choose freely among two or more alternative policies or proposals. In order to choose they need information on the alleged pros and cons, on how real, relevant, and weighty they appear in the light of their

respective value systems. Citizens are entitled to receive, consider and weigh such information if they are not to be defenseless victims of ignorance, lies, manipulation, diversionary tactics and all the other forms of irrelevancy thrown at them. Individual citizens will be the ultimate losers in a polity where nothing is done to develop, disseminate and uphold criteria of argumentative merit, and such a polity is on the road to disintegration.

A crucial factor in the critical assessment of rhetorical argumentation is that debaters must in principle *answer* what their opponents have to say. Any premise either pro or con offered by one debater must have a reply from the opponent, who should be ready to acknowledge its relevance and weight, and then explain why he thinks his own premises are more relevant and/or weightier. This kind of debate behavior is needed if a debate is to help audience members form their own assessment of how relevant and weighty the arguments on both sides are, and then make a choice on that basis. This way, antagonists may feel that their arguments have been heard and considered, so that, even if they disagree with the decision that is made, they may *acquiesce* with it. Hence this sort of process will confer added legitimacy to decisions. This is how continued dissensus and controversy may be constructive without ever approaching consensus. And this is how rhetorical argumentation, as Cicero thought, can be the force that helps people build a society, and one that helps hold it together.

It is an old assumption in rhetorical thinking that rhetorical debate is constructive not only in helping debaters motivate and perhaps propagate their views, and not only in helping audience members build an informed opinion, but also in building societies. Isocrates and Cicero are among the chief exponents of this vision. We cannot all agree on everything, but we can build a cohesive society through constructive controversy.

It is worth noting, in conclusion, that in political science and philosophy there is a growing body of scholarship and opinion arguing for a conception of democracy based on a recognition of dissensus rather than consensus. For example, Nicholas Rescher (1993) is resolutely pluralist and anti-consensus, in theoretical as

well as practical reasoning. There are determined "agonists" such as Bonnie Honig (1993) and Chantal Mouffe (e.g., 1999, 2013), as well as thinkers who emphasize the centrality of "difference" in democracy (such as Iris Marion Young, e.g., 1996). Amy Gutmann & Dennis Thompson take a balanced view, emphasizing deliberation as well as pluralism: "A democracy can govern effectively and prosper morally if its citizens seek to clarify and narrow their deliberative disagreements without giving up their core moral commitments. This is the pluralist hope. It is, in our view, both more charitable and more realistic than the pursuit of the comprehensive common good that consensus democrats favor" (2004, 29). John Dryzek too is cautiously balanced in arguing that the ideal of deliberative democracy must recognize dissensus: "Discursive democracy should be pluralistic in embracing the necessity to communicate across difference without erasing difference" (2002, 3). All these thinkers acknowledge the need for continued exchange among citizens of views and arguments, despite the impossibility (or undesirability) of deliberative consensus.

Few seem to realize that rhetoric is based on, and has always existed in, this democratic tension: we cannot force agreement, but we can and should present reasons to each other for the free choices we all have to make. As Eugene Garver has said: "The more we take disagreement to be a permanent part of the situation of practical reasoning, and not something soon to be overcome by appropriate theory or universal enlightenment, the more rhetorical facility becomes a central part of practical reason" (2004, 175).

Continuing dissensus is an inherent characteristic of rhetorical argumentation. In the rhetorical tradition this insight has always been a given. In contemporary political philosophy it is by now perhaps becoming the dominant view. Argumentation theory should not be so specialized that it remains ignorant of these facts.

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