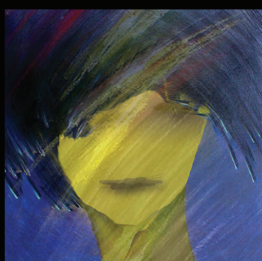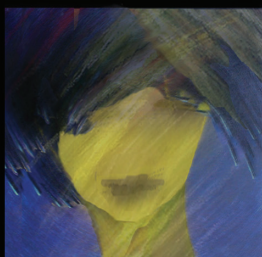# RHETORIC AND ARGUMENTATION IN THE BEGINNING OF THE XXIst CENTURY

EDITED BY

Henrique Jales Ribeiro

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RHETORIC AND ARGUMENTATION IN THE BEGINNING OF THE XXIst CENTURY

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CONTENTS

PART III
LINGUISTIC APPROACHES TO ARGUMENTATION THEORY

PART IV
RHETORIC; AND COMMUNICATION THEORY / EDUCATION THEORY
APPROACHES TO ARGUMENTATION

PART V
LAW THEORY APPROACHES TO ARGUMENTATION

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THE STATE OF THE ART: WE AND THE OTHERS

The twentieth century history of rhetoric and argumentation theory featured a singular and curious coincidence. Two of its most influential authors published their masterworks exactly in the same year (1958), independently and without knowing each other: Chaïm Perelman, with Lucie Olbrechts-Tyteca, *Traité de l'argumentation: La nouvelle rhétorique,* and Stephen Toulmin, *The Uses of Argument.* Both books, which envisaged completely revolutionising the state of an "art" which was apparently dead at the time (as the respective authors firmly believed), left a lasting and powerful imprint that remains to this day; they were edited and reedited in several languages and have been the subject of all sorts of studies and expert analysis, not to mention several International Colloquia. In fact, there is not a single serious researcher in rhetoric and argumentation theory who has not read and closely analysed them.

For all of the reasons above, an International Colloquium with the title "Rhetoric and Argumentation in the Beginning of the XXIst Century" was held at the Faculty of Letters of the University of Coimbra, in October 2-4, 2008. The Colloquium was organized by the Research Group "Teaching Logic and Argumentation", of the Research Unit "Language, Interpretation and Philosophy", which is member of the Portuguese Foundation for Science and Technology ("Fundação para a Ciência e a Tecnologia − FCT"). (The Organizing Committee was composed of Henrique Jales Ribeiro, Joaquim Neves Vicente e Rui Alexandre Grácio.) It was a unique event, without parallel in Portugal and even worldwide − considering its theme and its aims −, which gathered some of the World's most renowned rhetoric and argumentation theorists.[1] The purpose of the event was, on the one hand, to study the impact of *Traité de l'argumentation* and *The Uses of Argument* to this day, and, on the other hand, to take stock of the current state of rhetoric and argumentation theory. Eighteen papers were presented, mostly in English, but some in Portuguese and in French, all of which gave rise to heated discussions and debates, both amongst the

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[1] Prof. Antonio López Eire (University of Salamanca, Spain), who was invited and accepted from the first moment to participate in the International Colloquium, died unexpectedly only a few days before the event was held. The Organizing Committee wishes to pay its deep and deserved respects to the one who was/is one of the most illustrious Spanish theorists of rhetoric and its history.

speakers themselves and the speakers and the audience, which attended the meeting with great enthusiasm and in large numbers. The Proceedings of the Colloquium have been carefully recorded in this volume.

The Proceedings include a variety of very important contributions to rhetoric and argumentation theory, ranging from the ones that genuinely fit these subject matters, to others provided by philosophy, linguistics, communication theory, education theory and law theory. The "art", as it was called in the Medieval curricula, is no longer a discipline amongst others and became, according to the view of some specialists and largely owing to Perelman' and Toulmin's influences, a "new paradigm" of rationality of our age, which auspiciously encompasses all fields of knowledge and culture. Notwithstanding, one witnesses some dispersion of topics, concerns and interests in the set of papers here published. Such dispersion is hardly accidental and does not arise from circumstantial factors, still less organizational ones (as would appear to be the case of the agenda itself of the International Colloquium). It is not the purpose of this Preface to analyse it or draw any form of conclusions from it.[2] It somewhat reflects the current "state of the art", although some relevant theoretical currents, like pragma-dialectics (lead by Professor Frans H. v. Eemeren), achieved in the past decades a well merited and perfectly justified relevance, merging in interdisciplinary terms multiple and diversified approaches to rhetoric and argumentation theory. One of the main goals of the Research Group "Teaching Logic and Argumentation" with the Colloquium, was precisely to carry out this type of assessment of "the state of the art" at the beginning of a new century, with the help of some of greatest masters of this noble art which we humbly practice. Regardless of the scope of the contributions mentioned above, remarkable conceptual and technical progress was made for the first time towards future research in all of the fields, thus we believe, earning the Colloquium and the present Proceedings a small albeit meaningful place in the historiography of contemporary rhetoric and argumentation theory.

However, from an editorial perspective, it is possible – if not even indispensable – to select the papers presented at the International Colloquium on the basis of five large fields or subject matters within the framework of the event's general topic ("Rhetoric and Argumentation in the Beginning of the XXIst Century") and of its core driver (celebrating the publication of *Traité de l'argumentation* and *The Uses of Argument* in the year 1958): I- Historical and philosophical studies on the influences of Perelman and of Toulmin; II- Studies in argumentation theory; III- Linguistic approaches to argumentation theory; IV- Rhetoric; and communication theory / education theory approaches to argumentation; and V- Law theory approaches to argumentation. *Clearly none of these specific areas* ("specific" particularly for the purpose of publishing these Proceedings) *exclude the others*; it may be advisable to complement the reading of one paper with the reading of another on the same subject matter or under a distinct chapter of these Proceedings, or in some cases it may even be mandatory. For example, this applies to the papers on "anticipating objections" and "the procès d'intention" by

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[2] See Frans H. van Eemeren, "A Glance Behind Scenes: The Sate of the Art in the Study of Agumentation", in *Studies in Communication Sicences*, 2003, 3 (1). And, below, Rui Alexandre Grácio paper with the title "Beyond argumentativeness: The unity of argumentation".

Professors Douglas Walton and Marianne Doury, respectively, who are truly research pioneers on these subjects. Both tackle the same subject matter and problematic, no doubt about it; but they approach it from rather different view points. In editorial terms, we believed it was relevant and wise to preserve this difference. After all that has been said (insufficiently, we realise), by selecting the papers according to the different approaches mentioned above we seek to intelligently guide the reader through the complex and difficult task of closely reading and studying the papers published.

The studies on rhetoric and argumentation theory in Portugal developed remarkably – not to say they underwent a revolution – in the late decades of the twentieth century, particularly due to the work of Professor Manuel Maria Carrilho, who honoured the Organizing Committee with his presence at the opening session of the International Colloquium.[3] In the seventies these subjects were intered in the Universities, in particular in the curricula of the Departments of Philosophy and Communication Studies, as well as in the Secondary School philosophy programmes. Nevertheless, we still have a long way to go. There are Portuguese universities which do not teach rhetoric nor argumentation theory in any of their departments. This is particularly regrettable in some of the most eminent Law Faculties, where the young students with growing interest and appetite for these essential matters feel compelled to invest in self-education ; and the situation is equally deplorable in Faculties which educate journalists and other media players who will occupy positions of great responsibility in the future public life.

Akin to other cultural changes in Portugal, particularly in the field of philosophy,[4] the above-mentioned developments were only possible when democracy was implanted in Portugal, after April 25th, 1974. It is, therefore, fairly recent (at least from the perspective of history). The political idiosyncrasy of a People or a Nation, in the broad sense of the term "political", its larger or smaller critical and democratic spirit, its more or less open-mindedness about social and cultural differences, are closely linked to how it sees and exercises argumentation in everyday life. No doubt about it. Insofar as the current contingencies and constraints of the teaching of rhetoric and argumentation theories in Portugal, which have been highlighted, cannot be explained solely as a result of closed institutions which were incapable of keeping up with the pace of time, it also suggest that there is still a lot to be done and amended for the betterment of the Portuguese society at large. One further aspiration of the Research Group "Teaching Logic and Argumentation" with the organization of the International Colloquium

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[3] Carrilho – full professor at the New University of Lisbon (Portugal) and current Portuguese ambassador to UNESCO – has himself organized in 1992 an International Colloquium on rhetoric and argumentation at the C. Gulbenkian Foundation (Portugal), which gathered distinguished philosophers such as Stephen Toulmin, Jaakko Hintikka and Michel Meyer, amongst others. See M. M. Carrilho (ed.), *Retórica e Comunicação* [*Rhetoric and Communication*], Porto: Asa, 1994. See also URL: *www.manuelmariacarrilho.com/obras.html*

[4] Concerning analytic philosophy, for example, see Henrique Jales Ribeiro (ed.), *1º Encontro Nacional de Filosofia Analítica* [*1st National Meeting for Analytical Philosophy*], "Apresentação" [Introduction], Coimbra: Faculdade de Letras da Universidade de Coimbra, 2003, pp. 7-12.

and the publishing of these Proceedings, besides the ones mentioned before, was and certainly still is to draw public awareness in general to these essential matters.

To conclude, the Research Group "Teaching Logic and Argumentation" wishes to express its gratitude to all the people and entities which committed themselves from the beginning to the successful and timely organization of the International Colloquium: the coordinator of the Research Unit "Language, Interpretation and Philosophy", Prof. António Manuel Martins; the Institute of Philosophical Studies of the Faculty of Letters of the University of Coimbra; the Presidents of the Faculty's Scientific Board and Board of Directors, Professors José Bernardes and Carlos André, respectively; the Chancellery of the University of Coimbra in general; and, naturally, the Foundation for Science and Technology (FCT – "Fundação para a Ciência e a Tecnologia").

Coimbra, May 2009.
Henrique Jales Ribeiro.

PREFÁCIO<superscript>*</superscript>

O ESTADO DA ARTE: NÓS E OS OUTROS

A história da retórica e teoria da argumentação no século XX teve uma coincidência singular e curiosa. Dois dos autores que a marcaram de forma decisiva publicaram precisamente no mesmo ano (1958), independentemente um do outro e sem se conhecerem, as respectivas obras fundamentais: Chaïm Perelman, com Lucie Olbrechts-Tyteca, *Traité de l'argumentation: La nouvelle rhétorique*, e Stephen Toulmin, *The Uses of Argument*. Ambas as obras, que pretendiam revolucionar completamente o estado de uma "arte" aparentemente morta na época (como os respectivos autores firmemente acreditavam), exerceram uma influência contínua e poderosa até aos nossos dias, sendo editadas e reeditadas em diferentes línguas e objecto de inúmeros estudos e comentários especializados, para não mencionar vários Colóquios Internacionais. Na verdade, não há um único estudioso sério da problemática da retórica e argumentação que as não tenha lido e sobre elas reflectido atentamente.

Por todas estas razões, realizou-se em 2-4 de Outubro de 2008, na Faculdade de Letras da Universidade de Coimbra, um Colóquio Internacional com o título "Retórica e Argumentação no Início do Século XXI". O Colóquio foi organizado pelo Grupo de Investigação "Ensino de Lógica e Argumentação", da Unidade de Investigação "Linguagem, Interpretação e Filosofia", que é membro da Fundação para a Ciência e a Tecnologia (FCT). (A Comissão Organizadora foi composta por Henrique Jales Ribeiro, Joaquim Neves Vicente e Rui Alexandre Grácio.) Constituiu uma iniciativa inédita, sem paralelo em Portugal e mesmo no mundo inteiro − considerando o seu tema e objectivos −, na qual participaram alguns dos principais teóricos mundiais da retórica e argumentação.[1] O objectivo fundamental do evento era, por um lado, estudar o impacto até aos nossos dias de *Traité de l'argumentation* e *The Uses of Argument*, e, por outro, fazer o balanço do estado actual dessas matérias. Dezoito comunicações foram apresentadas, a maior parte em inglês, mas algumas em português e francês, todas a

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quais provocaram acesas discussões e debates não só entre os respectivos autores mas também entre estes e o numeroso e interessado público presente. É desse Colóquio Internacional que se publicam agora as Actas.

As Actas incluem variadas e muito importantes contribuições para a retórica e teoria da argumentação, desde as que procuram enquadrar-se genuinamente no âmbito desses domínios às da filosofia, linguística, teoria da comunicação, teoria da educação e teoria do direito. A "arte", como nos currícula medievais era conhecida, deixou de ser uma disciplina entre outras, para se tornar na opinião de alguns, em grande parte devido aos contributos dados por Perelman e por Toulmin, um "novo paradigma" de racionalidade para a época contemporânea, que abrange auspiciosamete todas as áreas do saber e da cultura. Não obstante, pode constatar-se uma certa dispersão de temas, preocupações e interesses no conjunto das comunicações ora publicadas, a qual está longe de ser acidental e resultar de factores circunstanciais, muito menos de razões organizacionais (como seria aparentemente o da própria agenda do Colóquio Internacional). Não cabe nos objectivos e limites deste Prefácio analisá-la ou dela tirar quaisquer ilações.[2] Ela reflecte, de alguma forma, o "estado da arte" nos nossos dias, apesar de algumas importantes correntes teóricas, como é o caso da pragma-dialéctica (liderada pelo Prof. Frans H. v. Eemeren), terem alcançado nas últimas décadas uma preponderância indiscutível, meritória e perfeitamente justificada, aglutinando interdisciplinarmente, à sua volta, múltiplas e diversificadas abordagens sobre retórica e argumentação. Um dos objectivos do Grupo de Investigação "Ensino de Lógica e Argumentação", com o Colóquio, era justamente fazer esse tipo de avaliação sobre o "estado da arte" no início de um novo século com os grandes mestres da nobre arte que modestamente praticamos. Independentemente do âmbito das contribuições a que nos referimos acima, notáveis desenvolvimentos conceptuais e técnicos foram dados pela primeira vez para a investigação futura em cada um deles, reservando assim para o Colóquio e as presentes Actas (estamos em crer) um pequeno mas significativo lugar na historiografia sobre a retórica e teoria da argumentação contemporâneas.

Contudo, é possível e até mesmo indispensável seleccionar as diferentes comunicações apresentadas no Colóquio Internacional segundo cinco grandes áreas ou domínios temáticos no quadro do tema mais geral do evento ("Rétorica e Argumentação no Início do Século XXI") e do seu motivo inspirador principal (a comemoração da publicação no ano de 1958 de *Traité de l'argumentation* e *The Uses of Argument*): I- Estudos históricos e filosóficos sobre as influências de Perelman e de Toulmin; II- Estudos em teoria da argumentação; III- Abordagens linguísticas da teoria da argumentação; IV- Retórica; e abordagens da argumentação pela teoria da comunicação / teoria da educação; V- Abordagens da argumentação pela teoria do direito. Nenhuma dessas áreas específicas ("específicas" sobretudo para os efeitos da edição das presentes Actas), obviamente, exclui qualquer uma das outras; a leitura deste ou daquele trabalho requerendo ser devidamente complementada com a leitura cruzada de outros inseridos numa área ou parte diferente destas Actas, ou até exigindo mesmo uma tal tarefa em alguns casos.

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[2] Veja-se Franz H. van Eemeren, 'A Glance Behind Scenes: The Sate Of the Art in the Study of Agumentation', in *Studies in Communication Sciences*, 2003, 3 (1). E, mais abaixo, o trabalho de Rui Alexandre Gácio com o título "Beyond argumentativeness: The unity of argumentation".

Concretamente, para dar um exemplo, é o caso dos trabalhos sobre "antecipação de objecções" e "processo de intenção" – que são verdadeiramente pioneiros em relação à investigação sobre esses assuntos –, respectivamente dos Prof.s Douglas Walton e Marianne Doury. O tema ou problemática neles em questão, sem dúvida, é o mesmo; mas as perspectivas da sua abordagem são, apesar de tudo, mais ou menos diferentes entre si. Pareceu-nos pertinente e útil, em termos editoriais, salvaguardar essa diferença. A selecção de acordo com as áreas de abordagem que foram referidas, depois do que (sem dúvida insuficientemente) se disse, procura guiar de forma inteligente o leitor na complexa e árdua tarefa de ler e estudar atentamente os trabalhos que agora são dados à estampa.

Os estudos sobre retórica e teoria da argumentação, em Portugal, conheceram um desenvolvimento assinalável, para não dizer uma autêntica revolução, no final dos anos setenta do século passado, particularmente sob a iniciativa do Professor Manuel Maria Carrilho, que deu a honra à Comissão Organizadora de estar presente na abertura do Colóquio Internacional.[3] A leccionação dessas matérias começou a ser introduzida, a partir dessa altura, quer nos currícula das Universidades e respectivos departamentos de filosofia e de ciências da comunicação, quer nos programas de filosofia do Ensino Secundário. Mas muito há ainda a fazer nesta matéria. Universidades portuguesas há onde nem a retórica nem a teoria da argumentação são ensinadas seja em que departamento for. Esta situação é especialmente lamentável em algumas Faculdades de Direito de reconhecido prestígio, pese embora o interesse e apetite crescentes dos jovens alunos, que se vêem obrigados a investir na sua auto-formação em domínios tão essenciais; ou é ainda não menos deplorável em Faculdades onde se formam jornalistas e outros agentes dos media com importantes reponsabilidades na vida pública vindoura.

Como muitas outras transformações culturais portuguesas, em especial no campo da filosofia,[4] o desenvolvimento dos estudos a que acabámos de aludir só foi possível depois de ter sido implantada a democracia em Portugal, a partir de 25 de Abril do ano de 1974. É, pois, relativamente recente (pelo menos, do ponto de vista da história). Não há dúvida de que a idiossincrasia política de um Povo ou de uma Nação, no sentido amplo do termo "política", o seu maior ou menor espírito crítico ou democrático, a sua maior ou menor abertura ou aceitação da diferença social e culturalmente falando, estão inexoravelmente ligados à forma como ele(a) próprio(a) encara e pratica a argumentação. As contingências e dificuldades actuais do ensino da retórica e teorias da argumentação em Portugal, que foram referidas, se não assentam simplesmente em instituições enclausuradas nelas mesmas que não souberam acompanhar a evolução dos tempos, sugerem que também muito há a fazer e a transformar para melhor na

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[3] Carrilho – Professor Catedrático da Universidade Nova de Lisboa e actualmente Embaixador de Portugal na UNESCO – organizou ele próprio em 1992 um Colóquio Internacional sobre retórica e argumentação na Fundação C. Gulbenkian (Portugal), que congregou filósofos distintos, como Stephen Toulmin, Jaakko Hintikka e Michel Meyer, entre outros. Veja-se M. M. Carrilho (coord.), *Retórica e Comunicação*, Porto: Asa, 1994. See also URL: *www.manuelmariacarrilho.com/obras.html*

[4] A respeito da filosofia analítica, por exemplo, veja-se Henrique Jales Ribeiro (coord.), *1º Encontro Nacional de Filosofia Analítica*, Coimbra: Faculdade de Letras da Universidade de Coimbra, "Apresentação", 2003, pp. 7-12.

sociedade portuguesa de maneira geral. Um dos desideratos do Grupo de Investigação "Ensino de Lógica e Argumentação", com o Colóquio Internacional e a publicação das presentes Actas, para além dos já referidos, foi/é certamente promover o interesse público de maneira geral por essas matérias fundamentais.

Cumpre finalmente ao Grupo de Investigação "Ensino de Lógica e Argumentação" agradecer às pessoas e entidades que, desde o início, se empenharam no êxito do Colóquio Internacional em boa hora realizado: o coordenador da Unidade de Investigação "Linguagem, Interpretação e Filosofia", Prof. António Manuel Martins; o Instituto de Estudos Filosóficos da Faculdade de Letras da Universidade de Coimbra; os Presidentes dos Conselhos Directivo e Científico dessa Faculdade, respectivamente, os Prof.s Carlos André e José Bernardes; a Reitoria da Universidade de Coimbra no seu conjunto; e, naturalmente, a Fundação para a Ciência e a Tecnologia (FCT).

Coimbra, Maio de 2009.
Henrique Jales Ribeiro.

PART I

HISTORICAL AND PHILOSOPHICAL STUDIES ON THE INFLUENCES OF PERELMAN AND OF TOULMIN

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CHAPTER 1

THE PERTINENCE OF TOULMIN AND PERELMAN/OLBRECHTS-TYTECA FOR INFORMAL LOGIC

John Anthony Blair[*]

ABSTRACT: "Informal logic» is the name given to an approach to arguments and argumentation emerging in Canada and the United States in the 1970s and consolidated there for three decades. It developed initially independently of the influence of *The Uses of Argument* and *La Nouvelle Rhétorique*. Over the past decade especially, however, these works have become increasingly pertinent to informal logic theory. The paper begins with a brief foray into the history of ideas and the sociology of knowledge to partly explain the genesis, and hence the nature, of informal logic. Then it traces the focus of informal logic on defeasible reasoning and arguments to the difficulties fatal to the assumption that formal deductive logic provides adequate theory for the interpretation and evaluation of arguments. Turning to the influence of Toulmin, the most significant ideas for informal logic are his concepts of warrant interpreted as inference license, relevance conferrer, and argument scheme embodiment; of the field or topic dependence of backing; and of qualifiers and conditions of rebuttal interpreted as signifying the defeasibility of arguments employed in much argumentation. Perelman and Olbrechts-Tyteca's rejection of formal logic as the theory of argumentation, their emphasis on the importance of audience, the dialectical features of their rhetoric, their concepts of particular and universal audience, and their empirical focus on argument schemes are all significant for the informal logic perspective on arguments.–The discussion of the influence of these two works is not historical for the most part, but rather reflects this author's views about the significance of some of their doctrines for current theory at the beginning of the 21st century.

[*] University of Windsor, Sunset Avenue, Windsor, Ontario N9B 3P4, Canada.
Professor Emeritus of Philosophy. Co-Director of the Centre for Research in Reasoning, Argumentation and Rhetoric. Co-Director of the Canadian Network for the Study of Argumentation.
E-mail: tblair@uwindsor.ca

1. INTRODUCTION

Fifty years ago, Stephen Toulmin, in his 37th year, published his third book, *The Uses of Argument*. Chaim Perelman, in his 47th year, along with his colleague Lucie Olbrechts-Tyteca, published their second book, *La Nouvelle Rhétorique, Traité de l'Argumentation*. Disaffection with Logical Positivism or Logical Empiricism had begun to surface in Western philosophy following the Second World War. For most critics, it was the epistemology and metaphysics of the doctrine that they questioned. For the two philosophers whose landmark books are being justly celebrated, it was the assumptions about logic and its relation to argument and argumentation that motivated their critique. Toulmin's challenge was influenced by the later Wittgenstein. That of Perelman emerged from the confrontation he perceived between Frege's logic and his own observations of reasoning about values. The thinking of both men took an empirical turn, away from the *a priorism* of positivism. Toulmin looked at how arguments actually work, particularly in law. Perelman looked at how people actually reason about values. That they independently produced books about arguments and argumentation that were profoundly at odds with positivism's privileging of formal logic is thus not a surprise.

However, the privileging of formal logic was deeply engrained in Anglo-American philosophical thinking. Toulmin's challenge was brushed off and Perelman's, being in French, was scarcely read at all in the English-speaking world. So it is no surprise, looking back, that Toulmin's and Perelman and Olbrechts-Tyteca's work on argument and argumentation had to penetrate the anglo-American continent through the avenue of other disciplines entirely, which as we know turned out to be speech communication and rhetoric.

As a result of the very limited influence of these two books on anglophone philosophy at the time and for many years, what came to be called the informal logic movement, which began in the 1970s among a few philosophers in Canada and the United States, was not a consequence of Toulmin's or Perelman and Olbrechts-Tyteca's work on argument and argumentation. Instead, it was an independent outgrowth of the anti-Positivism rooted in the later Wittgenstein and in Oxford ordinary language philosophy, combined with social factors in those two countries: by the anti-establishment social attitudes of the 1960s and by the post WWII baby-boom--fuelled expansion of post-secondary schooling.

The topic of this paper is the influence of Toulmin and Perelman and Olbrechts--Tyteca on informal logic. In order to develop that theme I need first to explain something about the origins and nature of the informal logic movement. However, to address the related them of rhetoric and argumentation at the beginning of the 21st century, I will offer not so much a history of ideas as my own views about the continuing importance for informal logic of certain concepts emphasized by these two philosophers.

2. THE ORIGINS OF INFORMAL LOGIC: THE SOCIAL CONDITONS

In the early 1970s, young academics who had received their post-graduate training in the United States during the exhilarating 1960s were sympathetic to

anti-establishment sentiments, having developed them themselves. It started in the 1950s with the birth of rock and roll music, for it was act of rebellion against the proscriptions of our parents to listen to it. Then, more seriously, it was the voter registration drives of African-Americans in the American south in the early 1960s, the Black Power movement in America in the mid-1960s, the anti-Vietnam war protests and the student power movement in the big universities in the mid-and late 1960s − all these anti-establishment vectors, in which many students participated, deepened our receptivity to contrarian ideas. So when we became junior members of the establishment ourselves as young university instructors, we were sympathetic when our students grumbled that the formal logic courses we were teaching had little value for their aim of becoming better able to reason and argue effectively about the social and political issues of the day (see Kahane 1971: vii). And when junior philosophy faculty (and some, such as Howard Kahane (1971) and Michael Scriven (1976), not so junior), began developing a new kind of practical logic course, one that approached the argumentation of daily life without formal apparatus, the enrolments in these courses grew enormously. At the same time, philosophy departments were losing enrolments to fields that students considered to be more socially relevant, such as sociology, political science, communication studies and psychology. Academic philosophy, as usual, was well behind the times. The new informal logic courses were tolerated or even encouraged by departmental administrators because they boosted the numbers of students enrolled in philosophy courses and thereby helped to justify maintaining or increasing the numbers of philosophy faculty members.[1] When, in 1978, Ralph Johnson and I organized the first conference on informal logic, we discovered that this phenomenon had been happening across the United States and Canada, more or less independently, throughout the decade (see Blair and Johnson 1980).

3. THE THEORETICAL ASSUMPTIONS THAT ORIGINATED INFORMAL LOGIC

The use of the term "informal logic" was as much a rhetorical tactic as an attempt at accurate description. The tradition it was a reaction against assumed that teaching students formal deductive logic was the way to prepare them to analyze and evaluate arguments. The new methods being developed were not formal, and the reasoning and arguments of interest to the informal logicians were not usefully formalized. But that did not mean we were uninterested in argument patterns or in systematic norms.

Two factors mitigate against the assumption that formal deductive logic provides the theory needed for the logic of arguments. Both of them relate to the analysis of arguments, and one of them also relates to the evaluation of arguments.

The first is that in order to bring the formal apparatus of symbolic logic to bear on the evaluation of the sorts of arguments found in public discourse − arguments about public policies, daily events, political affairs and so on − it is necessary first to

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[1] But they were disparaged by academic philosophers. Both Scriven (1976) and Johnson and Blair (1977) initially had their textbook manuscripts rejected for publication by the philosophers who served as the referees for their publishers.

paraphrase the discourse into expressions that are amenable to formalization, whether according to the conventions of some logical system. This operation faces three problems. In some cases, any paraphrase amenable to formalization changes the meaning of the original. In some cases it is controversial what the correct paraphrase is. And in any case, it takes more time to teach students how to paraphrase and formalize properly than to analyze the discourse using other, arguably more perspicuous methods.

But these difficulties aside, the enterprise assumes that all arguments are, or are intended to be, formally deductively valid. That assumption is also mistaken, for two reasons. (a) First, there are materially deductively valid arguments – that is, arguments the truth of whose premises is incompatible with the falsehood of their conclusions that are not formally valid, without the addition of some new premise (see Sellars 1980, Brandom 1994). For example, "This book's cover is red" deductively entails "This book's cover is coloured" but the inference from the first to the second is not formally valid. Its validity derives from the meanings of the concepts "red" and "coloured", not from the syntax or logical form of the expressions. (b) Second, and more significantly, there are logically cogent arguments that are not deductively valid according to any known calculus.[2] That is to say, it would be unreasonable to reject their conclusions, given their premises, yet the truth of those premises is compatible with the falsehood of those conclusions. For instance, there are non-deductively valid arguments that are inductively strong – that is, arguments the premises of which consist of evidence from which their conclusions follow with a high degree of probability. For example, arguments in which a generalization about properties of a population is derived from the evidence of the properties of a relatively small but carefully selected sample of that population are deductively invalid, but can be strong arguments none-the-less. Advertisers and politicians rely on them, spending a lot of money on the basis of their track record. Arguments in which the effects of various drugs on humans are inferred by analogy from their effects on animals can be very strong arguments, although their evidence is consistent with the falsehood of their conclusions. Such arguments are used regularly in pharmaceutical and medical research and relied on for successful medical prophylaxis and treatment.

In fact there are all sorts of non-deductively valid yet cogent arguments, not just those that are conventionally labeled "inductively strong" generalizations.

Prescriptions and commendations provide examples. Here is a prescription: "You promised your daughter you would read her a bedtime story, so you should do so even though it means giving up watching the opening half of the football game on television". That is a cogent argument, although the premise does not entail the conclusion, for if the house catches fire you should save your daughter rather than keep your promise. Here is a commendation: "Albert is a good student, for his examination results are excellent, his research papers are of unusually high quality, he contributes positively to class discussions and he is open to learning". Once again, the premises strongly support the conclusion, but they do not entail it: it could be false although

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[2] Caution is necessary in making this point. Gerald Massey (e.g., 1975a, 1975b) has argued that it is not possible to prove that an argument is (deductively) invalid. Maurice Finocchiaro and others (see Finocchiaro 1992) have contested Massey's claim. I wish my formulations of the point here and below to be interpreted as not begging questions about which side is right about this matter.

they were true, for perhaps Albert cheats on his examinations and buys the research papers he submits as his own from someone else; perhaps the standard being used is low or the comparison class is of unrepresentatively low quality; perhaps a halo effect is producing higher grades than Albert's work actually deserves.

I keep calling these "cogent" arguments and by that I mean that they are arguments whose premises provide good or strong reasons for accepting their conclusions. In some cases it would be unreasonable or even irrational to deny their conclusions while accepting their premises. The existence of materially but not formally deductively valid arguments and of cogent but non-deductively valid arguments is a problem for the assumption that the best way to learn how to analyze and evaluate the arguments of public discourse is to learn some formal logic and apply it to public discourse arguments. First, the attempt to impose on those arguments the assumption that they are intended to be formally valid or that they should be analyzed as if they were intended to be formally valid risks distorting them. Second, for the ones that are cogent even though non-deductively valid, their failure of deductive validity clearly cannot serve as the basis for a negative evaluation of their logical merits. Some other basis for their evaluation is at work.

It was these conclusions that motivated what was called "informal logic". Reacting against what was then the hegemony of formal deductive logic in teaching about arguments, we believed new tools were needed for the analysis of arguments, and we believed new criteria were needed for the logical assessment of arguments.

4. THE INFLUENCE OF TOULMIN AND OF PERELMAN AND OLBRECHTS-TYTECA: INTRODUCTION

By the late 1970s and early 1980s, several of those who identified with informal logic were beginning to scan the literature and to think about theoretically grounded bases for these new tools for analysis and new criteria for evaluation. It was only then that we encountered *The Uses of Argument* and *The Treatise on Argumentation* − the latter by then translated into English. The first reaction was a sense of validation. Scorned by our colleagues for teaching what they derided as "baby logic" and, as junior academics, unsure of ourselves, we were encouraged to find that views recognizably similar to ours had been formulated 20 years earlier by two highly respectable philosophers. The theoretical influences, however, did not really take hold for another 15 years. Unlike in the speech communication community in the United States, the famous "Toulmin model" for analyzing arguments did not become widespread in philosophy instruction. We did not know what to make of Toulmin's "warrants", which looked like unexpressed premises to us at first. Perelman and Olbrechts-Tyteca's distinction between argumentation and demonstration was more or less accepted early on, but informal logicians tended to read their accounts of argumentation schemes and of the practice of argumentation either as descriptive rather than normative (and we wanted to be normative) or else as unacceptably relativistic. More recently, however, the situation has changed, and for the past decade there has been a re-examination by many informal logicians of the classic works by these authors as well as a development in new ways of several of the concepts they introduced or emphasized much earlier.

It is important to recognize that "informal logic" does not name a school, a doctrine, or a theory. The term is more like a flag of convenience, often flown with some hesitation or qualification, by fairly like-minded but also quite independent--minded philosophers. Toulmin and Perelman and Olbrechts-Tyteca influenced different informal logicians differently, in both manner and extent. So I need to emphasize that in the following remarks I can speak only for myself.

5. THE INFLUENCE OF TOULMIN

For me, the most significant ideas from Toulmin are related to his concepts of warrant, backing, qualifiers, and conditions of rebuttal, and to his contention that warrants are field-dependent.

I follow David Hitchcock's interpretation of the Toulmin warrant as the generalized associated conditional that licenses the inference in any argument from the grounds offered to the claim adduced on their basis (Hitchcock 2002; see also 2005). According to Hitchcock, Toulmin's view was that any time anyone reasons or argues that a claim is justified by a group of reasons or data offered in support of it, there is an appeal, either explicitly mentioned or as an assumption, to a generalization roughly of the form, "from such reasons or data it is permissible to infer a claim of this sort"[3]. Some might think that Hitchcock's reading of Toulmin is not accurate, even though Hitchcock defends it carefully with detailed references to Toulmin's text. However, even if it is not an accurate representation of Toulmin's concept of a warrant, it is thoroughly Toulminian in inspiration, and it has the merit of being true.

Such warrants play a role both in the identification and in the evaluation of arguments in argumentation. When reading or listening to a text of discourse with the writer or speaker unavailable to answer questions, a person may try to identify and evaluate any arguments that might be present. All sorts of syntactic, semantic and pragmatic clues for the presence of arguments and their interpretation have been catalogued and discussed in the literature, and these of course should be relied on when they are present. If it has been determined that an argument seems to have been made, it follows that some judgement must have been made about its details, that is, about what is being claimed and what is being offered in support of that claim. One element of such a judgement is that the writer or the speaker made or invited an inference from that data to that claim. In the absence of decisive syntactic and pragmatic evidence identifying the argument, a crucial semantic clue is that an inference from some set of the information expounded in the discourse to the claim in question would be a reasonable inference; that is to say, it would be warranted − justified by a warrant that is at least plausible. As interpreters, we judge that it would make sense − it would be plausible − for the writer or speaker to argue from those grounds to that claim. This test picks out some information as belonging to the argument and sets aside other

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[3] To be precise: "… the warrant is semantically equivalent to some generalization of the reasoning's associated conditional 'if p_1 and … and p_n, then c', where p_1, …, p_n stand for premise and c for the conclusion (with qualifiers and rebuttals removed)" (Hitchcock 2005: 384).

information expressed in the discourse as not belonging to the argument. In other words, the warrant attributed to the author or speaker functions to identify what is relevant in the discourse as support for the claim, and to exclude what is irrelevant. Therefore, the warrant, as the inference license attributed to the author, serves as a relevance filter. Data in the discourse will count as relevant to the argument if and only if its generalization can serve as a part of the antecedent of a conditional which has the generalization of the claim as its consequent and that is plausible, or would be considered plausible by the writer or the speaker.

Once it has been established that an argument has been made and its contents have been identified, the next interpretive task is to assess it. Does it provide the reader or listener with a good reason for accepting the claim at issue? One of the questions to ask in evaluating the argument is whether, on the assumption that the data are acceptable, one would be justified in inferring the claim from them. In other words, is the warrant the arguer employs acceptable? Thus, besides being useful in the identification of the argument, the warrant serves as a focus for part of its evaluation. There are actually two distinct questions that may be asked in assessing the warrant. One question asks whether *the author's* warrant is acceptable. This a question about the author's argument as it stands. The other question asks whether there is *any* acceptable warrant licensing an inference from the data provided to the claim at issue. This is a question about whether the claim in question might be justified by parts of the author's argument, or by parts of the author's argument along with additional supporting data that might be available.

Evaluating a warrant entails second-order argumentation, namely possible arguments objecting to the legitimacy of the warrant and possible arguments against those objections or in direct support of the warrant. The last, that is, arguments that directly support the warrant, are what Toulmin labeled the «backing» of the warrant.

What has any of this to do with informal logic? The connection is straightforward. As Toulmin conceived them, warrants are not necessarily laws or theorems of formal deductive logic. To be sure, such logical laws as *modus ponens* or *disjunctive syllogism* can function as warrants. However there is no requirement that all justified warrants must have the analytic force of the laws of logic. To put the point another way, in Toulmin's view a warrant can be justified even though the inference it licenses, unlike any deductively valid inference, is defeasible. He is quite explicit on this point, for this is the implication of his notions of argument qualifiers and argument conditions of rebuttal. An inference can be warranted, Toulmin contends, even if the claim follows only probably, or only plausibly; and it can be warranted if it only holds other things being equal even if it cannot be know for sure that other things are equal in the case at hand. This is exactly the point informal logicians were trying to enunciate in their own way when they argued that there can be logically good arguments that are not deductively valid. So Toulmin provides a conceptualization of arguments consistent with that of the informal logicians. And, by the way, he anticipates by some years the very same points arrived at independently by theorists in artificial intelligence (AI) and by some theorists in epistemic logic, who from the outset took it as a given that not all reasoning and argument is monotonic (that is, if valid, cannot be undermined by additional information), and as a result took it as obvious that logics for various kinds of defeasible reasoning are needed (e.g., Pollock 1970; Reiter 1980).

Another implication of Toulmin's analysis of argument that connects with informal logic is his notion of the field-dependence of warrants. Toulmin does not clearly explain his concept of a field, and the difficulty of doing so led some informal logicians to reject or at least to resist this feature of his theory (see, e.g., Johnson 2000). Perhaps the most prominent and insistent advocate of its importance among informal logicians has been Mark Weinstein and I think Weinstein has been right (see Weinstein 1990, 1992, 1994, 1995a, 1995b, 2003, 2005). Once it is accepted that warrants do not have to be laws of logic – in other words, that there can be justified inferences that are not deductively valid according to any known system – and once the inference – licensing function of warrants defended by Hitchcock is appreciated, then the way is clear to acknowledge that warrants can vary from subject-matter to subject-matter, and arguments backing them can in principle rely on the knowledge of specialized fields as well as on common knowledge. That you ought to read a bed-time story to you daughter given that you promised her you would is reasoning warranted by an understanding of the ethical concepts of promising and obligation, which might be considered part of common knowledge, at least in some cultures. That a new star has been discovered given a series of observations on a high-powered research telescope would be an inference warranted by an understanding of astronomy beyond my capacity even to describe in general terms. That I should lose some weight because my physician advised me to is an inference warranted (in my culture) by a physician's areas of expertise and role in his or her patients' health support. In short, in order to assess the merits of the inferences made or invited in arguments, we might, depending on the subject-matter, need ourselves to have specialized knowledge, or to consult someone who has it. This specialized subject-matter is normally not formal logic but some other field of knowledge, often (though not necessarily) it is a particular science or a specialization within a science. Thus Toulmin provides an explanation, long after the fact, for something informal logicians experienced in the 1970s. When they tried to help their students better to analyze and assess the arguments about the political and social policies of the day, they found that, in addition to needing a general understanding of how arguments work, their students needed to be educated about the politics and social policy issues of the day.

Yet another feature of warrants that merits discussion is that each warrant used in an argument represents an argument scheme. The connection between warrants and argument schemes has been noticed, but not well analyzed. In an excellent brief survey of approaches to argument schemes, Bart Garssen begins with the following observation, (using the terminology of the Pragma-Dialectical argumentation theory):[4]

> Someone who advances argumentation presupposes, in principle, that the advanced premise will be seen as an acceptable proposition and that this premise is linked, in an adequate way, to the standpoint he wishes to defend. The link

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[4] Argument schemes play an important role in the Pragma-Dialectical theory formulated by Frans H. van Eemeren and Rob Grootendorst (1984, 1992, 2004). My focus in this paper happens to be on informal logic.

between the argument and the standpoint is adequate if the acceptability of the premise is "transferred" to the standpoint by means of the "argument scheme"that is being used. The premise and standpoint can be linked in several ways. This explains why argumentation theory is concerned with distinguishing various argument schemes.

Each argument scheme represents a specific principle of support. (Garssen 2001: 81)

Although Garssen does not make note of the connection in this article, such a "principle of support" is precisely what Toulmin, at least on Hitchcock's interpretation, means by a warrant.[5] I agree with Garssen that there is an analytic connection between an argument scheme and a "specific principle of support", which I identify as a warrant. Each argument scheme does represents a warrant, for it contains or includes a warrant; and each warrant or "principle of support" represents an argument scheme.[6] An argument scheme itself is a generalization, a pattern or form of argument. It will include, in addition to the warrant, placeholders for the grounds (the evidence or reasons adduced − in other words, the premises) and for the conclusion or standpoint.

This is not the place to elaborate in detail on argument (or argumentation) scheme theory. But there is a tight connection between the views of Toulmin and Perelman and Olbrechts-Tyteca and argument scheme theory, and argument scheme theory has become a significant element of the work of some informal logicians. Warrants may be regarded as the genus of which both laws of deductive logic and principles of non-deductively valid inference are species. Correspondingly, argument schemes are the genus of which patterns of deductively valid argument forms and schemes for defeasible arguments are species. Some of the recent theoretical work in informal logic and its applications, especially by Douglas Walton, has focused on the study of various argument schemes, on the connection between argumentation schemes and informal fallacies, and on the application of argument scheme theory to legal reasoning and to artificial intelligence (see Walton 1996, 2008; Blair 1999, 2000, 2001; Pinto 1999, 2001; Godden and Walton 2007; and Walton, Reed and Macagno 2008). The concept of argument schemes is also something that connects Toulmin with Perelman and Olbrechts-Tyteca, and to a discussion of their influence on informal logic I now turn.

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[5] In my opinion, Garssen errs in reading Aristotle's specific topics as premises: "Basically, these specific topics [of Aristotle] consist of general statements that can be directly used as premises in the discourse, which serve as inference licenses linking premises to theses" (*ibid*.: 82). An inference license cannot be a premise without initiating a vicious regress, for each premise set including the inference license would requiring a further inference license to warrant inferring the conclusion from those premises, *ad infinitum*.

[6] It is true that (as Garssen also notes) at least one theorist, Manfred Kienpointner (1992), has distinguished between "warrant-using argumentation schemes" and "warrant establishing argumentation schemes" − a distinction that would correspond to Toulmin's own distinction between warrants and their backing. That distinction suggests that warrants and argument schemes are distinct. But by Toulmin's own reasoning, the backing for a warrant − a warrant-establishing argumentation scheme, to use Kienpointner's terminology, would at the same time require a warrant of its own (see also Hitchcock 2005 for a similar point).

6. THE INFLUENCE OF *TRAITÉ DE L'ARGUMENTATION*

Informal logicians found in Perelman and Olbrechts-Tyteca a reaffirmation of their judgement that not all good arguments must be deductively valid. They did not, however, agree that demonstration, that is deductive proofs and quantitatively probabilistic proofs, are to be excluded from argumentation. But this disagreement did not undermine the more basic agreement that there can be and are cogent arguments that are non-deductively valid or strongly quantitatively probabilistic, and that the latter domain had been largely unexplored in recent philosophy and deserved serious scholarly attention.

It is Perelman and Olbrechts-Tyteca's emphasis on the role of the audience in argumentation that has probably had the greatest influence on informal logic, especially recently. Informal logicians had tended to focus on arguments as products of argumentative presentations or interactions (see Johnson 2000). More particularly, they took the texts of arguments and attended to the questions of how to analyze the structure of the reasoning at work in them and of what criteria to use in assessing that reasoning. A rereading of *A Treatise on Argumentation* and the rest of Perelman's works on argumentation has emphasized the importance of analyzing the intended audience of argumentative discourse in interpreting the meaning of that discourse in the first place. One informal logician, Christopher Tindale (1999, 2004), has embraced Perelman's views with considerable sympathy, though not uncritically. Tindale has written (2006: 342):

> I believe that Perelman's work shares many important themes with the projects of informal logic, such that they both have points of value to contribute to each other. Moreover, the value of what Perelman's work promises lies exactly in these two areas of concern: the positive treatment of rhetoric in argumentation, and [the] central role of audiences with its important associated historical sense of rationality.

Tindale has argued that the rhetorical perspective is the fundamental one in argumentation theory, with the logical and dialectical perspectives depending on it. He also holds that rhetorical arguments are a distinct type of argument and that the concept of the "universal audience" is illuminating both in constructing and in evaluating arguments. However, Tindale and others who follow Perelman as far as he does, are so far in a minority among informal logicians.

While I do no go so far in embracing Perelman's influence as Tindale does, there are certainly dimensions in which *The New Rhetoric* does in my opinion enrich the theoretical interests of informal logic. So my view is that Perelman's influence is of salutary value to the particular theoretical tasks informal logic sets itself, but it has its limits.

The New Rhetoric for the most part considers arguments and argumentation from the perspectives of the arguer (that is, the person composing and delivering the argument) and of the historical analyst (that is, the person interpreting and assessing arguments that have been offered in the past). The importance of considerations about the audience, including the universal audience, and

the importance of emphasizing the situatedness of arguments arise from these perspectives. Over two decades ago, in an article that appeared in the first issue of the journal *Argumentation*, Johnson and I sketched a standard for establishing the acceptability of an argument's premises that owed more than we appreciated at the time to Perelman and Olbrechts-Tyteca's concept of universal audience. We wrote (Blair and Johnson 1980: 50):

> … in the paradigm case of argumentation, those occupying… dialectical roles conceive themselves as trying to satisfy the demands of a community of interlocutors characterized by features which establish certain standards of objectivity as a goal in the argumentative interchange.

Although our particular formulation has come under criticism (Tindale 1999:115-117; Freeman 2005: 33-35), and Johnson (2000) has since backed away from it somewhat, I am still sympathetic to what I see as Perelman and Olbrechts-Tyteca's attempt to find in a balance of historical situatedness and universality the measure of objectivity needed to avoid pernicious relativism in the criteria for argument assessment.

However, what tends to be left out or under-emphasized in the perspective that Perelman and Olbrechts-Tyteca take is that of the person who listens to or reads an argument either as someone to whom it is explicitly addressed, whether as the individual interlocutor of the arguer or as a member of a larger audience, or else as someone who encounters it and chooses to consider its thesis. This person does not think in terms of being moved by the argument or of adhering to its message. The careful recipient of the argument asks such questions as the following. Ought I to accept the grounds offered in support of the claim being put forward, and do those grounds establish that the claim is true or that it is reasonable for me to believe it? Do the reasons advanced show that the action being recommended is the right or best thing for me to do in the circumstances, and are those reasons themselves true or reasonable for me to believe? Does the evidence adduced show that the policy being recommended is the best policy available, and is that evidence reliable? Undoubtedly, a savvy assessor will raise questions about the rhetorical choices that have been made by the arguer. Is the way issue is framed in the argument the appropriate way to frame it? Are the analogies and other figures appropriate? Does the terminology used carry argumentative weight and if so is that justified? Is there some attempt to manipulate judgement and avoid the presentation of sound and convincing reasons or evidence? However, such questions will be raised with a view to clearing away obfuscation and deciding carefully about whether to believe, or believe more strongly, or act or judge for the reasons offered, and about whether the reasons themselves are sound. The fundamental question asked by the person so considering the argument is, "Am I justified in accepting that claim on those grounds?"

The answer to this question will depend first on whether the reasons carry any *prima facie* supportive force, and second on whether there is any reason not to accept the claim on the grounds offered. Is there some reason to doubt the grounds? Is there some reason to question the support that those grounds provide for the claim

in question? If the reasons are *prima facie* probative and if the answer is negative to both critical questions, then the person is justified in accepting that claim on those grounds. But these issues are not about the argument's rhetorical properties or the rhetorical situation in which it is offered.

Let me end on a more positive note. As I hinted earlier, Perelman and Olbrechts-Tytecas's account of *loci* of arguments and also of a great variety of argument types may be understood as an catalogue of argument schemes and therefore, of warrants. It is a fair criticism that there are problems with the classification scheme they propose (see van Eemeren, Grootendorst and Kruiger 1987), but given that the examples were found in historical texts, not invented, and given the sheer quantity of examples in *The Treatise on Argumentation*, there can be no doubt that they have demonstrated that a great many patterns of reasoning and argument have been employed historically.

Some have seen it as a shortcoming of Perelman and Olbrechts-Tyteca's repository that although it contains schemes that have been used, it provides no basis for determining their frequency of use or their effectiveness (again, see van Eemeren, Grootendorst and Kruiger 1987). Moreover, while they describe how people have actually argued, that does not tell us how people ought to argue; it does not tell us whether instances of these kinds of argument have merit, have weight, or are probative – instead of being weak or even fallacious.

On the other hand, Robert Pinto (1999, 2000) has argued that the idea of a probative argument scheme that is a kind of an analogue of a deductively valid argument form is misconceived. According to Pinto the normative question is whether a given use of an argument scheme is cogent on that occasion, not whether there are argument schemes with normative force. However, Walton (1996) had earlier contended that any instance of a defeasible argument scheme creates a presumption in favour of its conclusion, which implies that argument schemes do have normative force. The resolution of this disagreement, it seems to me, lies in the middle ground (see also Godden and Walton 2007). I would argue that what makes a pattern of reasoning or argument a scheme is, perhaps *inter alia*, that it carries to some degree *prima facie* normative force, and this is what makes it possible for argument schemes to establish presumptions. But particular instances have *actual* normative force, that is, those particular arguments are probative to some degree, only when they can stand up to criticism. The presumption provided by an instance of a scheme is strengthened or weakened depending on whether there can be found arguments that override it by attacking its conclusion – what Pollock (2008) calls "rebutting defeaters" – and by whether there can be found arguments that undermine it by challenging it premises or the inference from them to the conclusion – what Pollock calls "undercutting defeaters" – and on how good those defeating arguments are. The lists of critical questions that have been associated with argument schemes since at least Hastings (1962) function to point in the directions in which to search for such defeaters (see van Eemeren and Grootendorst 1992: 98ff; Walton 1996, e.g., Ch. 3). Thus catalogues of argument schemes collected from historical arguments will be useful to the proponent and opponent alike, as starting points for argument, challenge and response. And from that perspective, *The New Rhetoric* provides a treasure trove.

7. SUMMATION

The critique of formal deductive logic as sufficient provider of the tools needed to identify, analyze and evaluate arguments and argumentation and the search for alternative tools for those purposes that occurred in Canada and the United States beginning in the 1970s became known as informal logic. It was not an outgrowth or development of Toulmin's *Uses of Argument* or of Perelman and Olbrecht-Tyteca's *Traité de l'Argumentation*. Nevertheless, these two works served in due course to deepen and enrich the informal logic project. Each in its own way offered a new perspective from which to understand the critique of applications of standard modern logic that had arisen independently. Beyond that, informal logic has borrowed theoretical elements from both.

The Treatise on Argumentation supplied an appreciation of the situatedness of arguments in particular local and historical contexts, and of the importance of audience as part of that context. Partly under its influence, informal logic began to shed the abstraction from surrounding text, audience and purpose that had been a vestige of its origins in formal logic. *The Uses of Argument* supplied a theoretical model for defeasible arguments. The notion of a warrant offered a conception of the consequence relation in arguments that is also at once a principle of probative relevance and a key to the probative function of argument schemes. *The Treatise on Argumentation*'s repository of historical argument schemes presented a puzzle for informal logicians that only began to be solved with the application of Toulmin's concept of a warrant. It can now be recognized that Perelman and Olbrechts-Tyteca's schemes are patterns of argument that provide actual probative support only when an associated warrant can go unchallenged.

It would be a mistake to regard these two works or others by these authors as the only influences on the directions informal logic theory has taken. I have not touched on the influence of the Pragma-Dialectical theory and other normative pragmatic theories or that of other philosophical figures and theories. However, it is unquestionable that the ways informal logicians have developed their views about arguments, and the directions their theorizing has taken especially in the last decade, would be very different indeed if those two books had not been written fifty years ago.

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CHAPTER 2

PERELMAN AND TOULMIN AS PHILOSOPHERS: ON THE INALIENABLE CONNECTION BETWEEN PHILOSOPHY, RHETORIC AND ARGUMENTATION

Henrique Jales Ribeiro*

ABSTRACT: My main motivation is to try to show that it makes sense today to re-read *The New Rhetoric: A Treatise on Argumentation*, of Chaïm Perelman and Lucie Olbrechts-Tyteca, and *The Uses of Argument*, of Stephen Toulmin, in light of their fundamental suggestion: that any purely technical notion of argumentation that lacks "philosophical foundations" in the widest sense of the expression, making it neutral theoretically speaking, would be necessarily limited and insufficient to fully understand it.

The publication of a treatise devoted to argumentation and this subject's connection with the ancient Greek rhetoric and dialectic constitutes a break *with a concept of reason and reasoning due to Descartes which has set its mark on Western philosophy for the last three centuries.*

C. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation.*

An argument is like an organism. It has both a gross, anatomical structure and a finer, as-it-were psychological one. When set out explicitly in all its detail, it may occupy a number of printed pages or take perhaps a quarter of an hour to deliver (…). But within each paragraph, when one gets down to the level of individual sentences, a finer structure can be recognised (…).

S. Toulmin, *The Uses of Argument.*

* Universidade de Coimbra, Faculdade de Letras, Instituto de Estudos Filosóficos, 3004-530 Coimbra, Portugal. Grupo de Investigação "Ensino de Lógica e Argumentação" (LIF/FCT).
E-mail: jalesribeiro@gmail.com

I. PHILOSOPHY, RHETORIC AND ARGUMENTATION

We all know that Perelman and Toulmin were philosophers, but within this domain they were also argumentation theorists. Each produced a theory of argumentation in the context of his philosophy; both had a strong influence on contemporary rhetoric and argumentation theory in general, as all the vast historiography in this area confirms. But what are we talking about when we say that a particular argumentation theory was produced in the realm of philosophical thinking? Of course, not all philosophy leads to this kind of theory; actually, most contemporary theories of argumentation definitely have a philosophical background and relatively strong philosophical presuppositions. But it cannot be said that they fundamentally arise from philosophy, in the sense that philosophy will come in the first place, and to some extent as a foundation of argumentation theory, from the theoretical and methodological point of view. This is why the specialized literature sometimes keeps a special chapter for "philosophical approaches of argumentation" as distinct from those discussing argumentation theories as such (see Eemeren, Grootendorst and Henkemans 1996: 341-345). What kinds of relations can we establish, particularly for these two philosophers, between philosophy and argumentation? What is it that is philosophy in them, in the historical and conceptual meaning of the word, and what is it that is argumentation theory? Or can we just say that the philosophies of Perelman and Toulmin are in themselves, and for one reason or another, argumentation theories?

The problem is obviously more complicated when we are not only defining the boundaries between philosophy and argumentation theory, but also specifying the relations, conceptually speaking, between philosophy, rhetoric and argumentation. Not all rhetoric implies a connection between logic and philosophy, or a more or less important association with them; therefore, not all rhetoric is presented as philosophical or even admits having philosophical presuppositions, in the widest sense of the term "presuppositions"; not all rhetoric can be interpreted as an argumentation theory. However, it was just really as a sort of "applied logic", not only as philosophy and argumentation theory, that rhetoric was presented in *Traité de l'argumentation: La nouvelle rhétorique* by Perelman and L. Olbrechts-Tyteca. I will suggest later on that these connections between philosophy, rhetoric and argumentation are also present, from another perspective, in *The Uses of Argument*. At any rate, a long tradition in the matter which, in the interpretation of Perelman and those who followed him, goes back to the renaissance and modern Cartesian rationalism, places rhetoric and philosophy in clear conflict (see Ifsseling 1976; Grassi 2001; Meyer 1989; Meyer, Carrilho and Timmermans 1999). This tendency was marked in the 2nd half of the 19th century and, more particularly, in the first half of the 20th century in American universities, when speech communication came onto the scene. A recent book edited by Gerard A. Hauser, *Philosophy and Rhetoric in Dialogue: Redrawing their Intellectual Landscape*, sets forth − with a certain bewilderment for philosophers interested in rhetoric − this problematic relation between rhetoric and philosophy, as proposed by Henri Johnstonen Jr − a well-known American argumentation theorist, with whom Perelman collaborated in the United States (cf. Hauser 2006: 1-14).

So what relation is there, not just between philosophy and argumentation theory, but, more generally, between philosophy, rhetoric and argumentation?

In regard to these questions, let me quote one of Toulmin's latest philosophical papers which served as an introduction to the magnificent conference entitled *Arguing on the Toulmin Model*, held at McMaster University in 2005. It has recently been edited by David Hitchcock and Bart Verheij in the conference proceedings (Hitchcock and Verheij 2006). Ending his communication, after highlighting some historical presuppositions of his philosophy, especially the crucial influence of Wittgenstein's *Philosophische Untersuchungen* on its development, Toulmin noted, with some interest:

> So, I welcome this occasion for a creative and constructive discussion of all these issues: in particular, the relationship between what there is left for us under the heading of "philosophy", and what you yourselves are engaged in doing under the heading of "the analysis of argumentation". Are these purely distinct activities, or are they ones which blend into one another at the margin? This for me is the central question with which we are, and will continue to be, concerned for the rest of this week, and I look forward very much to hearing what you have to say about it. (p. 29)

I would like to call your attention to the rhetorical nature of Toulmin's question: in his view this is essentially not to do with identifying the McMaster University conference agenda either with the philosophy (or, as he said, with "what is left of it") or with the theory (or "analysis") of argumentation as such; it is to do with suggesting that it is not possible to talk about one without, necessarily, talking about the other. It is especially to do with suggesting that, if it is true that "what is left of philosophy" in the early 21st century can be assimilated into rhetoric and argumentation, the foundations of these, their fundamental presuppositions, are "in what is left of philosophy" as such. And so "what is left of philosophy" and the "analysis of argumentation" will be identified not so much in relation to form but, above all, in relation to their objects or matters. At any rate, such identification is only relevant in terms of the "foundationalist" suggestion or presupposition that I mentioned and to which I shall come back later. This connection is clear in Toulmin's books, since *The Uses of Argument*: when he writes or is invited to speak on rhetoric and argumentation (see Toulmin 1994: 19-30), it is above all "philosophy" or "what is left of it" that concerns him (sometimes clearly disregarding the analysis of that argumentation model that he himself proposes in that book). Should philosophers and argumentation theorists consider as books on rhetoric and argumentation theory not only this 1958 work, where the connection is obvious, but all the others, too, like *Foresight and Understanding*, *Human Understanding, Knowing and Acting*, *The Return to Cosmology*, *The Abuse of Casuistry*, and especially the latest ones, like *Cosmopolis* and *Return to Reason*? Should we also include in this, or as a preliminary to it, that is, preliminary to rhetoric and argumentation, *An Examination of the Place of Reason in Ethics* and *Philosophy of Science*? Not surprisingly, it is as rhetoric and argumentation theory, that some authorised historiography interprets the thinking of Toulmin generally (see Scott 1999; and Foss, Foss and Trapp 2002: 117-153). What are we talking about when we talk about rhetoric and argumentation theory in relation to this philosopher? What is the demarcation line between these and philosophy? Whatever the answer to these questions, the essential link between philosophy, rhetoric and argumentation that I have been alluding to, warns us of the

limitations of a viewpoint about argumentation theory that would basically reduce it to a theory of argument, and so to a purely technical or formal undertaking. From this standpoint, it is interesting to see that of the two dozen or more papers published in the conference proceedings, edited by Hitchcock, very few take as subject the philosophical framework of Toulmin's argumentation model.

Problems of the kind I have just outlined are particularly pertinent when philosophers like Perelman and Toulmin, and their argumentation theories, are studied and interpreted by those specialists in this last domain, which today is often called "argumentation theories". The expression seems to relate to a neutral field where the theoretical bases will be found for the study of argumentation common to a wide range of approaches (linguistic, literary, sociological, and so on), not necessarily coming from philosophy. This field and the tasks of argumentation theory are defined as follows in *Fundamentals of Argumentation Theory*: "Argumentation theorists are, broadly speaking, interested in the problems involved in the production, analysis, and evaluation of argumentative discourse. In studying these problems, they view argumentative discourse in the light of the actual circumstances in which it takes place. In examining argumentative discourse, many argumentation theorists therefore start from a unifying perspective on reasoned discourse which is to provide a general framework for studying the interplay of pragmatic factors." (Eemeren, Grootendorst, Henkemans *et al.* 1996: 12) If this definition does not fall into the fallacy of *petitio principii*, identifying in a circular fashion the task of the "argumentation theorists" with the study of the "argumentative discourse", it is obviously necessary to establish what is meant by this last concept ("argumentative discourse"). And this is done next: "When communicating with each other by means of reasoned discourse, people observe, as a rule, certain standards that ensure that their communication can serve its purpose." (*ib.*) The standards mentioned, starting with the so-called "Principle of Communication", are taken as presupposed, to some extent, and carefully presented in the "Introduction" of the book. It seems clear from this analysis that the task of argumentation theory is not so much a reflection on the philosophical, epistemological and other foundations of the standards in question in light of a "unifying perspective on reasoned discourse", or, as I would say, of a theory on rationality and communication, but more pragmatically, in its justification and application via a theory of what we call "argument", that is, in other words, an argument theory. In principle this is the fundamental objective of the entire argumentation theory: "The soundness criteria [of argumentation], as the authors say, are valid criteria in a pragmatic sense." (p. 21) If a particular philosophical theory on argumentation, for instance, does not lead to an argument theory, it is legitimate to suppose that it will not have the required interest for argumentation theory. Or, at least, that it will not have the same interest as a theory that does not have philosophical foundations or partly forgoes them.

This relation between argumentation theory and argument theory can be taken even further, leading to the complete reduction of the first to the second. In *Manifest Rationality: A Pragmatic Theory of Argument*, R. Johnson observes in relation to this that he is not really concerned with an argumentation theory that is at issue in an interdisciplinary approach to argumentation like that (I would add) which is developed in *Fundamentals of Argumentation Theory*, and which involves "logic, rhetoric, speech communication, composition, psychology and so on" (Johnson 2000: 30), functioning

as a "wider descriptor", but, rather, with a theory which, like the first one, studies the practice of argumentation in its "normative, empirical, and conceptual dimensions", but whose objective is, more precisely, "the product of that practice: the argument itself" (p. 31). A "theory of argumentation", from this point of view, is fundamentally a "theory of argument" (see Johnson 1996: 103ff).

This rather lengthy digression on the relation that philosophy has with rhetoric and argumentation theory of the present day is meant to clarify some aspects of its complex and problematic character, and (above all) to introduce the basic perspective in which I shall talk about the "inalienable relation between philosophy, rhetoric and argumentation" as proposed by Perelman and Toulmin. I am going to suggest that, based partly on the distinctions I have just considered, it was fundamentally as philosophers and not simply as argumentation theorists that these two authors talked about argumentation. What they propose in their main works, that is, respectively, in *Traité de l'argumentation: La nouvelle rhétorique* and *The Uses of Argument*, is, in the first instance, a philosophical approach to rationality or human reason, which is expressed, in fact, in both cases, in a argumentation theory, but cannot be reduced to it and, far less, to an argument theory. It is an approach in which a whole set of presuppositions of a really metaphysical nature − some of which are often obvious or unarguable − is essential. In particular: how is it and why is it that there is argumentation in every day language ? What are the relations between argumentation and the problem of meaning in that language, or in what is supposed to be part of it ? To what extent does philosophy, presenting itself as argumentation theory, fall under its jurisdiction, and what are the consequences of this for defining its status? What more or less essential role, from this standpoint, does it play in today's world? Consideration of these questions reveals an interesting series of parallels between the two authors, scarcely noted, in my view, by the specialized literature.

My path will be this: first, I want to explain how far Perelman and Olbrechts--Tyteca argumentation theory was presented, in the first place, as a theory on reason and on rationality in general, and not just or simply as an argument theory; I will call your attention to three basic epistemological and metaphysical presuppostions of *La nouvelle rhétorique*; then, I shall apply the results of this study to the study of Toulmin's argumentation theory, considered from a philosophical perspective, and, in particular, that of *The Uses of Argument*, shedding a new light (I hope), not so much on the differences, but, more especially, on the similarities between the two great philosophers.

II. RATIONALITY *VERSUS* ARGUMENTATION IN PERELMAN: ON THE IDEA OF AN EPISTEMOLOGY OF THE ARGUMENTATIVE REASON

Let me resume the argument that I have just outlined, in relation to the *Traité de l'argumentation: La nouvelle rhétorique*: the argumentation theory is essentially treated in this book as a theory on rationality, that is, as a theory on reason and of the critique of reason. It is precisely with such a theory, in this case, with the one that Perelman would later call "logic of value judgments" or of the "reasonable" (see Perelman 1989: 197ff) − in contrast to a logic of the "rational" or of the traditional

conception of rationality configured by formal logic and the Cartesian tradition in philosophy until now – that the argumentation theory as such is identified (Perelman and Olbrechts-Tyteca 2008: 1ff; see Laughlin 1986; Eubanks 1986: 77-78). The same kind of identification happens expressly in the philosophy of Toulmin, especially after *The Uses of Argument* (see Toulmin 1994; see Eemeren and Grootendorst 1993: 266), but it is already underlying the argument theory set forth in this book (Toulmin 1991: 234; 1976: 123ff), which was published, as you will recall, at the same time as that of Perelman and Olbrechts-Tyteca. The core objective of these two authors is not simply to present an argumentation theory in the sense that it could be reduced to a set of techniques or, in the final analysis, to an argument theory, even though the title ("Traité de l'argumentation") could lead one to infer the opposite. Perelman has been always very clear about this issue until his last works (see Perelman 1989a; see Maneli 1993). This link between argumentation theory and a theory of rationality is, moreover, emphasized in the very first paragraph of *La nouvelle rhétorique*, in a sentence that was deliberately underscored by the authors and deserves to remain, as the rest has done, for posterity: "The publication of a treatise devoted to argumentation and this subject's connection with the ancient Greek rhetoric and dialectic constitutes a break with a concept of reason and reasoning due to Descartes which has set its mark on Western philosophy for the last three centuries." (Perelman and Olbrechts-Tyteca 2008: 1) The aim of the authors, against the tradition of philosophy and of the history of rhetoric in particular, is to show the essentially rhetorical and argumentative nature of rationality in general, explaining and analysing the epistemological and metaphysical conditions that are, in general, the basis of the exercise of reason through argumentation (see Gross 2003: 2-30). These two aspects I have just outlined: critique of reason in history, or the way rationality has been understood throughout history, and analysis of the epistemological and metaphysical conditions of argumentation, are indissociable. We have to say something about them, especially about the second, because I had these in mind when I spoke earlier about the "metaphysical presuppositions" of the argumentation theory.

Starting with the first: the critique of reason in history. This seems to be presented as a critique of the history of rhetoric in the wider scope of the history of philosophy; but it is not only that, in fact. The thesis of *La nouvelle rhétorique* is well known and can be summarized as follows: rhetoric, as a philosophical subject, died in the contemporary era, after prolonged agony caused by the domination throughout the history of western thought, since the 17th century, of Cartesian rationalism, whose paradigm in the first half of the 20th century is formal logic (Perelman and Olbrechts-Tyteca 2008: 1ff). We can find this thesis in virtually the same terms in *The Uses of Argument* (see Toulmin 1991: 1ff, 248-251). In the book by Perelman and Olbrechts-Tyteca and particularly in Perelman's other works (see Perelman 2008: 1ff; 1989: 209ff; 1970: 171ff), this thesis is explored systematically, almost to the point of exhaustion, and the theory on the history of rhetoric appears as a theory on reason itself: what is meant by the progressive agony of rhetoric in history, since Descartes, is basically the reduction of rationality to deduction and demonstration, that is, to its purely formal aspects, to the detriment of the idea that reason is also practice, and that man's action, no less than his understanding of the world through science, is also rational. Toulmin would agree with all that I have just said, as I have

been suggesting. The fundamental consequence of this situation in the modern age is that the Cartesian ideal of rationality banishes to the sphere of the "irrational" a vast and important field of application of reason, which is precisely what, in different ways, *La nouvelle rhétorique* and *The Uses of Argument*, claim as the field of rhetoric and argumentation theory (see Perelman and Olbrechts-Tyteca 2008: 2-3, 47; Perelman 1989: 255; Toulmin 1991: 253ff; 1976: 123ff). As I started by saying, the two authors contrast their new conception of rationality with the traditional one through the opposition between what they call a "logic of the rational", belonging to the Cartesian ideal of rationality, and a "logic of the reasonable", which, according to them, characterizes that field or that new theoretical continent that they had just discovered. It's very clear, in both of them, that the demarcation of the object of rhetoric and argumentation theories presupposes a broad critique of reason in history and, especially, in the history of philosophy.

I would like to look briefly now at what I have called "the epistemological and metaphysical conditions of argumentation" in *La nouvelle rhétorique*. These conditions undoubtedly belong to the field of argumentation as such, and as Perelman and Olbrechts-Tyteca saw it, not because they stem from an analysis of argumentation or a theory of argument, but because they relate first to philosophy, and a theory on (and of) rationality in particular, or what we may call an "epistemology of argumentative reason". For example, as we find in the "Introduction" of Perelman and Olbrechts--Tyteca book, it is impossible to understand what argumentation is unless we take the view that it is happening in the context of the use of current language in such or in such situation, and that it is just in that context that it should be studied, and not in any other domain at all, like the human mind, that is of interest to the psychologist (Perelman and Olbrechts-Tyteca 2008: 8ff). This is a basic condition, fundamental to the argumentation theory of *La nouvelle rhétorique*, which is sometimes completely overlooked in the literature. Indeed, it is a presupposition not only of this theory, but of each and every argumentation theory, like the one Toulmin gives us in *The Uses of Argument* (see Toulmin 1991: 210ff). At any rate, against the "philosophies of rhetoric" of their era – based overwhelmingly on the rhetorical impact of the literary art – and in keeping with the "linguistic direction" that R. Rorty talks about in *The Linguistic Turn*, Perelman and Olbrechts-Tyteca emphasizes it particularly in *La nouvelle rhétorique*, presuming, quite rightly, that the actuality and modernity of the book they had just published relied heavily on it.

Another example of epistemological and metaphysical condition of argumentation is the idea according to which argumentation cannot be understood if we do not start by understanding that meaning only exists in everyday language and in a specific context (Perelman and Olbrechts-Tyteca 2008: 123ff). That meaning only exists in context, as *La nouvelle rhétorique* stresses over and over again, means that the meaning of a word or sentence should not be ascribed to the human mind nor to reality but to the complex interaction between these two factors through the use of language in a given situation in which argumentation is taking place. Everything that overflows the use of language is not relevant to an argumentation theory as Perelman and Olbrechts--Tyteca conceived it, though it may be important for other domains, like psychology and ontology. This is a fundamental philosophical thesis of the book which, once again, is along the lines of the holism in terms of meaning that the authors of the

"linguistic turn" upheld at the time. As Toulmin said in the same year of *La nouvelle rhétorique*, and both the theories of the "English ordinary language philosophy", by Austin, Ryle and others (who Perelman knew well), and of Wittgenstein in his *Philosophische Untersuchungen*, were also saying, meaning arises basically from the use of everyday language itself in a certain context or situation.

This thesis has consequences of considerable relevance to argumentation theory. It implies that meaning in everyday language is essentially ambiguous, vague or imprecise by nature (see Perelman and Olbrechts-Tyteca 2008: 130ff; Perelman 1989: 124ff) and that the ideal of mathematical logic in the first half of the 20th century, which consisted of offering a theory of meaning based on a formalization of current language, was wholly unfounded. (I shall return to this link later on, with particular reference to Toulmin, where we actually find this very same fundamental thesis.) Note that in *La nouvelle rhétorique*, in contrast to the theory of rhetoric of the time, such as that given us by I. A. Richards in *The Philosophy of Rhetoric*, vagueness of meaning is not a more or less contingent matter arising from the interdependence of the words in a discourse (which that author calls "the interanimation of words") [see Richards 1965: 47ff], whose damaging effects we can tackle by means of some rhetorical criterion or another, but is a essential condition of the use of language in context, which has important philosophical consequences for argumentation theory. One of these is that, if we want to understand how argumentation takes place in the exercise of reason, we do not have to examine, of course, one by one, the contexts in which this happens, but we should, instead, offer what we can call a "typology" of the fundamental contexts, and especially a "topology" of reason itself in argumentation, which functions heuristically as an instrument of its interpretation (see Perelman 1989: 216ff). It is in light of such topology that we should, in my interpretation, understand the concept of auditorium in *La nouvelle rhétorique*, whose philosophical connections, as we know, Perelman had studied in *Rhétorique et philosophie: Pour une théorie de l'argumentation en philosophie* (Perelman 1952: 21ff). The auditorium is not, as in the rhetorical tradition, simply the target or set of targets of a particular discourse; so it is not the "assembly" configured in space and time of this or that mode, which has to be persuaded and convinced by a series of techniques (though it is partly this); it is a construction built up by reason which is the basis of argumentation inasmuch as whoever argues, even before the argumentative interaction has taken place, anticipates, projecting the beliefs, convictions and values of whoever is targeted in this or that context (see Perelman and Olbrechts-Tyteca 2008: 19ff). In short, it is a "construct" of the fabric of reason, where whoever is arguing, whoever or whatever is the target of their argumentation and, of course, the subject of the argumentation are conceptually involved. Perelman has stressed this thesis in regard to the notions of "act and person" (Perelman 1952: 49ff), and "temporality", as essential features of argumentation (Perelman 1970: 11ff). Whence the need for argumentation theory of a typology of the main contexts in which such construction occurs (singular or particular auditorium, universal auditorium, and the variations between them), and, above all, for an analysis of the conceptual form that that construction assumes in these contexts, or for what I have called a "topology of argumentative reason". The concept of "presence" in Perelman and Olbrechts-Tyteca, whose Kantian connections through Piaget and "Gestalttheory" are quite obvious, belongs to such a topology (Perelman and

Olbrechts-Tyteca 2008: 115ff; Perelman 2008: 35ff; see Arnold 1986: 37-38; compare Toulmin 1991: 211), which is only intelligible if we take argumentation essentially as a projection and construction of reason itself in context, in the same sense that Kant, in his *Kritik der Reinen Vernunft*, had tried to understand what he called the "constitutive" use of concepts or categories of our understanding. The whole of the first part of *La nouvelle rhétorique* ("The Starting Point of Argumentation") is, from the standpoint of an analogy with Kant, an inquiry into the structural elements that are the basis of the "empirical" use of reason through argumentation. It is evident that, if we understand the auditorium of Perelman and Olbrechts-Tyteca strictly in the social sense of the expression, like their American readers did in the 1970s (Johnstone 1978: 105; see Golden and Pilotta [ed.] 1984: 14ff); and if we identify the person who argues simply with the ordinary man and not with the man who is the agent of reason and of rationality, then the door remains open for every equivocation and confusion, especially for the reduction of *La nouvelle rhétorique* to an ingenious compendium of techniques, with a bit of philosophy in the middle.

A third epistemological and metaphysical presupposition of argumentation, closely related to the previous one, is that meaning in everyday language does not only exist in context, but fundamentally arises from the argumentative use of reason or of rationality in general (see Perelman and Olbrechts-Tyteca 2008: 187ff). There is meaning only where there is argumentation, that is, where human reason seeks to justify, through the agency of language, what is supposed to be its object in the sphere of action and human knowledge. This is an absolutely essential point in which, once again, the consonance between *La nouvelle rhétorique* and *The Uses of Argument* is clear, especially the agreement between the two respective authors against the philosophies current at the time, including not only formal logic and its followers (devotees of the kind of reason they both call the "more geometric" reason), but also Wittgenstein and the so-called "English ordinary language philosophy". (I am talking time after time about the analytical philosophy in the 1950s, with particular reference to Perelman, because it is known that this philosopher knew it quite well and had a collaborative relationship, even one of friendship, with some of its followers, such as A. J. Ayer.) If, for formal logic, meaning is exhausted in purely formal relations between the concepts that characterize the axiomatic-deductive systems, and, in the final analysis, in the appeal for more or less ultimate proof on which, in the Cartesian manner, the acceptance of the axioms will be sustained, for Wittgenstein and the English philosophers from Oxford, in stark contrast, it only occurs in context, through the use of language, and it is expressed by our actions or behaviours (as Wittgenstein argues in *Philosophische Untersuchungen* and Ryle had already argued in *The Concept of Mind* [see Ryle 1949: 112ff]). A theory of meaning as such is impossible for them; they see it more as a refined description as possible of that use, as J. Austin thought, or, as Ryle maintained, of its "logic", that is, of the categories inherent to it (Ryle 1966), so that we can finally understand in what meaning in everyday language consists of. In any case, these philosophers see argumentation as being foreign to the use of language. Somewhat surprisingly for us today, we do not find the simple idea of justification of an argument in their works (see Austin 1966). Certainly some of their theories, like those of Ryle in his book *Dilemmas*, can be read and interpreted from the angle of argumentation (see Ryle 1956: 5ff). But, in general, for the English ordinary language

philosophers, as for Wittgenstein, it is not argumentation, far less its theory, that is at issue; basically, as in Ryle's "disputes", it is the description and analysis of the process of interaction and sharing of meaning through language. All this leads to the more or less obvious conclusion that Quine (1962) expressly drew at the end of the 1950s in a lecture eloquently entitled "Le mythe de la signification", to an audience which included Perelman: meaning is a myth. The fundamental consequence of a research whose aim had been to arrive at a theory of meaning, for analytical philosophy itself generally, was, paradoxically, that there was no such thing as meaning. Now, it is with this outcome as the backdrop, that we should today read both *La nouvelle rhétorique* and *The Uses of Argument*. Meaning only occurs when we argue, that is, when we offer reasons to justify a claim, or claims, or when we challenge, seeking justification, those that are presented to us. It ought not to be sought either in the world or in the mind of man but in this justificatory activity of reason. This absolutely capital thesis means, in contrast to the idea of the end of philosophy – current at the end of the 20th century and particularly in analytical philosophy –, that philosophy is still possible, despite everything, with the discovery of this new continent of reason which is what we call "argumentation theory".

III. RATIONALITY *VERSUS* ARGUMENTATION IN TOULMIN: ON DE IMPOSSIBILITY OF DEFINING ARGUMENTATION

I started this paper by suggesting that argumentation theory is, for Toulmin, essentially a theory on rationality. It is a theory on reason and its criticism to the extent that reason express itself, through the agency of language, in human action and knowledge, and its criticisms allows us to understand it as being, by excellence, rhetorical and argumentative. By associating argumentation theory so closely with a wider philosophical theory on rationality I am trying to say that the two are indissociable in Toulmin's thought, and that it is only possible to understand the first through the second. Considering the current distinctions between argumentation theory and the theory of argument as such, I really want to say that, if the theory on rationality led Toulmin to an argumentation theory, then this, looked at historically and understood properly, was far from necessarily taking him to a "theory of argumentation" in the sense that R. Johnson understood the concept, for example, to the theories of argument given us in *The Uses of Argument* and, twenty years later, in *Introduction to Reasoning*. I would dare to say, in fact, that it is in default of Toulmin's true philosophical thought that we speak today, as happened in the McMaster conference, about "Toulmin model of argumentation", *in the technical, formal sense of the concept.*

But let me explain the comparison that I began by drawing between argumentation theory and the theory on rationality. Ethics, the history and philosophy of science, the history of philosophy, all have, in Toulmin's conception, the importance that is well-known and, for some, difficult to reconcile with his argumentation theory, because they provide the framework for the critique of reason that I referred to, disclosing the nature and boundaries of reason from the standpoint of rhetoric and argumentation. So this critique shows that the study of reason, when taken in its

many diverse manifestations throughout history, fundamentally belongs to rhetoric and argumentation. It particularly shows that reason, in its aim to know the world through science or to regulate human actions through ethics, primarily exposes and reveals itself and not whatever that is outside of it and which ought to be explained or understood. The singular nature of its own conceptual schemes of representation and intelligibility of human knowledge and action are thereby brought to light. The temptation of trying to take reason beyond these schemes and their projections and of getting to reality in itself is both inevitable and recurrent. But it is an illusion or, rather, according to Toulmin, it is a half-illusion. We can always understand something about reality, looking for reason, for the multiplicity of its uses and practices, for the various ways these schemes capture reality. The theories are maps, networks, which, when taken in themselves, tell us little or nothing about the world, but when compared or contrasted with one another, "show us" something about it (Toulmin 1950: 195ff; 1953: 105ff). According to Toulmin, this is what Wittgenstein was teaching in *Tractactus Logico-Philosophicus* and *Philosophische Untersuchungen* (Toulmin 1953: 88-89; see Toumin 1994). And it was largely this that he himself started to do in *An Examination of the Place of Reason in Ethics*, with regard to ethics, in *Philosophy of Science*, with regard to science, in *The Uses of Argument*, with regard to the distinction between "analytic" and "substantial" arguments, and mainly, the notion of "field-dependence of our standards" concerning this last sort of arguments (Toulmin 1991: 36ff); or, more interestingly perhaps, in the trilogy of works he wrote with June Goodfield on the history and philosophy of science (*The Fabric of the Heavens, The Architecture of Matter, The Discovery of Time* [Toulmin 1962, 1962a, 1965]). In fact, Toulmin has even applied this kind of hermeneutics to Wittgenstein himself in the book he wrote with Alan Janik, called *Wittgenstein's Vienna* (see Toulmin 1974). It is in these schemes, that is to say, in reason itself, that, according to Toulmin, we should look for the rhetoric essence of reason, not in the matter that reason ascribes to itself in the world, whatever it may be. This thesis is paradoxical when interpreted in the context of the history of philosophy; because rhetoric has always been interpreted, and it is thus that Perelman interprets it, as a way (not necessarily expressed through a set of techniques or schemes, as happens apparently with the Belgian philosopher) for a speaker or writer to gain the support of an auditorium concerning the claims he is making in his discourse on a particular subject (Perelman and Olbrechts-Tyteca 2008: 13ff). Here, in Toulmin, these three basic elements (who is speaking, what he/she is speaking about and the target of the discourse) are reduced to reason itself in its aim to achieve or arrive at something that should be outside it, but which is in fact an intrinsic part of it. What is essential, however, is that the attempt to convince and persuade continues to function as a presupposition of the exercise of reason and of its illusions: when the illusion is dissipated by Toulmin's critique that the subject or matter of reason is not something ouside it, reason is finally confronted with itself, in Perelmanian terms, as being before a purely virtual auditorium. This is the situation which, by nature and definition, makes reason essentially rhetorical.

We have here a topic where the relation between Toulmin and Perelman seems to be obvious for me: the interpretation of the critic of reason, made by Toulmin, from the standpoint of Perelman's conception of auditorium. It is a controversial topic

since we know that the Belgian philosopher, in his time, expressly argued that the argumentation theory upheld by the English one allowed no place for the notion of auditorium (Perelman 1984: 195).

Everything that I have said, however, is only one part of Toulmin's views on rhetoric and argumentation. It shows that reason is rhetoric, but not that it may be argumentative. The semantic relativism implied by the critique of reason, to which I ascribed a rhetorical dimension, belongs to a conception of the problem of meaning in everyday language essentially holistic, which is quite clear in the philosopher's early works: *An Examination of the Place of Reason in Ethics, Philosophy of Science* and *Foresight and Understanding*. This holism means that there is only meaning in the empirical contexts of the use of language, not in any ideal context, divorced from human experience, like that which is offered by the formal logic of Toulmin's time, and whose most important reference is without doubt Bertrand Russell's idea of a "logically perfect language" (see Russell 1986: 197-198). More precisely, from the semantic point of view, the claim that meaning comes from the use of language in context, that the "English ordinary language philosophy" and the *Philosophische Untersuchungen* of Wittgenstein subscribes to in the early 1950s, *when interpreted from the standpoint of a theory on rationality*, means that there is only meaning in everyday language through argumentation in context, or through the uses of argumentation in context. Whence, two problems and two fundamental directions of Toulmin's research, closely connected since his earliest works. How far can rationality be interpreted as being essentially argumentative, that is, how far can an argumentation *theory* be conceived – considering that such a theory, by definition, must always be unifying – if argumentation, together with meaning, always arises in context and the philosopher cannot ignore this ideal context of meaning and argumentation that belongs to formal logic? (This is the problem that the philosopher particularly discusses in *The Uses of Argument* [see Toulmin 1991: 146ff.]) Maybe the desideratum of an *argumentation theory* (an expression that is basically a *contradictio in adjecto*) can be satisfied not merely in the perspective of argumentation, but mainly in that of rationality in general. Can these conceptual schemes – that I started talking about with regard to the critique of reason in ethics, in history and philosophy of science and in history of philosophy –, be analysed, and the way they variously capture reality be interpreted, reducing this interpretation to paradigms or schemes that are more general and comprehensive than those that underlie them? Toulmin, as I suggested earlier, was already undertaking this task to a certain extent, in a progressive and systematic fashion, from his first works, starting with *An Examination of the Place of Reason in Ethics*, where, in relation to ethics, we find for the first time an outline of the three fundamental models of rationality, which eventually culminated nearly twenty six years later in the well-known distinction, of *Knowing and Acting,* between the "geometric", "common sense" and "critical" models (see Toulmin 1950: 19-60). A few words must now be said about them.

The idea is not to analyse each of them in detail here, obviously, but to compare them. The first point to note is that they are not merely theoretical models of rationality, but as is shown in *Human Understanding*, they progressively embody the historical, social and cultural development of Western civilisation, from ancient Greece to the present day. Seen from this theoretical viewpoint, they are essentially ways of

justifying reason in its relation to human knowledge and action. It is by this route, that of justification, that they are models of argumentation.

The geometric model, whose history runs from Plato and Euclid to contemporary formal logic, via Descartes and modern rationalism in general, emptied reason of all its content, reducing it to the purely formal skeleton of the relations between propositions. As Toulmin says, with this model, "'arguments' were abstracted from 'arguing', 'logic' was differentiated from 'rhetoric', and 'formal structure' was separated from 'substantive' function." (Toulmin 1976: 86). Toulmin criticizes this model in *The Uses of Argument*, where he shows its manifest inability to explain the use of reason in human action, comparing it, first of all, with his own argumentation model (which has taken his name), and finally, with the many diverse logics, lacking any unifying paradigm, of his "substantial arguments" (Toulmin 1991: 94ff, 211ff). It was a theory of these logics that the "English ordinary language philosophy" of Austin and Ryle, and the *Philosophische Untersuchungen* of Wittgenstein, seemed to uphold. I have pointed out earlier in this paper that Perelman, too, compares the geometric or formal model of reason with argumentation in his book *Traité de l'argumentation: La nouvelle rhétorique*, published in the same year as Toulmin's work. He, like Toulmin, saw that model as a denial of the use of language in context, and ascribes the same origin and development in the history of philosophy and – particularly – of rhetoric to it as Toulmin does. And Perelman, too, with his concept of auditorium, seems to fall into a relativism similar to that of the "field-dependent" arguments of *The Uses of Argument* (see Eemeren, Grootendorst, Henkemans *et al.* 1996: 123; Hitchcock 2006: 71ff). More generally, I repeat, what we find in this book and in Perelman's, in 1958, it is an opposition between the logic of the "rational", configured by the geometric model of argumentation, and the logic of the "reasonable", that is, the logic of human action and argumentation in context.

Against this geometric or formal model, Toulmin tells us in *Knowing and Acting* about two alternative argumentation models, the "common sense" or "anthropological" model, which will be underlying modern rationality in general after Hume and Kant, and the "critical" or "transcendental" model, which is presented as a possible unifying concept of reason in our era – the era that few years later, in *Return to Cosmology*, he came to call it, after F. Lyotard, "post-modern" (Toulmin 1982: 217ff). The common sense model see the reason and argumentation, from the point of view of both knowledge and action, as being embodied in communities, that is to say, in groups socially organized in terms of the same interests (Toulmin 1976: 160ff). Following Kuhn (1962), Toulmin sees them as institutionally accommodated by rules of functioning, subject to their own traditions and directed by common objectives. Argumentation ceases to be a question of "formal proof" or "formal validity", as in the geometric model, to become a problem of justifying the procedures inherent to the activities shared by the same community. It is in that context that the assessment of argumentation takes place, as Toulmin observes in *Knowing and Acting* (Toulmin 1976: 164ff) and he had suggested in *The Uses of Argument*, in forms very much like those that take place in the courts (see Toulmin 1976: 164ff; 1991: 42-43). However, of course, these "justificatory activities" (Toulmin 1976: 164) to which I have referred do not go any deeper than the anthropological domain itself; they do not offer a real foundation for reason nor argumentation. This creates the need for an approach which focuses on

the "preconditions of human reason" in general, like the one which is presented by the critical model, i.e. an approach that focuses on the ultimate or final metaphysical conditions which make it possible (Toulmin 1976: 220ff). Toulmin is not very clear on this matter, and the fact that he is making philosophical suppositions about it in *Knowing and Acting* is obvious. One of his suggestions regarding the characteristics of this approach is that the communities in question in the common sense model can be seen, for the most part, as the "language games" which are incorporated in the "forms of life" about which Wittgenstein writes in *Philosophische Untersuchungen*. As he says, if Wittgenstein had attempted to present a "generalized anthropology", describing and analysing "the basic structures of (our) activity and behaviour" in those "forms of life", in his case, he his interested, more exactly, in a "general 'transcendental account of human life in the world" (Toulmin 1976: 244). However, he subsequently concludes that the manner in which such an explanation is given "is still unclear".

So it seems obvious that, despite Toulmin's manifest preference for the critical model, this model does not manage to achieve, from the standpoint of a unifying theory of rationality, a true metaphysical framework for those justificatory activities of argumentation in its several contexts that belong to the common sense model; this common framework was precisely the main advantage of the geometric or formal model. In other words, the critical model does not manage to overcome neither the scepticism to which the geometric model leads nor the relativism of the common sense model. This situation brought Toulmin to a real impasse and, finally, as he suggests, to the impossibility of defining argumentation and to get a unifying theory of it and of rationality in general. A definition of argumentation would require, as a precondition, tackling all the roles played by arguments in the exercise of reason in human life; and this is not within our reach (Toulmin 1976: 272-273). As he says:

> A comprehensive account of the part that "arguments" play in the "rational" aspects of human life must therefore mention *all* those features of the natural world, of our own mental equipment, and of our interchanges with the world, which must be as they are in order for "rational arguing" to be possible at all. (p. 273)

In practice, this conclusion means that it is not possible to develop an argumentation theory based on a theory on rationality as such, – an ambition that Toulmin has cherished, to some extent, since *The Uses of Argument* (see Toulmin 1991: 211-252). And this, indeed, is what the philosopher's subsequent works show, up to *Cosmopolis* and *Return to Reason*. Nevertheless, that does not mean that it might not be possible for him, afterwards, to deduce implications of the development of his theory of rationality for his theory of argumentation.

In *Knowing and Acting*, from this point of view, Toulmin promises this sort of development on the level of what he had called, in *Human Understanding: The Collective Use and Evolution of Concepts*, a "collective approach to the philosophy of action". This approach will inquire how the aims of collective human action during the course of history, from science to philosophy, have been configured according to the concepts belonging to each era or under their "standards of rationality", and, so understood, how they determine the more or less rational character of individual human action (Toulmin 1976: 298ff). This was just what he did in the above-mentioned book, confronting

his thought with the problem of the incommensurability between theories that had been raised by Kuhn and Popper (see Popper 1994; Kuhn 1962, 1977; Toulmin 1977: 478ff; and Harris 2005: 7ff), and looking for an impartial perspective of rationality that would overcome both absolutism and foundationalism, and, as he puts its, "the threats or temptations of relativism" (Toulmin 1976: 178). Ecology, and what has been called "Toulmin evolutionary model", emerges in the final chapter of that book with the precise aim of being such a conquering perspective. But, surprisingly, that model seems to disproportionately eliminate relativism and the idea of incommensurability that has accompanied it since *The Uses of Argument* (incommensurability between argumentation contexts, incommensurability between paradigms and theories), as the holistic appeal to the ecologist idea of "whole" in *Return to Cosmology*, six years after *Knowing and Acting*, shows and confirms (see Toulmin 1982: 237ff). It is far from being clear, therefore, what kind of solution Toulmin finally proposes in order to overcome both absolutism or foundationalism and relativism. We could ask: precisely what is it that is wrong with "relativism", in the philosophical, social, cultural and political sense of the concept? Will it not be, to some extent, a great advantage in regard to the defence of the ideal of an open and dialoguing rationality, to the defence of the temporal as opposed to the timeless, of the local and partial as opposed to the global, that is to say, to the defense of a critical reason as opposed to the dogmatism of formal reason? Has this defence not always been the hidden agenda of Toulmin's philosophy? This is what he tells us, using other words, in *Cosmopolis* (see Toulmin 1992: 175ff) and *Return to Reason* (Toulmin 2001:190-214). Toulmin, as you know, called the postscript of this last book "Living with Uncertainty".

IV. ON THE NEED FOR A UNIFIED CONCEPT OF REASON AS THE PHILOSOPHICAL FOUNDATION FOR ARGUMENTATION THEORY (FINAL REMARKS)

Throughout the present paper, I have attempted to defend the thesis that Perelman's and Toulmin's argumentation theories must be fundamentally understood as theories on rationality and of rationality, and that they undergo a wide critique of reason in the history of philosophy, particularly, as in the case of *La nouvelle rhétorique*, in the history of rhetoric. The conceptions of these two authors about argumentation are based on philosophical presuppositions or foundations without which, as I have suggested, they would be practically unintelligible. It is indeed impossible to understand them fully if we think of argumentation theory simply as an interdisciplinary field, and, conceptually speaking, as a more or less neutral domain with regard to the various specialized approaches which contribute to it. This does not mean, of course, that the readings provided by this field are not legitimate and pertinent. From my point of view, it means that these readings are, in a sense, narrow and incomplete; and I believe that I have presented this thesis with the required clarity concerning, for example, the impossibility of reaching a final definition of what argumentation is, according to Toulmin, or the concept of auditorium and the idea of an epistemology of argumentative reason in Perelman.

On the other hand, I have presented and analysed a series of fundamental aspects in which the argumentation theories of Perelman and Toulmin, interpreted as theories

on rationality, are essentially in agreement. In both these theories, the delimitation of the field of the respective subject rests upon identical epistemological and metaphysical presuppositions about ordinary language, making the core of philosophical research very similar, especially in contrast with analytical philosophy of the first half of the twentieth century. In particular, the theory of meaning, which analytical philosophers searched for without avail – finally concluding that it was not possible –, appears essentially in both *La nouvelle rhétorique* and *The Uses of Argument*, as an argumentation theory, and as a way through which it is possible to continue doing philosophy after the repeated announcements of its death, for example, by Wittgenstein in *Tractatus* and *Philosophische Untersuchungen*, and by the "English ordinary language philosophy". Furthemore, and fundamentally, the argumentation theories of both philosophers are based on the same distinction between two essential types of rationality, and, to a certain extent, on the same need to surpass them with a unifying concept of reason: on the one hand, scientific rationality, of a Cartesian nature, configured by contemporary formal logic, which was the cause of the disappearance of rhetoric as a philosophical discipline for many centuries, and which led to an achronic, closed and decontextualised vision of reason; on the other, an argumentative and critical rationality which will cover the wide spectrum of human action and man's superior interests in society, implying a temporal, open and contextual reason, of which a completely reformulated rhetoric, with new foundations, will be the model by excellence. With special emphasis on Toulmin's last philosophy, I suggested that the possibility of a unifying concept of reason is not so much a question of presenting a paradigm of rationality and argumentation completely new, but, rather, of presenting a synthesis between scientific rationality and argumentative rationality.

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PART II

STUDIES IN ARGUMENTATION THEORY

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CHAPTER 3

STRATEGIC MANOEUVRING BETWEEN RHETORICAL EFFECTIVENESS AND DIALECTICAL REASONABLENESS

Frans H. van Eemeren*

ABSTRACT: The pragma-dialectical theory of argumentation developed by van Eemeren and Grootendorst enables the analyst of argumentative discourse to make a normative reconstruction that results in an analytic overview of all elements in the discourse that are pertinent to a critical evaluation, but according to van Eemeren and Houtlosser this reconstruction can be further refined and better accounted for if the theory is extended by including a rhetorical dimension. Developing such an extended theory, which will also enable a more realistic treatment of the fallacies in the evaluation of argumentative discourse, was the aim of van Eemeren and Houtlosser's research project *Strategic Manoeuvring in Argumentative Discourse.*–Although the dialectical and the rhetorical approach to argumentative discourse were closely connected in Antiquity, and have remained connected for a long time, in modern times they have grown apart. Nowadays there is a paradigmatic division between dialectical and rhetorical approaches, which causes a conceptual and communicative gap between their protagonists. According to van Eemeren and Houtlosser this gap hinders the desired development of a full-fledged theory of argumentation and is, in fact, unnecessary. In their view, the gap can be bridged by introducing the theoretical concept of "strategic manoeuvring", which makes it possible to integrate rhetorical insight into a dialectical framework of analysis. Strategic manoeuvring refers to the efforts arguers make to reconcile their aiming for rhetorical effectiveness with maintaining dialectical standards of reasonableness. In his presentation, van Eemeren will discuss the concept of strategic manoeuvring in more detail. In the process, he will explain the main ingredients of the new framework of analysis and evaluation that was developed the Strategic Manoeuvring project.

* University of Amsterdam, Spuistraat 134, 1012 VB Amsterdam, The Netherlands.

Department of Speech Communication, Argumentation Theory and Rhetoric. Director of the Research Programme "Argumentation in Discourse" of the Amsterdam School for Cultural Analysis.

E-mail: F.H.vanEemeren@uva.nl

1. ARGUMENTATION AS A SUBJECT MATTER FOR THEORIZING

The study of argumentation is prospering. This is a remarkable and fortunate fact because during a long period of neglect the study of argumentation seemed to have disappeared forever from the academic stage. After its brilliant start in Antiquity, highlighted in the classical works of Aristotle, after an alternation of ups and downs during the following millennia, in the post-Renaissance period its gradual decline set in. Revitalization took place only after Toulmin and Perelman published in the same year (1958) their landmark works *The Uses of Argument* and *La nouvelle rhétorique* (co-authored by Olbrechts-Tyteca and translated into English in 1969). Toulmin's model of argumentation and Perelman's inventory of argumentation techniques inspired a great many scholars in various ways to take up the study of argumentation in a serious manner. Nowadays there are well-established (formal as well as informal) logical approaches to argumentation, but also communicative, linguistic, social, psychological, juridical and other approaches. Traces of the influence of the classical and neo-classical argumentation theories just mentioned could be found in most of these approaches (van Eemeren *et al.* 1996).

It is a truism recognized from Antiquity onwards that argumentation arises in response to, or in anticipation of, a *difference of opinion*, whether this difference of opinion is real or merely imaginary. When people argue their case, they are defending an opinion, or "standpoint", they assume not to be shared by the addressee or by some third party the addressee might associate with – otherwise the argumentation would be pointless (van Eemeren and Grootendorst 1984: 39-46). The need for argumentation, the requirements of justification, and the structure of argumentation are all adapted to a context in which doubts, opposition, objections, and counterclaims arise.

 When theorizing about argumentation it is vital to realize that the standpoints at issue in a difference of opinion can pertain to any kind of subject and that these standpoints can be descriptive as well as evaluative or practical. In argumentative discourse, an evaluative judgment, such as "The film *Infamous* is brilliant", or a practical prescription to do something, like "You should join me to that meeting", can be just as well at issue as a descriptive claim about a factual state of affairs such as "Amsterdam is much bigger than Rotterdam". Standpoints of any of these types, and the argumentation to defend them, can be encountered in all areas, from the family circle and the classroom to the law and the political arena, and it is imperative that the study of argumentation deals with the full breadth of argumentative practices.

Some philosophers have a *parti pris* that normative statements such as evaluative standpoints and prescriptive – traditionally dubbed "practical" – standpoints can never be subjected to a rational discussion. Some argumentation theorists viewing argumentation as "a fundamentally epistemic affair" nourish this prejudice by assigning a higher status to descriptive claims, which are deemed to fulfil a special role in the process of truth finding and truth preservation by "bring[ing] reasoners from recognized truths or justified beliefs to previously unrecognized truths or not otherwise justified beliefs" (Biro and Siegel 1992: 99). Some argumentation scholars taking a rhetorical approach favour the other extreme by claiming that rhetorical argumentation is only about action claims, thus fostering the exclusion of descriptive and evaluative standpoints (Kock 2007).

The ultimate consequence of excluding evaluative and practical standpoints in a quasi-positivist fashion from the study of argumentation is that value judgments and choices for action are left entirely to subjective preferences and personal interests. Contrary to philosophers with such an "exclusionist" outlook, John Stuart Mill – who showed a keen interest in the discussion of ethical, political and religious standpoints – and likeminded "inclusionist" philosophers believe that all subjects can be the objects of a rational argumentative discussion (Finocchiaro 2005). I emphatically agree with Mill and other representatives of this analytic tradition and see no justification for pronouncing positions implying a value hierarchy or action principle *a priori* unsuitable for such a discussion. It is not only unnecessary to limit the study of argumentation to descriptive standpoints, but also highly undesirable, because in certain domains of discourse such a limitation would give free rein to those who are not at all interested in justifying their standpoints to others. In politics, for instance, it would provide them with an alibi for abstaining from making out a case for their actions and would offer them a chance to make their standpoints immune to criticism by proclaiming them beyond discussion. Because in every joint decision-making, not just in politics but also in other domains of the public sphere, and even in the personal sphere, argumentative discussions play – or should play – a crucial part, if we take this decision-making seriously, in all cases in which argumentation is used to defend a standpoint a careful analysis and critical evaluation of the argumentative discourse is required and the study of argumentation should provide the necessary conceptual tools.

When it comes to the pivotal notion of argumentation some striking differences can be observed between the meaning of the counterparts of the word *argumentation* in other European languages and the meaning this word has in English. Because these differences can have significant consequences for the way in which argumentation is conceptualized, it is important to take note of them. To start with, unlike its English counterpart, the Dutch word "argumentatie" is, just like its equivalents in many other languages, a very common word that everyone knows and uses in the same unequivocal way. More importantly, ordinary speakers use this word in basically the same way as argumentation theorists – or at least in virtually the same way as the authors of the handbook *Fundamentals of Argumentation Theory* use the term *argumentation* (van Eemeren *et al.* 1996: 5).

The first noteworthy property of the Dutch word for argumentation and its equivalents in other languages is that it is immediately connected with trying to resolve a difference of opinion in a constructive way by convincing the other party of the acceptability of one's standpoint – a property it has in common with the theoretical term *argumentation* (van Eemeren and Grootendorst 2004: 11-18). Unlike the word "argumentation" in English, the Dutch word for argumentation has nothing to do with quarrelling or other negatively charged verbal activities, such as skirmishing, squabbling, bickering, wrangling and haggling. This lack of any negative connotations allows the Dutch word for argumentation to be adopted as a technical term in the theorizing having to introduce first certain artificial stipulations. A second property that makes the Dutch word for argumentation different from the English word argumentation is that it refers only to the constellation of reasons put forward by an arguer in defence of his standpoint and not to the standpoint itself. The distinction that is made here is similar to the logical distinction between premises and conclusion. A third distinctive property is that the process-product ambiguity characterizing the theoretical term *argumentation* is already

inherent in the meaning of the Dutch word for argumentation, whereas this is not so clearly the case in the ordinary use of the English word "argumentation".

Conceptually, the lexical meaning of the non-English counterparts of the English word "argumentation" constitutes a better basis for a theoretical definition of the theoretical term *argumentation* than that of the English word *argumentation*. What other conspicuous characteristics of argumentation must enter into this definition because they should have methodological consequences for the way in which argumentation research is to be conducted? Let me summarize the four characteristics that seem vital to me. First, argumentation is a *communicative* act complex, which is realised in ordinary communication by means of functional verbal (and sometimes non-verbal) behaviour. In the theorizing this characteristic leads to the adoption of the methodological principle of "functionalization". Second, argumentation is an *interactional* act complex directed at other people, which makes argumentation part of an explicit or implicit dialogue. The accompanying methodological principle is "socialization". Third, argumentation means issuing in some way or other propositions that involve commitments for which one can be held *accountable*. The methodological principle that goes with it is "externalization". Fourth, argumentation involves by its constructive nature an *appeal to reasonableness* that derives its force from the idea of common critical standards. This leads to the adoption of the methodological principle of "dialectification".

The methodological principles I have just mentioned are meta-theoretical in the sense that their adoption precedes the actual theorizing. They are part and parcel of the theoretical approach to argumentation that I favour, but this is not to say that all argumentation theorists share them. Functionalization is in our approach achieved by making use of the fact that argumentative discourse occurs through – and in response to – speech act performances. Identifying the complex speech act of argumentation and the other speech acts involved in resolving a difference of opinion makes it possible to specify the relevant "identity conditions" and "correctness conditions" of these speech acts (van Eemeren and Grootendorst 1984: 39-46; 1992: 30–33). In this way, for instance, a specification can be given of what is "at stake" in advancing a certain "standpoint", so that it becomes clear what the "disagreement space" is and how the argumentative discourse is organized around this context of disagreement (Jackson 1992: 261). Socialization is achieved by identifying who exactly take on the discussion roles of protagonist and antagonist in the collaborative context of argumentative discourse. By extending the speech act perspective to the level of interaction, it can be shown in which ways positions and argumentation in support of positions are developed. Externalization is achieved by identifying the specific commitments that are created by the speech acts performed in a context of argumentative interaction. Rather than being treated as internal states of mind, in a speech act perspective notions such as "disagreement" and "acceptance" can be defined in terms of discursive activities with well-defined ensuing commitments. "Acceptance", for instance, can be externalized as giving a preferred response to an arguable act that commits the respondent to not attacking the act anymore. Finally, dialectification is achieved by regimenting the exchange of speech acts aimed at resolving a difference of opinion in an ideal model of a critical discussion.

Taking these meta-theoretical starting points into account, argumentation can be defined as follows:

Argumentation is a communicative and interactional (speech) act complex aimed at resolving a difference of opinion for a reasonable judge by advancing a constellation of reasons the arguer can be held accountable for as justifying the acceptability of the standpoint(s) at issue.

2. THE PRAGMA-DIALECTICAL THEORY OF ARGUMENTATION

Scholars of argumentation are often drawn to studying argumentation by an interest in particular practices of argumentative discourse and improving their quality where this is called for. To be able to satisfy this interest, they have to combine an empirical orientation with a critical orientation towards argumentative discourse. This challenging combination can only be achieved if they not only examine argumentative discourse as a specimen of actual verbal communication and interaction but also measure its quality against normative standards of reasonableness. If "pragmatics" is taken to be the study of communicative and interactive language use, as is customary among discourse analysts, then the need for uniting the empirical and descriptive angle of research and the critical and normative angle can be acknowledged by construing the study of argumentation as a branch of "normative pragmatics" (van Eemeren 1986).

In normative pragmatics, argumentation scholars make it their business to clarify how the gap between the normative dimension and the descriptive dimension of argumentation can be systematically bridged, so that critical and empirical insights can be integrated. The complex problems that are at stake in this endeavor can only be solved with the help of a comprehensive research program consisting of various interrelated components (van Eemeren and Grootendorst 2004: 9-41). On the one hand, there is a philosophical component in the program in which a philosophy of reasonableness must be developed and a theoretical component in which, starting from this ideal of reasonableness, a model for acceptable argumentation is to be designed. On the other hand, there is an empirical component in which argumentative reality as it is encountered in argumentative discourse must be investigated, qualitatively as well as quantitatively. Then, in the analytical component the normative and the descriptive dimensions must be systematically linked. Finally, in the practical component the problems must be identified that occur in particular argumentative practices and methods must be developed to solve these problems.

As it happens, the conceptions of reasonableness argumentation scholars have developed in the philosophical component of their research program diverge from the outset, so that in the theoretical component different outlooks emerge on what is considered to be an acceptable argument. When developing our approach to argumentation, Rob Grootendorst and I were strongly influenced by Barth and Krabbe's (1982) "formal dialectics" and started from a conception of reasonableness that replaces "justificationism" with a critical testing procedure (van Eemeren and Grootendorst 1984: 15-18). This critical and dialectical conception of reasonableness is associated with the (Popperian) "critical rationalist" philosophy of reasonableness, which claims that, ultimately, we cannot be certain of anything and takes as its guiding principle

the idea of critically testing all claims that are made to acceptability (van Eemeren and Grootendorst 1988). As Albert (1975) has emphasized, the critical rationalist conception of reasonableness is all embracing: it pertains to *any* subject that can be the object of a regulated discussion and covers – as we would like to have it – the discussion of descriptive as well as evaluative and prescriptive standpoints.

By implementing the critical rationalist view in the theoretical component of the research program we pursued the development of a model of critical discussion that gives substance to the idea of resolving differences of opinion on the merits by means of dialectically regulated critical exchanges in which the acceptability of the standpoints at issue is put to the test (van Eemeren and Grootendorst 1988: 279-280). The outcome of the discussion between the protagonist and the antagonist depends on the critical questions asked by the antagonist and the adequacy of the protagonist's responses to these critical questions. The systematic interaction that takes place between the speech acts performed by the protagonist to defend the standpoint and those performed by the antagonist to respond critically is characteristic of the "pragma-dialectical" resolution procedure we have designed, which combines a dialectical view of argumentative reasonableness with a pragmatic view of the verbal moves made in argumentative discourse.

The model of a critical discussion we developed provides an overview of the argumentative moves that are pertinent to a development of each of the discussion stages that furthers the process of resolving a difference of opinion on the merits in each particular stage. Analytically, in a critical discussion four stages can be distinguished that have to be completed in a constructive way in order to be able to resolve the difference of opinion on the merits. First, there is the "confrontation stage" in which the difference of opinion is externalized from the potential disagreement space. Next there is the "opening stage" in which the protagonist and the antagonist of a standpoint at issue in the difference of opinion determine their zone of agreement as far as common procedural and material starting points (or "concessions") are concerned. In the "argumentation stage" both parties try to establish whether, given the point of departure acknowledged by the parties, the protagonist's standpoint is tenable in the light of the antagonist's critical responses. Finally, in the "concluding stage", the result of the critical discussion is established.

The pragma-dialectical model of a critical discussion is a theoretically motivated system for resolution-oriented discourse. In a critical discussion, the parties attempt to reach agreement about the acceptability of the standpoints at issue by finding out whether or not these standpoints are defensible against doubt or criticism. To be able to achieve this purpose, the dialectical procedure for conducting a critical discussion cannot deal only with inference relations between premises (or "concessions") and conclusions (or "standpoints"), but should cover all speech acts that play a part in examining the acceptability of standpoints. In pragma-dialectics, the concept of a critical discussion is therefore given shape in a model that specifies all the types of speech acts instrumental in any of the stages the resolution process has to pass. Because in actual argumentative discourse speech acts are often performed implicitly or indirectly, in practice, a great variety of speech acts may fulfil a constructive role in the resolution process (van Eemeren and Grootendorst 1984, 2004).

3. THE PRAGMA-DIALECTICAL TREATMENT OF THE FALLACIES

3.1 Criticisms of the Logical Standard Treatment of the Fallacies

The acid test for any normative theory of argumentation is to what extent the theory enables us to deal with the fallacies. As we all know, in the study of argumentation the fallacies have been an important object of study from Antiquity onwards. Aristotle examined them extensively, both in his dialectical and in his rhetorical studies. In the *Topics*, his treatise on dialectic, Aristotle placed the fallacies in the context of a debate between the attacker and the defender of a thesis in which the attacker attacks and the defender defends the thesis. The attacker can win the debate first of all by refuting the defender's thesis. Aristotle discusses correct moves the attacker can make to refute the defender's thesis as well as incorrect moves that he considers fallacious. In general, in Aristotle's dialectical perspective, fallacies are false moves employed in the attacker's efforts to refute the defender's thesis. In *Sophistical Refutations,* Aristotle deals with the false ways of refuting a thesis that he ascribed to the popular debate experts known as the Sophists – hence the epithet "sophism". In his *Rhetoric*, Aristotle discusses from a rhetorical perspective some fallacious refutations that are only apparent refutations.

The fallacies have remained a popular subject of study ever since, which led in the course of time to the discovery of a number of "new" fallacies. These newly discovered fallacies were just added to the Aristotelian list of dialectical fallacies, in spite of the fact that, largely due to the huge influence of bishop Whately, a much broader logical perspective had gradually replaced the dialectical perspective. The Latin names that were given to many of these fallacies may suggest that they all stem from the classical tradition, but this is not the case: without calling it fallacious, John Locke drew, for instance, attention to the *argumentum ad hominem*.

In 1970, Charles Hamblin caused a revolution in the study of fallacies through his monograph *Fallacies*, in which he reported how he was struck by the observed similarities in the treatments of the fallacies in the leading logical textbooks of the time. He observed that each of the textbooks presented more or less the same list of fallacies and explained the fallacies in more or less the same way, using very often exactly the same examples. Hamblin suspected that the one author was just copying the other, without any further reflection. The Logical Standard Treatment, he noted, he had detected in the textbooks started from a Logical Standard Definition of the fallacies as *arguments that seem valid but are in fact not valid*. Strangely, however, treatment of the fallacies that was actually given was in several respects inconsistent with this definition. Firstly, a great many of the fallacies treated in the logical textbooks, such as the *argumentum ad hominem*, were in fact no arguments. Or they were arguments, such as "circular reasoning", that were certainly not invalid, and there were also cases, such as the *argumentum ad verecundiam*, in which the reason for the fallaciousness was an entirely different one than invalidity.

The revelation of these incongruities led to a lot of turmoil, although open-minded argumentation theorists recognized that Hamblin was right. Over time they came to share most of his objections to the Logical Standard Treatment of the fallacies. At present there are not many argumentation theorists left who consider "logical validity"

the sole criterion for fallaciousness. Argumentation theorists also tend to agree that including a word like "seems" in the definition of a fallacy, as happens in the Logical Standard Definition, brings in an undesirable amount of subjective psychologizing. As it happens, a certain argument may seem OK to you, but why would it seem OK to me if I happen to know that it is invalid or otherwise deficient?

However pertinent they were, Hamblin's devastating criticisms were not always so productive in practice, as can be shown by referring to two extreme reactions. First, there were author of leading logical textbooks, such as Copi (1972), who reprinted their exposes of the fallacies without making any serious attempt to deal with Hamblin's objections. Perhaps they thought that their textbooks were doing well as it was – and what did their students know about Hamblin? The opposite extreme reaction to Hamblin's criticisms consisted of abandoning the treatment of the fallacies altogether from the textbook. From an ethical perspective this may be better, but it is clear that it does it contribute to dealing with the problem of the fallacies. A third option that one could have imagined to be chosen as an easy way-out is maintaining the Logical Standard Definition of the fallacies and leaving all fallacies out of one's treatment that are not covered by this definition, but – encouragingly – not many argumentation theorists seem prepared to throw the baby out with the bathwater and set aside their efforts of finding a proper treatment of the fallacies just for the sake of maintaining theoretical purity.

3.2 A constructive alternative to the Logical Standard Treatment

In my view, the theorizing about fallacies has to start from a general and coherent perspective on argumentative discourse that provides a common rationale to all studies of the fallacies. Because a theory of wrongs cannot be constructed independently of a theory of what is normatively correct, a theory of fallacies must be an integral part of a normative theory of argumentation that provides well-defined standards for *sound* argumentative discourse. The theoretical account of the fallacies should be systematically related to these standards in such a way that it is clear in all cases clear why the fallacies are fallacious.

In Europe two dialectical approaches to argumentation were developed in the early 1980s that constitute a constructive sequel to Hamblin's criticisms in which he relates the fallacies systematically to standards for sound argumentation. These approaches were both aimed at developing a theory of argumentation that starts from a "critical rationalist" perspective on argumentative discourse in which the fallibility of all human thought is point of departure: formal dialectics developed by Else Barth and Erik Krabbe (1982), and the pragma-dialectical theory of argumentation I developed with Rob Grootendorst (van Eemeren and Grootendorst 1984, 1992, 2004) and extended with Peter Houtlosser (van Eemeren and Houtlosser 2002, 2003, 2004). Because I concentrate on the identification of fallacies in ordinary discourse, I shall use pragma-dialectics as my theoretical framework rather than formal dialectics. Pragma-dialectics links up with formal dialectics, but views argumentative discourse and fallacies occurring in argumentative discourse – pragmatically – in a communicative and interactional perspective context.

The simple argumentative situation is that a speaker or writer advances a standpoint and acts as "protagonist" of that standpoint and a listener or reader expresses doubt with regard to the standpoint and acts as "antagonist". In the discussion that develops the two parties try to find out whether the protagonist's standpoint can withstand the antagonist's criticism. In this exchange an interaction takes place between the speech acts performed by the protagonist and the speech acts performed by the antagonist that is typical of what we call a "critical discussion". This interaction can, of course, lead to the resolution of the difference of opinion only if it proceeds in an adequate fashion, which requires a regulation of the interaction through *rules for critical discussion* specifying in which cases the performance of certain speech acts contributes to the resolution of the difference on the merits. It is the task of dialectical argumentation theorists to formulate these rules in such a way that together they constitute a discussion procedure that is problem-valid as well as conventionally valid (Barth and Krabbe 1982: 21-22). The procedural rules proposed in pragma-dialectics are claimed to be problem-valid because each of them contributes in a specific way to solving problems inherent in the process of resolving a difference of opinion. Their conventional validity is confirmed by systematic experimental research regarding their intersubjective acceptability (van Eemeren, Garssen and Meuffels 2009).

A procedure regulating the resolution of a difference of opinion cannot be confined exclusively to the logical relations by which conclusions are inferred from premises. As a matter of course, it must consist of a system of rules covering all speech acts that need to be carried out to resolve a difference of opinion. This means that the procedure should relate to all four stages that are to be distinguished in a critical discussion: the rules for conducting a critical discussion must state all the norms pertinent to resolving a difference of opinion on the merits. In principle, each of the pragma-dialectical discussion rules constitutes a distinct norm for critical discussion. Any move that is an infringement of any of these rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion and must therefore – and in this particular sense – be regarded as fallacious. In this way the use of the term *fallacy* is systematically connected with the rules for critical discussion. In the pragma-dialectical approach a fallacy is thus a hindrance or impediment to resolving a difference of opinion on the merits. The specific nature of a particular fallacy depends on the way in which it interferes with the resolution process.

The pragma-dialectical approach differentiates a *functional variety of norms* for judging fallaciousness. Rather than considering the fallacies as belonging to an unstructured list of nominal categories inherited from the past, as is the case in the Logical Standard Treatment, or considering all fallacies to be violations of the validity norm (as in the logic-centred approaches), different (combinations of) norms may be pertinent. A comparison shows that fallacies which were traditionally only nominally lumped together are now either shown to have something in common or clearly distinguished, whereas genuinely related fallacies that were separated are now brought together. There are, for instance, two different kinds of *argumentum ad populum*, the fallacy of regarding something acceptable because it is considered acceptable by a great many people; the one variant is a violation of the Relevance Rule that a party may defend its standpoint only by advancing argumentation related to

that standpoint, the other variant is a violation of the Argument Scheme Rule that a standpoint may not be regarded defended conclusively if the defence does not take place by means of an appropriate argument scheme that is used correctly. Among the fallacies that were separated and are brought together are a variant of *ad verecundiam* (using an inappropriate symptomatic argument scheme by presenting the standpoint as right because an authority says it is right) and a variant of *ad populum* (using an inappropriate symptomatic argument scheme by presenting the standpoint as right because everybody thinks it is right). When they are analyzed as violations of the same Argument Scheme Rule it becomes clear that, seen from the perspective of resolving a difference of opinion, these variants are basically of the same kind.

In addition, the pragma-dialectical approach also enables the analysis of thus far unrecognized and unnamed "new" obstacles to resolving a difference of opinion on the merits. Examples are *declaring a standpoint sacrosanct*, a violation of the Freedom Rule that parties must not prevent each other from putting forward standpoints or casting doubt on standpoints; *evading the burden of proof* and *shifting the burden of proof*, both violations of the Burden of Proof Rule that a party who puts forward a standpoint is obliged to defend that standpoint if asked to; *denying an unexpressed premise*, a violation of the Unexpressed Premise Rule that a party may not falsely present something as a premise that has been left unexpressed or deny a premise that has been left implicit; and *making an absolute of the success of the defence*, a violation of the Closure Rule that a failed defence must only result in the protagonist retracting the standpoint and a successful defence only in the antagonist retracting his doubt (van Eemeren and Grootendorst 1992).

4. FALLACIES AS DERAILMENTS OF STRATEGIC MANOEUVRING

Although I can safely claim that Hamblin's criticisms no longer apply to the pragma-dialectical theory of fallacies I have just sketched, in my view, this theory is still not entirely satisfactory. The main reason is that it ignores the intriguing problem of the *persuasiveness* that fallacies may have, which is in fact why they deserve our attention. To be sure, Daniel O'Keefe's (2006) "meta-analyses" of experimental persuasion studies seem to suggest that, generally speaking, sound argumentation is more persuasive than fallacious argumentation, and the results of our own empirical research point into the same direction (van Eemeren, Garssen and Meuffels 2008: section 5). Nevertheless, the inconspicuous persuasiveness of the fallacies is such a thorny issue that we cannot content ourselves with these indications but should give this issue our undivided attention.

In the Logical Standard Definition of fallacies as "arguments that *seem* valid but are not valid", the persuasiveness of the fallacies was hinted at by the use of the word "seem", but since Hamblin (1970: 254) issued the verdict that including this qualification brings in an undesirable element of subjectivity, the treacherous character of the fallacies – the Latin word *fallax* means deceptive or deceitful – has been ignored and the search for its explanation abandoned. This means that fallacy theorists are no longer concerned with the question of how fallacies "work", that is, why they can be successful and why they can go so often unnoticed. I think that the pragma-dialectical

theory of argumentation can remedy this neglect, but that, because of the nature of the problem, it can only do so if it is first enriched by insight from rhetoric.

At this juncture, it is worth emphasizing that combining rhetorical insight with dialectical insight is not as unproblematic as one might think. In spite of their initial connection in Antiquity, when Aristotle described rhetoric as the mirror image (*antistrophos*), or counterpart, of dialectic, since the Scientific Revolution in the 17th century – starting, in fact, already with Ramus – there has been a sharp ideological division between dialectic and rhetoric. This division has resulted in the existence of two separate and mutually isolated paradigms, conforming to different perspectives on argumentation, which are generally considered incompatible. Rhetoric became a field for scholars of communication, literature and language in the humanities and social sciences while dialectic became the province of logicians and scientists – but almost disappeared from sight after the formalization of logic in the late nineteenth and early twentieth century. Although the dialectical approach to argumentation has been taken up again in the second half of the twentieth century by Hamblin and his followers, there was for a long time – and, to a large extent, there still *is* – a yawning conceptual and communicative gap between argumentation theorists opting for a dialectical perspective and argumentation theorists with a rhetorical perspective. In the last two decades, however, serious efforts have been made to overcome the sharp and infertile division between dialectic and rhetoric (van Eemeren and Houtlosser 2002).

The inclusion of rhetorical insight in the pragma-dialectical theory that Peter Houtlosser and I have brought about is a clear example of an effort to bridge the gap between dialectic and rhetoric (van Eemeren and Houtlosser 2002, 2003, 2004, 2005). We started from the observation that in argumentative discourse, whether it takes place orally or in writing, it is not the sole aim of the arguers to conduct the discussion in a way that is considered reasonable, but also, and from a certain perspective even in the first place, to achieve the outcome that is from their point of view the best result. The arguers' rhetorical attempts to make things go their way are, as it were, incorporated in their dialectical efforts to resolve the difference of opinion in accordance with proper standards for a critical discussion. This means in practice that at every stage of the resolution process the parties may be presumed to be at the same time out for the optimal rhetorical result at that point in the discussion and to hold to the dialectical objective of the discussion stage concerned. In their efforts to reconcile the simultaneous pursuit of these two aims, which may at times be at odds, the arguers make use of what we have termed *strategic manoeuvring*. This strategic manoeuvring is directed at diminishing the potential tension between jointly pursuing the "dialectical" aim of reasonableness and the "rhetorical" aim of effectiveness.

Strategic manoeuvring manifests itself in the moves that are made in argumentative discourse in three aspects, which can be distinguished only analytically: "topical choice", "audience adaptation", and "presentational design". Topical choice refers to the specific selection that is made in each of the moves from the *topical potential* – the set of dialectical options – available at the discussion stage concerned, audience adaptation involves framing one's moves in a *perspective that agrees with the audience*, and presentational design concerns the selection that the speaker or writer makes from the existing repertoire of *presentational devices*. In their strategic manoeuvring aimed at steering

the argumentative discourse their way without violating any critical standards in the process both parties may be considered to be out to make the most convenient topical selection, to appeal in the strongest way to their audience, and to adopt the most effective presentation.

A clearer understanding of strategic manoeuvring in argumentative discourse can be gained by examining how the rhetorical opportunities available in a dialectical situation are exploited in argumentative practice. Each of the four stages in the process of resolving a difference of opinion is characterized by having a specific dialectical objective. Because, as a matter of course, the parties want to realize these objectives to the best advantage of the position they have adopted, every dialectical objective has its rhetorical analogue. In each discussion stage, the rhetorical goals of the participants will be dependent on – and therefore run parallel with – their dialectical goals, because in each stage they are out to achieve the dialectical results that serve their rhetorical purposes best. As a consequence, the specifications of the rhetorical aims that may be attributed to the participants in the discourse must take place according to dialectical stage. This is the methodological reason why the study of strategic manoeuvring that we propose boils down to a systematic integration of rhetorical insight in a dialectical – in our case, *pragma*-dialectical – framework of analysis.

What kind of advantages can be gained by strategic manoeuvring depends on the particular stage one is in. In the confrontation stage, for instance, the dialectical objective is to achieve clarity concerning the issues that are at stake and the positions the parties assume. Each party's strategic manoeuvring will therefore be aimed at directing the confrontation rhetorically towards a definition of the difference that highlights precisely the issues this party wants to discuss. In the opening stage, the dialectical objective is to establish an unambiguous point of departure consisting of intersubjectively accepted procedural and material starting points. As a consequence, the strategic manoeuvring by the parties will be aimed at establishing rhetorically procedural starting points that secure an opportune allocation of the burden of proof and combine having desirable discussion rules with having material starting points that involve helpful concessions by the other party. In the argumentation stage, where the standpoints at issue are challenged and defended, the dialectical objective is to test, starting from the point of departure established in the opening stage, the tenability of the standpoints that shaped the difference of opinion in the confrontation stage. Depending on the positions they have taken, the parties will manoeuvre strategically to engineer rhetorically the most convincing case – or the most effective attack, as the case may be. In the concluding stage, the dialectical objective of determining if, and in whose favour, the difference of opinion has been resolved leads to strategic manoeuvring aimed at enforcing victory for the sake of the party concerned by effectuating rhetorically either the conclusion that the protagonist may maintain his standpoint in view of the criticisms that were made or that the antagonist may maintain his doubt in view of the argumentation that was advanced.

Although, in our view, in strategic manoeuvring the pursuit of dialectical objectives can go well together with the realization of rhetorical aims, this does – of course – not automatically mean that in the end the two objectives will always be in perfect balance.

If a party allows his commitment to a critical exchange of argumentative moves to be overruled by the aim of persuading the opponent, we say that the strategic manoeuvring has got "derailed". Such derailments occur when a rule for critical discussion has been violated. In that case, trying to realize the rhetorical aim has gained the upper hand – at the expense of achieving the dialectical objective. Because derailments of strategic manoeuvring always involve violating a rule for critical discussion, they are on a par with the wrong moves in argumentative discourse designated as *fallacies*. Viewed from this perspective, fallacies are derailments of strategic manoeuvring that involve violations of critical discussion rules.

The difference between legitimate manifestations of strategic manoeuvring and manifestations that are fallacious is that in the latter case certain soundness conditions applying to that way of strategic manoeuvring have not been met. Each mode of strategic manoeuvring has as it were its own continuum of sound and fallacious acting and the boundaries between the two are not always immediately crystal clear. More often than not, fallacy judgments are in the end contextual judgments that depend on the specific circumstances of situated argumentative acting. The criteria for determining whether or not a certain norm for critical discussion has been violated may depend on the institutional conventions of the "argumentative activity type" concerned, that is, on how argumentative discourse is disciplined in a particular sort of case – referring to precedent, for instance, can be a perfectly legitimate appeal to authority in a law case but not so easily in a scientific discussion. This does not automatically mean, of course, that there are no clear criteria for determining whether the strategic manoeuvring has gone astray, but only that the specific shape these criteria take may vary to some extent from the one argumentative activity type to the other.

This account of the fallacies as derailments of strategic manoeuvring explains why it may, as a matter of course, not be immediately apparent to all concerned that a fallacy has been committed, so that the fallacy may pass unnoticed. In principle, each fallacy has sound counterparts that are manifestations of the same mode of strategic manoeuvring, so that it is more difficult to tell them apart than when the distinction involved two completely different types of animals, like when all the legitimate moves would be cats and all the fallacious moves were dogs. It is fully in line with what Sally Jackson (1995) calls the *assumption of reasonableness* that a party that manoeuvres strategically will normally uphold a commitment to the rules of critical discussion, so that a presumption of reasonableness is conferred on every discussion move – and this assumption is also operative when the strategic manoeuvring that is used is fallacious.

Deviations from the rules for critical discussion may be hard to detect because none of the parties will be very keen on portraying themselves as unreasonable. It is to be expected that in order to realize a purpose that is potentially at odds with the objective of a particular discussion rule, rather than resorting to completely different means, they will stick to the usual dialectical means for achieving their objective and "stretch" the use of these means in such a way that they allow the other purpose to be realized as well. Echoing the Logical Standard Definition of a fallacy, we can then say that the strategic manoeuvring involved *seems* to comply with the critical discussion rules, but in fact it does not.

5. ARGUMENTS FROM AUTHORITY AND THE *ARGUMENTUM AD VERECUNDIAM*

The fallacies have now been characterized as violations of rules for critical discussion that manifest themselves in derailments of strategic manoeuvring which might easily escape our attention because the derailments concerned may be very similar to familiar instances of sound strategic manoeuvring. All the same, it is of course necessary to make the distinction. To mark the importance of the distinction between non-fallacious and fallacious strategic manoeuvring most clearly, I do not use the same labels indiscriminately for the fallacious as well as the non-fallacious moves, as Walton and others do, but reserve the traditional – often Latinized – names of the fallacies, such as *argumentum ad hominem*, for the *in*correct and fallacious cases only.

Strategic manoeuvring only derails into fallaciousness if it goes against the norms for having a reasonable exchange embodied in the rules for critical discussion. This means in practice that the argumentative moves concerned are not in agreement with the relevant criteria for complying with a particular dialectical norm. As we already observed, these criteria are determined by the soundness conditions the argumentative moves have to fulfil to remain within the bounds of dialectical reasonableness in the argumentative context in which they are made and they may vary to some extent according to the argumentative activity type in which they occur.

As a case in point, while avoiding the use of technical language as much as possible, I shall briefly discuss the demarcation of non-fallacious and fallacious moves in a particular mode of strategic manoeuvring taking place in the rather open argumentative activity type of an informal conversation. The mode of manoeuvring I have chosen is defending a standpoint by advancing an "argument from authority". The argument scheme used in an argument from authority is a subtype of the argumentation known as "symptomatic argumentation", also called "sign argumentation". In the argument scheme argumentation of this type is based on the acceptability of the premise is presented as a sign that the conclusion is acceptable through the establishment of a relationship of concomitance between the property mentioned in the premise and the property mentioned in the conclusion. Such a fixed symptomatic association is, for instance, suggested in argumentation such as "Paul must be a cheese lover, because he is Dutch", where it is stipulated that loving cheese goes always together with being Dutch. In the case of an argument from authority, the transition of acceptance is guaranteed by referring in the premise to an external source that has the knowledge or expertise required for drawing the conclusion so that having expertise is presented as a sign that the expert's assertions are acceptable: "The competence for learning a language is innate – Chomsky says so", or (from a Nigerian spam letter) "My choosing you for helping me solve this problem is the good choice because God told me to make this choice".

Like using other arguments from sign, using arguments from authority is potentially a sound way of strategic manoeuvring. In a great many cases we are fully justified in supporting our claims by referring to an authority that is supposed to know – in argumentative practice this is, in fact, often the only sensible thing we can do. If we have good reasons to think that the source we are referring to is indeed a good source to rely on in the case concerned and was to be taken seriously when he made the observation referred to, an appeal to authority can be unproblematic and may even

be conclusive. In argumentative practice, however, strategic manoeuvring by means of arguments from authority can also derail. An appeal to authority may not be justified in a particular case because one of the "critical questions" that need to be asked to check if the criteria for assessing arguments from authority in the activity type concerned have been fulfilled cannot be answered satisfactorily so that the argument violates the Argument Scheme Rule and must be considered an *argumentum ad verecundiam*.

In different argumentative activity types different criteria may apply for complying with the soundness norm incorporated in the argument-from-authority variant of the Argument Scheme Rule. In the informal activity type of a conversational exchange we took as our context for illustration it is, in principle, up to the participants to decide what the conditions are for sound strategic manoeuvring by arguments from authority. For our purpose of illustration, we distinguish between three subtypes of a conversational exchange, each characterized by its own set of "institutionalized" conventions. In the first subtype, (1a) the parties in the exchange have agreed beforehand that an appeal to authority is legitimate, and (1b) the agreement allows an appeal to a specific kind of authority. If in an argumentative practice of the first subtype the conditions (1a) and (1b) are met, no *argumentum ad verecundiam* has been committed when an argument from authority is used and using the argument from authority may be regarded as sound strategic manoeuvring. In the second subtype, (2a) the parties in the discussion have agreed in the second instance that an appeal to authority is legitimate, and (2b) the agreement specifies precisely what kind of authority can be appealed to. If in an argumentative practice of the second subtype the conditions (2a) and (2b) are met in actual strategic manoeuvring, again, no *argumentum ad verecundiam* has been committed and using the argument from authority may be regarded as sound strategic manoeuvring. In the third subtype, (3) the parties in the discussion have not come to any agreement about the legitimacy of an appeal to authority. If in an argumentative practice of the third subtype condition (3) is satisfied, no rule for critical discussion has been violated, but the use of the argument from authority may very well introduce its legitimacy as a new topic of discussion.

The cases I just discussed are dealing only with agreement between the parties about the conditions for sound strategic manoeuvring by arguments from authority. In some argumentative activity types such self-created agreement may be a sufficient condition; for instance, when I claim in a conversational exchange during a game of scrabble that the word I have just laid out is an English word because it is in *Oxford Advanced Learners Dictionary* after you and I have agreed earlier that this will be our criterion for Englishness. In other argumentative activity types, however, the relevant agreements will be predetermined institutionally and other conditions may have to be satisfied as well. In a scientific discussion, for instance, the scientific community ("forum") determines what sources count as authoritative and what further conditions apply to making an appeal to such a source. It is not hard to imagine that still other conditions for sound strategic manoeuvring apply to arguments from authority in other argumentative activity types, such as a parliamentary debate or an editorial in a newspaper, or to other modes of strategic manoeuvring, such as assigning the burden of proof or pointing out an inconsistency in the other party's position, carried out in any of these argumentative activity types, so that in different argumentative contexts different criteria may apply for complying with the rules for critical discussion. This

brings argumentation theory back to the context of situated argumentative discourse, and this is exactly the context in which both Toulmin and Perelman and Olbrechts-Tyteca wanted argumentation to be studied.

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CHAPTER 4

PRAETERITIO AS STRATEGIC MANOEUVRING[1]

A. Francisca Snoeck Henkemans*

ABSTRACT: In this paper I investigate what role the figure of thought *praeteritio* can play in arguers' attempts to reconcile their rhetorical with their dialectical aims by manoeuvring strategically. In my discussion of praeteritio I will thus be making use of the theoretical framework that van Eemeren and Houtlosser developed in the last ten years, which consists of an integration of rhetorical insight in the pragma-dialectical approach to argumentation.–The research I shall report on here, forms part of a larger project in which insights from classical rhetoric, pragmatics and modern stylistics are used to explore the possibilities for strategic manoeuvring with specific presentational means. In the paper, I shall first pay attention to the ways in which praeteritio can be realized in discourse. Next, I shall give an analysis of the general effects the use of praeteritio may have due to the presentational means that are employed. Then I shall discuss in what way the use of praeteritio may contribute to arguers' dialectical and rhetorical aims in the different stages of an argumentative dicussion. Finally, I shall pay some attention to the ways in which the use of *praeteritio* may derail and thus become fallacious.

1. INTRODUCTION

In this paper I investigate what role the stylistic device of *praeteritio* can play in arguers' attempts to reconcile their rhetorical with their dialectical aims by manoeuvring strategically. In my discussion of *praeteritio* I will thus be making use of the theoretical framework that Frans van Eemeren and Peter Houtlosser have developed in the last ten

* University of Amsterdam, Spuistraat 134, 1012 VB Amsterdam, The Netherlands. Department of Speech Communication, Argumentation Theory and Rhetoric. E-mail: A.F.SnoeckHenkemans@uva.nl
[1] This is a more extended version of an earlier paper that is to be published in *Argumentation* in 2009.

years, which consists of an integration of rhetorical insight in the pragma-dialectical approach to argumentation. By way of such an integrated approach, van Eemeren and Houtlosser aim to do justice to the fact that there is a rhetorical as well as a dialectical dimension to ordinary argumentative practice (2002: 9). Although there is no reason to assume that the rhetorical norm of persuasion is necessarily in contradiction with the critical ideal of reasonableness, there is nonetheless a potential tension between pursuing at the same time a dialectical as well as a rhetorical aim (Van Eemeren and Houtlosser 2002: 135). In order to diminish this tension, arguers make use of what van Eemeren and Houtlosser call "strategic manoeuvring". Strategic manoeuvring can "derail" and become fallacious if a party allows its dialectical aims to be overruled by its rhetorical aims, and violates one or more rules for critical discussion.

The research I shall report on here, forms part of a larger project in which insights from classical rhetoric, pragmatics and modern stylistics are used to explore the possibilities for strategic manoeuvring with specific presentational means. To this end, for each stage of an argumentative discussion, I examine what role stylistic devices such as *metonymy*, rhetorical questions and *praeteritio* can play in effectively presenting the topical choices that arguers have made (Snoeck Henkemans 2005, 2007).

Since strategic manoeuvring is a way of dealing with the potential tension between dialectical obligations and rhetorical effectiveness, an important aim of the research is to clarify how the stylistic devices in question can contribute to both the dialectical and the rhetorical aims of arguers. With respect to the dialectical aims, it has to be specified which allowable moves in the four dialectical discussion stages can be presented by means of the stylistic device in question. In order to explain why it could be to the advantage of the arguer to present a certain move by means of a particular stylistic device, it also has to be made clear which rhetorical aims could be achieved by making use of that device in the presentation of a particular move. To this end, it also has to be investigated whether there are different forms or manifestations of a specific stylistic device that may influence the suitability of that device for presenting a specific type of move and thus create particular possibilities for strategic manoeuvring.

In this paper, I shall first pay attention to the ways in which *praeteritio* can be realized in discourse. Next, I shall give an analysis of the effects the use of *praeteritio* may have due to the presentational means that are employed. Then I shall discuss what the possibilities for strategic manoeuvring with this device might be in the different stages of an argumentative discussion. Finally, I shall pay some attention to the ways in which the use of *praeteritio* may derail and thus become fallacious.

2. THE PRESENTATION OF *PRAETERITIO*

Praeteritio is a figure of thought by which, according to the *Oxford Dictionary of English* (2005), "attention is drawn to something by professing to omit it". The figure is also known as *paralipsis*, *antiphrasis*, *occultatio* and *omissio*. The *Ad Herennium* gives the following description of *praeteritio*:

> Paralipsis [*praeteritio*] occurs when we say that we are passing by, or do not know, or refuse to say that which precisely now we are saying, as follows: 'Your boyhood,

indeed, which you dedicated to intemperance of all kinds, I would discuss, if I thought this the right time. But at present I advisedly leave that aside. This too I pass by, that the tribunes have reported you as irregular in military service. […] Of these things I say nothing, but return to the issue in this trial. (IV, 27.37)

The principle characteristic of *praeteritio* is that the speaker announces that he will omit something, but mentions it nonetheless.[2] With *praeteritio,* speakers or writers both make clear that they are not going to give certain information and in doing so convey this information all the same. For this reason, this figure is sometimes called "false reticence". In order to gain more insight into the possible manifestations of *praeteritio*, I shall try to answer the following two questions: 1) By what means can speakers or writers make it clear that they will not convey certain information?; and 2) How do they manage to convey this information all the same?

A first way for speakers or writers to make it clear that they will not speak about something or say something is to explicitly announce this. In example (1) and (2) such a direct approach is chosen:

(1) I will not tell you how my mother made coffee for my father every morning. *(www.stanfordspokenword.com/poems/)*

(2) "I am not saying that the pope is ignorant", says Yumakogullari, "but he has said such ugly things about Islam, that you cannot do otherwise but conclude that he does not know anything about our religion. Islam means peace." (*NRC Handelsblad*, November 28, 2006)

That one will not say something or talk about something can also be made clear in an indirect way. This is the case if a speaker or writer provides information which amounts to the fact that one of the felicity conditions for performing an assertive speech act are not fulfilled. In doing so, the speaker provides support for the implicit standpoint that performing the speech act in question would not be justified, which in turn can be a way of indirectly making it clear that he is not performing the assertive speech act. In example (3) it is the sincerity condition (S believes that the proposition expressed in the assertive is true or correct) that is claimed to be not fulfilled and in example (4) a preparatory condition (S believes that the information contained by the proposition is in the listener's interest (new, important, etcetera):[3]

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[2] Reticentia (or *aposiopesis* or *praecisio*) is the term used for a genuine omission, that is, where a speaker fulfils his or her stated intention to omit (Usher 1969: 177). According to Usher, reticentia "can create rhetorical effect by suggesting the availability of a great mass of relevant evidence upon which the speaker does not intend to draw" (Usher 1969: 177).

[3] Two other preparatory conditions the fulfilment of which can be denied and thus result in a *praeteritio* are: 'S believes that he can present evidence for the expressed proposition' (see example 14 in this paper), and 'S believes he is entitled or in a position to express his commitment to the correctness of the proposition (i.e. there are no moral, legal or practical reasons or social conventions that prevent S from doing so)' (see example 16 in this paper). My analysis of the felicity conditions for assertives is based on Peter Houtlosser's (1995: 103-106) analysis of the basic type of assertives, which in turn is based on the felicity conditions formulated by Searle and Vanderveken (1985).

(3) Bush […] warned Congress against limiting funding for the war […]: "I do not believe that someone is unpatriotic if they don't agree with my point of view. On the other hand, I think it's important for people to understand the consequences of not giving our troops the resources necessary to do the job." *(www.usatoday. com/news/ washington/2007-02-26-democrats-iraq)*

(4) You're a smart person**,** so I don't have to tell you that the Internet is making a lot of people rich, you already know that. (*www.makemoneyonline-now. com/ - 28k*)

In example (3), Bush makes it clear that he is not willing to commit himself to the proposition that someone is unpatriotic if they don't agree with his point of view on limiting funding for the Iraq war by indicating that the sincerity condition – that he believes this proposition to be true – is not fulfilled. Nevertheless, his denial in combination with his follow up gives reason to believe that he thinks this is the case. In example (4), the writer is saying that it would be superfluous to inform the reader about the fact that Internet is making a lot of people rich, thereby implying that giving this information is not what he is doing, which is, of course, not true.

As we have seen, it is characteristic of *praeteritio* that while speakers or writers announce that they will pass something over, they mention it all the same. What sorts of techniques are employed to present the information they claim they will not communicate without drawing too much attention to this inconsistency?

I think that in order to answer this question, first a further distinction needs to be made within the ways of presenting a *praeteritio* that I have discussed until now. On the one hand, there are cases where the speaker denies that he is committing himself to a certain proposition; and on the other hand, there are cases where the speaker denies that he is going to tell something, mention something, or talk about something. The speaker then does not deny that he is prepared to commit himself to a proposition, but only denies that he is prepared (or able) to talk about something. The fact that he is committed to the proposition or propositions he is not prepared to express is then left implicit or is taken for granted. This difference has consequences for the way in which speakers will avoid being overtly inconsistent when they say they will not say or tell something which they communicate nonetheless. If the arguer would not make any attempt at masking the inconsistency that is inherent in a *praeteritio*, he would produce *praeteritio's* of the very unrealistic types (5) and (6):

(5) I do not say that he is ill, but he is ill [not p, but p]

(6) I am not going to tell you what his illness was, which is the flu [I will not perform speech act A, which I am performing now]

Such blatant forms of inconsistency will probably not be of much use in getting the arguer's standpoint accepted by the other party since they do not help to keep up the appearance of reasonableness. So how do arguers manage to mask these types of inconsistency?

In the first type of cases, where the speaker denies commitment to a proposition, a technique that is often used is to follow up this denial with a clause introduced by *but*, in which the speaker puts forward an alternative assertion, which at first sight

seems to be a different statement, but on closer inspection turns out to be the same thing in the context at hand. This type of technique seems to aim for a comparable effect as the form of hedging that Hyland (1996: 443-445) refers to as *writer-oriented hedges*. By using this type of hedging, according to Hyland, writers attempt "to avoid assuming explicit responsibility for an assertion while seeking to secure 'uptake' by moving the reader to the writer's standpoint" (1996: 444). Hyland gives the following example of this form of hedging:

> *Although it is premature to answer this question it might be suggested* that synthetases present in nuclei could be involved in the regulation of the processing of […] (1996: 444)

In example (2) a similar technique is employed: when asked for a reaction on Pope Benedict's comments on Islam, Yumakogullari is not prepared to say that the pope is not ignorant when he talks about Islam, but (only) that he does not know anything about Islam, which amounts to the same thing.

In the second type of case, where the speaker announces that he is not going to convey certain information to the listener, there are various techniques that can be employed to camouflage the inconsistency. One way of achieving this effect is to avoid using an all-or-nothing formulation, such as saying that one will not *speak* of something, but instead use a formulation that allows for more gradation such as: "I will not go into details" or "I will not elaborate". Since the criteria for considering something as detailed or not are to a large degree a relative and subjective matter, it is hard to accuse someone of being too detailed when he claims he is not. In example (7) this technique has been used:

> (7) Well, let me start by pointing out Livingston's bad side. I will not go into detail but will give you a list. The cops are corrupt! If they don't like the color of your skin or the clothes you wear, you will be stopped eventually for no reason. The mayor has too much power and he's loose with it. Helping himself and his friends, paying no attention to the town. There are no family activities. Arts? There is a park right next to a highway and a sewer canal, want to play? As far as tourism and history goes who knows? I was never educated about our past here. No one speaks a word of it and tourism is a bust; who wants to come get pulled over (everyone knows about Livingston police). That's all I have to say about this small rumor infested town. (*forum.citytowninfo.com/forum/m-1197044039/48k-*)

A second possibility consists in using a construction like 'I will not tell you how'. (8) is an example:

> (8) I will not tell you how the aircraft dipped and plunged through clouds for the good part of an hour while I sat whimpering in my seat, completely sober, wondering what heaven was like. (*www.knotmag.com/?article=532 - 27k*)

This way of introducing the information may be an effective means of camouflaging the fact that one is providing the information one announces not to provide due to

the potential ambiguity of 'how' as a subordinating conjunction: it can either refer to the way in which something is done or be used to introduce a statement of fact. To take an example, a sentence like

(9) I will not tell you how Bob lost all his money at the casino.

may be used to make two different statements, (9a) and (9b):

(9a) I will not tell you in what way exactly Bob lost all his money at the casino.
(9b) I will not tell you that Bob lost all his money at the casino.

If the speaker only intended to convey the information *that* Bob lost his money, (9) is a clear case of *praeteritio* of the self-defeating type: the information the speaker claims not to give is exactly the information that he does get across. But this may go unnoticed because of the ambiguity of the 'how-construction'. It is even likely that the listener will favour interpretation (9a) instead of (9b) since we may take it that he will assume that the speaker is observing Grice's cooperative principle (1975). The listener will therefore avoid ascribing an infringement of the Quality maxim to the speaker.

A third way of realizing a *praeteritio* without being overtly inconsistent is to use a construction that can also be used in the case of a genuine omission, such as: 'We will not talk about X today' where X is a noun or noun phrase, and not a full statement. If this construction is used with a noun or noun phrase that has negative or positive connotations, however, it can be used to convey exactly the information one wants to convey under the pretence of not doing so. If the intended audience of example (10) is not yet aware of there being a budget deficit, (10) could be a means of covertly informing the audience of the fact that there is a budget deficit:[4]

(10) We will not bring up the matter of the budget deficit here. (*http://www.virtualsalt.com/rhetoric.htm*)

An added advantage of this type of construction for the arguer may be that the information (i.e. that there is a budget deficit) is introduced as if it were already an accepted fact, something that belongs to the common ground, and thus does not merit any critical attention.[5]

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[4] As Levene rightly points out, "praeteritio in a narrative will have a different effect depending on whether it is a passing reminder of something already set out in detail, or forms the sole source of knowledge for the hearers" (2004: 135).

[5] Schmid (2001) discusses comparable constructions with an abstract noun such as 'The fact is that' or 'The trouble is that' by means of which speakers or writers can manipulate the hearer or reader. Presuppositions are often bluffs, according to Schmid, by means of which speakers "trick their hearers into the unfounded belief that certain pieces of information do not require particular attention or even reflection, since they represent mutually shared, familiar ground anyway" (1548). A similar effect is already achieved by the use of the definite article when speaking of "the budget deficit".

A fourth example of how speakers or writers can make a statement or accusation while claiming that they will not make this statement without seeming inconsistent is by making use of a past conditional. They thereby make it clear that the non-fulfilment of a specific condition prevents them from making the statement. The statement is made nonetheless, as in example (11), but in this case it no longer seems to be addressed to the person in question, so that the speaker can deny having called his friend a liar:

(11) If you were not my friend, I would say you are a liar.

3. POTENTIAL EFFECTS OF *PRAETERITIO*

According to the *Ad Herennium*, an important reason for using *praeteritio* is to get some information or evidence across without drawing attention to the fact that one is giving this information or presenting this evidence:

This figure is useful if employed in a matter which it is not pertinent to call specifically to the attention of others, because there is advantage in making only an indirect reference to it, or because the direct reference would be tedious or undignified, or cannot be made clear, or can easily be refuted. As a result, it is of greater advantage to create a suspicion by *Paralipsis* [*praeteritio*] than to insist directly on a statement that is refutable. (IV, 27.37)

Usher gives a similar analysis of the function of this figure of thought and claims that it is being used "as a medium for presenting evidence in such a way that it may be accepted by the audience in spite of its doubtful veracity or value." (1965: 175) He gives the following description of how *praeteritio* might work:

Occultatio [*praeteritio*] is thus used to present material which would, if critically examined by an alert jury, be found false or refutable. It enables a statement to be made and mentally noted by the jury in the speaker's favour; but because he seems to regard it as unnecessary for his argument or irrelevant, they do not examine it too closely. By this means, weak arguments and false evidence could be introduced with confidence under the pretence of omitting them. (176)

Perelman and Olbrechts-Tyteca's description of the use of *praeteritio* also emphasises the usefulness of this figure for speakers who are afraid to use a certain argument:

The specific remedy open to a speaker who is afraid to use a particular argument is to hint at it. Too explicit use of some arguments is contrary to good taste, dangerous or even prohibited. There are arguments that can be referred to only by insinuation or allusion, or by a threat to use them. (Perelman & Olbrechts--Tyteca 1969: 487)

Praeteritio is seen by Perelman and Olbrechts-Tyteca as a type of "semi-renunciation" or "pretended sacrifice" of an argument (1969: 487). According to them, "the sacrifice

of the argument satisfies the proprieties, while it suggests also that the other arguments are sufficiently strong to make this one unnecessary." (1969: 487)

All the authors discussed until now, believe that *praeteritio* is used to present information and in particular arguments in such a way that they do not receive too much attention, but reach the audience nonetheless. Other authors see *praeteritio* first and foremost as a way of emphasising the allegedly omitted material. Lanham, for instance, defines *praeteritio* as a way of "emphasizing something by pointedly passing it over" (1991: 104). And Dupriez makes a distinction between "semi-preteritions which hardly emphasize an utterance" and "true preterition" which "is a form of pseudo-simulation, concealing the better to display" (1991: 354).

I think that *praeteritio* may be a combination of emphasizing and hiding. Instead of just keeping silent about something or refraining from performing a specific speech act, speakers or writers who use *praeteritio* explicitly deny that they are committed to a certain proposition or explicitly announce that they will not speak of something. By denying their commitment to a proposition, the proposition in question becomes more prominent in the consciousness of the audience. As Clark (1975) observes with respect to Richard Nixon's famous "I am not a crook" – statement, denials presuppose that the audience does or could believe what is being denied.[6] And if a speaker announces not to bring up a certain subject, he thereby also draws attention to the speech act he claims not to perform, since this is normally only done in a situation where your audience expects you to perform a certain speech act, or where you yourself would have wanted to do this, but you nonetheless refrain from performing it. For this reason, denying that you are going to perform the speech act focuses the audience's attention on the fact that you could have done this or would have liked to do this.

So denying a commitment or denying that one is going to perform a certain speech act draws the attention of the audience to the information speakers or writers claim not to provide or the speech act they announce not to perform. If this refusal to commit oneself or to talk about something is a case of *praeteritio* and not just of reticence, the information is given nonetheless, but it is generally presented in such a way that the contradiction between what speakers claim to be doing and what they do in reality is camouflaged. As a result, it may become more difficult to establish what the commitments of speakers exactly are, or to hold them accountable for what they have said. It is in this way that *praeteritio*, when combined with specific presentation techniques, can be seen both as a form of emphasizing and of hiding.

4. *PRAETERITIO* AND STRATEGIG MANOEUVRING

The question I would now like to address is what role *praeteritio* can play in an arguer's strategic manoeuvrings. Until now, as we have seen, *praeteritio* has mainly been described as a useful technique for presenting arguments in such a way that they are less likely to raise particular criticisms. *Praeteritio* has thus been considered

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[6] A similar analysis is given by Ducrot (1984: 216-217), who claims that sentences containing a (polemic) negation entail a dialogue with a (silent) second "voice" that maintains the opposite viewpoint.

a device that can be used in the argumentation stage. In my opinion, *praeteritio* may be functional in each of the stages of an argumentative discussion. To make this clear, I shall give some examples of how *praeteritio* can be used in the different stages of the ideal model of critical discussion to further both arguers' dialectical and their rhetorical aims.

In the *confrontation* stage, the dialectical aim is to externalize the difference of opinion so that it becomes possible to make an attempt at resolving it. The rhetorical objective of the participants will be to define the difference of opinion in the way that is the most beneficial from their own perspective (van Eemeren and Houtlosser 2002: 138). If arguers foresee that they will not be able to get the difference of opinion on the table in a way that suits them, they may even try to avoid discussing a certain standpoint or attempt to prevent the other party from advancing a particular standpoint or voicing a certain criticism. In example (12), Chamisa's reaction to the accusation that his faction is on a verbal warpath with the Mutambara camp can be seen as a way of avoiding the discussion of a standpoint by excluding it from the discussion:

Excluding a standpoint from the discussion:

(12) "*I do not want to waste my time commenting on* such baseless accusations", Chamisa said. "I am tired of accusations from people who want to have relevance by lying." (*allafrica.com/stories/200707270571.html*)

Chamisa makes it clear that he does not consider the accusation worth discussing, by saying that he does not want to waste his time commenting on such accusations. This is a clear *praeteritio* and not just a case of reticence, since Chamisa does of course comment on the accusation nonetheless, by characterising it as baseless and by disqualifying those who made it by accusing them of lying only to get the attention. The *praeteritio* makes it possible for Chamisa to accuse his opponents of lying without being asked to substantiate his claim. Since Chamisa has indicated not to be prepared to discuss the matter, asking for further support for his own accusations no longer seems appropriate.

An example of an arguer who attempts to prevent his opponents from disagreeing with his position can be found in example (13), a fragment of a speech by the High Commissioner of the United Nations Relief and Works Agency (UNRWA):

Trying to prevent the opponent from casting doubt on the standpoint:

(13) We have a shortfall between what the General Assembly voted in our budget and what we have received so far by way of commitments and pledges of almost seventy million dollars. If this money does not arrive, somehow we will have to reduce activities in our budget by 70 million dollars, and you can imagine what kind of pain that will be. *I do not want to scare anybody*, and I am sure I won't need to scare anybody because I am confident that the international community will live up to its responsibility and cover this deficit. (*www.un.org/unrwa/news/ fieldevents/almezan-may01.html - 38k -*)

The High Commissioner defends the standpoint that the international community should cover the deficit of 70 million dollars in the budget of the UNRWA. By putting pressure on his opponents he tries to prevent them from casting doubt on this standpoint. Making use of the *praeteritio* allows the High Commissioner to protect himself in advance against criticism on his attempt at coercing the international community into covering the budget deficit. This example shows clearly the paradoxical effect of *praeteritio*: on the one hand, the fact that the arguer is threatening his opponent is made manifest by the arguer's explicit denial of any intent to scare anybody. On the other hand, because of this denial, it becomes more difficult if not impossible to accuse the arguer of putting pressure on his opponent.

Instead of attempting to prevent the discussion from getting off the ground, arguers can also use the confrontation stage to arrive at a definition of the difference of opinion that enhances their chances of winning the discussion. Arguers may for instance present their standpoint in such a way that it becomes more difficult to attack, as in example (14):

Putting forward a standpoint:

(14) One of the secret alerts that was leaked was little more than an abstract of a paper published recently by Stanford University researchers. Given CERT's non-profit, public-good mission, it's hard to see why CERT did not release this report to the public, given that the information on which it was based had already been released (and even discussed on Slashdot). It's worth noting that, having set up a system where it is paid to deliver security secrets to the ISA membership, CERT has an economic incentive to manufacture secrets or to increase their perceived value to ISA members by withholding the secrets from the public for longer than necessary. *I have no reason to accuse CERT of doing this systematically*, but its handling of the Stanford paper does raise questions. (*www.freedom-to-tinker.com*)

The writer first points out that CERT has an economic incentive to manufacture secrets or withhold secrets from the public longer than necessary. Next he denies having reason for accusing CERT of systematically manufacturing secrets. In combination with what he has just suggested about it being in CERT's interest to do exactly that, one can say that he does insinuate this standpoint. The *praeteritio* in this case seems to have the function of an evasion of the burden of proof: the arguer immunizes his standpoint against criticism. It is in particular the type of *praeteritio* where the arguer denies his commitment to a certain proposition, but meanwhile puts forward an alternative standpoint that amounts to more or less the same thing, that is used to make a standpoint more difficult to attack. Since the arguer has denied to be committed to the proposition in question, it seems no longer relevant to criticize this proposition even though it is clearly insinuated. A more extreme case is example (15), where the arguer introduces his standpoint that it would take God to provide a quality public education in America by saying that it would be too easy to say this, but follows up this statement with the claim that it is the truth:

(15) *I suppose it would be too easy to say that* it would take God to provide a quality public education in America, but it is the truth. As civilizations turn away from God, crime rates rise. As musicians turn away from God, their music becomes increasingly discordant and painful to listen to. In the same way, when you take God out of a school's education system, it slowly loses all its quality. (*invisiblob.blogspot.com/2008/04/what-will-it-take-to-provide-quality. html - 72k -*)

So what is the arguer now committed to? That the claim that it would take God to provide a quality public education is an oversimplification? Or that it is a tenable claim?

Another way for parties of attempting to escape responsibility for their confrontational moves is to criticize the other party's standpoint in such a way that they cannot be called to account for any unreasonableness of their criticisms, as "Joe M." does in example (16) in reaction to "Dan's" negative evaluation of "the Big Bite" sketch show:

Criticizing the opponent's standpoint:

(16) *Dan:* Saw 'the Big Bite' sketch show on TV last night. How lame. How Unoriginal. – *Joe M.*: uh, Dan, *it would be too easy to say* 'You do better' but a few people around here make their living from helping comedians get their stuff to air. I'd rather watch and support a local comedy for local people than any imported reality series. (*phorums.com.au/archive/index.php/t-33805.html - 12k*)

Joe M. is in fact committing an *ad hominem* fallacy of the *tu quoque* type when he reacts critically to Dan's standpoint by remarking 'You do better', but because he introduces this reaction by means of a *praeteritio*, by claiming that reacting is such a way would be too easy, it becomes more difficult for the opponent to hold him accountable for this fallacy.

After the confrontation stage the parties may proceed with the *opening* stage, the dialectical aim of which is to establish an unambiguous point of departure for the discussion by coming to an agreement on the starting points. The rhetorical aim of each of the parties at this stage is to establish those starting points that serve their own interest best. Ways of achieving this are for instance to propose a starting point to the other party or to attribute a starting point to this party.[7] In example (17) the latter is done by stating that something has already been accepted as a starting point:

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[7] In van Eemeren, Houtlosser & Snoeck Henkemans (2007: 90-92) a dialectical profile for the opening stage is presented in which it is specified which moves a participant in a critical discussion can make as part of proposing a starting point and responding to such a proposal. The types of indicators of the various moves in this stage of a discussion are also specified and discussed.

(17) I recognize that you (the union) have control over the grievance process – if you don't file a grievance for Senior, his claim under the agreement goes nowhere. *I am sure I do not have to remind you* that you have a duty of fair representation to all employees in the bargening unit, including Bill Jones Sr. See Chauffeurs, Teamsters, and Helpers Local No. 391 v. Terry, 494 U.S. 558 (1990). (*www.roa. org/site/PageServer?pagename= law_review_0705*)

The author is trying to convince the union that it should file a complaint for Bill Jones Sr. by arguing that if the Union does not do so Bill Jones Sr's claim does not stand a chance of being accepted, while it is the Union's duty to represent all employees fairly. The arguer uses an indirect form of *praeteritio* by referring to the superfluity of mentioning this well-established fact to the opponent. The *praeteritio* thus helps in emphasising that this fact is already an agreed-upon starting point (in this case even a legal obligation of U.S. labour unions), meanwhile allowing the arguer to put extra pressure on his opponent to accept the standpoint by explicitly advancing this agreed upon starting point as one of the premises of his argument.

In the *argumentation* stage, the dialectical aim is to advance and criticize argumentation. The rhetorical aim of this stage is "to make the strongest case and to launch the most effective attack" (van Eemeren and Houtlosser 2002: 139). In order to do so, arguers will, for instance, attempt to present their arguments in such a way that they seem as strong as possible. In example (18) one of the arguments for the standpoint that it is not defensible that there are so few African Americans performing or leading in classical music is presented by means of a *praeteritio*. By presenting the strongest argument for his standpoint in this way, the arguer can give the impression that the arguments he has presented so far are already so convincing, that he doesn't even need the strongest argument. Nonetheless, the argument has been made explicit, and can therefore play a role in convincing the opponent.

Presenting an argument:

(18) It is commonly agreed that music is a universal language that communicates powerfully where words often fail. Why, then, in the year 2005 do major American symphony orchestras persist in performing with no African American conductors and, worse yet, only a handful of African American instrumentalists? […] *I won't even mention* the world of opera, whose omission of African American talent is quite blatant and even more indefensible, given the available talent. (*www.niemanwatchdog. org/index.cfm?fuseaction=ask_this.view&askthisid=00124- 34k-*)

The dialectical aim of the *concluding* stage is to establish the result of the discussion: can the protagonist maintain his standpoint or can the antagonist maintain his position of doubt? The rhetorical objective of each party is to "claim victory" (van Eemeren and Houtlosser 2002: 139). In example (19) the antagonist ends the discussion by maintaining his doubt, but does so in the form of a *praeteritio*, possibly to make

it easier to close off the discussion in his own favour without further ado since his 'promise' not to make the persistent disagreement public gives the impression that he is being considerate (or at least it could, if the 'oops' were not added).

Maintaining doubt in the concluding stage:

(19) Thank you very much [t)], and *I promise not to mention* that I disagree (oops). (*www.physicsforums.com/showthread.php?t=237&page=13 - 117k -*)

I hope these examples will suffice to make it clear that the stylistic device of *praeteritio* can contribute to arguers' strategic manoeuvrings not just in the argumentation stage of an argumentative discussion, but in other stages as well.

6. CONCLUSION

As we have seen, using *praeteritio* when putting forward one of the relevant discussion moves enables speakers or writers to focus the attention on the fact that they are not committed to a certain proposition or are not going to perform a certain speech act and meanwhile smuggle in the information they allegedly are going to omit. Making use of a *praeteritio* does not necessarily result in a fallacy. There is nothing fallacious about example (18) for instance, and example (17) would be an evasion of the burden of proof only if what is presented as a common starting point by means of the *praeteritio* would in fact not be an agreed upon starting point. Since in this case the obligation presented as a common starting point is a legal obligation about which no discussion is possible, no fallacy seems to be committed in example (17). Although making use of a *praeteritio* does not by definition result in a fallacy, there is a real possibility that strategic manoeuvres involving *praeteritio's* may derail. *Praeteritio* is a technique which brings about a distinction between what is said 'on record' and what is said 'off the record' and can therefore, generally speaking, be a means of avoiding the responsibilities that one would have taken upon oneself if one would not have used the *praeteritio*.

For the confrontation stage this means that the device of praeteritio can typically result in evasions of the burden of proof, as for instance in examples (14) and (15), where the arguer immunizes the standpoint against criticism by claiming that the position that he is in fact supporting is not the one he wants to defend. Example (12), where the arguer supposedly refuses to discuss a standpoint, but manages by way of the *praeteritio* to make his position clear nonetheless, in effect also amount to an evasion of the burden of proof, since the arguer can now accuse his opponents of lying without being asked to substantiate this claim. And finally, the examples (13) and (16) show that in the confrontation stage *praeteritio* can be a means of committing any type of fallacy associated with the freedom rule of a critical discussion and getting away with it. By denying that one wants to put pressure on the opponent or attack the opponent's person, one can keep up the appearance of innocence and reasonableness, while steering the discussion in the direction one desires.

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CHAPTER 5

ANTICIPATING OBJECTIONS IN ARGUMENTATION

Douglas Walton*

ABSTRACT: Anticipating objections, and even responding to a potential objection in advance as part of your argument, is a common move in argumentation. It is an important argumentation skill for teaching critical thinking skills and for rhetoric. Such a strategy is often called *prolepsis*, although the term has other meanings as well. Although prolepsis in argumentation is a legitimate kind of strategic maneuvering, it can be associated with problems, and even fallacies in some instances. This paper uses argumentation schemes and dialog models to study proleptic argumentation.

It has rightly been emphasized in the literature on argumentation that a well developed capacity to recognize and counter argumentative objections is an important rhetorical skill. Leff (1999: 510). He remarked that the eloquence of the most eminent orators, such as Demosthenes, Cicero, Burke and Lincoln, is based on a dialectical sensibility marked by a well-developed capacity to recognize and counter argumentative objections. We now have fairly well developed tools for the identification, analysis and evaluation of arguments, we appear to have no tools specifically shown to be useful for recognizing and countering argumentative objections during the process of constructing an argument. Techniques for anticipating and to responding to objections that might possibly be made against an argument do not appear to have been studied very much at all in the current literature on argumentation.[1] It is a neglected topic in current research efforts.

The word "prolepsis", which comes from the Greek word *prolambanein*, to anticipate, can have a variety of meanings. One is a figure of speech in which a future

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* University of Windsor, 401 Sunset Avenue, Windsor, Ontario N9B 3P4, Canada.
Assumption Chair in Argumentation Studies.
E-mail: dwalton@uwindsor.ca
[1] Some have tried to convince me that ancient *stasis* theory is such a tool, but I remain unconvinced.

event is referred to before it happens. For example, "If you tell the cops, you're a dead man". Another species of this meaning is the use of a word in anticipation of the circumstances that would make it applicable. For example, in the sentence, "They drained the lake dry", the term 'dry' only applies after the lake has been drained. A third meaning is a philosophical concept used in ancient epistemology by Epicurus and the Stoics to indicate a preconception, a pre-theoretical notion that can lead to true knowledge of the world. A fourth meaning is the anticipation and answering of an objection or argument before one's opponent has put it forward. A fifth meaning is to refer to any figure of speech or text of discourse that anticipates some response, and that incorporates some attempt to reply to the response in advance of its being explicitly made. For example, it might refer to a statement made in a narrative that refers to some part of the story told later. A sixth meaning is a special instance of the fifth called proleptic argumentation in this paper. It refers to an argument (or some other type of move in argumentation, like asking a question), that contains a reply to some potential objection to the argument that might undermine or attack it, or at least raise doubts about the acceptability of the argument.

The art of anticipating objections is fundamentally important for improving critical skills of the kind needed in writing a position paper. But it would seem impossible to anticipate all the kinds of objections that might be made to a given argument. How could students of critical thinking be taught to develop this skill, or at least be offered some useful resources? Two methods are proposed in this paper.

1. A SIMPLE EXAMPLE

At first sight, it looks like it might be fairly easy to analyze proleptic argumentation using the existing resources of argumentation theory. The device of using proleptic argumentation is to anticipate a counter-argument by making an objection or rebuttal, a counter-counter-argument against the existing counterargument. It looks like this sort of structure can be easily modeled by an ordinary argument diagram, using the following method. First we diagram the original argument, then we add to the diagram by showing how the counter-argument can be used to attack the original argument. Then we anticipate the counter-argument by building a counter-argument to that counter-argument, and display the structure of all three arguments on an argument diagram. This methodology seems pretty straightforward, and in certain respects it is useful up to a point in helping to display the structure of proleptic argumentation in any given case.

Let us consider a simple example to show how this analysis works.

The Global Warming Example
Climate scientist Bruce, whose research is not funded by industries that have financial interests at stake, says that it is doubtful that climate change is caused by carbon emissions.

The argument in the global warming example can be classified as proleptic because it anticipates the objection that Bruce's research is biased, because it is funded by

industries that have financial interests at stake. This counter-argument is quite a common kind of objection in debates on global warming.

The argument in the global warming example can be classified as an argument from expert opinion, and an analyzed as having the following form, with three premises.

The Global Warming Example as an Argument from Expert Opinion
Bruce is an expert on climate science.
Climate change is in the domain of climate science.
Bruce says that it is doubtful that climate change is caused by carbon emissions.
Therefore it is doubtful that climate change is caused by carbon emissions.

The global warming argument also contains a statement that anticipates a potential objection. The objection could be analyzed as comprised of the following two statements.

Objection
Bruce's research is funded by industries that have financial interests at stake.
Bruce is biased.

The first statement gives a reason to support the second one. The second one is serious objection, because it would undercut the original argument from opinion. The opinion of a biased expert is not trustworthy or credible. The allegation that the expert is biased, especially if a reason can be given to back it up, tends to make the expert's opinion less plausible than it might be otherwise.

Based on this kind of analysis of the global warming argument as proleptic, some fairly standard sort of analyses of the structure of the argument can be given that helps us to understand how proleptic argumentation works. One way of doing this is to represent the proleptic part of the argument as giving additional support to the conclusion. This suggestion can be represented visually by analyzing the structure of the argument using an argument diagram. One way is to show the structure as a linked argument in which the proleptic premise goes along with the other premises in the argument from expert opinion to support the conclusion.
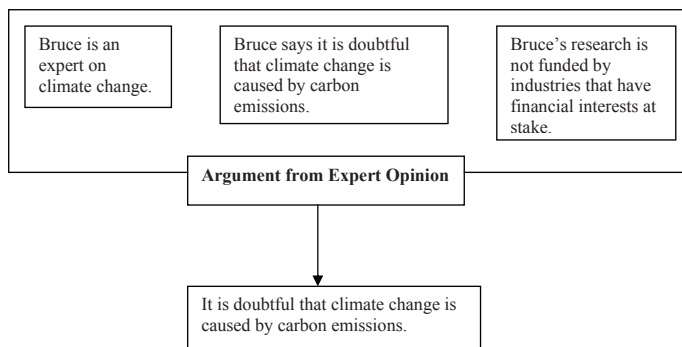

Figure 1: Proleptic Argumentation as Linked

According to this way of representing the argument, the premise that Bruce has nothing financially to gain is part of the argument from expert opinion that functions as additional assumption helping to support it. But is this additional premise really part of the argument from expert opinion? That depends on what we take to be the premises in the argumentation scheme for argument from expert opinion. Argumentation schemes are stereotypical patterns of reasoning used in everyday conversational argumentation, and in other contexts as well, like legal and scientific argumentation. They represent patterns of non-deductive reasoning that have long been studied in argumentation theory.[2] In section 3 we will examine the argumentation scheme for argument from expert opinion and ask the question of which premises should be specified as part of the scheme itself, as opposed to being external considerations outside the scheme. Before examining this question, we also need to consider the possibility that the premise that Bruce has nothing to gain should be seen as falling outside the scheme.

According to another way of viewing proleptic argumentation, the proleptic premise is seen as an additional argument that is separate from the argument from expert opinion, one that provides independent evidence supporting the conclusion. This way of viewing the argument is visualized in figure 2.
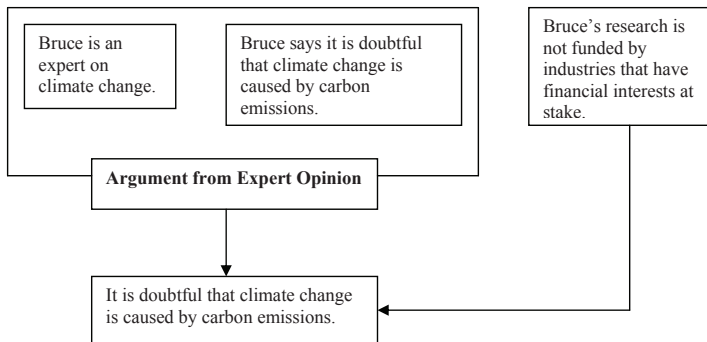

Figure 2: Proleptic Argumentation as Convergent.

According to this way of representing the argument, the premise that Bruce has nothing financially to gain is not part of the argument from expert opinion that functions as additional assumption of presumption helping to support it. It is an independent reason supporting the conclusion. This way of viewing proleptic argumentation seems better, in that it sees the premise that Bruce's research is not

[2] The study of argumentation schemes, or forms of argument that capture stereotypical patterns of human reasoning, is at the core of argumentation research. Recent work (Walton, Reed and Macagno 2008) provides a systematic analysis of many common schemes, and a compendium of 68 schemes. This work surveys not only the history of argumentation schemes, but also covers the latest state of the art results of research efforts in artificial intelligence to systematically classify and codify the schemes. Historically, schemes are the descendants of Aristotle's topics, long thought to be useful for inventing and evaluating arguments. Schemes have been studied by Hastings (1963), Perelman and Olbrechts-Tyteca (1969), Kienpointner (1992), Pollock (1995), Walton (1997), and Grennan (1997).

funded by industries that have financial interests at stake as a separate from the scheme for argument from expert opinion. It is an additional supportive argument that boosts up the argument from expert opinion, but it is not a premise within this form of argument itself.

These first two ways of modeling proleptic argumentation represent the proleptic premise as anticipating and reacting in advance to possible ways that the conclusion might be attacked. But the structure of proleptic argumentation can also be viewed by an analysis that goes deeper into its structure. According to a third analysis, the real thrust or function of the assertion that Bruce has nothing financially to gain is to anticipate and rebut the potential objection that Bruce is biased. It is this objection of bias that is really harmful to the argument. The assertion that Bruce has nothing financially to gain anticipates the bias objection and gives a reason to think that it is not true.

The structure of the proleptic argumentation according to this third analysis can be shown very well by an Araucaria argument diagram. Araucaria is an automated argument diagramming system developed by Glenn Rowe and Chris Reed at the University of Dundee.[3] It can represent the distinction between linked and convergent arguments, and also has a repository for sets of argumentation schemes, like the scheme for argument from expert opinion, that can be applied to individual arguments (Reed and Rowe 2004). Figure 3 shows how Araucaria represents the proleptic argumentation in the Bruce example. Figure 3 shows the argument from expert opinion in the Bruce example on the right. It has three premises joined together in a linked argument supporting the conclusion that global warming is real. Around these three premises and the conclusion is a shaded border showing how the premises are connected to the conclusion, and the name of the argumentation scheme for argument from expert opinion is displayed just above the conclusion. This display shows how the parts of the argument are connected together and how parts of them are based on the argumentation scheme for argument from expert opinion. On the left, the statement Bruce is biased is shown in a shaded box joined by a double arrow to the conclusion of the argument from expert opinion. The double arrow represents what is called refutation in Araucaria. Refutation is like negation. Refutation occurs where one statement is put forward as an attack on another statement, presenting a reason why this other statement should not be accepted.

Underneath that statement that Bruce is biased, as shown in figure 3, there is an argument that supports this claim. Thus we can see in figure 3 the structure of the potential objection from bias to the argument from expert opinion in the global warming example. Visualizing the structure in this way, it is possible to see how the original argument in the global warming example functions as a proleptic argument designed to anticipate the potential refutation based on a claim of bias.

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[3] Araucaria is a software tool for analysing arguments. It aids a user in reconstructing and diagramming an argument using a simple point-and-click interface. The software also supports argumentation schemes. Version 3_1 is available (free) at: *http://araucaria.computing.dundee.ac.uk/*
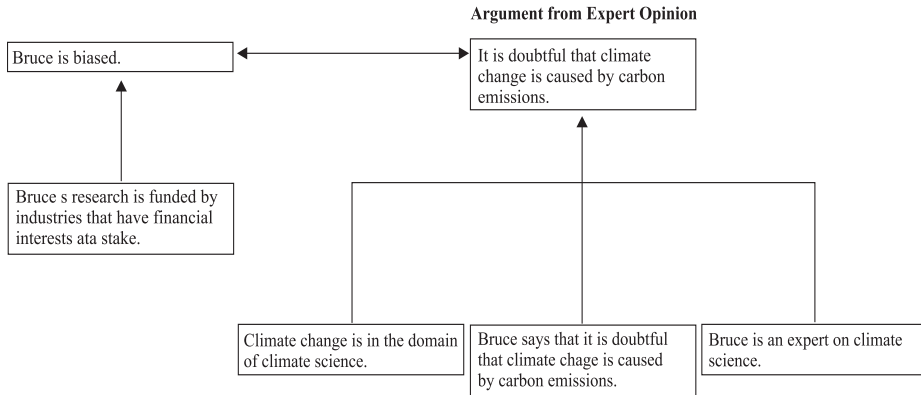
Figure 3: *Araucaria* Diagram for Proleptic Argument in the Global Warming Example.

An even deeper analysis of the proleptic argumentation in the global warming example can be offered once we realize that it is common knowledge in the debate on global warming climate change skeptics are often funded by corporations who have something to gain by promoting the skeptical viewpoint. Waste produced by corporations is an important factor in carbon emissions that are supposedly a significant cause of climate change. Any audience of the climate change debate would presumably know these facts. These generally accepted opinions could be seen as the basis of the bias objection that could be potentially directed against the argument from expert opinion in the global warming example. This way of representing the proleptic argumentation in the global warming example, by basing it on common knowledge,[4] is shown in figure 4.
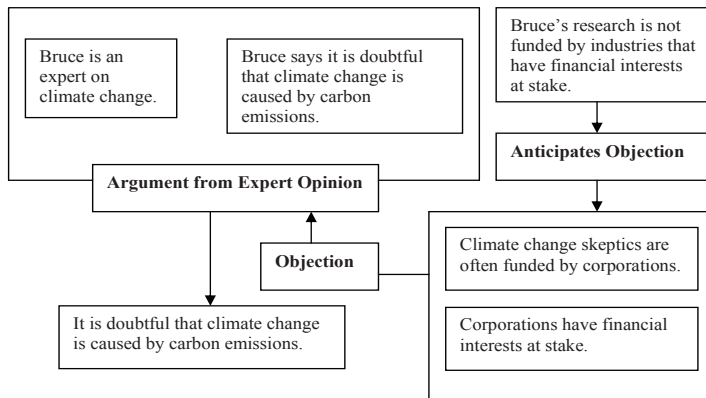
Figure 4: Argument in the Global Warming Example Based on Common Knowledge.

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[4] Govier (1992: 120), categorized a proposition as common knowledge if it states something known by virtually everyone, for example, "Human beings have hearts". Freeman (1995, p. 269) called a proposition common knowledge if many, most or all people accept it. Common knowledge has also now become an important concept in artificial intelligence.

This analysis is comparable to the one shown in figure 3 in that the objection anticipated in the analysis shown in figure 4 could also be viewed as one of bias. In the structure visualized in figure 4, the two assertions that climate change skeptics are often funded by corporations and corporations have financial interests at stake can be seen as premises in a linked argument supporting the objection that the expert on climate change cited in the argument from expert opinion could be biased. The allegation that the expert is biased is a powerful form of attack that could rebut the argument from expert opinion. This analysis shows how proleptic argumentation works and what its basic structure is. A proleptic argument is similar to any ordinary argument except that it builds in a potential objection to the given argument in advance of that objection being made.

The analysis given so far is not only theoretically useful, but could be of practical use in the identification, analysis and evaluation of proleptic arguments. However, as a theoretical analysis of the structure of such arguments, it is incomplete. The other component required to analyze this kind of argumentation is the notion of argumentation as an orderly sequence of dialog moves in which participants take turns putting forward arguments and responding with moves like making objections. The normal sequence of events in such a dialog is that the proponent puts forward an argument at one move, and then at the next move the respondent poses an objection to that argument. Then in a third move, the proponent can reply to the objection. Three moves are involved. However, in proleptic argumentation the order of the dialog sequence of moves is different. In this kind of argumentation, we only have the proponent's argument, and the respondent has not yet made the objection. In advance of the respondent having made the objection, the proponent puts forward the argument already containing a response to that objection. In proleptic argumentation, there is only one actual move in the dialog, and the sequence of three moves is encapsulated in the one move.

This sort of analysis shows much more promise of probing more deeply into the structure of proleptic argumentation in order to provide a theory of that structure. We need two components. First, we need an argument diagram, or some comparable structure that shows how the objection is made as a counter-argument or refutation attacking the original argument. Second, we need an analysis of how argumentation is normally composed of a sequence of moves in which the two participants take turns, and where typically one party puts forward and argument and the other party in the next move makes an objection to that argument. To analyze this component we need the notion of the dialog structure. Since both argument diagrams and dialog structures are fairly well developed tools of argumentation analysis, it would seem that analyzing proleptic argumentation is a task that should be within our grasp. However, there is a problem.

2. ARGUMENTATION SCHEMES AND CRITICAL QUESTIONS

The argument diagram in figure 1 offers a further clue as to how proleptic argumentation might be analyzed. Shown on the right side of figure 1 is the argumentation scheme for argument from expert opinion. In a case where the scheme

of an argument is known, this knowledge could be extremely helpful for us in trying to anticipate what kinds of objections might be made to that argument.

The scheme representing argument from expert opinion was formulated in Walton (1997: 210), with some minor notational changes,[5] as follows. *E* is an autonomous agent of a kind that can possess knowledge in some subject domain. The domain of knowledge, or subject domain, is represented by the variable *D* for a domain of knowledge. It is assumed that the domain of knowledge contains a set of propositions.

> *Argument from Expert Opinion (Version 1)*
> Major Premise: Source *E* is an expert in domain *D* containing proposition *A*.
> Minor Premise: *E* asserts that proposition *A* (in domain *D*) is true (false).
> Conclusion: *A* may plausibly be taken to be true (false).

As shown in Walton (1997) any given instance of an argument from expert opinion needs to be evaluated in a dialog where an opponent (respondent) can ask critical questions. The six basic critical questions matching the appeal to expert opinion (Walton 1997: 223) are the following:

> 1. *Expertise Question*: How knowledgeable is *E* as an expert source?
> 2. *Field Question*: Is *E* an expert in the field *D* that *A* is in?
> 3. *Opinion Question*: What did *E* assert that implies *A*?
> 4. *Trustworthiness Question*: Is *E* personally reliable as a source?
> 5. *Consistency Question*: Is *A* consistent with what other experts assert?
> 6. *Backup Evidence Question*: Is *E*'s assertion based on evidence?

If a respondent asks one of the six critical questions, a burden of proof is shifted back to the proponent's side to reply appropriately. The asking of a critical question from the above list defeats the argument from expert opinion temporarily until the critical question has been answered successfully.

In Araucaria, critical questions matching an argument that has a particular scheme can be displayed on a menu when the scheme is applied to the argument in a diagram structure. For example, in figure 2, the global warming example is displayed in the two boxes in the pane on the right, and its argumentation scheme is displayed in the two boxes in the pane on the left. Some critical questions corresponding to the argument are listed in the box at the bottom. This kind of information could be very useful to someone who wants to put forward the argument in the global warming example by making it into a proleptic argument. The arguer could look through the list of critical questions and ask herself which of these might be a particularly serious objection to the argument she is putting forward.

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[5] Earlier versions used the variable *F* to represent the field of knowledge, while the version above uses the domain *D* of knowledge. It is assumed in some cases that different fields can be identified that represent identifiable domains of knowledge.
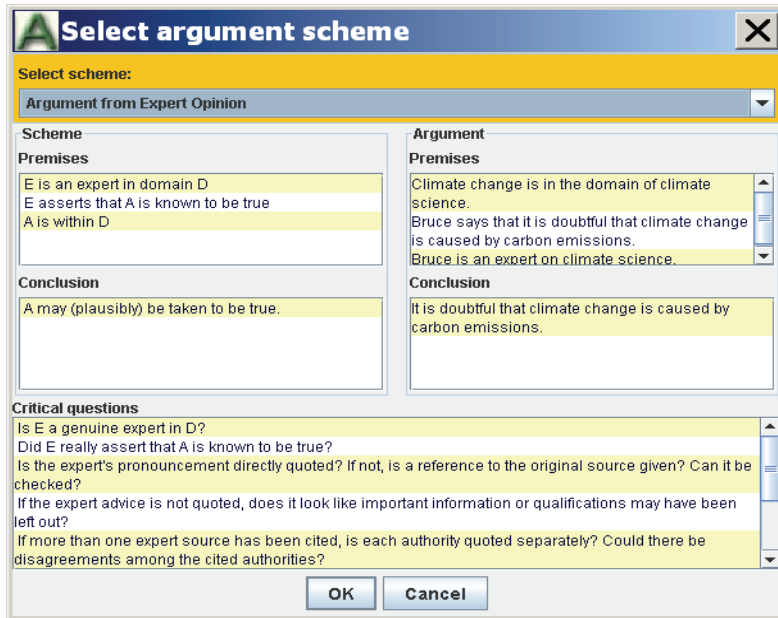
Figure 5: *Araucaria* Scheme Menu for Argument from Expert Opinion.

That tool of using critical questions as a device for anticipating objections to an argument could become even more powerful as critical subquestions under each of the leading critical questions are formulated. The arguer could not only anticipate an objection at one level by finding a critical question that applies to the argument, but could even probe more deeply into a possible objections by looking at specific critical subquestions under a given critical question.

The six main critical questions for argument from expert opinion were presented above. However, under each of these main critical questions a set of subquestions has been recognized through studies of many examples of argument from expert opinion in conversational argumentation. The list below is taken from the summary in Godden and Walton (2006: 278-279).

1. Expertise Question: How credible is *E* as an expert source?

What is *E*'s name, job or official capacity, location, and employer?

What degrees, professional qualifications or certification by licensing agencies does *E* hold?

Can testimony of peer experts in the same field be given to support *E*'s competence?

What is *E*'s record of experience, or other indications of practiced skill in *D*?

What is *E*'s record of peer-reviewed publications or contributions to knowledge in *D*?

2. Field Question: Is *E* an expert in the field that *A* is in?

Is the field of expertise cited in the appeal a genuine area of knowledge, or area of technical skill that supports a claim to knowledge?

If *E* is an expert in a field closely related to the field cited in the appeal, how close is the relationship between the expertise in the two fields?

Is the issue one where expert knowledge in *any* field is directly relevant to deciding the issue?

Is the field of expertise cited an area where there are changes in techniques or rapid developments in new knowledge, and if so, is the expert up-to-date in these developments?

3. *Opinion Question*: What did *E* assert that implies *A*?

Was *E* quoted in asserting *A*? Was a reference to the source of the quote given, and can it be verified that *E* actually said *A*?

If *E* did not say *A* exactly, then what did *E* assert, and how was *A* inferred?

If the inference to A was based on more than one premise, could one premise have come from *E* and the other from a different expert? If so, is there evidence of disagreement between what the two experts (separately) asserted?

Is what *E* asserted clear? If not, was the process of interpretation of what *E* said by the respondent who used *E*'s opinion justified? Are other interpretations plausible? Could important qualifications be left out?

4. *Trustworthiness Question*: Is *E* personally reliable as a source?

Is *E* biased?

Is *E* honest?

Is *E* conscientious?

5. *Consistency Question*: Is *A* consistent with what other experts assert?

Does *A* have general acceptance in *D*?

If not, can *E* explain why not, and give reasons why there is good evidence for *A*?

6. *Backup Evidence Question*: Is *E*'s assertion based on evidence?

What is the internal evidence the expert used herself to arrive at this opinion as her conclusion?

If there is external evidence, e.g. physical evidence reported independently of the expert, can the expert deal with this adequately?

Can it be shown that the opinion given is not one that is scientifically unverifiable?

Having a list of critical subquestions of this sort that fit in a tree-like structure under the original set of critical questions could be very useful in helping us to analyze the logical structure of proleptic argumentation, and even for seeing how an automated system to assist with proleptic argumentation could be built. Consider once again the original Bruce example: climate scientist Bruce, whose research is not funded by industries that have financial interests at stake, says that global warming is real. The problems are to see why the expression, 'whose research is not funded by industries that have financial interests at stake', is there in the argument, what role it plays, and how it could be predicted that such an expression appears in the argument. There is also the practical question of seeing if there is any way a technology for proleptic argumentation could be built that could advise an arguer to build in such expressions that would have an effective proleptic function in anticipation objections that might be

made to the argument. This practical question is more of a question for argumentation technology, but if we could understand how the structure of proleptic argumentation works, it could be very helpful for building such a technology.

Once it is recognized that the global warming argument fits the argumentation scheme for argument from expert opinion, we already know in advance what the standard critical questions are corresponding to this scheme. What we have to do is connect up the expression, "whose research is not funded by industries that have financial interests at stake" with one or more of these critical questions or subquestions. We also know that the trustworthiness question is one of these questions, and we even know from the more detailed list above, that the bias question is a subquestion of the trustworthiness question. What is missing is the link between bias and having a financial interest at stake in something being discussed. This link may not be hard to establish. One way we could establish that link would be to have a further list of critical subquestions under the bias critical subquestion that asks whether and arguer has a financial interest at stake. In the tree structure of critical questions and subquestions, and subquestions of the subquestions, there would be a path between the original trustworthiness question and the question about having a financial interest at stake. This tree structure would give us a way of analyzing the Bruce argument to show what the function of the expression "whose research is not funded by industries that have financial interests at stake" is in the argument. In other words, the device of critical questions would give us a way of analyzing the logical structure of proleptic argumentation. It might even give us a beginning step in the project of devising an argumentation technology based on argumentation schemes and critical questions that would enable an arguer to search for objections that could be anticipated.

This solution would appear to work in cases like the global warming example where the given argument fits a known argumentation scheme like an argument from expert opinion, and where the objection corresponds to some known critical question or subquestion matching the scheme. But there are other more complex cases where these conditions are not met. In some cases of proleptic argumentation, the potential refutation forming the objection to the arguer needs to confront is not a critical question, but a counter-argument. There can be all kinds of possible counter-arguments to a given argument, and they can take many forms. To anticipate a counter-argument that one's opponent may be likely to use in any given discussion would seem to be a much harder task. The counterargument could be an argument with any sort of argumentation scheme, possibly one quite different from the argumentation scheme matching the original argument. How to predict the second argument from only knowing the first one would seem to be quite difficult task. It would seem to require much knowledge of the context of the discussion and the common strategies of one's opponent in that discussion. The next step is to examine an example of this sort.

It needs to be mentioned here that there are some fundamental questions about argumentation schemes and proleptic arguments that need to be asked. In its simplest form, the scheme for argument from expert opinion can be expressed as follows: E is an expert; E says that A; therefore A is true. In outline, this abbreviated form of the scheme expresses the basic thrust of an argument from expert opinion. Hence this

basic form has explanatory power, for example, in teaching critical thinking skills. But what about the other premises in the standard version of the scheme? What about the premise that E is an expert in an identifiable domain of knowledge D, and the premise that the propositions asserted by E falls into domain D? Are these premises to be classified as proleptic, or do they represent premises that are essential to the argumentation scheme?

3. A MORE COMPLEX EXAMPLE

The more complex example treated in this section also involves the global warming debate. To treat the example we need to begin by sketching out the context of this debate.

The conflict of opinions in the global warming debate is a little difficult to pin down, because several propositions appear to be at issue, but the basic contention on each side in the current debate could be specified as follows. According to the currently dominant view, there is a warming of the climate system caused by the release of greenhouse gases from the burning of fossil fuels that is causing bad consequences, like longer droughts, worse heat waves, and more flood-causing rains. According to the contrary view, measurements indicating that there is a global warming are flawed, and if there is any warming, it is not caused by human activities. Proponents of the contrary view are sometimes called greenhouse doubters. They disliked being called deniers, but their opponents often call them naysayers. They could be called skeptics, to use a more neutral term. Given this brief outline of the context of the debate, we also need to make a few remarks about how it fits into the classification of types of dialogues standardly used in argumentation theory. To begin with, it fits into the model called the persuasion dialogue or critical discussion in which there is an initial conflict of opinions, and the purpose of the dialog is to resolve this conflict of opinions by means of rational argumentation.

The type of persuasion dialogue or critical discussion could be classified as being of the dissent rather than the dispute type. In the dispute type of persuasion dialog each participant has a proposition to be proved called his or her thesis, and the thesis of the proponent is the opposite (negation) of the thesis of the respondent. The dispute type of dialog is symmetrical while the dissent type of dialog is asymmetrical in the following sense. In the dissent type of persuasion dialog only the one proponent has a proposition to be proved, and the role of the respondent is to cast doubt on the attempts of the proponent to prove her thesis by rational argumentation. In the dispute type of dialog each participant has a positive burden of proof, well in the dissent type of dialog, only the one side has a positive burden of proof.

With this account of the context of dialog in mind, we can now proceed to an examination of the example. The following argument was found in a *Newsweek* article on controversies about global warming.[6] The argument cited was put forward by advocates of global warming, in response to arguments of their critics portraying

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[6] Sharon Begley, "The Truth about Denial", *Newsweek*, August 13, 2007, pp. 20-29.

scientific opinion as divided. The critics cited a petition signed by over 100 scientists and others, including TV weathermen, who had said that they cannot subscribe to the view of global warming that claims it causes climate catastrophes. The Inter-governmental Panel on Climate Change (IPCC) is an international body that periodically assesses climate research.

The Scientific Truth Example

Scientific truth is not decided by majority vote, of course (ask Galileo), but the number of researchers whose empirical studies find that the world is warming and that human activity is partly responsible numbered in the thousands even then. The IPCC report issued this year, for instance, was written by more than 800 climate researchers and vetted by 2,500 scientists from 130 nations.

In this case, both sides in the controversy are trying to use argument from expert opinion to support their views. The majority of climate scientists now side with the advocates of global warming, and the use of argument from expert opinion citing this majority seems to be their strongest argument. The leading argument of the skeptics is that there is uncertainty on any matter as complex as global warming. The skeptics are using their petition to try to portray science as hopelessly divided on the matter of global warming.

One can see that the argumentation in the scientific truth example is proleptic. It is an argument from expert opinion of a particular sort that seems susceptible to a particular kind of objection. Part of the argument presents a counter-argument to this objection. An analysis of the argumentation in the example is presented below in a series of stages. In this series, the original argument is formulated, then the potential objection to it is formulated, finally, and the objection to this objection is formulated.

Argument from Expert Opinion

The IPCC report supports the hypothesis of global warming.
The IPCC report was written by scientists who are experts.
Therefore the hypothesis of global warming is plausible.

Objection

The global warming skeptics say that scientific opinion on global warming is divided.
If other experts disagree, that finding casts the hypothesis of global warming into doubt.
There was a petition signed by over 100 scientists and others, including TV weathermen who said they do not accept the hypothesis of global warming.
Therefore there is reasonable doubt concerning the hypothesis of global warming.

Reply to Objection

The IPCC report endorsing the hypothesis of global warming was written by more than 800 climate researchers and vetted by 2,500 scientists from 130 nations.

Acceptance by a majority of scientists supports the hypothesis of global warming even if some scientists do not accept it.

Therefore the hypothesis of global warming is plausible even though there may be some grounds for doubt about it.

Objection to Reply to Objection
Scientific truth is not decided by majority vote.
In the case of Galileo, the majority was against scientific truth.

The argument in the part quoted above reduces to a numbers game. Over 100 scientists signed the petition supporting the view of the skeptics. Response, the argument quoted from *Newsweek* cites a report written by more than 800 climate researchers and vetted by 2,500 scientists. According to the numbers, this argument appears to overwhelm the argument from expert opinion previously put forward by the skeptics, whose petition only contained signatures of just over 100 scientists. But this argument appears, in one respect, to be a bit ridiculous, for appeal to expert scientific opinion as a form of argument should not merely be a numbers game. That would make the argument risk being open to the objection that it has now become an appeal to popular opinion, a form of argument recognized generally as being fallacious. As the argument put it, "scientific truth is not decided by majority vote". The argument even cites the case of Galileo, who was forced to recant his scientifically based opinion that the earth orbits around the sun because it conflicted with the majority view of the time that the sun orbited around the earth. What is suggested is that just because a proposition is accepted by a broad majority at the time, including even a majority of the scientists or experts, it does not necessarily follow that this proposition is true. Indeed scientific research has shown us time and time again that widely accepted popular opinions have been proven to be false.

In this case, the argument is proleptic because it puts forward the argument that global warming is supported by a majority of scientists, especially climate researchers who are specialists on matters of global warming, but included within this argument is a reply to a potential rebuttal. The rebuttal is the argument that scientific truth is not decided by majority vote, and therefore this argument putting forth numbers indicating that the majority of scientists support the view of global warming is fallacious. The objection is that it makes the argument a mere appeal to popular opinion, a type of argument shown to be fallacious by the famous case of Galileo.

The argument is proleptic because it anticipates a possible objection in response to that objection by trying to rebut it in advance of the objection being made. This argument is a particularly interesting one to examine, because it involves two argumentation schemes, argument from expert opinion and argument from popular opinion. The argument initially put forward takes the form of an argument from expert opinion, as shown in figure 6.

This objection carries weight because it casts the original argument from expert opinion into doubt by giving a reason to think that other experts do not agree with the original claim made. It follows up the opening made by the consistency critical question matching the scheme for argument from expert opinion.
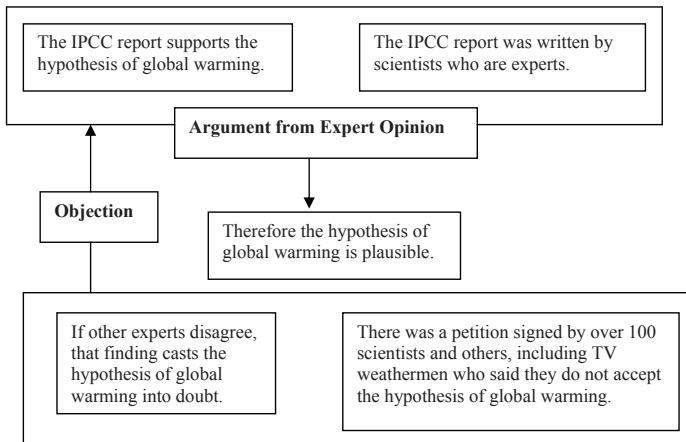
Figure 6: Objection to the Argument in the Scientific Truth Example.

In the second part of the analysis of the scientific truth example above, an objection to this objection is put forward, relating to the fallacy called argument from popular opinion. Although traditionally regarded as a fallacy, this form of argument is not always fallacious. Arguments from general acceptance tend to be weak, and in many instances they only carry much weight by being back up or "bolstered" by other arguments they are combined with (Walton 1997). In such cases, an argument of this sort can be reasonable as a means of shifting a burden of proof to the other side in a dialogue. However, in some cases they do not apply. For example in a scientific inquiry, an argument based on general acceptance could be inappropriate, and could rightly be seen as a fallacious argument from popular opinion. The objection to the objection in the scientific truth example is based on these factors.

To respond in advance to the potential rebuttal to the argument represented in figure 6, a clause is put in claiming that scientific truth should not be decided by majority opinion. The form of the rebuttal to the argument shown in figure 6, based on this objection, is shown in figure 7.

In figure 7, the argument supporting the initial argument in the scientific truth example is shown in the two text boxes at the top. However, this argument is labeled in figure 7 as an argument from general acceptance, a form of argument that is sometimes fallacious. The rebuttal shown in figure 7 attacks the application of the argumentation scheme for the argument from general acceptance, also known as the argument from popular opinion, to the argument previously put forward. The rebuttal argues that this form of argument does not properly apply in this case because scientific truth is not decided by a majority vote, as in the Galileo case.

The objection to the reply to the objection is especially interesting, because it pits one argumentation scheme against another. First, the advocates of the global warming hypothesis use argument from expert opinion to support their view. Anticipating the objection from the skeptics that there are experts who dissent from this view, they add that a large number of scientists, perhaps even a majority, support this view. However, they also appear to be aware of another kind of objection that the skeptics might put

forward: to argue that acceptance by a majority of scientists is a reason for accepting a hypothesis is a mere argument from popular opinion, a type of argument known to be fallacious. To counter this objection they state that scientific truth is not decided by majority vote, and cite the case of Galileo. Of course, this is the very case that might be used against their argument.
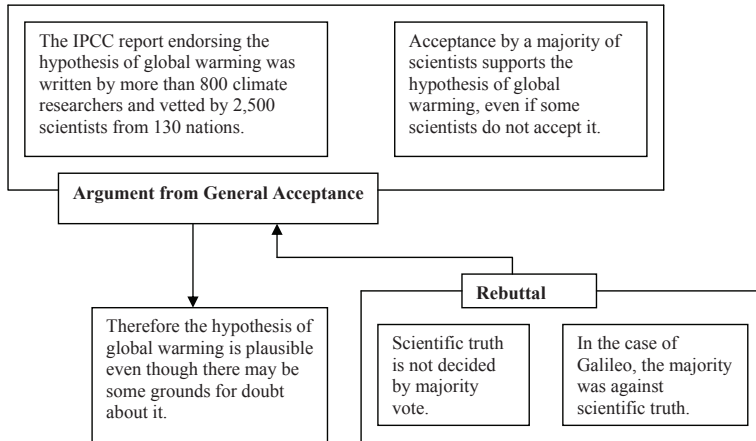

Figure 7: Rebuttal to the Initial Argument in the Scientific Truth Example.

The proleptic argumentation in this example is of a different kind than that represented in the global warming example. In the scientific truth example, the arguer basically uses the argument that she has more experts on her side than the climate skeptics do. This could be seen as a kind of argument from expert opinion but a rather unusual one that appeals to the number of experts. This argument in itself responds to the consistency critical question of whether the opinion of this expert is consistent with what other experts assert. But over and above that, there is an even more interesting kind of proleptic argumentation involved. The arguer is responding to the potential objection by citing the sheer number of experts on her side, she is using a potentially fallacious argument from popular opinion. The objection is that scientific truth should not be decided merely by the number of scientists who accept a particular opinion. This objection is a tricky one, and not too easy to deal with, the point to be made here is that the arguer in the scientific truth example is trying to anticipate this objection and to respond to it with the counterargument in advance of its being made by the opposition in the debate.

It helps us to know the context of the global warming debate as outlined above, because we know that the global warming skeptics are in a vulnerable position, since only a minority of experts on climate science supports their view. Knowing this context, we can see why the proponents of global warming want to stress that the majority of experts agree with their view, and that the view advocated by the other side is a minority view. If they can further argue that this minority view is somehow biased, for example through having something to gain by advocating their opposed the viewpoint, these facts can be the basis for a powerful attack against the view of the skeptics.

Given the context of the global warming debate, we can easily see why proponents of global warming use the proleptic argumentation in the scientific truth example to get the skeptics. We can analyze the argumentation, as above, and see how it works, but it is much harder to try to figure out how such a proleptic argument could be constructed in advance from the data we have. We know that the argument is based on the scheme for argument from expert opinion. And we know something about the context of dialogue concerning the global warming debate. What we don't know is how these two pieces of data can be put together to anticipate the objection, and to encapsulate it into the argument from expert opinion so that it is in response to a kind of objection that could plausibly be made against it.

4. DIALOGUE SYSTEMS

A formal dialog system for argumentation has three stages – an opening stage, an argumentation stage and a closing stage. There are two participants, called the proponent and the respondent, who take turns making moves in form of speech acts, like asking a question, asserting a statement, putting forward an argument, or retracting a commitment. The participants cooperate by taking turns making these moves, and a formal dialog system has rules that define the permitted types of moves, and whether a move is an appropriate response to a prior move made by the other party. Each type of dialog has a communal goal, closure rules determine when a completed sequence of moves has achieved the goal, or whether the dialog has run to its limit of moves and is closed. In the formal dialog theory of Hamblin (1970; 1971), a move is defined (Hamblin 1971: 130) as a triple $\langle n, p, l \rangle$. n is the length of the dialog, defined as the number of moves made, p is a participant, and l is what Hamblin calls a locution, comparable to what is now called a speech act. A dialog is an ordered sequence of such moves in which the participants take turns making the moves. Such a dialog can be illustrated, Hamblin's notation. by a small example dialogue with three moves: $\langle 0, P_0, L_2 \rangle, \langle 1, P_1, L_3 \rangle, \langle 2, P_0, L_1 \rangle$. Each move contains a locution of a certain type (like the asking of a question or the putting forward of an argument). In the example above, at the first move, move zero, participant P_0 puts forward a locution of type 2. At the second move, move 1, participant P_1 replies by putting forward a locution of type 3. At the third move, move 2, P_0 replies with a move of type 1. Such a dialog sequence always begins at move zero, continues as an alternating sequence of moves of the kind specified above, and ends at a last move where it is terminated when it meets the conditions for closure, as stated by the closure rules. Although Hamblin clearly recognized that there could be different types of dialogs, he did not attempt to classify them in any general way. Later work, based on Hamblin's approach, like Walton and Krabbe (1995), classified different types of dialog, including persuasion dialog, negotiation, deliberation, inquiry, information-seeking dialog and eristic (quarrelsome) dialog. The formal systems of dialog Hamblin constructed appear to fit the model of what is now called persuasion dialog. Following Hamblin's approach, four formal systems of persuasion dialog were constructed in Walton (1984) to model argumentation where each party has a designated thesis to be proved by using arguments based only on premises that represent commitments of

the other party. One of these systems, called CB, is comparable as a persuasion dialog to some previous systems of Hamblin (1970; 1971) and Mackenzie (1981). However CB is even simpler. CB was designed to be a basic system, a minimal platform of dialog rules that can be extended to modeling various other more complex kinds of dialog by new adding rules as needed.

The problem posed here is how proleptic argumentation could be represented in a Hamblin-style dialog system like CB. Stating this problem and taking some steps toward a solution paves the way for further research on how to model proleptic argumentation in any formal dialog system. The place to begin is to put forward a precise definition of a proleptic argument in a Hamblin-style dialog system. Let's call the two participants White and Black. We assume that the speech act of putting forward an argument for acceptance by the other party has been precisely defined in a Hamblin-style system. With the structure of the example dialog above in mind, let's say that White has put forward a locution of this type at move m, and the type of this locution fits the structure of the speech act for putting forward an argument. If this argument is proleptic, it is put forward in such a way that it attempts to anticipate an objection that might be made by Black at some future move, perhaps even at the next move in the dialog. White might do this, for example, by adding an additional premise to the argument that responds to some possible objection that Black might plausibly make at move $n > m$. A proleptic argument is one that has this form as a type of move in a formal dialog system.

How could participant in a dialog anticipate what sort of objection the other participant might plausibly make to her argument at move m at some future move n in the dialogue? As shown above, we can partly solve this problem if we go beyond the basic Hamblin-style dialog system and put in argumentation schemes. Indeed, such a system, called ASD (Argumentation Scheme Dialog) has already been constructed (Reed and Walton 2007). ASD allows for a kind of move called a critical attack, which has two distinct effects in a dialogue, depending on whether the critical question posed is an assumption or an exception. In such an enriched dialogue system, if the locution is that of putting forward an argument, this argument may fit an argumentation scheme, and as shown above in this paper, the premise added to proleptic argument may anticipate such a critical attack.

The problem has already been solved (above) for the kind of case in which the proponent puts forward an argument that fits an argumentation scheme and the type of proleptic argument she wants to use is one that anticipates a critical question matching the scheme that might be asked by the respondent at his next move. To get a more general solution, we have to deal with the following kind of case. Suppose the proponent has put forward an argument that fits an argumentation scheme like the scheme for argument from analogy. Now it might be known in advance that this particular type of argument is susceptible to certain kinds of counter-arguments. For example when you put forward an argument based on an analogy, a common type of objection is for the respondent to produce a counter-analogy. But how would a participant in Hamblin-style dialog system that has argumentation schemes anticipate in objection of this kind at a point in the dialog sequence before the respondent has even made it? The answer to this question, suggested already above, is that some study of types of counter-arguments commonly used against a given type of argument needs

to be undertaken. On the basis of this study, common types of counter-arguments matching a given scheme need to be listed in catalogued in a repository or database that can be used by participants in a dialog system. Such research has not been carried out yet, but in the literature on argumentation and fallacies, there are already many remarks that have been made about commonly used counter-arguments matching a given scheme. For example, one common type of response to an *ad hominem* argument is to cast doubt on the arguer's ethical character by arguing that she's just as bad, as shown by her using such a negative argument, or is shown by some comparable incident in which she has shown a bad ethical character. A useful research project for studying proleptic argumentation would be easy to go through the various types of argument that have been studied and catalog the common responses to them that have already been identified.

5. CONCLUSIONS

We have seen that argumentation schemes and formal dialog systems have provided a methodology for constructing proleptic arguments. When an arguer has put forward an argument in a dialog that fits an argumentation scheme, she can construct a proleptic argument by building in an additional premise that anticipates the asking of a critical question matching the scheme at some future move. Thus a dialog system containing a list of argumentation schemes with matching critical questions is a primary method for building proleptic arguments. Still, the investigation of the scientific truth example in this paper has shown that this methodology has limitations. We need to go on to ask what kind of methodology needs to be developed in order to assist with the construction and analysis of proleptic arguments of other sorts. So far, there would appear to be no way to anticipate all the objections that might be made to a given argument, or even all the most powerful ones. To have a secondary method for this task, as our discussion of the scientific truth example showed, one has to take into account factors in the context of dialogue in the specific case. In the case of the scientific truth example, it was important to know some basic facts about the global warming debate, and in particular to know of some facts about how the advocates of global warming argue against global warming skeptics and vice versa. It was also necessary to see how the argument from expert opinion, because it was based on number of experts cited, was open to a certain kind of objection based on argument from popular opinion, another type of argument associated with an argumentation scheme.

A direction for further research on proleptic argumentation is to study how certain kinds of arguments are often objected to by other kinds of arguments that are commonly used to attack them. There is no space for such a project here, as noted above, current work on schemes and fallacies, such common forms of counter--attack to certain types of arguments have been recognized. In Walton (1999) and Walton, Reed and Macagno (2008), it is shown how the *ad hominem* argument is commonly used to attack arguments fitting the scheme of argument from expert opinion. In Walton (1995: 147) it is shown how the scheme for argument from an exceptional case is a refutational scheme opposed to the scheme for argument from an established rule.

The primary method for constructing propleptic argumentation set out in this paper can be summarized as follows. First, take the given example of an argument and see if a known argumentation scheme can be applied to it. If so, carry out the following steps.

The Primary Method

1. Fill in any ordinary premises that might not be explicitly stated in the given argument.

2. Scan over the standard critical questions matching that scheme, and judge which one is most powerful as a potential objection, from what is known of the context of the dialog.

3. Judge whether merely asking the question is enough to defeat the argument, or whether the question needs to be backed up by additional evidence in order to defeat the argument.

4. In the former case, classify the additional premise needed as an assumption.

5. In the latter case, classify the additional premise needed as an exception.

6. If the additional premise needed is an assumption, build in an additional premise to the argument that anticipates this objection and denies it.

7. If the additional premise needed is an exception, build in an additional premise to the argument that anticipates this objection, and provide a new argument to support the premise.

This method will not work if the given argument in the examples selected does not match a known argumentation scheme. Also, it will not work in cases like the scientific truth example, where the counter-argument required is a special one that fits particular features of the example.

Where the primary method will not work, we need a secondary method to be developed. To search for potential objections that are not brought up by the first method, we would need to apply this secondary method by carrying out the following steps.

The Secondary Method

1. Go through the list of common counter-arguments used to attack this particular type of argument.

2. Examine each of these counter-arguments in light of the context of the debate to see if one might fit.

3. If you find one that fits, anticipate the objection by building in a premise stating that this particular type of counter-argument does not apply.

4. Give an argument supporting the premise, for instance by citing an example that shows why this particular type of counter- argument does not apply.

In the scientific truth case this additional argument was the argument that the case of Galileo shows that scientific truth is not decided by majority vote. The secondary method has not been fully developed yet, and will require two kinds of research and collection of data. One, as indicated above, is a survey of the literature

on argumentation and fallacies to find common types of counter-arguments that have already been recognized as matching a particular type of argument. The other kind of research required is to study specific debates and controversies, like the global warming debate for example, to fit together the main types of arguments used in that debate, like argument from expert opinion, and the main types of counter-arguments used to attack the type of argument, like argument from bias. These two bodies of data then need to be combined to build up repositories of known counter-arguments to a given type of argument.

We began by defining proleptic argumentation in a way narrower than including any attempt to reply to any kind of speech act in discourse by anticipating an objection to the making of that speech act in the speech act itself. We narrowed the focus to argumentation by defining proleptic argumentation as referring to an argument that contains within itself a reply to some potential objection, attack or rebuttal that could be made against it. We included under this heading not only counter-arguments but also the asking of critical questions that could raise doubts about the argument. We saw throughout the paper that these two kinds of cases had to be handled differently. We first of all showed how a system like Araucaria can be used to visualize the argument structure of some kinds of refutations. We also showed how the system, supplemented with argumentation schemes, provides a way of anticipating typical critical questions that match an argument fitting one of these argumentation schemes.

We used the global warming example to show how this technology can be used to anticipate objections to common types of arguments, suggesting that it could provide a useful tool for assisting a critical arguer to build proleptic arguments. We showed how this technology could be an extremely powerful tool, once critical questions under each of the main critical questions matching an argumentation scheme have been settled in a systematic way. Such a nested list of critical questions produces a tree of basic objections and more specific objections that can be used against an argument a given type.

We then went on to examine the problem of extending this framework to dealing with more complex kinds of cases in which the task is to anticipate a counter argument that could be of a more variable kind. To illustrate this problem we used the scientific truth example, a real example of an argument on a controversial debate found in a news magazine. In this kind of case the counter-argument contained within the proleptic example would not have been possible to anticipate going by a standard list of critical questions. In this case a completely different type of argument was a potential attack against a given argument in a more subtle way that would have been difficult to identify without knowing in advance what the response was.

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COOPERATION AND COMPETITION
IN ARGUMENTATIVE EXCHANGES

Erik C. W. Krabbe*

ABSTRACT: Cooperation and competition are two aspects of argumentative exchanges that are amply illustrated in Plato's dialogues. Since the days of Aristotle two corresponding trends are present in argumentation theory. One trend is to see argumentation as a common enterprise in which both parties in a dialogue cooperate to produce good arguments; the other is to see argumentation as a contest in which both parties compete to let their own arguments prevail.—This paper purports to clarify the way these two trends are to be understood. It discusses Aristotle's approach in *Topics* 8 as well as contemporary contributions from formal dialectic and pragma-dialectics. It is pointed out that the opposition between cooperative and competitive aspects of argumentation should not be confused with that between a normative and a descriptive approach or that between rhetorical and dialectical aspects.—It will be argued that both trends should be taken into account when constructing a normative model for argumentation. There are several ways in which this could be achieved: (i) the cooperative and the competitive aspects could be assigned to different types of dialogue; (ii) one of the aspects could be subordinated to the other; (iii) both aspects could be reconciled to coexist in separate compartments of one type of dialogue.

1. INTRODUCTION

When arguments are presented there must be an arguer (or arguers), whether this be a person, or a group of persons, or some institution. Unless the argument is meant for the rocks and the streams, there must also be an addressee (or addressees), again a

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* University of Groningen, Oude Boteringestraat 52, 9712 GL Groningen, The Netherlands.
Professor Emeritus of Logic and Philosophical Theory of Argumentation.
E-mai: E.C.W.Krabbe@rug.nl

person or a – perhaps only vaguely denoted – group of persons, or some institution. Hopefully, for the arguer, there are also some receivers of the argument: these need not include all or even any of the addressees, but may include these and moreover some others: those listening in. When the receivers react to the argument, either by accepting it or by advancing questions, objections, or even counterarguments, there is an argumentative exchange.[1] Usually such exchanges occur, besides other kinds of exchanges, in a context of discussion, dialogue, or debate.

Now, an argumentative exchange is something for which neither the arguer nor the receiver who reacts to the argument (the respondent) is exclusively responsible. It is something they construct together. In this sense there can be no doubt that arguer and respondent do cooperate. But cooperation in argumentative exchanges goes much further. For one thing, general pragmatic principles, such as Grice's Cooperative Principle, apply to argumentative exchanges as much as to other forms of communication. Also, most often there is some further goal or purpose shared by an arguer and a respondent, ranging from understanding the contents of their exchange, to agreement, resolution of differences, joint action, and attaining the truth. Thus, in the extreme, arguer and respondent are in no way opposed, but peacefully and serenely building up the arguments that will help them reach their common goals in full harmony. Such "cooperative argumentation" is sometimes strongly preferred over "competitive argumentation" because the former constitutes an "approach to disagreement … [that] is a process of reasoned interaction intended to help participants and audiences make the best assessments or the best decisions in any given situation" (Makau and Marty 2001: 87). It is the type of argumentation for which Daniel Cohen (1995: 186) introduced the metaphor of a barn raising gathering.

But then, argument is war. About this other metaphor, Cohen wrote that it:

> … manages to permeate to all corners of our discourse about arguments and our argumentation practice. We routinely speak, for example, of *knockdown*, or even *killer*, arguments and *powerful counterattacks*, of *defensible* positions and *winning strategies*, and of *weak* arguments that are easily *shot down* while *strong* ones have a lot of *punch* and are *right on target.* (1995: 178, original emphasis)

In his paper, Cohen recognized the dangers of this metaphor and argues for other metaphors. But in the end he deems it unlikely "that any single metaphor can fit all the shapes that arguments take or serve all the purposes that arguments serve" (1995: 187). This includes the barn raising metaphor.

But even if the war metaphor may be dangerous and needs to be replaced by other metaphors, that doesn't mean that it doesn't have a point. Besides cooperation, there is this other side of argumentative exchanges, which shows them to be antagonistic and even adversarial. The arguer wants to convince the addressee; the addressee, if she receives the message, may respond in order to resist the message. From this some altercation may ensue. Even if both parties do abide by shared rules of discussion

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[1] To be precise: argumentative exchanges may also precede the argument, for instance when a prospective addressee asks for an argument or when a prospective arguer asks an addressee to grant a premise.

their interaction may be highly competitive, given that both have interests at stake and prefer the issue to be resolved in their own favor. But a resolution in favor of one party excludes one in favor of the other because, as Aristotle says, "then [if parties are merely competing against one another] they cannot both reach the same goal, since more than one cannot be victorious" (*Top.* 8.11, 161a39-b1).[2]

In this paper these two trends, which are clearly to some extent at odds, will be further scrutinized. After a short discussion of their appearance in Plato's dialogues (Section 2), it will be seen how they fare in Aristotle's theorizing (Section 3), and in contemporary dialectic (Section 4). This will lead to some observations about dialectical models and ways these may incorporate and reconcile both trends (Section 5).

2. PLATONIC ROOTS

The cooperative and competitive aspects or trends of argumentative exchanges are clearly present in Plato's dialogues. The competitive strain is evident in the earlier dialogues, most prominently in the *Euthydemus,* where each questioner tries to trip up his interlocutor in order to refute him. It is true that, in the *Euthydemus*, the metaphors used when reflecting on the argumentative conversation are not those of war, but they are all the same those of a wrestling match (*Euthydemus* 277d, 288a). The audience laughs and cheers when they see a respondent biting the dust (*Euthydemus* 276b, 303b). The cooperative strain is dominant in the later dialogues, where the questioner (Socrates, the Athenian, or the stranger) exerts control over the direction of the conversation and an extremely cooperative, or even subservient, respondent volunteers mostly affirmative answers ("Yes, Socrates", "Of course, Socrates").

In Plato's *Protagoras* (334c-338e) the issue of competitiveness versus cooperativeness appears as the underlying motive for negotiations about the rules of discussion among the discussants themselves (Socrates, Protagoras, Callias, Alcibiades, Critias, Prodicus, and Hippias). At face value, these negotiations constitute a discussion at a meta-level concerned with procedural matters (Krabbe 2002, 2003); but Jonathan Lavery, who carefully analyzed the passage, has pointed out that what is really at issue in these negotiations "is the prior *ethical* disagreement about the nature of the discussion the participants are engaged in: Is it a competitive debate or a collaborative conference" (Lavery 2007: 5, original emphasis). When Socrates succeeds getting his interlocutors to agree upon some impartial, non-partisan standards of discourse,[3] the essence of this "victory" is not, as commonly supposed, that Socrates has forced Protagoras to conform to Socrates' preferred way of arguing (by questions and short answers):

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[2] Quotations from the *Topics* are taken from the translation by E. S. Forster (Aristotle 1976).

[3] Summarized in Krabbe 2002: 37: "The outcome of these negotiations is the following: the discussion will proceed in the dialectic rather than the rhetorical mode; both parties will take turns as Questioner and as Answerer; Protagoras will be the first Questioner; the audience as a whole will act as chairmen; if Protagoras does not stick to the question in his replies, Socrates and the audience will ask him 'not to ruin the conversation' (this sanction may have been more severe than we appreciate)" (338c-e).

Socrates' real "victory", so to speak, in securing this outcome consists in elevating the discussion from that of a contest to that of a collaborative venture. Yet it remains a collaboration in which all the participants fulfill their function by maintaining a *critical* posture towards each other. (Lavery 2007: 11, original emphasis)

Lavery concludes that:

... the message underlying *Protagoras* is... that in *a properly constituted conference* discussion will proceed as a conversation in which all the participants respect impartial standards of discourse. (Lavery 2007: 13, original emphasis)

Thus the discussants settle for a mode of discussion that is essentially cooperative, but also competitive in as far the participants "fulfill their function by maintaining a *critical* posture toward each other". This critical, competitive aspect is borne out by the further development of the dialogue.

The concept of a cooperative mode of discussion, with competitive aspects, developed in Plato's *Protagoras,* corresponds to – and may lie at the root of – Aristotle's notion of dialectical discussion, to which we turn in the next section.

3. THE EIGHTH BOOK OF THE *TOPICS*: CONCEALMENT AND A COMMON TASK

In the eighth book of the *Topics* Aristotle discusses dialectical procedure, giving instruction for both questioners and respondents. The book is somewhat puzzling, as it seems to shift between competitive and cooperative conceptions of argumentative discussion. One difficulty for the modern reader is that Aristotle presupposes familiarity with a kind of discussion we are no longer familiar with in daily life. The constitutive rules of these discussions are nowhere systematically expounded. Nevertheless we know some of the essentials, such as there being two roles: the Questioner (Arguer) and the Answerer (Respondent). The Questioner proposes a problem for discussion (e.g., "Is virtue teachable, or not ?"); the Answerer selects a thesis to uphold (an answer to the problem). The contradictory of this thesis, is sometimes called the thesis of the Questioner, it is the conclusion the Questioner is to deduce. In order to do so, the Questioner asks the Answerer to grant certain premises. It is not upon the Answerer to defend his thesis by argument; only the Questioner is to defend his. If the Questioner succeeds, the Answerer is said to have been refuted. This brief sketch may suffice.[4]

At first sight, this way to arrange argumentative discussions seems to favor the competitive view of arguments. This impression gets confirmation from Aristotle's discussion of concealment (*krupsis*), that is: the tactics to be used to keep the Answerer ignorant about the way the Questioner intends to go about reaching his conclusion, thereby refuting the Answerer (*Topics* 8.1). Why would one keep one's interlocutor

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[4] The sketch is a bit misleading in its simplicity: premises can also be established by induction, analogy, or a preliminary deduction. So the argument a Questioner builds up may be quite complex. Further, the answerer may present objections, and thus become an arguer himself.

ignorant about the way one's argument is going? Why must the conclusion be established by surprise? From an entirely cooperative point of view, this cannot be understood. However, according to Aristotle, premises 'which are used for concealment are for contentious [i.e., eristic] purposes; but, since this kind of proceeding is always directed against another party, these also must be employed' (*Topics* 8.1, 155b26-28).

Aristotle goes on (*Topics* 8.1, 156a7-157a5) to recommend some astounding tactics for the Questioner to avoid that his argument be spoiled by an untimely discovery of the plot. If you are a Questioner you should, for instance, complicate your reasoning by deducing also the premises (as many as possible) of the ultimate deduction of your thesis; you should, however, refrain from disclosing your conclusions beforehand (leaving your interlocutor in confusion about what you are up to), but deduce them later, in one fell swoop; you should ask for various premises shifting from one part of the argument to another, in order to avoid asking consecutively for premises that are to be linked to reach a conclusion and thus giving away what this conclusion will be; when asking for some proposition to be granted you should keep the Answerer in the dark about whether you need this proposition itself or its contradictory for your argument; to quench suspicions, you should once in a while raise an objection against your own argument; when proposing a premise, you should stress that it conforms to what is generally accepted, and therefore should be admitted; you should not be too eager to get your premise admitted, for thus you may arouse resistance; you should ask for the premise you need most at the end, since most people start denying at the beginning but more easily admit things later; however, with some difficult Answerers this is the other way round: they get more and more reluctant to concede anything, so with these people you should ask for this premise at the beginning; you should prolong your argument and introduce irrelevant points, thus covering up what is wrong. Some of these tactics are also listed in the *Sophistical Refutations* (Ch. 15), together with some others, such as that you should go fast, to prevent people from seeing where you are heading, and that you should try to incense the Answerer so as to make him less attentive. Perhaps these latter tactics are only meant for purely competitive (contentious, eristic) discussions – which Aristotle does not really champion –, but the ones listed in *Topics* 8.1 seem rather intended for a kind of dialectic interchange of which Aristotle approves and that is at the focus of his interest (dialectic proper, one might say). We must conclude that a number of tactical recommendations about concealment apply both to eristic discussions and to dialectic proper, and that this latter kind of discussion has some competitive (contentious, eristic) features.

In *Topics* 8.5, this latter kind of discussions is clearly set apart from purely contentious (eristic) discussions as well as from didactic discussions, which seem to be conceived of as purely cooperative. It is the kind of discussion of those concerned with exercise, examination (peirastic), or inquiry.[5] Its cooperative character becomes

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[5] These types of discussion correspond to those that are implied by the four kinds of arguments used in discussion distinguished in *Sophistical Refutations* 2: didactic (or demonstrative) arguments, dialectical arguments (in a narrower sense), examination-arguments (peirastic arguments), and contentious arguments (eristic arguments). Peirastic is described as a department of dialectic (*Soph. Ref.* 8, 169b25; 11,

apparent in various passages. For instance, the rules for the Answerer Aristotle expounds in the same chapter (8.5) actually require the Answerer to assist the questioner in constructing a good argument, and thus to contribute to his own refutation, if such a refutation by good argument is feasible. A good argument, according to Aristotle, starts from premises that are more acceptable and more familiar than its conclusion. Marta Wlodarczyk (2000: 156) has dubbed this principle the Overarching Principle (OP).[6] Following this principle, a good Questioner must ask for premises that are more acceptable than the conclusion he is to prove. But, according to the rules in *Topics* 8.5, not only the Questioner, but also the Answerer, is to guard the quality of the argument in this respect: if the Questioner asks for a premise that fails to be more acceptable than the conclusion to be reached by him, the Answerer should not concede it. On the other hand, the Answerer should concede any premise than is more acceptable that the conclusion to be reached by the Questioner.[7]

The cooperative side of dialectic gets a terse expression when Aristotle talks about a common task (*koinon ergon*). At least part of this common task must consist of constructing good arguments, conforming to the Overarching Principle (Wlodarczyk 2000: 167). But not every Answerer is as cooperative as one would wish:

> … often the person questioned is the cause of the argument not being properly discussed, because he does not concede the points which would have enabled the argument against his thesis to have been properly carried out; for it is not within the power of one party only to ensure the proper accomplishment of the common task. It is, therefore, necessary sometimes to attack the speaker and not the thesis, when the answerer is on the watch for points against the questioner and also employs abuse. By behaving peevishly, then, people make their discussions contentious instead of dialectical. (*Topics* 8.11, 161a17-24)

Difficult ("peevish") behavior by one party makes it necessary to use contentious (eristic) means even in a predominantly cooperative dialectical discussion. Here these means (*ad hominem* attacks against a speaker) may go even beyond the tactics of concealment. They are directed at a difficult Answerer, but not only the Answerer can misbehave:

171b4-5). Cf. Krabbe and Van Laar 2007: 37, where a reference to *Topics* 8.5 would have strengthened our point of view.

[6] The rules in *Topics* 8.5 are analyzed in Wlodarczyk 2000: Section 2. In her article Wlodarczyk argues both for the competitive and for the cooperative nature of dialectic on the basis of a careful analysis of various passages.

[7] These rules are given for three different situations, determined by whether the thesis of the Answerer is unacceptable, acceptable or neither. For the first situation Aristotle stipulates what the Answerer should not concede, for the others what he should concede. In the first case it may be understood that other premises should be conceded and in the second case that other premises should not. Cf. Wlodarczyk 2000: 159, who, after stating the rule for the first case, writes: "In other words, the answerer should concede, as Aristotle goes on to say (159b13-14), those premises which are *endoxa* and more *endoxa* than the conclusion…". I agree that this may be implied, but do not find Aristotle saying so explicitly.

Now in business he who hinders the common task is a bad partner, and the same is true in argument; for here, too, there is a common purpose, unless the parties are merely competing against one another; for then they cannot both reach the same goal, since more than one cannot be victorious. It makes no difference whether a man acts like this in his answers or in his questions; for he who asks questions in a contentious spirit and he who in replying refuses to admit what is apparent and to accept whatever question the questioner wishes to put, are both of them bad dialecticians. (*Topics* 8.11, 161a37-161b5)

Aristotle may denounce the contentious (eristic) spirit; even so such tactics remain a necessary element of dialectic. In the earlier quotation we saw how this gives us a way to handle a contentious interlocutor. One may doubt whether reacting in a contentious way oneself would indeed be the right way to go about such cases (should one react to a fallacy by a fallacy?). But leaving this issue aside, we also saw that contentious tactics, such as those of concealment, were deemed necessary 'since this kind of proceeding is always directed against another party' (*Topics* 8.1, 155b26-27). This other party need not even be difficult (peevish) to make these contentious tactics appropriate.

What we have found can be summed up as follows:

(1) Aristotle recognizes contentious (eristic) discussions; they are purely competitive.[8]
(2) Some contentious tactics should also be used in dialectical discussions proper, especially, but not exclusively, when one is confronted by a difficult interlocutor.
(3) The core business of these dialectical discussions, however, consists in the cooperative construction of good arguments.
(4) Possibly, didactic (demonstrative) discussions between a teacher and a student were conceived of as purely cooperative.

Thus we find that there are contexts where argument is competitive (eristic discussions) and where it is cooperative (didactic discussions), whereas in dialectical discussions proper it is both. In the latter case one may, moreover, expect that the competitive features will not thwart, but rather further the cooperative accomplishment of the common task. As Wlodarczyk writes:

It seems… that the desire to win, as long as it is subordinated to the desire to accomplish the common task, would not hinder good dialectic. Moreover, assuming the dialecticians pursue the common task, the desire to win could be seen as a stimulus for pursuing it better than the opponent and hence for achieving the best argument for a given conclusion. (Wlodarczyk 2000: 170, note 41)

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[8] Except that even contentious discussions must be cooperative in as far as they constitute an interaction.

4. NEW KINDS OF DIALECTIC

After having discussed these ancient conceptions of dialectic, I want to inspect some of the new kinds of dialectic that have come forward the last fifty years, to see how they are positioned with respect to the issue of cooperation versus competition. We shall first consider formal dialectical approaches and then turn to pragma-dialectics. The New Dialectic (Walton and Krabbe 1995; Walton 1998), in which the degree of cooperativeness depends upon the type of dialogue, will be considered in Section 5.

4.1 Formal Dialectic

The year 1958 was a remarkable year for the theory of argumentation. I do not need to remind you of the seminal works by Toulmin and by Perelman and Olbrechts--Tyteca, whose fiftieth anniversary is celebrated at this conference. But 1958 was also the year of birth of a new kind of dialectic that was ultimately to become part of the stock-in-trade of argumentation theory. I'm referring to Paul Lorenzen's introduction of dialogue logic at a conference in Venice, where he read his paper *Logik und Agon* [Logic and agon (= contest)].[9] In *Logik und Agon,* which was a paper about logic rather than theory of argumentation, Lorenzen sharply contrasted the agonistic roots of logic, with the solo-minded and monolectical points of view of the logicians of his time. Stressing the roots of logic in ancient dialectic, he wrote:

> If one compares this agonistic origin of logic with modern conceptions, according to which logic is the system of rules that, whenever they are applied to some arbitrary true sentences, will lead one to further truths, then it will be but too obvious that the Greek agon has come to be a dull game of solitaire. In the original two-person game only God, secularized: "Nature", who is in possession of all true sentences, would still qualify as an opponent. Facing Him there is the human individual – or perhaps the individual as a representative of humanity – devoted to the game of patience: starting from sentences that were, so he believes, obtained from God before, or snatched away from Him, and following rules of logic, he is to gain more and more sentences. (Lorenzen and Lorenz 1978: 1; translation ECWK.)

Dialogue logic, in contradistinction to semantic and inferential approaches to logic, starts from a dialectical situation. There are two parties, called "Proponent" and "Opponent", roughly corresponding to the Questioner and the Answerer in ancient dialectical discussions. The Proponent has a thesis to defend; the Opponent attacks the Proponent's thesis, but has no thesis of his own to defend. The Opponent, however, makes concessions – either initially or following upon the Proponent's questioning – that

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[9] This paper, published as Lorenzen 1960, remained rather unknown until it was republished in Lorenzen and Lorenz 1978. Until then, the best-known early paper on dialogue logic had been Lorenzen 1961.

the Proponent may use to defend his thesis. Systems of dialogue logic (dialogue games) are defined by stipulating sets of rules that completely determine the possible moves in each situation in each kind of game. On the basis of such games one can define concepts of logical validity, but that is not our present concern. Rather, we are concerned with the significance of Lorenzen's move for the study of argumentation. In fact, Lorenzen started bridging the gap between logic and argumentation theory by introducing into logic two roles and a difference of opinion, as well as rules to resolve the difference, and thus brought logic half-way to meet the interests of theory of argumentation.

Clearly, in dialogue logic great store is set by the competitive side of discussion. Winning and losing are basic notions in dialogue logic. The same holds for attempts to reformulate and justify rules of dialogue logic as rules of a model of argumentation. Such an attempt was undertaken, about thirty years ago by Else Barth and myself (Barth and Krabbe 1982: Ch. 3, 4). That there should be opportunities for winning and losing was obvious:

> Why should the debaters enter into a discussion at all? There must be some possible – spiritual, if not material – immediate results, desired by the debater in question. (Barth and Krabbe 1982: 71)

The quoted passage is followed by rules that introduce formal winning and losing, stipulating precisely when a party must admit that the other has won or may claim that the other has lost, with careful instructions to recognize the rationality of the means used by the other, when doing so. If you have won and the other has lost, your reward consists in your interlocutor's admission that this is the case, and in your right to proclaim so. If you have lost and the other has won, your punishment consists in your duty to admit that this is the case and the right of the other to proclaim so. The stakes may not seem excessively high, yet it may be clear from this example that Barth and I wanted to highlight the concepts of winning and losing, appreciating the value of competitive behavior for what we called a "resolution of conflicts of avowed opinions".

In contemporary theory of argumentation the appreciation of competition and controversy differs. There seems more appreciation of cooperative than of competitive argumentation as a normative theory.[10] What is certain, however, is that the issue of whether to go for competition or for cooperation, is not an issue about the descriptive versus the normative. It is simply not true that though in real life argument may be competitive, our norms all endorse the cooperative point of view. On the one hand, there is real cooperation in real life; on the other hand, some norms endorse the competitive point of view, as we saw to be the case with norms of formal dialectic.

But even so, formal dialectic is not in every respect and always on the competitive side. Some cooperation, of course, is needed to play the game. Moreover there are other kinds of formal dialectic than the one inspired by Lorenzen. In fact, the term "formal dialectic" was not even used by Lorenzen; it has been introduced by Charles

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[10] A balanced view has been presented by Trudy Govier 1999.

Hamblin (1970). In Hamblin's systems of formal dialectic winning or losing a game is not the point. Consequently these systems cannot be used to define concepts of validity, which make logicians sad. But, of course such systems can be used as models for argumentative exchanges. These then, are models that do more adhere to the cooperative than to the competitive point of view but nevertheless provide strictly formal dialectic rules for specific interactions. Thus systems of formal dialectic may emphasize either point of view.

4.2 Pragma-Dialectics

Nowadays there are two versions of pragma-dialectics: the older standard version (Van Eemeren and Grootendorst 1984, 2004) and the newer, integrated version (Van Eemeren and Houtlosser 1999, 2002). I shall first discuss the standard version.[11] In critical discussion – the normative model put forward by pragma-dialecticians – the principal goal is to reach a resolution of a difference of opinion. A resolution is not just a consensus, let alone a settlement or an agreement to disagree. According to Van Eemeren and Grootendorst (2004: 58) a "difference of opinion is only resolved if a joint conclusion is reached on the acceptability of the standpoints at issue on the basis of a regulated and unimpaired exchange of arguments and criticism."[12] As in formal dialectic systems, there are two parties or roles: the Protagonist and the Antagonist. These have different tasks but share the same goal of resolving their difference of opinion, a goal that reminds one of Aristotle's common task. Thus one may expect a high level of cooperation between the two parties. Indeed, they are sometimes asked to make some decisions together, for instance when, in the concluding stage, they have to determine the outcome of the discussion.[13] Yet, not all competitive features are absent. It may be that the pragma-dialecticians do not speak of winning a discussion, but they speak of resolving a difference in one's favor, a difference having been resolved in favor of the Protagonist if the parties are, ultimately, in agreement that his standpoint is acceptable (and the Antagonist's doubt must be retracted) and in favor of the Antagonist if they are, ultimately, in agreement that the standpoint of the Protagonist must be retracted (Van Eemeren and Grootendorst 2004: 61-62). On close inspection, this concept of getting an issue resolved in one's favor is similar in function to what formal dialecticians mean by 'winning a discussion' and indicates a competitive aspect of critical discussion. The general set-up of critical discussion and the division of labor between the Protagonist and the Antagonist point in the same direction. In the standard version of pragma-dialectics, therefore, the cooperative

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[11] Though the integrated version supersedes the standard version, the latter remains important, both historically and as representing the normative kernel of the standard version.

[12] It is probably to stress this interpretation of "resolution" that pragma-dialecticians now speak of "resolution on the merit".

[13] "The discussants close the discussion together by determining the final outcome" (Van Eemeren and Grootendorst 2004: 154). One may wonder whether this could lead to another critical discussion. About this and other problems of the concluding stage, see Krabbe 2007.

point of view may be dominant, but both the competitive and the cooperative point of view are represented.

In the integrated version, the concept of resolving an issue in one's favor has been brought more into prominence. Thus the competitive features of argumentative exchanges have been emphasized. These features, which were not (or not sufficiently) taken into account in the standard version, are characterized as rhetorical aspects. However, as we saw, competitiveness and competitive tactics have always been part of dialectics. Rhetoric, on the other hand, is conceived by some as not primarily competitive but as concerned with communication or "identification" (Burke 1950), or as "a perspective we take to examine all the ways by which meaning is created symbolically among people" (Wenzel 1987: 106). In the epideictic genre competition between the rhetor and his audience seems even totally absent.

These observations lead to three remarks. First, the competitive features that the integrated theory wants to take into account need not always be characterized as rhetorical; they can often be characterized as dialectical (or they could be characterized as both). Ultimately, this is only a matter of an adequate choice of terms. Yet I think it would be an infelicitous choice, if it leads to the consequence that dialectic will be completely robbed of its competitive dimension.[14] Second, since rhetoric can be not only competitive but also cooperative and dialectic can be not only cooperative but also competitive, the issue of whether to go for competition or for cooperation is not to be construed as an issue about rhetoric versus dialectic. Third, in the integrated version of pragma-dialectics both the cooperative and the competitive point of view are represented; the competitive point of view gets more emphasis than in the standard version, but the cooperative point of view retains normative priority.

5. COOPERATION AND COMPETITION IN NORMATIVE MODELS

Having skimmed through old and new dialectic and having noted how they fare where cooperation and competition are at issue, one may ask what would be the best way to go about the construction of normative models for argumentative exchanges. That a certain minimal cooperativeness is needed – since otherwise there can be no exchange at all – remains undisputed. Something more is perhaps needed to assure that the exchange is communicative. But should cooperativeness be kept down to this minimum? To attain this minimum, which assures communication, it would suffice to have some Gricean rules. Following these rules, arguments may be understood and be adequately reacted to. Normative models usually have further aspirations, such as that the discussants should behave rationally and respect rules about such matters as burden of proof and relevancy. The pragma-dialectical model provides a good example of a model that urges this wider concept of cooperativeness. But is this enough? Should cooperativeness remain restricted to "playing the rational game"? Or should

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[14] See, for a motivation to use the term "rhetorical", Van Eemeren and Houtlosser 2002: 135, note 13. For a more extensive discussion, see also Krabbe 2004.

it even go further, as we saw when reading Aristotle, who actually suggested that the Answerer should assist the Questioner in trying to construct the best possible argument? If cooperation should go that far, one might go on to ask whether one should have any competition at all in argumentative discussions.

These questions cannot be answered once and for all. Much depends on what one is constructing the model for; what the theorist is trying to achieve. I shall, however, present some considerations and make some suggestions.

The situations in which argumentative exchanges are most useful are those in which there is some difference of opinion, say about what is the case or what should be done. For dialogue logic and for pragma-dialectics this is the initial situation. By common standards, this situation is not optimal. For, presumably, in an optimal situation the parties would be in agreement. Arguments are called in as a means to change the situation into a better situation. A normative model for argumentation is to give us directions about how to do this. But since the initial situation is not optimal, a normative model cannot just describe optimal transitions from one optimal situation to another. It must take suboptimal situations into account. And in order to be useful, normative models must not only take into account the suboptimality of the initial situation, but also the cognitive and situational limitations, as well as the motivations, of arguers and respondents that are to make the moves towards a better situation. That is, normative models must take into account that discussants are limited in their reasoning capacity and susceptible to fallacious reasoning; that they are usually each committed to a particular point of view and susceptible to prejudice; and that they are each motivated by a desire to win in a context of controversy. Thus, I see the task of the theorist not (or not merely) as that of finding out what discussants should do in ideal circumstances, but rather as that of giving some directions about what to do when there are cognitive limitations, when one may be confronted by fallacies, prejudice, and controversy, and when both sides are eager to win. What should discussants, ideally, do in such not so ideal circumstances when trying to resolve their differences of opinion?

Partial answers would be that the reasoning should proceed by small steps that all concerned can follow; that it must be possible to challenge fallacious moves and prejudices; that there should be a division of labor assigning to each arguer the task to defend his point of view; and that there should be opportunities for winning and losing. The division of labor may by itself give an opportunity for competition. In realistic normative models, competition is moreover motivated by the desire to win, this being a reality that can better be taken into account.

Another consideration – which we meet at the end of Section 3 – is that allowing competitiveness to be part of the procedure may be instrumental to good dialectic, that is: it may further the construction of better arguments and hence the attainment of a resolution of the difference of opinion on the merit.

So some competitiveness should be incorporated in normative models. It is not so clear, however, how much this should be, or – seen from the other side – how much cooperation a normative model should prescribe. Must the Answerer (the Antagonist) actually help the Questioner (the Protagonist) to construct his arguments? Or does cooperation amount to nothing more than abiding by certain basic rules, such as the pragma-dialectical rules for critical discussion? Or something in between?

One way to go about this is to say that the answer will differ for various types of dialogue: persuasion dialogue, negotiation, eristics, inquiry, deliberation, information-seeking dialogue, and their subtypes and mixed types (Walton and Krabbe 1995). This is a route that would be in accord with the New Dialectic (Walton 1998) in which the types of dialogue are studied in detail[15]. Each type or subtype of dialogue could be assigned in the corresponding normative model its appropriate level of cooperativeness: this could be high for the information-seeking, inquiry and deliberation types, medium for persuasion dialogue and negotiation, and much lower for eristics. After all, the latter three types of dialogue start from a kind of conflict or difference of opinion, which naturally leads to competition, whereas the others do not.

But perhaps we should not aspire to have separate models for each type of dialogue, but rather to have just one model for argumentative exchanges, whether these occur in a context of persuasion, of negotiation, or of inquiry, or of any other type of dialogue. In that case, we must provide for a normative balance between cooperation and competition that holds for argumentative exchanges in all contexts. So, once more the question arises about how much cooperation and how much competition one should have. And what should be our primary concern? Cooperation or competition?

If competition prevails, the extreme case will be a kind of *homo homini lupus*-model, a model in which either discussant distrusts and tries to trip up the other. This would perhaps do as a model of argumentative exchange in eristic dialogue, but not as one of such exchanges in other types of dialogue. It may have its uses, but it is not what I envisage as a dialectical ideal model. Extreme cooperation, on the other hand, would make the model unsuitable for application to real life situations (it would fail to give relevant normative advice).

Probably, the best way would be to let cooperation prevail, but to take competitive aspects into account, either as features that function in the cooperative procedure itself – such as the division of roles (Questioner and Answerer, or Protagonist and Antagonist) – or as kinds of tactics that are permissible to an extent prescribed by the model. This latter route has been taken by the integrated pragma-dialectical theory. There the parties, ideally, behave largely cooperatively within the constraints of the standard model of critical discussion (which is only moderately competitive), but they can, by strategic maneuvering, express their competitive inclinations within these constraints. Present research in pragma-dialectics concerns precisely the ways this competitive aspect can be realized in various contexts.[16]

Here I would like to remark in passing that the standard model of critical discussion does not prescribe *more* cooperativeness than is needed for resolution of a difference of opinion on the merit. This is the common task. What would happen if other common tasks were added? Goals that pertain to inquiry, such as finding the best arguments for either side, or goals that pertain to the practical need to reach a decision about some action within a limited period of time, or goals that pertain to

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[15] The types of dialogue must here be conceived as activity types (Van Eemeren and Houtlosser 2005). See also Krabbe and Van Laar 2007: Section 3.1. The level of cooperativeness of a normative model depends on the activity type (type of dialogue) for which the model is to be a model.

[16] See, for instance, Van Eemeren and Houtlosser (eds.) 2006, and Van Eemeren (ed.) 2008.

teaching practices? In such cases the standard of cooperativeness will be set higher, and the room for strategic maneuvering will be restricted, but even so the concept of strategic maneuvering will not be essentially different. Such developments would, however, lead to a diversification of the one model for argumentative exchanges, and thus get close to the preceding option: that of having different models for different types of dialogue.

There is a third way to handle the balance between cooperative and competitive aspects: this is to have one complex model that consists of two or more subordinated models, each subordinated model having its own kind of balance between cooperation and competition. This third approach can be combined with the other two approaches by (1) introducing such complex models separately for each type of dialogue where this seems appropriate, and (2) leaving room for strategic maneuvering in the subordinated models and in the transitions between the subordinated models.

An example of such a complex model is the model of complex persuasion dialogue presented by Douglas Walton and myself (Walton and Krabbe 1995, Section 4.5). Here the subordinated models are a model of permissive persuasion dialogue (which is the overarching type of dialogue) and a model of rigorous persuasion dialogue (which is embedded in the former model of dialogue). The names of these subordinated models refer to the permissiveness or the lack of permissiveness of the rules, but in this book the more permissive rules pertain to a more cooperative kind of dialogue and the more rigorous rules to a more competitive. This is not a necessary connection, since rules could also be permissive by admitting more competition. But all the same, the kind of complex dialogue Walton and I used to illustrate an embedding of rigorous dialogue in permissive dialogue can also be used to illustrate an embedding of competitive in cooperative dialogue. For more details, I refer to the book.

To sum up: there is more than one way to handle the tension between cooperativeness and competitiveness when constructing normative models for argumentative exchanges. Three routes can clearly be distinguished: that of having separate models for different types of dialogue, that of having one largely cooperative model that leaves room for competitive behavior (strategic maneuvering) and that of having models in which more cooperative and more competitive tasks are assigned to subordinated models. There is no reason to think that is all.

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CHAPTER 7

BEYOND ARGUMENTATIVENESS:
THE UNITY OF ARGUMENTATION

Rui Alexandre Grácio[*]

ABSTRACT: Although the field of argumentation has been established as an area of relevant theoretical importance with Perelman and Toulmin, the state of the art of the theories of argumentation shows that we are still in a pre-paradigmatic stage, characterized by greatly diverse and often incompatible approaches. Still, in this stage, there are signs that more than studying argumentation through the analysis of argumentativeness in a discourse with specific purposes (be it persuasion, conflict resolution, influence over others, etc.), argumentation is finally starting to be thought of as not something that *results* from argumentativeness, but as something that *produces* argumentativeness. – This change of direction is well instanced, from my point of view, when the rhetorical thematization of argumentation with its roots in the model of oratory gave way to interaction (replacing the old speaker-audience image by the arguer-arguer one). That is the orientation of those so called dialectical approaches (pragma-dialectics) and, in a much more radical way, of those that claim to be "interactionist" (Willard) or "dialogal" (Plantin) approaches. These theories focus no longer on discourse and dialogism which is inherent to it, but in the presence of interacting discourse and counter-discourse polarizing over an issue in question. Such an approach has the advantage of providing a descriptive basis to identify an argumentation if we see one. It allows us to think that it must comprehend at least three speaking turns which in pragma-dialectics theorization correspond to the first two stages of argumentation, i. e., the confrontation and opening stages. Or, as Jean Goodwin emphasizes, it allows us to understand that not every speech is an argumentation, because, in fact, it demands that something susceptible of conflict be transformed into an issue and, moreover, into an issue over

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[*] Universidade do Minho, Instituto de Ciências Sociais, 4710-057 Braga, Portugal.

Grupo de Investigação "Ensino de Lógica e Argumentação" (LIF/FCT), da Faculdade de Letras da Universidade de Coimbra.

E-mail: rgracio@gmail.com

which it is worth arguing – an "issue in question" to use my proposed terminology.–It is therefore my purpose with this paper to support the thesis according to which the unitary framework of a general argumentation theorization must focus not on a theory of the argument and a theorization of argumentativeness and its mechanisms but on a higher order of concepts such as the afore mentioned "issue in question" in which the term "in question" derives from the presence of a discourse and a counter-discourse and argumentation entails a tryout process through which the participants interact watching over and separating what is to be left to work and count as arguments, or not. As a matter of fact, that is why I define argumentation as a kind of critical reading and interacting with discourses.

I would like to begin this talk by presenting a few aspects which seem to me to characterize the present state of the study of argumentation and which at the same time I take as a diagnosis of the paths research should go along and that are pointed to in the title: "Beyond argumentativeness: the unity of argumentation".

a) One first aspect to point out is that the great diversity of contemporary theoretical perspectives on argumentation is characterized by a high rate of heterogeneity. We can even say that we are in a pre-paradigmatic stage, characterized by the emergence of multiple, often incompatible and contradicting approaches and so we cannot yet talk of a general theory of argumentation.[1]

b) A second aspect to be mentioned is that in almost all theorizations that come up presently, argumentation is being thought of in terms of conceptual and analytical tools that are imported from other subject fields, be it rhetoric, philosophy, language linguistics, discourse linguistics, communication, discourse analysis, logic, pragmatics or dialectics. We can't find yet an autonomous approach to argumentation, that is, one that has been built with concepts capable of establishing a descriptive field of study with a proper methodology. As it happens, for instance, the rhetorical approach explains argumentation in terms of persuasion, the linguistics approach explains argumentation on the basis of the functioning of language and discourse, the logical approach explains argumentation through criteria that point to both truth and acceptability conditions, the pragmatic and dialectical approach theorizes argumentation through the notion of reasonable critical discussion, and so forth.

c) Thirdly, although all these theories are about argumentation, they focus mainly on the kind of argumentativeness that is inherent to the use of language which supposedly results in argumentations, instead of trying to understand how argumentativeness emerges from a descriptive, conceptual and theoretical notion of argumentation.

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[1] The same is meant by Plantin when he states that "the field of argumentation studies is not structured by such a thing as a 'paradigm'; to have a paradigm, a minimal theoretical dialogue would be required – dialogue not meaning agreement at all, but at least a way of sharing objects, methods, even problema-tics, that are not in existence for the moment. As it happens, each piece of work stands as a paradigm" (cf. Plantin 2001: 71-92). And by Eemeren when he writes that "the study of argumentation has not yet resulted in a universally accepted theory. The state of the art is characterized by the co-existence of a variety of approaches, differing considerably in conceptualization, scope and degree of theoretical refinement, albeit that all modern approaches are strongly influenced by classical and post-classical rhetoric and dialectic" (Eemeren 2003: 2).

These three aspects make me believe that it is necessary to turn to a broader conceptualization that permits to theorize argumentation in an autonomous way, having in mind that the word «autonomous» implies two fundamental aspects:

a) On the one hand, we must avoid theorizing argumentation on the basis of its accommodation to pre-conceived *ideals* (either from an epistemic, ethic, ideological, political, didactical, philosophical, sociological, pedagogical or other order). That means to discard any kind of *a priori* presumption of a teleological nature in the explanation of the argumentation phenomenon. We refuse, thus, to theorize argumentation in trying to answer the question: "what is it for or what use should it have?"

b) On the other hand, it is important to try to conceptualize argumentation in a theoretical framework which resorting to distinctions, restrictions and connections, causes the emergence of concepts which can contribute to state exactly, to circumscribe and to characterize as rigorously as possible what is there to see and to show and, at the same time, to present that theoretical and conceptual construct as heuristically potent, with a broad explanatory potential and functional from a holistic point of view. In this sense, more than the study of argumentative "devices", in theorizing argumentation it is important to find a unity that permits to understand in which broader framework to ground the effective functioning of those devices.

Then, what aspects can contribute to an autonomous and general approach to argumentation?

The first issue to take into account is the descriptive basis which allows us to recognize an argumentation if we see one. To this respect, four theoretical perspectives brought important contributions: that of Charles Arthur Willard, the pragma-dialectic of van Eemeren and Rob Grootendorst, that of Jean Goodwin and the "dialogal" model of Christian Plantin.

These four perspectives share the merit of operating a shift in approaching argumentation from mono-managed discourses (taken as being "argumentations" by those who have a rhetorical perspective of argumentation and also by all the theories which start studying argumentation holding a *previous* theory of "argument") bringing to the forefront a certain conception of interaction. From an empirical point of view, to describe an argumentation as an interaction requires two co-oriented discourses originating in at least two arguers. That is how Willard good-humouredly applies to argumentations the saying "it takes two to tango"[2] (we will come back to this aspect later on).

To specify the kind of interaction called "argumentation" this author talks about "dissent" and "perspectivity", states that an argumentation necessary condition is opposition[3] and casts over this concept the metacommunicative assumptions he believes are inherent to any argumentation:

> An argument is a social encounter built upon the following minima: I assume that we disagree, I assume that you assume we disagree; I assume that I am arguing

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[2] Willard 1989: 61.

[3] Willard 1989: 53.

and that you agree I am arguing; you assume that you are arguing and that I would agree that you are arguing. These are the metacommunicative assumptions which are independent of the subject matter at hand.[4]

Not very far from this line of thought stands the descriptive basis formulated by pragma-dialectics when it precedes the "argumentation stage" by the "confrontation" and "opening" stages, that is, the moment in which a conflict of opinion is revealed and the moment in which the arguers focus on the issue which causes disagreement and which will be discussed in the argumentation stage.

Jean Goodwin, on her turn, emphasizes two fundamental aspects: first, she puts the issue at the core of argumentations as something that is controversial, but adds that to reach the argumentation stage it is necessary that the issue is viewed as something worth arguing about. Thus, she writes, if, on the one hand, "an issue is a more or less determinate object of contention that is, under the circumstances, worth arguing about", on the other hand, "an issue arises when we *make an issue of* it"[5] (notice the plural form "we").

Finally, on defining argumentation as "a kind of problematizing interaction made up of interventions arisen by a question",[6] Christian Plantin seems to be presenting the most successful synthesis for a general autonomous theorization of argumentation which deserves some attention.

First, an argumentation is described as an interaction composed of interventions (notice the plural again). According to this definition, the term "argumentation" withdraws from the mono-managed discourse that many theorists don't hesitate to consider as argumentations, an idea which, as a matter of fact, recovers Bakhtin's thesis of language dialogism. It is important to dwell for a while over this matter.

Bakhtin's idea is that "dialogue – the exchange of words – is the most natural form of language. Furthermore, fully developed utterances, even though they proceed from a single speaker – for instance, the speaker's speech, the teacher's course, the actor's monologue, the long reflections of a lonely man –, they are monological only by their external form but, by their semantic and stylistic structure, they are indeed essentially dialogical".[7]

We know that Perelman has thematized this dialogism in terms of audience and accordingly he emphasized the pragmatic character of communication. We also know that from this rhetorically thematized dialogism Perelman has inferred the inescapable argumentative nature of natural language.

The question to be answered is whether to affirm the dialogical and argumentative nature of language turns every discourse into an argumentation.

The words of Amossy seem to convey an affirmative sense when she states: "In so far as any word appears inside a pre-existent discursive universe, it necessarily answers interrogations that haunt contemporary thinking and are the object of both

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[4] Willard 1989: 12.

[5] Cf. Goodwin 2002: 81-96.

[6] Plantin 2002: 230.

[7] Grize 1996: 61.

well-structured controversies and announced discussions. Any utterance confirms, refutes, problematizes preceding positions, being either expressed in a precise form by a given interlocutor or in a blurred manner in contemporary inter-discourse",[8] adding subsequently "thus, argumentative analysis is connected to information released by the media as well as to the biographies of well-known men, to fictional narratives, to electoral speeches, to advertising messages, to citizenship polemics".[9]

The words of Marc Angenot seem to point in the same direction when, referring to possible distinctions between rhetoric and dialectics, he writes that "any argumentation – before a crowd, in a dialogue or *in petto* is dialectical in this sense: it is communicative interaction, even if the public is dumb or solely virtual, that shapes and targets the uttered reasonings. Argumentation in its essence implies a constituent alterity, it institutes an enunciator and a recipient as well as a dialogical distance between the two that justifies the argumentative relation. Any arguer knows there are refutable objections, discardable counter-propositions, doubts to appease, resistances to overcome".[10]

These ideas call for some brief remarks. To begin with, I also agree with the idea that language is dialogical, but I think that such dialogism has only three meanings: first, it indicates that there is, to use Grize's expression, an "omnipresence of the argumentative" in the weaving of language – a fact that the theorist of natural logic expressed by saying that "to communicate one's ideas to someone is always to argue a little or a lot".[11] Second, it seems to me that this "argumentative" is a determinant condition for any discourse interpretation – and in that sense it gains a fundamental hermeneutical relevance. Third, it seems to me that although a discourse's argumentativeness is critical for its interpretation, it doesn't necessarily mean that we have to see an argumentation in every discourse, that is, it is not argumentativeness which specifies an argumentation as such. What is then proper to argumentation ? An argumentation is composed by speaking turns in which the perspectives conveyed by the participants' thematizations develop in accordance with interaction and whose spontaneous dynamics depends on keeping the interventions within a shared relevant zone and the constrains any of the parties can pose to the issues being discussed, causing a rupture in the argumentation.

To this respect, Amossy pertinently pointed out – recovering what according to Catherine Kerbrat-Orecchioni distinguishes interactionist pragmatics –[12] that it is convenient to differentiate between real interactions (poly-managed discourses) and virtual interactions (mono-managed discourses), but she opted to keep the designation of argumentation for both: "we cannot indeed confuse face to face real interactions with virtual interactions, that are anyhow anticipated or mimed by discourse but that occur without the concrete intervention of the partner or partners. This partition is

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[8] Amossy 2006: 35.

[9] Amossy 2006: 37.

[10] Angenot 2008: 51.

[11] Grize 1997: 9.

[12] This author writes: "rhetoric adopts a *dialogical but at the same time monologal* perspective while the one adopted by interactionist pragmatics is simultaneously *dialogal and dialogical*".

important because it sets, on one part, the argumentations that must take into account the immediate reactions and answer them, adapt to the other in the stream of the conversation or debate, negotiate and co-construct meanings, and, on the other part, the argumentations that explicitly or implicitly anticipate the other's movements but that do not affront a real partner whose reactions are often unpredictable".[13] But, the way I see it, the shift from argumentativeness to argumentation entails precisely this "concrete intervention from the partner or partners", even more so because, as Willard sustains, "whether or not an utterance is an argument depends on our attributions to the speaker, not to it";[14] or, quoting again the same theoretician, "it is not the presence of a particular sort of claim that makes an interaction an argument; it is the coorientation of the speakers".[15] This means essentially two things: first, arguments are something that emerge from and in interaction – always under certain circumstances – and, in that case, neither the mono-managed text nor the mono-managed discourse are paradigmatic cases of argumentation, as they withdraw, on the one hand, from the interactive sway of speaking turns (of which they can occasionally represent one side) and, on the other hand, because their analysis tends to depsychologize the situated meaning that the participants intentionally assign to their statements in an interlocutionary context.[16] Secondly, to determine what functions or not as an argument can not be done without inscribing it within the broader scope of the confrontation of perspectives *for which* the participants call forth different modes of thematizing the issues from which the actors and the interaction contexts cannot be dissociated. In other words, attention must be paid to the pragmatics of the interaction in its dialectical moves as it is a constitutive part of discourse as argumentation.

Going back to Plantin's definition, I think that when he speaks about "interventions" he means real interveners to whom in fact he assigns the roles of "proponent" and "opponent". Were we to empirically objectify the spontaneous emergence of an argumentation (that is, one which doesn't evolve in a previous institutional framework), we would say that it entails at least three speaking turns: the first bringing a perspective to the fore, the second bringing out another perspective taking into account the one previously presented and the third confirming that there is a non-coincidence in the ways of seeing the approached subject and turning it into a subject that is worth approaching as an issue – over which it is worth arguing.

On the other hand, Plantin characterizes as "problematizing" the interaction which occurs in an argumentation. The term is strikingly adequate and cautious. To

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[13] Amossy 2006: 218-219. This author mentions that Perelman's work is not about the shift from dialogical to dialogal but from monologal to dialogical: "Thus, the rupture accomplished by the new rhetoric doesn't concern as much the passage from the dialogical to the dialogal as it does the passage from the monological to the dialogical, from the illusion of the monologue to the dialogism inherent to any use of langage".

[14] Willard 1983: 34.

[15] Willard 1982: 55.

[16] As much as for Willard, the intention of the speaker is fundamental for us: "As a descriptive matter, we cannot know the meaning of a proposition (and of a total argument) without knowing how the speaker intended toward his utterance. We can assign meaning to his statements (as situated statements) only by confidently describing his definitions of situation. For argumentation's purposes, then, the goal of depsychologizing an argument is a profound error" (Willard 1982: 155-156).

problematize is to question thematizations which are presented as obvious, and Perelman himself has often stated that "one doesn't argue against the obvious".[17] Thus, when he chooses the term "problematize", Plantin keeps himself from conferring *a priori* a goal or an end to argumentations, giving just a descriptive account which tells us that empirically there is a kind of interaction in which something presented as obvious is often the object of a problematizing intervention and that, as far as normativeness and criticism apply, the issue at hand is to understand what criteria were put to work in the context of self-regulation of the argumentations themselves. That is the meaning conveyed by Marianne Doury's words when she mentions that, from an analytical point of view, "the description of norms that support common arguments is in itself one of the goals of argumentative analysis".[18]

Finally, this problematizing interaction which demands the intervention of at least two discourses does not unfold without a reference unit which Plantin calls "Question" (using sometimes the term "Third"). In the words of this theorist:

> The confrontation of points of view causes a problem or an issue to arise which can be materialized into a question. This question is the *intentional unit* which organizes and defines the argumentative space. From a global standpoint, all semiotic phenomena occuring in this situation have an argumentative value. (…) The argumentative fact is a very complex thing which has as unit the global intention (the problem) which organizes the field of interchange.[19]

To conclude this reflection about Plantin's proposed definition and his threesome, "dialogal" model, I will quote a fragment which eloquently illustrates his concern with the question of knowing when a communicative interaction turns into an argumentation assuming, as it is, that not all communicative phenomena are argumentations:

> A given language situation starts thus to become argumentative as soon as an opposition of discourse shows. Two juxtaposed, contradictory monologues without any allusion to each other, stand as an argumentative dyptic. It is, undoubtedly, the basic argumentative form: each one repeats their position. Communication is *fully argumentative* when this difference is problematized into a Question and the three roles of Proponent, Opponent and Third are clearly separated.[20]

It is, then, within the framework of this research trend which aims at an autonomous and general conceptualization of argumentation – to which the valuable contributions of Plantin concur – that I will now present a few concepts which seem to me to be of the utmost importance for a general theory of argumentation.

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[17] Perelman and Olbrechts-Tyteca 1988: 1.

[18] Doury 2004 (mise en ligne le 29 avril 2007). URL: *http://semen.revues.org/document2345.html.* Consulté le 29 février 2008.

[19] Plantin 2003: 121-129.

[20] Plantin (2005: 63). It should be noticed that Plantin puts forward the idea of what turns a communicative interaction into an argumentation, that is, the question of discourse becoming argumentation.

Many theoreticians would say that what argumentations are about "reason giving", "justify" points of view and, in this way, influence the other, aiming at persuasion or obtaining assent. Or else, argumentations are about finding out on which side reason stands or, still in a milder version, appealing to reasonableness. It might also be said that argumentation is a kind of critical negotiation, a way of advancing warrants for reasoning processes and strengthen them if so needed. It might also be said that what characterizes argumentation is the arguability of any conclusion, that it has to do with the linguistic constraints that the building and articulating of utterances implies or that it always seeks to solve a question.

It is my opinion that what is at stake in any argumentation are issues – and this is a first fundamental concept in a general theorization of argumentation. And it is a fundamental first concept because it embodies the distinction between form and content, which has always been problematic in the theorization of argumentation. Formally, we can say that any argumentation deals with an issue. But the concept of issue, on its turn, can only be empirically objectified in specific contents and every issue is a determined issue under certain circumstances, which means that:

a) Any issue results, on the one hand, from the non-coincidence of two perspectives leading the participants' attention to focus on that with which they disagree (in pragma-dialectics, it corresponds to the confrontation and opening stages, in Jean Goodwin's terminology, it's about turning an issue into an issue which is worth arguing about and in Plantin's words, it's about polarizing interaction in a Question).

b) Any issue results, on the other hand, from the way in which the circumstances that bring it to focus determine the direction of the interactions; that is, it's not about saying that an argumentation deals with a certain issue which is being approached in a certain context, but it's about affirming that, from the standpoint of a real argumentation, issue and context are intertwined and that the participants in an argumentation are actors that cannot be dissociated from the statutes, roles and interests which are inherent to their social practices.

Then, how are issues to be approached? Two concepts come to mind: thematization and perspectivation. In fact, the question "which procedures are required to talk about an issue?" leads to the idea that talking about an issue is being able to approach it from the standpoint of a perspective. Putting an issue under perspective – and there is no other way of talking about issues but by perspectivating them, that is, laying them out in a certain way – always corresponds to a thematization. By process of thematization I mean the particular layout of the issues, perspectivated from certain concerns which are selected in view of their relevance and whose admission directs the thought towards particular patterns of evaluation, judgement and reasoning.[21] It's about a process of objectifying (not objectivity) thought,[22] or, to use Grize's terminology, it's about

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[21] In rephrasing Toulmin's notion of "field", Willard stresses the fact that if there is rationality in argumentation, it inheres precisely in the "perspective taking that makes movements in and out of fields possible" (Willard 1983: 144). In this sense, to analyse an event from an aesthetic point of view, for example, is to enter a field which demands a certain conceptual language, a set of evaluation patterns and a set of judgement models.

[22] In a sense very close to ours, Willard affirms that "presumption names a person's need to objectify his thinking" (Willard 1983: 144).

"schematizations". Thematization is, then, the selective process of resources through which the perspective is designed and which establishes a set of points which can be used as premises for reasoning processes and their conclusions. In thematization the semantic and pragmatic dimensions operate conjointly.

Nevertheless, to focus attention on a subject through its perspectivation by means of thematization processes[23] is a necessary condition to consider interaction as argumentation but not a sufficient one. At its best, it allows for the capturing of argumentativeness which is inherent to any discourse construct which makes it interpretable, as I mentioned earlier, but it does not yet allow us to talk about argumentation in the theoretically and empirically precise sense that I conferred it with. For that, it is necessary that the perspective conveyed by one of the participants on a subject be in any way challenged and put into question. In other words, it is not sufficient to take a stand at a subject, it is necessary to display that stand as *a* perspective which only happens – the inescapable empirical evidence – when it is confronted with another non-coincidental way of seeing it. Thus, while an argumentation is always about an issue, it doesn't objectify unless that issue is approached as "in question". That is the reason I believe that besides the concept of speaking turns, the concept of "issue in question" is the adequate unit to objectify an interaction as argumentation. We can say that the issue in question defines the relevance zone (a grey zone, in fact) in which the participants keep dwelling, because they consider that it is worth arguing about.[24]

Here are some of the reasons I think the notion of "issue in question" proves to be adequate to the theorization of argumentation:

• Firstly, it provides us with a descriptive basis that does not have to be subordinate to rhetoric or logic (or to any other discipline), even if the discursive strategies inherent to the uses of language and the inferences and reasoning processes evolving therein have to be considered relevant elements in considering any issue in question and in the displaying of perspectives.

• Secondly, the choice of the issue in question as a unit for reading argumentations is a way of conceptualizing that does justice to the daily usage of language and to its characteristic fluidity: it is the pattern of common use in the organization and "zone arrangement" of our daily mental schematizations. The idea of "field" (in the toulminean sense) is a good suggestion, but it is something that still remains far from that common form of language use. In any case, it's always the focalization of the issue that turns our minds to the idea of field: we identify an issue and look for resources to thematize it within a bigger circumscription which is the field (which takes us back

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[23] In the rhetoric tradition the process of thematization is intimately connected to *inventio* and the relevance of *inventio* is particularly well instanced in the idea of "discovery" with which Aristotle undergirds his definition of rhetoric as "the ability to discover what is adequate in each case in order to persuade" (Aristóteles 1998: 48). At the same time it is rather obvious that for Aristotle rhetoric "is obviously useful and that its function is not to persuade, but to discern what are the most pertinent means to persuasion in each case" (Aristóteles 1998: 47).

[24] In this way, I am recovering a philosophical perspectivation of argumentation in the sense that, more than trying to explain its "functioning" from diverse standpoints, my proposed approach is about bringing forward alternative modes of organizing thought.

to the arena of institutionalized or more or less consolidated knowledge with which we try to rhetorically sanction and strengthen our ideas).

• Thirdly, the unit "issue in question" allows for an essential shift: the one that distinguishes argumentativeness from argumentation, and leads to perceiving the former in terms of what is at stake in the latter. And what is at stake in an argumentation? From my standpoint, what is more radically at stake in an argumentation are divergent perspectivations over subjects at issue that derive from different ways of thematizing them.[25] Besides, how is it possible to assume that something functions as an argument without reference to a perspective over an issue in question ? And how are we to understand that it is an argumentation without taking into account that, in respect to any issue in question, we are dealing with perspectives that are divergent as far as it concerns the way of thematizing it?

I have tried to outline, albeit in a very shallow manner, some concepts that I consider to be fundamental for a general theory of argumentation. Those are the notions of "interaction", "speaking turns", "issue in question", "thematization" and "perspectivation". I will conclude with reference to what in the theory of fallacies seems relevant to me, not because I share the normative standpoint associated with such a theorization, but because it puts the emphasis on a critical aspect: it confirms the fact that focusing the issues in question and keeping interventions in their relevance zone (as mentioned before, a grey zone prone to malleability of various kinds) stands at the threshold between what unfolds as an argumentation and the voluntary deafness (resulting from an argumentative rupture) we can adopt in communication: I am referring to the fallacies usually clustered around the idea of "avoiding the issue".

The very idea of "avoiding" carries a pejorative meaning, but I would like to notice that such a negative connotation implies that argumentations have much more power than they really have,[26] namely, the power to conclude and resolve consensually. That is why, from the standpoint of pragma-dialectics the closing stage is part of the process of argumentation and the ninth rule of the behaviour code of a critical discussion states that "a failed defence of a standpoint must result in the protagonist retracting the standpoint, and a successful defence of a standpoint must result in the antagonist retracting his or her doubts".[27] However, in argumentations mathematics doesn't apply. Neither the perspective over an issue

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[25] Let it be noticed that I find the term "thematization" more adequate in the context of an holistic approach to argumentation than the term "argumentativeness", in the sense that the functionality of this latter word relates to the processes of the former.

[26] I share Angenot's opinion when he states that "the rational discussed world is not demonstrable but this does not exempt reasoning and reasoning with as much strength as possible, *precisely* because no argumentation will be decisive" (Angenot 2008: 426), and Michael A. Gilbert's observation according to which "the 'logic machine' model of argument where one partner must abandon a position when unable to respond to legitimate counter-arguments hardly ever applies. In the vast majority of situations there is more at stake, and more that must be dealt with, then the apparent claim. (…) Positions are much more complex than statements which merely serve to capsulize the web of multi-modal components that form the complex position that is really at issue" (cf. Gilbert 2000).

[27] Eemeren, Grootendorst and Henkemans 2002: 183.

in question can be reduced to claims, by their turn reduced to propositional forms[28] or to reasoning processes, nor resolution is really from the order of argumentation, not if we perceive as argumentation issues those that are characterized by a *tryout* nature open to possible concretions and not ruled by previously "teleologized" procedures consequently targetable by a battery of normative rules. I also want to emphasize that the idea of "tryout" fits well with the notion of issue given its fuzzy and malleable character and the unlimited dynamic possibilities to perspectivate, re-perspectivate, readjust the perspective, find a new perspective, and so forth. From this standpoint, it makes sense to talk about argumentation as a tryout behaviour which aims the possible concretion and it makes sense to assume that what is at stake in argumentations is to approach the issues from several standpoints and try to find a proper focalization, adjusted to each case, having in mind that this adjustment is closely linked to the specification of the relevance zone of the issue and to what may count as arguments in its thematization. I wish to point out that, according to this view, argumentation is more deeply connected to our need to have directions in our thinking, of moving through paths throughout nets of distinctions and possibilities[29] – and, in this respect, the dialectical relationship with others can potentiate the process of *atopia*[30] –, than to submitting discourse, utterances and propositions to evaluation criteria such as those of truth, falsity, acceptability, rationality or reasonableness. I must confess my preference for less justificationist patterns[31] and more perspectivistic criteria such as perspicacity (which is a synonym for sagacity, acuteness, astuteness, artfulness, keenness, insight, subtlety) in the way of dealing with issues in interaction with other perspectives.

The closing stage combines argumentation and decision, which may lead to think that decisions can be derived from the strength of the arguments and their reasonableness. But one thing is to talk about the argumentation that sets a confrontation between perspectives and another different thing is to talk about decisions thinking that their source of legitimacy are the arguments. Only those in a position of power can decide and not anybody is in that position. Nevertheless, in societies that recognize the right to free expression of opinion, anyone can argue if one thinks it worthwhile,

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[28] To this respect, Marc Angenot observes that "one of the misunderstandings or one of the equivoques of the normative idea of rationality is to look at it as issued from a *propositional* order, regulated by the true/false alternative" (Angenot 2008: 164).

[29] The analogy with the path and walkers who design itineraries amongst crossroads of places, territories and people, wherein the walking makes the path and where the options are always circumstanced and interactive is indeed adequate for the theorization of argumentation and it seems to me to be heuristically more powerful than to begin such a theoretical effort taking, *a contrario*, a mathematized image of thought (as in Perelman's distinction between demonstration and argumentation or in Grize's question "how does thought function when it doesn't mathematize'") or a juridical model (as in Perelman's idea according to which philosophers must learn with juridical practice or Toulmin's according to which logic may turn into a "generalized jurisprudence").

[30] In the sense Moisés de Lemos Martins ascribes to this word when he says that "atopia sets up the possibility of others places in the place that is ours and that seems exclusively so" (cf. Martins 2002: 12).

[31] I completely agree with Willard's thesis of the "untenability of justificational views" (cf. Willard 1989: 103-118).

even if it is perfectly innocuous as far as practical effects and actual goals are concerned. On the other hand, when it comes to argumentation, there is a portion of creativity that can be triggered: one can always propose alternative interest raising points of view whereas the resolution of an argumentation always entails the recognition of a power, a source of authority which is not compatible with the possibility of alternative versions. That we call this power "reason", "truth", "reasonableness", that we appeal to "fields of knowledge" as natural sciences, law or other institutionalized knowledge or, finally, that we resort to statutes and institutional frameworks, the resolutivity of an argumentation is not a question of argumentation but a question which relates to the broader sociological dynamics throughout which discourses become rule and order and legitimate discourses.[32] Because the questions of argumentation, as mentioned before, have to do with approaching issues in question, therefore open to problematization, and not with setting issues "out of question", which is what happens, one way or another, when decisions are taken about them. The accusation of "missing the issue" can simply result from a refusal to accept to consider the issues within the framework of a perspective that seems to us idle, unproductive, inconvenient or uninteresting. We can even express our incompatibility by saying to our interlocutor that "your reasoning is good, but the perspective is not so good". Or else, say in a more polite way, "I understand your point of view, but would like to consider the issue from another angle". Again, it's about plurality, perspectivism, the whole issue of optical mobility, of distance adjustment from which one wants to see and let see, which is to say, it's about situating the distinctions that count, those that are relevant to the displaying of the issue in question. To the accusation of avoiding the issue, one can still reply: "It's you that don't want to talk about the issue unless in a very restricted and simplified way, wanting to solve everything with a question, a reasoning, and an answer. You don't really want to talk about the issue, you want me to subscribe the answer in which you sum it up". Here, as it so happens with all accusations of "fallacy", applying the criterion can become a subject of debate and turn into an argument just like the others. How many questions does it take to thematize an issue? How many conclusions does it take to make an argumentation? Will there be other limits besides those linked to the inescapable urge of action and the roles we play as actors immersed in social practices?

Whatever the answers to these questions, I will say that what adds up to the enormous potential of argumentative interactions is the ability of reasonings and their conclusions, of utterances, discourses and their claims to refer back to the issues in question and the perspectives they convey through more or less explicit thematizations they are associated with. Argumentative interactions make it possible for us to situate ourselves with an increased awareness of our own limitations in problematizing and of those that are always being imposed on our possibilities of questioning and

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[32] Here, the question remains to be answered whether there is a concept of transcendental reason one can recur to embody the figure of the judge and which would allow for evaluating the strength and validity of the arguments from within the arguments themselves or does the strength of words always come from outside, as in Bourdieu's idea according to which "authority reaches language from the outside" (cf. Bourdieu 1982: 95).

perspectivating. That is why, in fact, I define argumentation as a kind of critical reading and interaction with discourses: it means reading discourses as thematization of issues that are inherently liable to perspectivation, detection of valued focal points and generation of a counter-discourse which problematizes them. Each one will know if and what for this kind of discipline will serve.

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PART III

LINGUISTIC APPROACHES TO ARGUMENTATION THEORY

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ARGUMENTATION RHETORIQUE ET ARGUMENTATION LINGUISTIQUE[1]

Oswald Ducrot[*]

RESUME: La notion d'argumentation a incontestablement une origine rhétorique. C'est un des moyens dont on dispose pour persuader ses interlocuteurs, en montrant que l'on défend des thèses déductibles d'autres thèses généralement tenues pour vraies ou vraisemblables. Dans la mesure où l'argumentation en ce sens (argumentation rhétorique) utilise comme instrument privilégié des conjonctions du type de "donc", "par conséquent", la théorie de l'Argumentation Dans la Langue a été amenée à entendre par "argumentation" des discours et plus précisément des enchaînements d'énoncés au moyen de conjonctions de ce type. Mais nous nous sommes aperçu de deux choses. D'une part, que dans ces enchaînements en "donc" la conclusion contient en elle-même le sens de l'argument dont elle est issue et inversement que le sens de l'argument contient en lui-même le fait que l'argument soit utilisé pour une certaine conclusion. D'autre part, nous avons noté que cette interdépendance de A et de B dans l'enchaînement "A donc B" se retrouve également dans des enchaînements opposés de structure "A pourtant non B". Ceci nous a amenés, c'est en tout cas le point de vue développé dans la Théorie des Blocs Sémantiques de Marion Carel, à enlever aux enchaînements argumentatifs toute prétention à atteindre une forme, même imparfaite, de persuasion et à leur attribuer un statut purement linguistique. Cette décision, qui amène à opposer radicalement l'argumentation linguistique à l'argumentation rhétorique, a permis de construire une sémantique entièrement fondée sur l'argumentation linguistique. Pour la Théorie des Blocs Sémantiques, le sens des

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[*]École des Hautes Études en Science Sociales, 54, boulevard Raspail, 75006 Paris, France.
Professeur jubilé.
E-mail:Marion.Carel@ehess.fr
[1] Cet exposé reprend, avec de pures modifications de forme, un article publié en 2004 sous le même titre dans *L'argumentation aujourdhui*, recueil organisé par M. Doury et S. Moirand, et édité par les Presses de la Sorbonne Nouvelle.

mots et des énoncés consiste uniquement à évoquer des enchaînements en "donc" et en "pourtant", enchaînements qui constituent, pour ainsi dire, les atomes sémantiques avec lesquels est construite toute signification.

La théorie de l'Argumentation Dans la langue (ADL), telle que Jean-Claude Anscombre et moi l'avons proposée, et telle que Marion Carel la développe actuellement avec sa théorie des blocs sémantiques (TBS), prend le mot "argumentation" dans un sens un peu inhabituel, qui amène beaucoup de malentendus. C'est ce sens que je donne ici à l'expression "argumentation linguistique", que j'abrégerai quelquefois en "argumentation". Les malentendus tiennent à ce que l'on a tendance à lire nos recherches en donnant au mot "argumentation" un tout autre sens, pour lequel je réserverai ici l'expression "argumentation rhétorique". Ma première tâche sera donc de distinguer ces deux notions. J'espère cependant que mon exposé n'aura pas pour seul intérêt de faciliter la lecture de certains textes, mais qu'il aura aussi un intérêt sur le fond. Non seulement en effet je distinguerai les phénomènes entrant sous ces acceptions du mot "argumentation" (ce qui n'est qu'un travail de terminologie), mais je les opposerai en montrant que l'argumentation linguistique n'a aucun rapport direct avec l'argumentation rhétorique. Or cela me semble constituer une thèse, qui dit quelque chose de chacune de ces "argumentations". D'abord il me faut préciser le sens que je donne aux deux expressions qui constituent le titre de mon exposé.

J'entendrai par "argumentation rhétorique" l'activité verbale visant à faire croire quelque chose à quelqu'un. Cette activité est en effet un des objets d'étude traditionnels de la rhétorique. Deux mots de commentaire sur cette définition. Elle exclut volontairement l'activité visant à faire faire quelque chose. Plus exactement, elle ne prend en considération le faire faire que si celui-ci est appuyé sur un faire croire. Ce qui est une grosse limitation, car il y a bien évidemment d'autres moyens de faire faire quelque chose à quelqu'un que la stratégie un peu naïve consistant à lui faire croire qu'il est bon pour lui de faire cette chose. Une seconde limitation de ma définition est que je considère seulement l'activité verbale, celle de l'écrivain ou de l'orateur, qui utilisent la parole pour faire croire. Cette limitation est elle aussi très importante car il y a bien d'autres moyens de faire croire que de parler: il peut suffire de mettre le destinataire dans une situation où il a intérêt à croire ce qu'on veut lui faire croire. Mais de cela aussi je ne m'occuperai pas, et je considèrerai uniquement la persuasion par la parole, par le discours.

Le deuxième terme à définir est l'expression "argumentation linguistique", que j'abrègerai quelquefois en "argumentation". Dans cet exposé,[2] j'appellerai ainsi les segments de discours constitués par l'enchaînement de deux propositions A et C, reliées implicitement ou explicitement par un connecteur du type de "donc", "alors", "par conséquent",…[3]

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[2] Dans la plupart de nos articles, Marion Carel et moi appelons "argumentations", non seulement les enchaînements en "donc", que nous appelons aussi "normatifs", mais également ceux en "pourtant", "cependant", "malgré cela", que nous appelons "transgressifs". Dans le présent article, je n'aurai pas besoin de considérer les seconds puisqu'il s'agit d'une comparaison avec l'argumentation rhétorique.

[3] Il n'est pas nécessaire que A précède C et j'appelle aussi "argumentation" un enchaînement "C puisque (car, parce que) A".

J'appellerai A l'argument, et C la conclusion. Cette définition peut être étendue aux enchaînements reliant, non pas deux propositions syntaxiques, mais deux suites de propositions, par exemple deux pargraphes d'un article. Les grammairiens et linguistes interprètent généralement ces enchaînements "A donc C" en disant que A est présenté comme justifiant C, comme rendant C vrai, valide, ou au moins plus acceptable qu'il n'était avant son enchaînement à A. Une grande partie de mon exposé sera consacrée à contester cette interprétation de "A donc C", même quand elle est atténuée par la formulation "A est *présenté comme* justifiant C", ou encore "la langue *fait comme si* A justifiait C". La critique que je vais proposer n'empêche pas cependant que cette interprétation de "A donc C" fait partie pour ainsi dire des connaissances métalinguistiques des sujets parlants, même non linguistes, et qu'elle constitue un niveau incontestable de la compréhension des enchaînements en "donc".

Dans la mesure où l'argumentation que j'appelle "rhétorique" est définie comme un effort verbal pour faire croire quelque chose à quelqu'un, il *semble* que l'argumentation linguistique puisse en être un moyen direct, surtout si cette dernière reçoit l'interprétation habituelle que je viens de mentionner. Il *semble* en effet qu'un moyen évident pour vous faire admettre une proposition C est de la justifier (de vous montrer qu'elle est vraie), et que pour justifier une proposition, il puisse y avoir intérêt à présenter d'abord une proposition A que vous êtes prêt à accepter et qui entretient avec C un rapport conclusif, un rapport en "donc". Votre croyance en A risque alors de se compléter en une croyance en C, la validité de A se transportant pour ainsi dire sur C. C'est là une conception tout à fait banale, et peut-être même inévitable, du rôle de l'argumentation linguistique dans l'argumentation rhétorique. Je vais essayer de montrer, par des arguments de linguiste, qu'elle est non seulement insuffisante, mais totalement illusoire, et que les enchaînements conclusifs du discours ne constituent pas, en tant que tels, des moyens directs de persuasion, même pas des moyens partiels.

Je voudrais insister d'abord sur le caractère radical, absolu, que je vais donner à l'opposition entre argumentation linguistique et rhétorique. Si je me contentais de montrer l'insuffisance de l'argumentation, telle que je l'ai définie, pour l'activité rhétorique, je reprendrais seulement un thème banal de la rhétorique, et il est essentiel pour moi de distinguer ma critique du rôle persuasif de l'argumentation linguistique et la critique traditionnelle. La critique traditionnelle est relative, et celle que je vais proposer voudrait être radicale. La critique classique du rôle de l'argumentation linguistique se fonde, notamment, sur le fait que nos argumentations ne sont jamais décisives. D'une part, lorsque nous disons "A donc C", nous oublions généralement des propositions intermédiaires qui sont nécessaires pour opérer le passage de A à C. D'autre part, même une fois complétés, nos enchaînements argumentatifs reposent sur des principes généraux qui admettent des exceptions. Comment savoir si on n'est pas dans le cas spécifique? Dernière raison enfin, les concepts sur lesquels se fondent ces argumentations sont très flous et très mal définis. Supposons que je conclus que quelqu'un est jaloux en donnant comme argument qu'il est amoureux, j'utilise les concepts "amour", "jalousie", que personne ne sait définir. On peut donc toujours m'objecter que la personne dont je parle n'est pas "à proprement parler amoureuse", ce qui ruine mon argumentation. A ce caractère non contraignant des argumentations du discours s'ajoute le fait que la persuasion demande que l'on s'appuie sur d'autres motifs que des motifs rationnels. C'est ce sur quoi insiste la rhétorique traditionnelle,

en disant que la persuasion exige que non seulement on donne des "raisons", constituant ce qu'on appelle le "logos", mais que l'on développe en plus chez l'auditeur le désir de croire vrai (c'est le "pathos"), et enfin qu'on lui donne confiance en l'orateur, qui doit apparaître comme quelqu'un de fiable , sérieux, et bien intentionné. L'orateur doit donc donner dans son discours même une image favorable de lui, ce qui correspond à ce que la rhétorique classique appelle l' "éthos". On sait tous les débats qu'a suscités, dans le monde chrétien du XVIIème siècle, la nécessité, pour le prédicateur religieux, d'ajouter à la conviction l'appel au sentiment. Est-il justifé ou non pour le prédicateur, se demandait-on, de faire appel non seulement au logos, mais aussi aux passions, alors que les passions sont une des sources premières du mal et du péché?

Je ne parlerai pas plus de ce type d'insuffisance souvent attribué à l'argumentation. En effet, ces critiques admettent toutes l'existence dans le discours d'un *logos*, à savoir d'une argumentation rationnelle, qui serait susceptible de prouver, de justifier. On se demande seulement si ce *logos* est, ou n'est pas, suffisant pour la persuasion. Ce que je soutiens pour ma part, c'est que l'argumentation discursive n'a aucun caractère rationnel, qu'elle ne fournit pas de justification, pas même des ébauches faibles, lacunaires, de justification. En d'autres termes, ce que je mettrai en doute, c'est la notion même d'un logos discursif qui se manifesterait à travers les enchaînements argumentatifs, à travers les "donc" et les "par conséquent". Après avoir dit pourquoi je refuse à l'argumentation discursive tout caractère rationnel, je montrerai que cette argumentation, malgré le fait qu'elle n'a rien à voir avec un *logos*, peut cependant servir à la persuasion. Son rôle persuasif existe, mais il ne tient pas à un caractère rationnel dont elle serait, même faiblement, pourvue. Dans la partie critique de mon exposé, je m'appuierai sur une théorie linguistique que je développe depuis de nombreuses années avec Jean-Claude Anscombre, la théorie dite de "l'argumentation dans la langue", et plus précisément sur la forme nouvelle donnée à cette théorie par les travaux récents de Marion Carel, forme qui à la fois explicite et radicalise les idées que Jean-Claude Anscombre et moi avions présentées.

L'idée de base est que, dans un enchaînement argumentatif "A donc C", le sens de l'argument A contient en lui-même l'indication qu'il doit être complété par la conclusion. Ainsi le sens de A ne peut pas se définir indépendamment du fait que A est vu comme conduisant à C. Il n'y a donc pas à proprement parler passage de A à C, il n'y a pas justification de C par un énoncé A qui serait compréhensible en lui-même, indépendamment de sa suite "donc C". Par conséquent, il n'y a pas transport de vérité, transport d'acceptabilité, depuis A jusqu'à C, puisque l'enchaînement présente le "donc C" comme déjà inclus dans le premier terme A.

D'abord un exemple simple, celui où le segment A contient un mot comme "trop". Soit par exemple l'enchaînement "tu conduis trop vite, tu risques d'avoir un accident" (où un "donc" est implicite entre les deux propositions enchaînées). Certains sémanticiens pensent, et même écrivent, qu'il s'agit vraiment d'une sorte de raisonnement, passant d'une prémisse "tu conduis trop vite", à une conclusion "tu risques d'avoir un accident". Raisonnement qui serait fondé sur un principe général implicite "quand on conduit trop vite, on risque l'accident". Mais cette description me semble absurde, car le mot "trop" lui-même, présent dans l'antécédent, ne peut se comprendre que par rapport au conséquent. Qu'est-ce que conduire "trop vite" si ce n'est conduire à une vitesse qui risque d'amener des conséquences indésirables? La

vitesse elle-même est ici caractérisée par le fait qu'elle doit provoquer un accident: "trop vite" signifie ici "à une vitesse dangereuse". Autrement dit, le contenu même de l'argument ne peut se comprendre que par le fait qu'il conduit à la conclusion. Pris hors de cet enchaînement, exprimé ou sous-entendu, il ne signifie rien. Un signe de cette interdépendance, que j'appelle "radicale", est que ce "trop vite" signifie tout autre chose dans mon exemple et dans des discours comme:

Tu conduis trop vite, tu risques d'avoir une contravention.

Il ne s'agit pas nécessairement de la même vitesse dans les deux cas — même si on ne s'intéresse qu'à l'aspect quantitatif de la vitesse. D'autre part, ce que je viens de dire du segment généralement appelé "argument" vaut tout autant pour la "conclusion". La contravention dont il est question dans le dernier enchaînement est une contravention pour vitese excessive, c'est-à-dire le type de contravention fondée sur l'argument donné. Supposons en effet que mon interlocuteur ait une contravention, mais une contravention pour n'avoir pas attaché sa ceinture de sécurité. Il y a quelque ironie à lui dire alors "tu vois, j'avais raison".

Je conclurai que les enchaînements analysés, bien qu'ils relient deux propositions assertives au moyen du connecteur "donc" (éventuellement implicite), ne marquent en rien une inférence allant d'une affirmation à une autre. Chacune de ces apparentes "affirmations" contient en effet l'ensemble de l'enchaînement où elle prend place. C'est le "donc" qui permet de se représenter le type de vitesse et de contravention dont il est question. Ainsi, il n'y a pas passage d'un contenu factuel, "objectif", à un autre. Même si mon discours associe deux expressions bien distinctes, "trop vite" et "contravention", il manifeste une représentation sémantique unique (dans la terminologie de Marion Carel, un "bloc"), qui exprime l'unique idée de vitesse interdite (ou dans l'exemple précédent de vitesse dangereuse). A quoi sert donc l'enchaînement argumentatif? Non pas à justifier telle affirmation à partir de telle autre, présentée comme déjà admise, mais à qualifier une chose ou une situation (ici la vitesse) par le fait qu'elle sert de support à une certaine argumentation. Le "donc" est un moyen de décrire et non pas de prouver, de justifier, de rendre vraisemblable.

D'une façon générale, ce qui interdit de voir une sorte de raisonnement dans un enchaînement argumentatif du type de "A donc C", c'est que les segments A et C n'expriment pas des faits fermés sur eux-mêmes, compréhensibles indépendamment de l'enchaînement, et susceptibles d'être ensuite reliés entre eux. Cette conclusion peut se vérifier même avec des mots moins évidemment "argumentatifs" que "trop", et apparemment plus "objectifs". Supposez que je vous prédise que Pierre va échouer à son examen, et que ma prédiction prenne la forme de l'enchaînement "Pierre a peu travaillé, il va donc échouer". Est-il possible de décrire mon discours en disant que je vous signale d'abord un fait A (Pierre a peu travaillé) et que j'en déduis un autre fait C (Pierre va échouer)? Cette description rationnalisante me semble là encore absurde car le mot "peu" ne saurait servir à décrire un fait. Il indique déjà à l'avance vers quelle conclusion on se dirige. En effet pour prédire la réussite de Pierre, il m'aurait suffi de vous dire "Pierre a un peu travaillé , il va donc réussir". En qualifiant le travail de Pierre au moyen de l'expression "un peu", je vous aurais déjà dirigé au moyen d'un "donc" vers l'éventualité de son succès futur. Or personne n'a jamais trouvé de

différence factuelle, quantitative, entre "peu" et "un peu". La seule différence entre ces deux expressions réside dans les types d'enchaînements possibles à partir d'elles. Comme dans l'exemple de "trop", l'argument A annonce déjà la conclusion en ce sens que la signification même de "peu" ou "un peu" comporte l'indication de ce que l'on peut enchaîner aux propositions contenant ces mots. Ainsi, il n'y a pas de raisonnement, de progrès cognitif, de transmission de vérité, puisque le "donc C" fait déjà partie du sens de A.

Je vais prendre maintenant pour exemple un adjectif qui appartient au lexique même, donc à la partie de la langue réputée la plus informative, l'adjectif "loin". Imaginons la situation suivante. X et Y doivent se rendre ensemble à un certain endroit E. Ils savent exactement l'un et l'autre à quelle distance ils sont de E. X propose à Y d'aller à pied à E. Y, s'il est d'accord, peut répondre "oui, c'est près". Si au contraire il veut refuser, il a la possibilité de dire "non, c'est loin". Qu'est-ce qui change entre la qualification "près" et la qualification "loin"? Ce n'est pas la distance, que X et Y connaissent l'un comme l'autre. C'est seulement l'exploitation argumentative de cette distance. En disant "près", on la présente comme permettant la promenade, en disant "loin", comme faisant obstacle à cette promenade. De sorte que le choix des conclusions "oui" ou "non" est déjà inscrit dans le sens même des arguments "c'est près" ou "c'est loin". Nous avions vu que "trop" appliqué à "vite" qualifie la vitesse par un certain type de conclusions défavorables; de même "loin" qualifie la distance comme obstacle, et "près" la qualifie comme n'étant pas un obstacle. Dans tous ces cas, il ne peut pas y avoir, derrière l'enchaînement discursif un logos démonstratif, car l'enchaînement est déjà donné par l'argument. Il constitue la valeur sémantique de l'argument.

Allons encore un peu plus loin. J'ai dit que les propositions contenant des mots comme "trop", "peu", "un peu", "près", "loin", indiquent déjà quel type de suites peut leur être enchaînées au moyen d'un "donc". Mais ce n'est que la moitié de la vérité. Car leur signification n'oblige pas du tout à continuer par un "donc", elle permet tout autant d'enchaîner par un mot du type de "pourtant". Si l'expression "c'est loin" autorise la suite "donc je n'irai pas à pied", elle rend aussi possible d'enchaîner "c'est loin, pourtant j'irai à pied". De même, on peut dire à la fois "il a un peu travaillé donc il va réussir" et "il a un peu travaillé pourtant il ne réussira pas". D'une façon générale, si une proposition A contient dans sa signification la possibilité de lui enchaîner "donc C", elle contient aussi la possibilité de lui enchaîner "pourtant non C". Par conséquent, si j'utilise pour vous prouver une proposition C, un argument A qui par sa valeur propre conduit à dire "donc C", il est tout aussi conforme à la signification de A de continuer "pourtant non C".[4] Dans ces conditions, il est impossible de dire qu'en présentant l'argument A et en le faisant suivre par "donc C ", je justifie C. En effet, le même argument, en vertu de sa signification intrinsèque pourrait tout aussi bien être suivi de "non C", à condition de changer de connecteur. Ainsi, c'est un coup de

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[4] On pourrait trouver cette remarque contradictoire avec ce que j'ai dit sur l' "interdépendance" entre ce qui précède et ce qui suit le connecteur, et arguer que le A suivi de "donc C" est sémantiquement distinct, d'après la théorie même que j'utilise, de celui qui est suivi de "pourtant non C". Pour répondre, il faut faire remarquer que, dans les suites "A donc C", "A pourtant non C", "non A pourtant C" et "non A donc non C", qui constituent ce que nous appelons un carré argumentatif, l'influence de A et de C l'un sur l'autre est chaque fois la même. On peut le vérifier sur les exemples donnés plus haut.

force qui fait choisir C plutôt que "non C" après A. Ce choix n'est pas commandé par la signification de A, qui ne favorise pas plus C que "non C". La seule chose qu'elle impose, c'est le choix d'un "donc" dans un cas ou d'un "pourtant" dans l'autre. Je ne vois pas alors comment la proposition A pourrait amener à croire C. L'alternance de "donc" et de "pourtant" me semble donc démentir, une fois de plus, l'idée même d'une preuve discursive, d'un logos argumentatif.

"Et cependant elle tourne" disait Galilée. Vous pourriez ainsi me répondre "et cependant il y a des 'donc' dans le discours à visée persuasive, qu'il soit politique, publicitaire, philosophique, etc… , et aussi dans le discours des enfants dès trois ans (sous la forme 'parce que')." Alors à quoi servent ces argumentations? Comment contribuent-elles à la persuasion alors que, selon moi, elles ne constituent même pas des ébauches de justification?

Une première réponse consiste à dire que la plupart des expressions, qu'elles soient employées ou non avec une visée persuasive, comportent dans leur sens des argumentations –en généralisant un peu la définition que j'ai donnée à ce mot, et en y incluant, non seulement les enchaînements en *donc*, mais aussi ceux en *pourtant*, *cependant*. Une phrase prédicative simple comme "les coupables ont été punis" pose un "donc" entre le fait d'être coupable et le fait d'être puni. Bien plus, on peut, selon Marion Carel et moi, déceler dans la signification interne de beaucoup de mots des argumentations. Ainsi nous cherchons actuellement à décrire la plus grande partie possible du lexique français en caractérisant chaque mot par une paraphrase qui a la forme d'un enchaînement discursif en "donc" ou en "pourtant". Que signifie par exemple un adjectif comme "intéressé" (au sens moralement négatif du terme)? Pour nous, il est constitutif de la sémantique de cet adjectif d'évoquer des enchaînements du type "c'est son intérêt donc il le fait" et aussi "ce n'est pas son intérêt donc il ne le fait pas". Ou encore, que veut-on dire lorsque l'on considère l'expression verbale "avoir soif" comme marquant, selon la terminologie linguistique habituelle, un "état"? Pour nous, dire que c'est un état, ce n'est rien d'autre que dire que l'on peut enchaîner par "donc" l'indication que quelqu'un a soif au moment t1 et celle qu'il a soif au moment suivant t2 (noter qu'il faudrait un "pourtant" pour enchaîner l'indication que quelqu'un a soif en t1 et celle qu'il n'a plus soif en t2). Ainsi, pour nous, il y a des enchaînements argumentatifs dans la signification même des mots et des énoncés dont le discours est fait. Dans ces conditions, toute parole, qu'elle ait ou non une visée persuasive, fait nécessairement allusion à des argumentations. Ce qui montre au moins qu'il n'y a pas de lien privilégié entre l'argumentation rhétorique et l'argumentation linguistique.

Bien sûr, on attend de moi une réponse plus spécifique à la question "pourquoi y a-t-il de l'argumentation linguistique dans l'argumentation rhétorique?" ("plus spécifique" signifie ici "plus liée au caractère particulier du discours persuasif"). Je signalerai trois réponses possibles. D'abord l'argumentativité est liée à une stratégie persuasive tenue pour efficace: la concession. Je décrirai d'abord la concession de la façon suivante. Supposons qu'un locuteur veuille faire admettre une conclusion Z. Supposons aussi qu'il dispose d'un argument Y qui permet d'enchaîner "Y donc Z", mais qu'il sache par ailleurs qu'il y a des arguments X qui permettent d'enchaîner "X donc non-Z". Ainsi je veux amener un ami à la conclusion Z = "tu ne dois pas fumer". Pour cela je dispose entre autres d'un argument Y = "fumer te fait tousser";

mais je sais aussi que les fumeurs ont un argument X = "fumer diminue le stress", que l'on peut enchaîner par "donc" à la conclusion "non-Z" = "Il ne faut pas arrêter de fumer". Que faire? Je peux, dans mon discours, oublier l'argument défavorable à ma position, X, et donner simplement l'argument Y qui lui est favorable. Le risque, c'est que l'ami me réponde en arguant de X. Heureusement pour moi (et peut-être pour sa santé), il y a une autre stratégie, indiquer d'abord l'argument défavorable X en le faisant suivre d'un "mais Y": "d'accord fumer diminue le stress mais ça fait tousser". Le mot "mais" est entre autres choses spécialisé dans cette fonction – c'est pourquoi d'ailleurs il est une vedette du discours persuasif. Grâce à lui, on peut envisager les arguments contraires à la conclusion qu'on vise. Il suffit de les faire suivre d'un "mais", sans avoir même besoin de les réfuter, manœuvre qui n'est pas bien fatigante, et qui a des avantages persuasifs éminents.

En indiquant X qui est défavorable à la thèse que je soutiens, et favorable à mon interlocuteur, je l'empêche d'abord d'utiliser lui-même ce X, argument qu'il serait ridicule d'exploiter contre moi puisque j'ai eu moi-même la générosité de l'énoncer, et puisque j'ai décidé, après l'avoir envisagé, qu'il ne méritait pas une considération plus sérieuse. A cet avantage de la concession pour la stratégie polémique, s'ajoute le fait qu'elle permet d'améliorer l'image que l'orateur donne de lui dans son discours. L'orateur a l'air d'un homme sérieux, donc fiable, puisqu'avant de choisir sa position Z, il a aussi fait attention aux objections possibles contre Z. On pourrait comparer l'énoncé concessif à ce qui se passe au football quand un joueur marque un but contre son propre camp. L'orateur qui dit X avant de continuer "mais Y" marque pour ainsi dire un but contre sa propre position. Mais il y a une différence essentielle. Le but marqué au football par le joueur maladroit est définitivement marqué: il n'y a pas de "mais" possible. En revanche, dans le discours persuasif, on tire profit des buts que l'on marque contre son propre camp. Ce profit ne tient pas à ce que l'argumentateur a démontré rationnellement quelque chose. Il tient à ce que l'orateur a amélioré son image personnelle, ou, en termes rhétoriques, son *éthos* (c'est comme si le footballeur tirait du prestige du fait d'avoir marqué contre son camp). Etant donné que la concession, telle que je l'ai décrite, manipule des argumentations, implicites ou explicites, il faut reconnaître à celles-ci toute l'utilité que l'on reconnaît à la concession en ce qui concerne l'activité persuasive.

Un second point. Le fait même d'énoncer une argumentation en "donc" (c'est-à-dire l'énonciation de cette argumentation) a par lui-même des avantages pour la persuasion. Ainsi il oblige l'interlocuteur à donner à son tour un argument s'il refuse la conclusion. Supposons que vous me disiez "A donc C" ("la gare est loin donc prenons un taxi"). Si je désire refuser votre conclusion, je ne peux pas me contenter de la nier brutalement en disant "Non, ne prenons pas de taxi". Je suis obligé à mon tour de donner un argument, qui permette de triompher du vôtre. Et je risque toujours de donner une raison dangereuse pour mon image, ou, en tout cas, que vous pourrez retourner contre moi. Par exemple, si je suis obligé, à cause de votre "donc", d'avouer mon avarice en vous donnant comme argument que je ne veux pas payer le taxi. C'est comme aux échecs. On déplace une pièce pour obliger l'adversaire à répondre par une manœuvre qui le mettra par la suite en difficulté. Un deuxième avantage qu'il y a, pour vous, à énoncer un enchaînement argumentatif donnant une raison pour votre décision, c'est que par là vous constituez de vous même une image favorable, celle

d'un homme qui accepte la discussion, qui ne cherche pas à s'imposer brutalement. Ainsi vous améliorez votre *éthos*, comme dans le cas de la concession, surtout s'il y a quelqu'un qui assiste au dialogue, et vous vous donnez des chances de persuader plus facilement ce tiers si un jour vous avez une discussion ensemble (songez d'ailleurs qu'il y a toujours une troisième personne dans les dialogues, même lorsque, matériellement, il n'y en a que deux; cette troisième personne est une sorte de sur-moi abstrait, que les interlocuteurs prennent comme arbitre idéal, personnage que nous rencontrons sans cesse, et qu'il faut, à tout prix, apprivoiser).

Une troisième raison d'utiliser l'argumentation dans la stratégie persuasive tient à ce que des modèles d'enchaînements argumentatifs sont, je l'ai dit tout à l'heure, déjà présents, à titre de représentations stéréotypées dans la signification des mots du lexique. Ainsi, en disant "c'est loin donc n'y allons pas", j'explicite la représentation de la distance comme obstacle, représentation qui, selon moi, fait partie du sens même du mot "loin". De même, pour montrer que Pierre ne fera pas quelque chose, je peux vous dire "il n'y a pas intérêt donc il ne le fera pas". Disant cela, je construis un enchaînement qui est le sens même d'un mot de la langue, le mot "intéressé", tel que je l'ai analysé plus haut. En argumentant (au sens linguistique du terme), on peut donc souvent présenter son discours comme l'explicitation de mots de la langue, et comme aussi impossible à mettre en doute que ces mots. Monsieur Larousse a toujours raison, et il y a tout intérêt à appuyer son propre discours sur Monsieur Larousse: on se présente ainsi comme un simple utilisateur de ce trésor commun qu'est le vocabulaire. A la fois on donne à son dire une allure modeste et on colore son dit d'une sorte d'évidence.

Pour résumer ces explications de la fréquence des "donc" dans la parole à visée persuasive, je dirai qu'ils servent à améliorer l'image de l'orateur, son *éthos*. C'est par là qu'ils peuvent rendre la parole plus efficace. Ainsi, les recherches que Marion Carel et moi menons actuellement sur les enchaînements argumentatifs dans la langue amènent à une vue de la rhétorique persuasive un peu différente de celle qui est traditionnelle dans la pensée occidentale. La conception habituelle place au sommet de la stratégie persuasive un *logos*, qui serait une forme affaiblie de la rationalité. Ce *logos*, manifesté par les enchaînements argumentatifs, aurait besoin, vu ses insuffisances, d'être complété par le recours à des facteurs irrationnels, l'*éthos* et le *pathos*. J'ai essayé de montrer, d'un point de vue purement linguistique, qu'un tel *logos*, non seulement est illusoire, mais que son existence même est une illusion. Les enchaînements argumentatifs du type de "donc" relèvent autant du coup de force que les plus brutales affirmations. Leur efficacité persuasive, qui n'est d'ailleurs en rien négligeable, relève avant tout de l'effet qu'ils ont sur l'*éthos*. Bien loin que l'éthos vienne combler les insuffisances du *logos*, c'est le *logos* (si l'on entend par là les enchaînements en "donc") qui est mis à profit par l'*éthos*: c'est en cela seulement que le logos peut servir à la persuasion, c'est-à-dire participer à ce que j'ai appelé "argumentation rhétorique".

Appelons pour simplifier "platonicienne" la recherche d'une vérité absolue, qui exigerait que l'on dépasse le langage, c'est-à-dire que l'on tente, sans même savoir si c'est possible, de "sortir de la Caverne" (car la vraie caverne, celle qui nous interdit le rapport avec la réalité, celle qui nous contraint à vivre au milieu des "ombres", c'est, pour moi, le langage). Appelons "aristotélicien", de façon tout aussi schématique, l'espoir de trouver dans le discours, c'est-à-dire "à l'intérieur de la Caverne", une

sorte de rationalité imparfaite, insuffisante, mais somme toute acceptable, "vivable". Moyennant ces approximations, mon exposé s'inscrit dans une opposition systématique à l'optimisme rhétorique d'Aristote et des ses innombrables successeurs; il souhaiterait promouvoir un retour à Platon et à une méfiance "radicale" vis à vis du discours.

CHAPTER 9

CO-CONSTRUCTING THE "REASONABLE" IN VERBAL EXCHANGES: THEORY OF ARGUMENTATION AND DISCOURSE ANALYSIS

Ruth Amossy*

ABSTRACT: *The New Rhetoric's* main objective is to conceptualize and explore the verbal co-construction of the "reasonable". A full realization of this project calls for an analysis on the ground, thus analyzing actual exchanges in their specific setting. This paper shows to what extent such an approach is in harmony with Perelman's overall enterprise, why he himself, as a philosopher, did not care to engage in case studies, and how verbal argumentation can be accounted for by contemporary linguistic investigation, and more specifically by (French) Discourse Analysis.

INTRODUCTION

The New Rhetoric's ultimate goal is to examine how an agreement on what seems acceptable and reasonable to all parties involved can be reached on a controversial matter by *verbal* means (1969 [1958]). To phrase it differently, Chaim Perelman and Lucie Olbrechts-Tyteca explore the discursive strategies through which people try to achieve some kind of consensus allowing them to take common decisions and act together. This is what I call *the verbal co-construction of the reasonable.*

My contention is that a full realization of this objective calls for a close analysis of actual exchanges in their specific setting, and that such an approach is in harmony with Perelman's overall enterprise, even if he himself did not engage in case studies. I would like to show on what grounds this claim is built, and why the empirical bias

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* University of Tel Aviv, P. O. Box 39040, Tel Aviv 69978, Israel.
Chair Henri Glasberg of French Culture. Coordinator of the Research Group ADARR ("Discourse Analysis, Argumentation, Rhetoric").
  E-mail: amossy@attglobal.net

could not be developed by Perelman himself. I will also attempt to show how the co-construction of the reasonable can be accounted for by contemporary linguistic investigation, and how the analysis of actual argumentative interactions paves the way for new theoretical considerations.

1. THE NOTION OF THE "REASONABLE", OR ARGUMENTATION REVISITED

Let us first go back to the dissociation between the "rational" and the "reasonable" that is at the heart of Perelman's conception of argumentation (Perelman 1979 [1977]). Both are related to Reason, but in diametrically opposed ways: the first corresponds to mathematical reason, whereas the reasonable is connected to common sense. Rational reasoning unfolds in a single mind with no connection to experience or dialogue, historical circumstances or social variations. It is valid in itself and has to reach compelling conclusions – absolute Truth. The reasonable, on the contrary, cannot be dissociated from values, norms and feelings. It is never cut off from human agents and is the result of a negotiation between partners whose ways of thinking are culture-dependent. As such, it reaches conclusions that can always be put into question: the reasonable consists of views that are considered acceptable and plausible at a given moment, to a given group.

The importance of the dissociation is clear. It establishes a distinction between scientific demonstration, on the one hand, and practical reasoning based on inter-subjectivity and social values, on the other hand. It thus allows for an extension of rationality to the domain of informal thought. Far from undermining forms of reasoning that do not seek for truth, Perelman gives a considerable weight to men's ability to negotiate their differences without resorting to violence. He pleads for argumentation, which is for him synonym with rhetoric, and sets out to explore its modes of rationality.

Thus, in *The New Rhetoric,* the reasonable appears as an opinion, a stance, a decision, etc., that has been agreed upon by a community of minds. The solipsism of rational thought developing outside any exchange is replaced by dialogue between social partners. On the conceptual level, this approach offers a new conception of rationality outside the realm of formal logic and hypothetico-deductive demonstration. On the social level, this rationality based on the reasonable is closely connected to cultural values and to the norms and sensibility of a social group. On the linguistic level – and this is crucial for our inquiry – it is realized in verbal exchanges and cannot be cut off from discourse.

2. THE STATUS OF THE EXAMPLES IN *THE NEW RHETORIC*

How does *A Treatise on Argumentation* proceed to unfold and describe the procedure "intended to act upon an audience, to modify an audience's conviction and disposition through discourse […] and gain a meeting of minds instead of imposing its will" (Perelman 1982: 11). At the end of their introduction, the authors declare:

> We seek here to construct such a theory [of argumentation] by analyzing the methods of proof used in the human sciences, law, and philosophy. We shall

examine argumentations[1] put forward by advertisers in newspapers, politicians in speeches, lawyers in pleadings, judges in decisions, and philosophers in treatises" (1969, 10).

> Nous chercherons à construire [une théorie de l'argumentation] en cherchant les moyens de preuve dont se servent les sciences humaines, le droit et la philosophie; nous examinerons des argumentations présentées par des publicistes dans leurs journaux, par des politiciens dans leurs discours, par des avocats dans leurs plaidoiries, par des juges dans leurs attendus, par des philosophes dans leurs traités. (1958, 13)

The main issue here is the decision to resort to all kinds of discourses in which argumentation is actualized, and to base theory on concrete examination. Indeed, *The New Rhetoric* offers the most varied examples – literary, philosophical, political, juridical, etc., encompassing different fields much beyond the traditional scope of classical rhetoric. It is clear that the authors gathered an impressive series of texts in order to build their comprehensive taxonomy. This does not suffice, however, to turn the *Treatise* into an empirical work. As has often been noticed, the function of the examples is here to illustrate a kind of argument or a discursive strategy:

> And indeed the book methodically identifies and explicates argumentative structures and techniques – and does so very effectively – but it does not provide thick descriptions of rhetorical practice; it does not show how the argumentative techniques work as part of an integrated persuasive effort. As in a dialectical treatise, examples, even when extended, serve to illustrate principles rather than to stimulate heuristic insight or to serve as models for imitation (Leff, forthcoming).

In other words, the theoreticians draw upon examples to exemplify the category they are describing; they do not rely on discourse analysis to show how agreement can be built in a controversial matter.

3. EXTENDING *THE NEW RHETORIC'S* SCOPE: TOWARD A LINGUISTIC INVESTIGATION OF CASE STUDIES

This is the result of the scope and organization of the 1958 *Treatise.* After dealing with the communication framework of argumentative speech and its *sine qua non* conditions – exposed in Part One and Two of the book –, it turns in Part Three to a categorization and description of specific means called "techniques of argumentation", thus sorting out the types of arguments available to the arguer: quasi-logical arguments (I), arguments based on the structure of reality (II), arguments establishing the

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[1] The translator put "argument" instead of "argumentation", which is not without altering the meaning of the text. The correction is mine.

structure of reality (III). This section explains why the *Treatise* is most often quoted for its definitions and categorizations of arguments. Perelman emphasizes, however, that the analytical study of arguments has to isolate them in spite of the fact that they are part of a whole and interact on several planes: there is an interaction between different arguments, between the arguments and the situation of argumentation, and between them and the conclusion. Devoted to this question of interaction, Chapter V examines the force of arguments in view of their combination and ordering. However, it does not elaborate on the relationship between the arguments and the "whole of the argumentative situation" – namely, between the enunciation framework described in Part I and II (who speaks to whom, when, where, in what circumstances, on the basis of what shared premises?), and the verbal arguments and persuasion techniques reviewed in Part III.

And yet, if agreement occurs only when verbal means are adequately mobilized in a given situation of communication, do not all argumentative techniques have to be analyzed in relation to the partners of the interaction, its circumstances, the cultural and ideological premises of the moment – the crucial importance of which is emphasized by Perelman himself? Is it enough to examine arguments in isolation, or even to ask how they can gain power by apt combinations? The co-construction of the reasonable means looking for an adhesion of minds in a specific interaction, with its socio-historical conditions and institutional constraints. In a given situation, people engage in argumentation in order to influence each other and find a solution or choose a stance that can be considered acceptable by all, or at least by a majority. How, then, can we understand the way they interact to find a common place – a space they can share and in which they can live and act together – if we do not examine the verbal exchange that leads more or less successfully to an agreement on the reasonable?

From this perspective, it appears that the communication theory and the taxonomy of arguments elaborated in *The New Rhetoric* should be combined and integrated in order to provide an analytical framework where argumentative schemes could be both brought out, and examined in their specific situation of discourse. In short, the idea of a common search for the reasonable calls for an additional step: an investigation *on the ground*.[2]

4. WHY *THE NEW RHETORIC* DID NOT ENGAGE IN EMPIRICAL STUDY: THE PHILOSOPHICAL FRAMEWORK OF PERELMAN'S THEORY

If this be the case, how can we explain that Perelman did not adopt this approach and left this kind of study outside the scope of his own rhetorical enterprise? First of all, Perelman's choice has to be interpreted in terms of his own theoretical bias.

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[2] On this specific issue, my own theory of "Argumentation in Discourse" (2006 [2000]) is very close to Leffs' propositions: he speaks about *The New Rhetoric's* "failure to recognize that the techniques provide only part of what is needed in order to understand how arguments behave. And fifty years after Perelman, I believe that we can most usefully advance his project by getting down to cases" (forthcoming).

His introduction shows that he is basing his work on purely theoretical grounds: he makes clear that his objective is to characterize various argumentative structures that have to be described before their efficacy can be checked in specific situations. He thus distinguishes his own philosophical research from the experimental work to be found in contemporary psychology. His insistence on theoretical construction explains why he did not turn to empirical research, even if the experimental methods used by psychologists are not no be confused with discourse analysis (1969: 9). Despite his desire to "examine argumentations put forward" by different kinds of discourse, he does not care to examine how people actually negotiate their differences of opinion, nor does he engage in case studies calling for systematical gathering and description of data.

Another answer to Perelman's neglect of concrete analysis is provided by the unresolved tension, in *The New Rhetoric,* between universal and socio-historical elements. It has often been observed that the *Treatise* builds a model valid across time and space, while exhibiting a deep consciousness of the culture-dependent nature of argumentative exchanges.[3] This oscillation between the universal and the socio-historical is also expressed in the *Treatise*'s twofold construction. On the one hand, it elaborates a communication framework in which the orator has to adapt to his specific audience, or at least to his own representation of this audience; he has to take into account what the latter sees as a fact, a legitimate hierarchy, a value. On the other hand, it establishes a general taxonomy of arguments crossing historical and cultural borders.

This tension is an effect of Perelman's endeavor to reconcile universalism and pluralism. If the reasonable is what can be agreed upon by a group of people, it necessarily varies according to the views and modes of reasoning of this group. However, the risks of such an approach are clear: in its generalized relativity, Reason threatens to disintegrate for want of immutable criteria. *The New Rhetoric* has to deal with this difficulty. This partly explains the work's twofold construction, and its insistence on keeping apart its considerations on argumentative communication and its taxonomy. While showing that argumentation is elaborated in a specific framework where socio-historical circumstances and values prevail, the *Treatise* insists on universals and mainly maps out general techniques of reasoning.

My contention is that the *Treatise*'s double objective (communicational and taxonomical) can be extended and completed by a third enterprise: the concrete analysis of argumentative discourse in its enunciation framework and its linguistic

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[3] The co-existence of two diverging approaches is most perceptible in the much debated notion of universal audience. On the one hand, it is an entity transcending historical and national peculiarities. Its existence is a matter "*not of fact, but of right*" (1969: 31): the universal audience is constructed on the model of a man endowed with Reason and compelled by good reasons, as the speakers think that "all who understand the reasons they give will have to accept their conclusions" (*ibid.*). On the other hand, the universal audience is variously constructed by the orator according to his own notions and values. "Everyone constitutes the universal audience from what he knows of his fellow men, in such a way as to transcend the few oppositions he is aware of. Each individual, each culture, has thus its own conception of the universal audience" – so that "we might […] characterize each speaker by the image he himself holds of the universal audience that he is trying to win over to his view" (1969: 33).

materiality. To examine and understand how people can co-construct a "reasonable" view, it is important to know the available means – the types of arguments and verbal strategies – at their disposal. But it is not enough to enumerate, describe and explain the rhetorical tools that can be mobilized in a given situation. Viewed in the global framework of Perelman's thought, taxonomy seems to constitute only one step in the overall project. Agreements are reached, or unsuccessfully looked for, through verbal practices and these practices have to be investigated on empirical case studies. In my last point, I will show how this venue opened by Perelman can be realized by (French) Discourse Analysis or what I call "Argumentation in Discourse".

5. HOW DISCOURSE ANALYSIS CAN THROW LIGHT ON THE CO-CONSTRUCTION OF THE REASONABLE

Once again, let us start from Perelman. On what grounds can verbal exchange build a common view of what seems, in a given situation, plausible and acceptable? Perelman approaches this question from three different, but complementary, perspectives: the communicational, or enunciative, framework; the linguistic dimension (what he calls the verbal presentation of the arguments); the types of arguments and all the underlying schemes that model the exchange. By describing the components of argumentation, dealing separately with each of them, he provides parameters for an analysis of what I call the co-construction of the reasonable. He invites us to check the way these elements combine and actually work together in situations where people try to persuade each other in order to reach an argument. I would like to suggest that this enterprise can be achieved by a rhetorical analysis feeding on Discourse analysis in its French contemporary version. I here refer to the theory exemplified in Charaudeau and Maingueneau's *Dictionary of Discourse analysis* (2002) which explores discourse, or the use of language by a speaking subject, to see how it works and more specifically, how linguistic organization intersects with a social and institutional situation. Rather than presenting the theoretical and methodological background of the discipline,[4] I will try to show through an example how it can be combined with *The New Rhetoric* and illuminate the co-construction of the reasonable on the empirical level.

I would like to ground my argument on the analysis of a short passage from a book entitled *The French Woman. Her activity during the war*, published in 1917 by a feminist writer and essayist, Marie Le Hire.

> Dans l'exercice des fonctions publiques, elles [les femmes] porteront au pays l'aide et le labeur de l'intelligence actuellement à la disposition des services de la guerre et la question sera de savoir s'il est plus loyal de faire appel à la clairvoyance féminine sous l'égide de la paix que de requérir son activité pendant le désarroi des heures difficiles. (p. 130)

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[4] Cf. Maingueneau 1991.

"In the exercise of public functions, women will bring to the country the help and labor of the intelligence now at the disposal of war services and the question will be to know whether it is more loyal to call upon feminine perceptiveness under the aegis of peace than to require her activity during the disarray of difficult hours." (My translation)

Le Hire's argumentation relies on the *topos* of quantity: if she can do the more, she can also do the less, Aristotle's canonic example being – if he beats his father, he can also beat the neighbor. The topos can be here reconstructed as: if women were able to do the more – serving the country during tragic circumstances – they are also able to do the less – serving their country in the much easier circumstances of peace. A parallel *topos* of quantity follows: if the more was done – calling upon women in the most difficult hours – the less can also be done: calling upon the same women when war is over. This second realization of the *topos* fulfills a specific function in the development of the reasoning. It shifts it from the level of mere capacities (what women are able to do) to the moral level (what is legitimate and, so to speak "fair"): it questions the right of those who mobilized women during the war to exclude them from public activities when peace is restored.

It clearly appears, however, that reconstructing underlying logical schemes endowed with universal value and understandable by any human being endowed with reason is not enough. In order to understand the persuasion enterprise, the text has to be analyzed in its specific situation of discourse. Along the lines of Discourse Analysis, which in no way contradict *The New Rhetoric's* views, we have to take into consideration: the nature and status of the speaker and of her target audience; the selected genre of discourse; the exact circumstances of the writing; the prevailing *doxa* – the dominant set of beliefs, values and opinions; the intertext and interdiscourse – what was written and circulated at the time of, and before, the publication.

These few lines are borrowed from a feminist essay published during the third year of the Great War (1917), at a time when French feminists gradually returned to their original mission, abandoned in favor of the national war effort. The essay sets out to persuade the audience that women, deprived of civil responsibilities and rights (they are not allowed to vote and are confined in the private sphere), can legitimately, and usefully, act in the public sphere. The vast majority of the French audience does not recognize feminine aptitudes to civic and professional functions, still considered exclusively masculine. Nor do people care to discuss the topic: circulated before the war, feminist arguments were mostly rejected as transgressing the laws of nature. The risk of Le Hire's enterprise is thus to convince, and even to be read, only by those who already share her views, namely, by other feminists. Persuading those who think like her cannot achieve the desired effect nor promote the cause.

The author herself is lacking in ethos. This means that she is not endowed with any institutional authority that would help her elicit the adhesion of a composite audience largely unfavorable to her thesis. She has no special authority in the intellectual field and what is more, her being a woman does not confer the due legitimacy on an essay presenting suggestions for the improvement of society. The essay, as an intellectual genre, is hardly fit for a woman, supposed at this period to write novels rather than philosophical works. Appropriating an unfit discourse only emphasizes the negative

image of the "bluestocking", the female intellectual ridiculed because of her undue aspirations. It thus reinforces the negative stereotype of the feminist at the beginning of the 20th century. As a result, it appears that Le Hire's argumentation meets, and has to overcome, major obstacles: her feminist thesis, already familiar, is unwelcome and can draw no favorable attention; except for her fellow feminists, her audience is rather hostile; her own ethos as a feminist and as a women essayist is negative and does not give her the proper authority and credibility to enforce her vision.

In order to elicit adhesion to her unorthodox views, Le Hire has to base her argumentation on common values. The first words of the utterance: "In the exercise of public functions", do not seem to play this role. The idea that women should have access to administration and to politics, to the tribunal and the hospital, constitutes a most provocative opening. To avoid a blunt petition of principles – taking for granted premises that are not accepted by the audience – that would put an end to any attempt at further communication, the discourse has to ground the main body of the utterance in consensual values. This is why it mentions the praiseworthy "help", "labor" and "activity" women are contributing to the war effort. Le Hire can thus take advantage of the recognition women gained in France after three terrible years of conflict by bravely serving the country as workers in arm factories, field laborers, nurses, ambulance drivers, etc. The author thus relies on a contemporary doxa widely circulated at the time, and expressed in many writings dealing with women and war.

In this perspective, her book, significantly entitled *The French Woman. Her activity during the War*, appears as one more work on a consensual subject. In the same year 1917, several essays were published on the subject. Among them were *Les Vaillantes. Héroïnes – Martyres – Remplaçantes* (Paris: Librairie Chapelot) written by the respected French historian Léon Abensour, Berthe Berthem-Bontoux's *Les Femmes et la Grande Guerre* (Paris: Bloud et Gay) or Frédéric Masson's, "Les Femmes pendant et après la guerre"(in *La Revue hebdomadaire* 9, 26e année, tome III). Some feminist books dealing with the status of women and their professionalization after the war had already been circulated, as was the case of Henry Spont's *La Femme et la Guerre* (Paris: Perrin et Cie, 1916) or the more obscure Madame H. Cloquié's *La femme après la guerre. Ses Droits, son Rôle, son Devoir* (Paris: Maloine, 1915) advocating the importance of feminine activities in post-war society afflicted by numberless casualties and a growing number of crippled men. Some of these texts were widely read, like *La Parisienne et la guerre* written in 1916 by an estimated member of the Académie Française, or articles published in well-known journals such as *La Revue des deux Mondes* ("Les femmes et la guerre" by Louise Zeys, 1916); some were drawing less attention, or even remained obscure. At any rate, the praise of feminine activity had by that time become a commonplace. Always made on national grounds, it displayed the admirable qualities of French women, and was based on an official patriotic ideology supposed to be shared by all French citizens united in the defense of the fatherland. Le Hire's discourse is thus closely interwoven in the intertext of the time, drawing on its themes and values and stressing its belonging to a shared worldview.

This allows Le Hire to introduce a few notions about women that look less obvious and, first of all, the notion of "intelligence", a controversial feminine feature, presented as a justification of women's right to fulfill public functions. In order to avoid discussion, the author does not use the phrase "feminine intelligence". Moreover "intelligence"

appears as a presupposition, meaning that it is not posited in the utterance (what is posited is that women's help will be put at the disposal of the country, a most respectable statement). "Intelligence" is presented as a complement of "labor" (the "*labor of the intelligence* now at the disposal of war services"), implying that it does exist (presupposition of existence). Moreover, it is followed by a phrase qualifying intelligence ("the intelligence *now at the disposal of war services*") which, once more, presents its existence as obvious. The function of the presupposition, as Ducrot has aptly shown, is to avoid any possible contest: anything stated in so many words, any affirmation, can *ipso facto* be criticized and negated. We can see the strategies of indirection mobilized to present feminine efficiency during the war as the result of intelligence without arousing any debate.

The same bias is repeated on the subject of women's lucidity. The formulation: "whether it is more loyal to call upon feminine perceptiveness under the aegis of peace" also presents perceptiveness as a presupposition – to call upon it implies that it exists. "Perceptiveness" complements "intelligence", understood as the ability to reason, to think abstractly, to comprehend ideas, with features like insight and discernment. The French word "clairvoyance" refers to the capacity of having an exact and lucid perception of things, while suggesting the gift of perceiving matters beyond the reach of senses. It is more likely to be part of women's attributes and can therefore be qualified as "feminine". Le Hire does not argue about capacities generally denied to women, nor does she engage in any kind of advocacy. The successful activity of women during the war is supposed to be sufficient proof. In other words, the text implies that the activity deployed by women during "the disarray of difficult hours" is a warrant of their intellectual capacities.

All these oratory precautions are used to justify the capacity of women to perform public functions. They point to an underlying syllogistic argument: activating intelligence and perceptiveness is the condition for success in dealing with public affairs (unstated major premise). Women possess these qualities (implied minor premise), thus they can be given public functions (indirectly though clearly formulated conclusion). It can also be understood as a causal argument: women can fulfill public functions because they have the capacities to do so. As they have to be reconstructed by the reader and are not stated in so many words, the arguments can look more acceptable to the reticent audience.

The indirection used to moderate the violence of the claim also takes the form of a question replacing what would otherwise be interpreted as a blunt critical statement: "the question will be to know whether it is more loyal to call upon feminine perceptiveness under the aegis of peace than to require her activity during the disarray of difficult hours". The somewhat awkward syntax draws the attention: we would expect "whether it is not more loyal to do X … than to do Y". The choice of the axiological adjective "loyal" is also quite unexpected. These incongruities encourage the reader to reconstruct the sentence in order to fully understand it. It then appears as a rhetorical question: Is it fair to call upon women in times of war, and not under the aegis of peace?, a question that obviously provides its own answer. The discourse thus blurs its vehement call for justice and fair-play. It prevents the speech act it performs from being immediately interpreted as a social demand. Moreover, it softens its reproach and attack on the prevalent rules by expressing them on the implicit mode. The text appears not only as a masked causal argumentation, but also as veiled social claim.

It is interesting to see how the essayist addresses a "composite audience", trying to persuade the supposedly hostile readership while keeping the good graces of the militant feminists. We have already noticed that the text, though relying on indirection techniques, opens with a most provocative and controversial proposition. Boldness seems here to combine with caution so as to forcefully launch the reform claimed by feminist movements, while at the same time presenting it in a way that can win over the most reticent audience. It allows the text to address simultaneously two different groups and to satisfy opposite expectations that seem almost impossible to reconcile. Moreover, to avoid the risk of loosing the conservative readership as a result of bluntly expressing a controversial thesis, and of discouraging the progressive audience by painstaking precautions, the author attempts to reunite them around patriotic values common to all. She thus builds an ethos both of feminist, and of devoted citizen deeply attached to the well-being of the nation, who looks for solutions that would best serve the fatherland. Instead of limiting herself to the role of spokesperson of a given community, thus projecting the image of a militant devoted to a revolutionary cause, she appears as a patriot and a valuable human being interested in general welfare. Le Hire thus re-elaborates her negative ethos in order to build in her discourse the image of a reliable and trustworthy speaker.

CONCLUSION

If we come back to *The New Rhetoric*, we can see how the co-construction of the reasonable presented by Perelman is fully realized in argumentative interactions where the underlying argumentative schemes (*topoï*, syllogistic reasoning, causal argumentation, etc) cannot be dissociated from their discursive formulation and their particular situation of communication. The search for an agreement takes place in a virtual or actual dialogue, and it is achieved not only by valid logical schemes, but also by a rich textual network. Part of the analysis is based on Perelman's principles: the search for *topoï* and types of arguments, the importance of avoiding a petition of principles, the emphasis on the audience and on the necessity for the orator to adapt to her composite audience by choosing shared premises. This rhetorical framework is complemented and enriched by the contribution of contemporary linguistics – which Perelman's and Olbrechts-Tyteca's attention to language phenomena, formulated in terms of traditional grammar, actually seems to call for. The analysis thus feeds on pragmatics, and more specifically on Ducrot's pragmatic semantics. But it is also framed by Discourse Analysis with its emphasis on the situation of discourse, the formal frame of enunciation, interdiscourse, and its utmost attention to the discursive construction of the text at all levels.

It is interesting to see how certain points, often neglected by argumentation theories, like *ethos*, or *doxa*, pertain to both rhetoric and Discourse Analysis. Perelman's and Olbrechts-Tyteca pioneering book is entitled: *Traité de l'argumentation. La nouvelle rhétorique*, thus refusing any separation between what is sometimes interpreted as distinct disciplines. Extending their study to actual analysis of case studies in the framework of a linguistic trend focusing on verbal exchange, and enriching in turn this trend with an argumentative study of the force of the spoken and written word, cannot go against the grain of their work.

A last word about empirical research and theory. Closely examining actual verbal exchanges does not simply mean going from theory to practice. Moreover, it does not only mean enriching the theory by bringing to the fore neglected discursive phenomena. Such a view would comfort the initial separation introduced at the origins of contemporary linguistics by Saussure between "parole" and "langue" – the first referring to the individual use of language, supposed to be outside the realm of scientific investigation, while the second one is the system based on general rules that should be the only object of linguistic description. Following the lines of contemporary linguistics of discourse (the study of the use of language, not of its intrinsic system), one can assume that argumentative interactions as a way of reaching, or failing to reach, an agreement also have regularities and non formulated laws to be detected and described. The data taken from empirical research call for theorizing, although in ways both different from, and complementary to, the argumentation theories developed in the wake of Perelman, himself a follower of Aristotle.

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CHAPTER 10

ACTE ET PERSONNNE DANS L'ARGUMENTATION:
LE CAS DU PROCES D'INTENTION

Marianne Doury*

RESUME: Les travaux sur l'argumentation identifient un certain nombre de
procédés qui ont pour caractéristique de jouer sur la relation entre "acte" et "personne".
Au sein de ces procédés, on peut isoler un ensemble relativement cohérent, désigné
parfois comme des argumentations ad hominem, ou *ad personam*: il s'agit en tout cas
de procédés réfutatifs visant à discréditer une thèse en la mettant en relation avec
certaines caractéristiques de la personne ou du groupe qui la soutient. On s'intéressera
ici aux critiques auxquelles les arguments relevant de cette catégorie donnent lieu dans
le cadre d'interactions argumentatives polémiques – et en particulier, on s'arrêtera sur
l'accusation de "procès d'intention". L'expression "procès d'intention" est propre au
répertoire critique spontané de l'argumentation, et n'apparaît pas dans les nomenclatures
savantes identifiant classiquement les paralogismes. Pour les approches savantes, il
s'agirait d'une sous-catégorie de l'argument ad hominem circonstanciel, qui consiste
à rejeter une thèse ou une ligne d'action par le dévoilement des intentions mauvaises
qui présideraient à sa défense. – L'argumentation ainsi désignée comme "procès
d'intention" est centrale dans bien des débats polémiques, le calcul des intentions qui
ont présidé à la réalisation d'un acte ou à la profération d'une parole étant un ressort
majeur d'interprétation du monde social par les acteurs. Lorsqu'on fait dépendre
l'acceptation d'une thèse ou d'une ligne d'action de l'appréciation des intentions qui
président à sa défense, on hiérarchise la morale de l'agent que l'on place au-dessus de
la morale de l'acte. – On s'attachera à décrire la forme linguistique des occurrences
de l'accusation de "procès d'intention", on cherchera à mettre au jour la dynamique
argumentative dans laquelle elle s'inscrit, ainsi que les réactions auxquelles elle donne

* Centre National de Recherche Scientifique (CNRS). Responsable de l'axe "Rhétorique et Argumen-
tation". Laboratoire Communication et Politique, 27, rue damesme, 7503 Paris, France.

Chargée de cours à l'Université de Paris III (Sorbonne Nouvelle).

E-mail: doury@damesme.cnrs.fr

lieu. – Ce travail vise à prolonger l'entreprise de description de la critique ordinaire de l'argumentation que nous avons initiée depuis une dizaine d'années.

Les travaux sur l'argumentation identifient un certain nombre de procédés qui ont pour caractéristique de jouer sur la relation entre "acte" et "personne". Au sein de ces procédés, on peut isoler un ensemble relativement cohérent, désigné parfois comme des argumentations *ad hominem*, ou *ad personam*: il s'agit en tout cas de procédés réfutatifs visant à discréditer une thèse en la mettant en relation avec certaines caractéristiques de la personne ou du groupe qui la soutient. On s'intéressera ici aux critiques auxquelles les arguments relevant de cette catégorie donnent lieu dans le cadre d'interactions argumentatives polémiques – et en particulier, on s'arrêtera sur l'accusation de "procès d'intention". L'expression "procès d'intention" est propre au répertoire critique spontané de l'argumentation, et n'apparaît pas dans les nomenclatures savantes identifiant classiquement les paralogismes. Pour les approches savantes, il s'agirait d'une sous-catégorie de l'argument *ad hominem* circonstanciel, qui consiste à rejeter une thèse ou une ligne d'action par le dévoilement des intentions mauvaises qui présideraient à sa défense.

On s'attachera à décrire la forme linguistique des occurrences de l'accusation de "procès d'intention", on cherchera à mettre au jour la dynamique argumentative dans laquelle elle s'inscrit, ainsi que les réactions auxquelles elle donne lieu.

Ce travail vise à prolonger l'entreprise de description de la critique ordinaire de l'argumentation que nous avons initiée depuis une dizaine d'années.

I. ARGUMENT *AD HOMINEM*

L'argument *ad hominem* (que l'on devrait, selon Plantin, appeler plutôt "réfutation *ad hominem*"), consiste à disqualifier une thèse en disqualifiant la personne qui la porte. Elle constitue ce que Apothéloz et Brandt (1991: 95-96) appellent une "mise en cause".

L'argumentation *ad hominem* est généralement distribuée en sous-types, dont le nombre et la définition diffèrent selon les auteurs. On s'accorde le plus souvent sur une triple distinction minimale entre:

— *Ad hominem* injurieux ou offensant [*abusive*], qui consiste en une attaque directe contre la personne, à travers des désignations disqualifiantes (accusations d'incompétence, de malhonnêteté…).

— *Ad hominem* circonstanciel [*circumstantial*], ou *ad hominem* indirect, qui disqualifie une thèse en la mettant en relation avec des circonstances attachées à la personne. Il s'agit le plus souvent de suggérer qu'une personne soutient une thèse non pour sa valeur propre, mais parce qu'elle sert ses intérêts.

— *Ad hominem tu quoque*, qui pointe l'existence d'une contradiction (épistémique, déontique, pragmatique…) entre ce que le locuteur affirme et une de ses affirmations antérieures, ou sa conduite effective, etc. Il s'agit, en bref, d'accuser un locuteur d'être "mal placé" pour affirmer ce qu'il dit.

Les différents auteurs tendent à considérer comme central un type plutôt qu'un autre; ainsi, Locke considère la dénonciation d'une contradiction logique comme

définitoire du *ad hominem*. Walton (1991), pour sa part, insiste sur la centralité de la notion d'engagement [commitment]: pour être crédible, un locuteur doit apparaître comme "tenu" par la thèse qu'il avance. Or, le fait qu'un soupçon d'intéressement [*ad hominem* circonstanciel] puisse peser sur lui nourrit une présomption de désinvestissement argumentatif, "le zèle apparent de la vérité" n'apparaissant alors, pour reprendre les termes de J.-J. Rousseau, que comme "le masque de l'intérêt".[1] Parallèlement, le fait qu'un argumentateur puisse changer d'avis, ou que ses actes soient en contradiction avec ses paroles, fait également peser sur lui le soupçon de ne pas être réellement "engagé" par la thèse qu'il défend: l'existence d'une contradiction fonctionne comme indice du peu de cas qu'il fait de la thèse qu'il défend.

Enfin, si l'on prête attention à son intégration dans une dynamique argumentative dialogale, le *ad hominem* a souvent pour caractéristique de fonctionner souvent en cascade, un *ad hominem* en appelant un autre; il tend ainsi à déclencher une dégénérescence de l'argumentation en querelle de personnes (Walton 1992).

Ad hominem, argument d'autorité, témoignage *et éthos*

L'argument *ad hominem* entre dans une catégorie plus générale, qui comprend l'ensemble des mouvements argumentatifs qui ramènent la discussion de la thèse à la personne qui la porte. Cette catégorie embrasse tant les arguments d'autorité que les arguments *ad hominem* (Govier 2001: 194; Woods et Walton 1992: 27).

Les liens entre ces deux types d'arguments peuvent être envisagés tant du point de vue de leur *symétrie structurelle* (le premier permettant d'étayer une thèse en l'adossant à une source valorisée, le second permettant de rejeter une thèse en la rapportant à une source critiquée) que du point de vue de leur *complémentarité dans la dynamique argumentative*: en effet, un appel à l'autorité peut être critiqué à l'aide d'une argumentation *ad hominem* (Woods et Walton 1992: 35; Walton 1992: 23). Cette fonction critique du *ad hominem* est acceptable lorsqu'elle porte sur des formes d'argumentations qui supposent une dépendance épistémique: c'est le cas, on vient de le suggérer, de l'argument d'autorité, mais aussi du témoignage.[2] Dans les deux cas, faute d'un accès direct à la preuve, l'évaluation de l'argument passe nécessairement par une évaluation du locuteur qui l'avance (Govier 1987: 273).

Par ailleurs, la réfutation *ad hominem* gagne à être mise en relation avec la problématique de l'*éthos*, dont elle constitue le pendant négatif. En effet, construction de l'*éthos* et argumentation *ad hominem* mettent en jeu la crédibilité des partenaires de l'argumentation. L'*éthos* aristotélicien rassemble les procédés discursifs (et plus largement, sémiotiques) que met en œuvre un orateur pour apparaître digne de confiance aux yeux de l'auditoire. Si l'on cherche à transposer le concept d'*éthos* dans

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[1] J.-J. Rousseau, *Julie ou La Nouvelle Eloïse*, lettre XIV à Julie, 1761.

[2] Les règles juridiques d'exclusion des témoins visent ainsi essentiellement à éviter les biais liés à l'existence d'intérêts ou d'enjeux personnels. Cf. Doury 1999.

une perspective argumentative plus dynamique et interactionnelle, l'ensemble de ces procédés peut être vu comme une anticipation sur une critique portée contre la personne – et donc, sur une éventuelle réfutation *ad hominem*. Une telle conception des relations entre *éthos* et *ad hominem* recompose la distribution traditionnelle entre procédés relevant de l'art oratoire et procédés relevant de l'argumentation, et permet de traiter, dans un cadre unifié, de mécanismes discursifs fonctionnellement complémentaires.

Evaluation de l'argument *ad hominem*

Du point de vue des théoriciens normatifs de l'argumentation, l'argument *ad hominem* (comme d'ailleurs l'argument d'autorité) a longtemps été disqualifié par la logique, en raison de l'exigence qu'elle imposait à toute argumentation de faire abstraction de ses conditions d'énonciation (Plantin 1990: 208). Mais les évolutions plus récentes de la logique non formelle prônent une évaluation contextuelle des arguments; ainsi, le *ad hominem* est désormais plus souvent considéré comme une forme de critique de l'argumentation acceptable sous conditions – en particulier, on l'a vu, lorsqu'il participe à l'évaluation d'un appel à l'expertise ou d'un témoignage.

Selon Schellens, les questions critiques pertinentes pour l'évaluation d'un *ad hominem* sont les suivantes:

1. Is D correct about A?
2. Is P defended on the authority of A?
3. Is it justified on the grounds of D to doubt the expertise of A in the relevant subject area?
4. Is it justified on the grounds of D to doubt the sincerity of A concerning P?
5. Is it justifiable on the grounds of D to doubt the consistency of P with other assertions of A? (Schellens 1991: 387)

Au-delà des conditions de validité de l'argument *ad hominem* pour les théoriciens normatifs de l'argumentation, on peut s'interroger sur la perception de ce mouvement, ainsi que sur son acceptabilité, auprès des locuteurs ordinaires. En effet, la récurrence de ce type de réfutation, en particulier en contexte polémique, ne dit rien de la façon dont il est évalué par les argumentateurs non savants.

Eemeren et Meuffels (2002), à travers un dispositif expérimental, ont cherché à tester la reconnaissance et l'évaluation des trois principaux sous-types d'arguments *ad hominem* auprès d'une centaine d'informateurs. Ils en concluent que ceux-ci distinguent bien les trois formes de *ad hominem*, et les évaluent spécifiquement, la variante offensante étant jugée la moins acceptable, suivie du *ad hominem* circonstanciel, et enfin du *tu quoque*, considéré comme le plus souvent légitime. Le jugement d'acceptabilité varie également en fonction des circonstances: le *ad hominem* semble plus recevable dans le contexte d'une querelle familiale ou d'un débat politique, mais plus contestable dans le cadre d'une discussion scientifique.

Perelman: "Acte et personne dans l'argumentation"

L'apport de Perelman à l'étude de l'argumentation *ad hominem*[3] est concentré essentiellement dans son article portant sur les relations entre "acte et personne dans l'argumentation" (Perelman 1989). Cherchant à réhabiliter les formes d'argumentations non contraignantes, il s'interroge sur les grands types de liaisons à l'œuvre dans les discussions. Il s'arrête ainsi sur une liaison de coexistence très généralement admise par toute espèce d'auditoire, et par là-même, capitale pour comprendre ces argumentations non-contraignantes: c'est la relation de la personne à l'acte qu'on lui attribue (Perelman 1989: 161).

Perelman envisage la relation de coexistence entre acte et personne comme un des mécanismes fondamentaux par lesquels les individus cherchent à faire sens du monde social qui les entoure. Il part de l'affirmation que la personne, le sujet, n'est accessible aux autres qu'au travers de ses actes – que ceux-ci soient verbaux, ou de toute autre nature. C'est donc par l'interprétation et l'évaluation des actes que l'on peut faire des hypothèses sur la personne qui en est à l'origine. A l'inverse, l'idée que l'on se fait préalablement d'un individu influe sur la façon dont on perçoit ses actes, par l'effet de préventions positives ou négatives. La personne constitue l'élément supposé stable, les actes étant davantage soumis à la contingence.

Les actes étant considérés comme des manifestations de la personne, on s'attend généralement à quelque chose comme un alignement acte/personne. C'est cet alignement attendu qui sous-tend le *ad hominem* offensant: un discours [un acte] porté par un individu stupide, incompétent ou malhonnête [la personne] s'en trouve, du même coup, discrédité.

De la même façon, l'imputation d'intentions à la personne est un ressort majeur de l'interprétation des actions humaines. On ne peut pas ne pas penser au petit passage de *Déposition*, dans lequel Léon Werth rapporte ainsi une discussion qu'il avait eue avec son grand ami Antoine de Saint Exupéry:

> Ce restaurant du Bois où nous dînions ensemble, l'an dernier. Comment en vînmes-nous à tenter de porter un jugement sur quelques uns des hommes qui conduisaient alors la France, autrement dit: des ministres? Nous leur prêtions des projets, un dessein. Et soudain Tonio murmura: "Je crois que nous faisons de l'anthropomorphisme…"

C'est en effet un présupposé propre à l'interprétation des actions humaines que de les rattacher à des intentions – et, dans le cas de personnes politiques, à des intentions *construites* (des projets, des desseins).

Et les hypothèses que l'on peut faire sur ces motifs de l'action sont déterminantes dans la compréhension et l'évaluation que l'on porte sur elle. Comme le souligne Perelman, "Le

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[3] C. Perelman, lorsqu'il s'attache aux réfutations visant la thèse à travers une attaque de la personne qui la porte, utilise l'expression d' "argument *ad personam*"; il réserve l'appellation *ad hominem* aux arguments valables pour un auditoire particulier, par opposition à l'argumentation *ad rem*, destinée à un auditoire universel (Perelman et Olbrechts-Tyteca 1988: 149-150).

même acte accompli par quelqu'un, sera considéré comme différent et autrement apprécié parce qu'on le croira accompli dans une intention différente" (Perelman 1989: 272). Ce mécanisme interprétatif fait prévaloir la morale de l'agent sur celle de l'acte. Dans la plupart des situations, l'interprétation du monde social met en œuvre les deux logiques, entre lesquelles s'établit un compromis: certes, participer à de grands shows caritatifs peut contribuer à rétablir la popularité d'artistes sur le déclin; mais leur participation permet quand même de renflouer les caisses d'organisations défendant de grandes causes.

Dans le cas du *ad hominem tu quoque*, qui pointe une incohérence entre deux actes de la personne (deux discours, ou un discours et un acte non verbal), le mécanisme argumentatif tend à résoudre l'incohérence en imputant une qualité à la personne qui rend cette incohérence intelligible: le plus souvent, il s'agit d'une imputation de malhonnêteté, d'intéressement ou de partialité. Mais il peut s'agir aussi d'une imputation d'irrationalité, lorsque c'est une incohérence logique qui est visée.

II. ACCUSATION DE PROCES D'INTENTION

Présentation de la démarche: étude de l'activité critique de l'argumentateur ordinaire

Le travail proposé ici constitue un élément d'un projet plus large d'étude de l'activité critique des argumentateurs ordinaires.[4]

Analyser les productions argumentatives de locuteurs amenés à défendre un point de vue dans une situation de confrontation des opinions est, cela va de soi, la tâche centrale du chercheur en argumentation (du moins de celui qui adopte un point de vue empirique). Mais on oublie que cette tâche est également prise en charge par les locuteurs eux-mêmes, dans le cadre desdits échanges: argumenter suppose de construire un point de vue par un étayage argumentatif, mais aussi d'interpréter, de catégoriser, et éventuellement de critiquer les discours concurrents.

Dans la perspective de description de cette activité d'analyse critique "ordinaire" de l'argumentation, j'ai choisi de m'intéresser à *l'accusation de procès d'intention*, en raison de son caractère récurrent en contexte polémique. "Procès d'intention" ne constituera donc pas pour moi une *catégorie d'analyse* de l'argumentation; je considérerai cette expression comme une *désignation disqualifiante* mobilisée à des fins de réfutation dans des situations de confrontation d'opinions.

Lorsqu'on s'intéresse à l'activité ordinaire de critique de l'argumentation telle qu'elle apparaît dans les échanges argumentés – et, en particulier, dans les échanges polémiques, il apparaît que les catégories "savantes" renvoyant à des types d'arguments discrédités recouvrent plus ou moins exactement les catégories ordinaires, et que ces dernières peuvent faire l'objet de désignations identiques aux nomenclatures savantes, ou recourir à un lexique spécifique. Ainsi, "amalgame" apparaît dans les deux contextes

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[4] Cette réflexion s'inscrit donc dans le sillage de mes recherches antérieures, notamment sur l'accusation d'amalgame (Doury 2003), la perception et l'évaluation des types d'arguments par les locuteurs ordinaires (Doury 2004) ou l'évaluation de l'argumentation par analogie (Doury 2006).

(analyse critique savante et analyse critique spontanée); en revanche, certains termes, comme l'expression "procès d'intention", apparaît exclusivement dans l'analyse critique ordinaire: il relève d'un répertoire critique spontané de l'argumentation.

L'accusation de procès d'intention

Pour les approches savantes, le "procès d'intention" renverrait à une sous-catégorie de l'argument *ad hominem* circonstanciel, qui consiste à rejeter une thèse ou une ligne d'action par le dévoilement des intentions mauvaises qui présideraient à sa défense. Si l'on en revient aux réflexions de Perelman évoquées précédemment, l'accusation de procès d'intention vise à bloquer ce mécanisme d'interaction acte/personne, qui consiste ici à faire des hypothèses sur les intentions de x, intentions supposées peu avouables, et en conclure à l'irrecevabilité de sa position. L'accusation de procès d'intention présente l'imputation d'intention comme un processus purement spéculatif et hasardeux, ne reposant sur aucune preuve rationnelle, et ne prouvant rien d'autre que la prévention de celui qui en est à l'origine à l'encontre de celui qui en est victime.

Pourtant, comme le rappelle Perelman, une imputation d'intention peut être fondée par l'observation d'actes antérieurs répétés et concordants, ayant permis de construire une image de la personne supposée stable, et donc susceptible à son tour de servir de prémisses à un calcul intentionnel (1989: 272): elle n'est pas nécessairement arbitraire, et peut, on l'a dit, être centrale dans la compréhension d'un acte.

L'accusation de procès d'intention en discours

Bien que l'interprétation d'une action à la lumière des intentions qui l'ont motivées soit non seulement courante, mais encore parfois légitime, l'appellation "procès d'intention", lorsqu'elle désigne l'argumentation de l'adversaire, est cependant nécessairement disqualifiante. En effet, on ne la trouve que dans des énoncés à orientation négative, qui axiologisent en retour le syntagme "procès d'intention": [5]

> "Pas de procès d'intention!"
> "On me fait un procès d'intention".
> "je me refuse à faire des procès d'intention"
> "je ne veux pas entrer dans un procès d'intention"
> "arrêtons de faire un procès d'intention à…"
> "X dénonce un procès d'intention"
> "victime d'un procès d'intention"
> "… vire au procès d'intention"
> "ras le bol des procès d'intention"
> "… abuse des procès d'intention"

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[5] Les exemples sont tirés de divers sites Internet et forums de discussion, à partir d'une recherche autour de l'expression "procès d'intention".

Dans le même esprit, les qualificatifs associés à "procès d'intention" sont clairement disqualifiants, un procès d'intention étant nécessairement "odieux", "injuste", "mauvais", "sinistre".[6]

Si l'on s'intéresse aux termes méta-argumentatifs associés, dans les argumentations ordinaires, au terme "procès d'intention", on peut élaborer un paradigme des procédés argumentatifs délictueux, qui constitue un inventaire à la Prévert des comportements communicatifs délinquants:

"après le *procès d'intention*, voici le *délit d'opinion*."
"les *rumeurs* et les *procès d'intention*"
"écarter tout *anathème* et autres *procès d'intention*."
"dégager la pépite du désaccord de la gangue du *malentendu* et du *procès d'intention*"
"un tel déchaînement *d'agressivité, d'injures*, de *procès d'intention*, un tel *abus des qualificatifs les plus insultants*"
"restent le *délire* et les *procès d'intention*"
"*Anathème et procès d'intention*"
"la *stratégie du discrédit*, qui passe par les *faux procès d'intention* et par les *mensonges*"
"Il s'agit de dépasser les *incompréhensions* et les *procès d'intention*"
« selon des critères qui relèvent à la fois du *procès d'intention* et de la *calomnie*, et de la *soumission à la loi du plus fort*"
"champion des *procès d'intention* et des *mauvaises foi*!"
"Je ne suis pas dans le *procès d'intention*, je ne suis pas dans *l'opprobre* lancée sans savoir et je ne suis pas dans les *bagarres de personnes*"
"Ils ont donné dans tous les genres. Le *mépris, l'insulte*, le *coupage de parole*, les *commentaires à haute voix*, les *procès d'intention*, la *mauvaise foi, la haine*..."
"*Le procès d'intention* ne constitue *pas un argument. La dérision* n'est pas un palliatif à l'ignorance. Encore moins le début d'une réflexion. "

De tels paradigmes frappent par deux caractéristiques:
— d'une part, ils exhibent une dimension émotionnelle très présente (à travers notamment un lexique émotionnel associé: "haine, mépris, agressivité...");
— d'autre part, ils tracent un portrait de victime. En effet, contrairement aux autres formes d'arguments classiquement envisagés comme des sophismes ou des paralogismes, les stratégies relevant du *ad hominem* sont caractérisées par le fait qu'elles mettent en relation un locuteur en position de "bourreau", et un locuteur en position de "victime". Ainsi, on n'est pas "victime" d'une pétition de principe ou d'un argument d'autorité; en revanche, on est victime d'un procès d'intention, qualifié en retour d' "injuste", ou d'"odieux".

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[6] On trouve aussi les expressions "véritable procès d'intention" ou "pur procès d'intention", où "véritable" et "pur" n'ont aucune valeur positive, mais ont une fonction intensive, qui renforce la disqualification du procédé.

De ce fait, accuser l'adversaire de faire un procès d'intention a une double répercussion sur l'éthos de celui qui porte l'accusation:

— c'est une façon d'exhiber une compétence méta-argumentative qui permet de catégoriser les procédés argumentatifs en circulation et de leur attacher une étiquette valorisante ou, ici, disqualifiante;

— c'est aussi une façon d'assigner aux partenaires de l'échange argumenté des rôles spécifiques, dans un rapport duel de "bourreau" (ou du moins, d'agresseur) à "victime", ou dans un rapport ternaire de bourreau, victime et défenseur de la veuve et de l'orphelin, lorsque l'accusation de procès d'intention est portée par un tiers, non visé directement.

Enfin, l'observation des termes méta-argumentatifs en co-occurrence avec "procès d'intention" permet, à l'inverse, de dresser un inventaire des antonymes – ou, plus largement, des comportements argumentatifs valorisés:

> "Encore une fois, pas de procès d'intention, *jugeons sur pièces*"
> "*aborder les problèmes franchement* et ne plus se faire de procès d'intention"
> "*sur des bases sereines*, sans amalgame ni procès d'intention."

Le procès d'intention s'opposerait donc à une argumentation *ad rem* (portant sur la thèse elle-même), et se développant dans un contexte dépassionné.

L'acception ordinaire de "procès d'intention"

Si l'on s'intéresse à la façon dont le procès d'intention est compris par les locuteurs ordinaires, on retrouve des définitions très proches de celle dont on se sert ici.[7] Il arrive cependant que la notion soit légèrement étendue, comme dans le cas suivant:

> Groupes de discussion: fr.sci.psychanalyse
> De: f...@filh.orgie (FiLH)
> Local: Dim 18 nov 2007 17:41
> Objet: Re: Les non réponses du Dr Peio..
> (…)
> > votre question est inepte, comme bien souvent.
>
> L'ineptie est plutôt de d'une part donner un lien sur une page donnant des traitements médicaux et d'autre part dire qu'il n'y a pas de thérapie*, tout en ricanant comme un crétin sur la fausse supposition de ce que je pense (procès d'intention* Dr Peio, *procès d'intention* !)
>
> FiLH

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[7] On notera que le terme de "procès d'intention" ne semble pas avoir de traduction satisfaisante en anglais. Il s'agit un cas particulier de la catégorie plus générale de "*poisoning the well*"; il semble correspondre plus étroitement au *genetic fallacy*, défini par Engel comme suit: "What the genetic fallacy tries to do is to prove a contention false or unsound by condemning its source of genesis" (Engel 1994: 133).

La pétition de principe apparaît alors comme un procédé d'imputation d'*opinions* que le locuteur ne reconnaît pas comme siennes ("la fausse supposition de ce que je pense"). Cette acception correspond à un usage de "procès d'intention" qui n'est pas marginal dans les interactions polémiques. Dans cet usage, l'expression est en fait assez proche de ce que les manuels de rhétorique identifient comme la stratégie de l'homme de paille.

Les réactions à l'accusation de procès d'intention

On l'a vu, l'imputation d'intentions est un procédé central et souvent légitime dans l'interprétation des actions humaines. Aussi l'accusation de procès d'intention conduit-elle parfois ceux qui en sont victimes à justifier leur raisonnement. Ainsi, à la suite d'un article consacré à B. Obama, dont l'auteur qualifiait de "procès d'intention" les questionnements sur ce qui poussait le candidat à s'entourer d'autant de personnalités médiatiques, un commentaire légitime la démarche qui consiste à s'interroger sur les motifs:

> S'il faut retenir les deux premières interventions, la dernière, fort pertinente, n'appelant aucun commentaire, la plaidoirie est convaincante, sauf sur la question de la "peopolisation", dans laquelle l'auteur voit un *procès d'intention*. La quête compulsive de ce type de caution est justement sujette à caution. Elle porte la marque du superficiel, et sert moins la cause que la célébrité. *Et ce qu'on appelle procès d'intention est bien souvent l'expression d'une saine curiosité intellectuelle et un acte de vigilance politique. Il est légitime de chercher à connaître les mobiles*, cachés ou non, des actions des acteurs politiques et des agents sociaux, opérant dans la sphère de la société civile, haut lieu des stratégies obliques et d'officines parallèles ou de forces occultes, aux activités parfois interlopes. *(http://tebawalito.unblog. fr/2008/09/29/obamania-usage-et-mesusage-dune-formule-philippe-lavodrama-et-patrice-schoendorff-comite-des-amis-lyonnais-dobama/)*

Si la démarche est revendiquée comme légitime (et, comme dans le cas de L. Werth, particulièrement dans le cas de l'interprétation/évaluation d'actions d'hommes publiques), l'appellation "procès d'intention" est tenue à distance par la formulation "ce qu'on appelle procès d'intention", l'expression n'étant pas détachable de son effet disqualifiant. L'explicitation de la nécessaire prise en compte des intentions pour comprendre réellement les ressorts de la politique dessine en creux ce que serait le péché inverse (rejetant systématiquement tout examen des motifs): l'*angélisme*.

De façon similaire, dans l'échange suivant (tiré d'un forum sur la psychanalyse), Fil H justifie de faire des hypothèses sur les intentions de son interlocuteur par sa volonté de comprendre:[8]

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[8] fr.sci.psychanalyse

>Donc, j'ai essayé d'expliquer une fois de plus mais sous un autre angle qu'il
>y a des manières plus fertiles de discuter sur Usenet que de *chercher tout le temps*
>*pour quel mobile obscur et sans doute hostile un tel a écrit ce qu'il a écrit.*
(…)
Mais la position scientifique n'est-elle pas de *chercher à comprendre* quand des faits
se reproduisent sans explication visible ? N'est-elle pas de *tenter des hypothéses*?
Et comment distinguez vous une hypothèse d'un procès d'intention?
Ah oui…le *procés d'intention c'est une hypothése défavorable*
J'ai bon?

L'accusation de procès d'intention n'est pas formulée comme telle par l'interlocuteur
de Fil H, mais reconstruite par ce dernier à partir de l'accusation "chercher tout le
temps pour quel mobile obscur et sans doute hostile un tel a écrit ce qu'il a écrit", qui
reprend effectivement des éléments définitionnels du procès d'intention: la motivation
doit être cachée, et inavouable. Mais il en propose une nouvelle désignation ("tenter des
hypothèses"), d'autant plus légitime qu'il l'associe à une "position scientifique" et à un
mobile noble: « chercher à comprendre ». Il s'ensuit une négociation sur la distribution
des termes "hypothèse" et "procès d'intention", qui permet de mieux comprendre ce
qui constitue le cœur du procédé pour les locuteurs ordinaires. L'adversaire de Fil H
répond ainsi à sa question:

>Et comment distinguez vous une hypothèse d'un procès d'intention?
1. L'hypothèse a des conséquences observables et testables qui la rend susceptible
de réfutation,
2. l'hypothèse est en concurrence avec d'autres hypothèses et n'est pas affirmé
avec certitude, dans le procès d'intention, le verdict précède l'accusation et ne
laisse pas la parole à la défense.
>Ah oui… le procès d'intention c'est une hypothése défavorable
>J'ai bon?
Non.

Ainsi, le procès d'intention est alors caractérisé par son caractère arbitraire (il n'est
pas vérifiable, ni réfutable) et par sa détermination *a priori*: il constitue donc un double
paralogisme, puisqu'au *ad hominem* s'attache une pétition de principe.
Mais le plus souvent, étant donné les enjeux d'images associés à l'accusation de
procès d'intention, on peut s'attendre à ce qu'elle fasse l'objet de négociations serrées
entre les partenaires de l'interaction. Et c'est ce qu'illustre en effet l'échange suivant,
tiré d'un blog sur les Mangas:[9]

Alex dit: <u>décembre 21st, 2006 à 17:48</u>
>qui sommes-nous pour juger de gens qu'on connaît même pas
>personnellement?

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[9] 'Goldorak-Gate', archive du blog "hall of fame": *http://www.nonoche.com/goldogate/?p=276*

De ta bouche, ça m'a l'air surtout d'être l'hôpital qui se fout de la charité, surtout si l'on en juge par *tous les procès d'intention que tu as pu me faire*, comme à d'autres, ainsi qu'à Nonoche.

Dans ce premier message, Alex s'insurge contre Colombo, son partenaire d'interaction, qui lui fait la morale, et qu'il accuse en retour de se livrer à des procès d'intention. Colombo rétorque immédiatement en contestant l'accusation, et en la retournant à l'envoyeur:

> Colombo dit: <u>décembre 22nd, 2006 à 8:57</u>
> @ Alex
> Quand aux *procès d'intention* dont tu m'accuses envers toi et Nonoche, je trouve ça un peu fort quand je vois les critiques dont j'ai déjà fait l'objet.
> Que je me souvienne je n'ai quasi jamais dialogué directement envers toi, alors comment je t'aurais fait un *procès d'intention?*
> Pour Nonoche (mais peut-être ne partage-t-il pas mon avis) il s'agissait surtout de divergences d'opinions entre lui et moi plus que de *procès d'intention*, mais en personnes civilisées nous avons échangés nos arguments, où y-a-t il procès?
> Vu que je travaille moi-même dans un milieu lié à la Justice**,** *je pense que c'est surtout moi la victime d'un procès d'intention* Ô__=

La contestation passe par l'évocation d'une impossibilité matérielle ("je n'ai quasi jamais dialogué avec toi"), puis par une requalification de l'interaction avec ledit Nonoche (qui, de "procès d'intention", est réhabilitée en "échange d'arguments"). La réponse d'Alex n'est rien moins que conciliante:

> Alex dit: <u>décembre 22nd, 2006 à 10:05</u>
>
> >Quand aux procès d'intention dont tu m'accuses envers toi et Nonoche, je >trouve ça un peu fort quand je vois les critiques dont j'ai déjà fait l'objet.
> Justement, *je te trouve en premier gonflé de te dire victime de procès d'intention, alors que tu ne te prives pas d'en faire* et lorsque ça n'est pas ouvertement, de le faire de manière incidieuse.
> >Que je me souvienne je n'ai quasi jamais dialogué directement envers toi, >alors comment je t'aurais fait un procès d'intention?
> Oui oui, on n'a jamais dialogué même et d'ailleurs, tu ne me visais jamais en parlant de certains. A part ça, tout va bien.
> >Pour Nonoche (mais peut-être ne partage-t-il pas mon avis) il s'agissait surtout >de divergences d'opinions entre lui et moi plus que de procès d'intention, mais >en personnes civilisées nous avons échangés nos arguments, où y-a-t il procès?
> Elle est bien bonne celle-là! Entre les propos concernant le fait que ces articles soit orientés, que tu lui dises qu'il était un fervent défenseur de Tôei Animation et te demandant entre autre s'il avait un rapport avec la dite société, c'était pas du tout un *procès d'intention* hein?
> Y aurait certainement pas mal d'autres exemples pour l'illustrer, enfin quand j'aurai un peu plus de temps devant moi, qui sait, je te les rappellerai.

>Vu que je travaille moi-même dans un milieu lié à la Justice, je pense que
>c'est surtout moi la victime d'un procès d'intention Ô__=
    Caliméro is back! Ah bon? Tu fais quoi? T'assures la sécurité des raisins secs
(CF sketch des Nous c'est nous)?

Alex mobilise à nouveau un *ad hominem tu quoque*, reprochant à son interlocuteur
d'être mal placé pour l'accuser de procès d'intention ("je te trouve en premier gonflé…"),
puis pose qu'un dialogue direct n'est pas une condition nécessaire à la réalisation d'un
procès d'intention, qui, dans sa conception du procédé, peut viser un tiers ("tu ne me
visais jamais en parlant de certains", qu'il faut bien sûr lire ironiquement). Il étaye
ensuite son accusation par une argumentation par l'exemple en s'appuyant sur des
échanges entre Colombo et Nonoche ("entre les propos concernant…"); enfin, il souligne
et conteste ironiquement l'*ethos* mis en place par Colombo à travers la déclaration
selon laquelle il serait victime de procès d'intention, en le comparant à Caliméro.
Rappelons que Caliméro est le héros d'un dessin animé pour enfants; c'est un petit
poussin noir, coiffé d'une demi-coquille d'œuf, toujours victime de mésaventures qu'il
conclut invariablement par les mots: "c'est vraiment trop injuste". L'évocation de la
figure de Caliméro par Alex vise donc à tourner en dérision la revendication du statut
de victime de Colombo en l'infantilisant, et en suggérant le caractère systématique de
son positionnement victimaire.

Si les échanges suscités par une accusation de procès d'intention sont rarement
aussi développés, il est cependant rare qu'une telle accusation soit laissée sans réponse,
en raison d'une part de la gravité de l'accusation (celui qui fait un procès d'intention
se montre partial, peut être soupçonné de mauvaise foi, et signe par là l'échec d'une
réfutation portant sur la thèse même), et d'autre part sans doute, en raison de l'enjeu
plus général qui s'attache aux qualifications méta-argumentatives des comportements
discursifs des partenaires de la communication.

EN CONCLUSION

En guise de conclusion, on insistera sur deux points de réflexion abordés au
cours de cette étude sur l'accusation de procès d'intention. D'abord – et ça n'a rien
d'original dans ce volume –, sur l'importance de la contribution de Perelman au
renouvellement des théories de l'argumentation, ainsi que sur sa volonté généreuse de
réhabiliter quelque chose comme une "rationalité ordinaire". C'est cette volonté qui
porte sa réflexion sur l'interaction "acte/personne" dans l'argumentation; et on le suivra
inconditionnellement dans sa proposition de re-légitimer *a priori* les argumentations
rétablissant ce lien – quitte à en définir contextuellement les conditions de validité.
Les imputations d'intention à des fins de compréhension du monde sont fréquentes
et bien souvent incontournables; elles n'en sont pas moins vulnérables, en contexte
polémique, à des accusations de "procès d'intention", qui reflètent (ou mobilisent
stratégiquement) des normes argumentatives empruntées à des conceptions logicistes
et excessivement désincarnées de l'argumentation.

En dernier lieu, on voudrait insister sur l'intérêt qu'il peut y avoir à prendre au
sérieux la matérialité langagière de l'argumentation – et les ressources linguistiques

que chaque langue offre à ses locuteurs pour mettre en mots leurs stratégies. Cet intérêt – particulièrement central pour l'auteur en raison de sa formation linguistique – a été mis en évidence de façon inaugurale par les travaux de Ducrot et de son école autour des connecteurs et opérateurs argumentatifs (Ducrot *et al.* 1980), puis étendu à l'ensemble du lexique (Anscombre et Ducrot 1983). Il est actuellement repris et appliqué à la plus large catégorie des "indicateurs d'argumentation" [*argumentative indicators*] par l'école d'Amsterdam (Eemeren, Houtlosser et Snoeck Henkemans 2007); et nous considérons que l'attention prêtée à des désignations comme "procès d'intention" ou "amalgame" – voire à des unités plus larges, comme des aphorismes du type "c'est l'Hôpital qui se fout de la Charité" (et qui dénoncent des argumentations *ad hominem tu quoque*) participent du même souci pour la matérialisation discursive de l'argumentation.

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(Página deixada propositadamente em branco)

CHAPTER 11

LES *ETHE*, LEUR POIDS, ET COMMENT S'EN DEBARRASSER

Christian Plantin*

RESUME: 1. À la suite notamment des travaux de R. Amossy, E. Eggs, D. Maingueneau, la notion d'*éthos* connaît un regain d'intérêt en analyse du discours. Elle a toujours été présente dans la recherche rhétorique américaine (Burke). Ducrot l'a définie comme l'identité langagière du locuteur en tant que tel; et on pourrait considérer que le concept de schématisation de Grize généralise la question de la représentation discursive des caractères.—2. Aristote traite du caractère dans plusieurs passages de la *Rhétorique:* il est défini a) comme une stratégique de l'orateur, fonctionnant comme preuve rhétorique; et b) comme un ensemble de traits psychologiques typiques de différentes classes d'auditoires. Hermogène, qui fait de l'*éthos* une des sept Catégories stylistiques du discours, a décrit par quelles techniques rhétoriques se construisent ses trois composantes: naïveté, modération, sincérité; le caractère est un style et une technique (éthopée).—3. Schématiquement, la rhétorique latine distingue dans le caractère deux composantes: d'abord une dimension émotionnelle, qui lie l'*éthos* au *pathos* en le définissant comme un affect doux (Quintilien) ou thymique; et en second lieu, une dimension morale, élaborée par la réflexion sur l'homme de bien et l'éthique du discours.—4. Les théories de l'argumentation qui postulent que seules sont valides les arguments sur les choses mêmes, rejettent toute preuve par le caractère fort, qui fonctionne comme un inhibiteur de la critique (fallacie *ad verecundiam*). L'autorité est reclassée comme preuve périphérique, et réintégrée partiellement dans la problématique de l'expertise.

Je me propose dans cette présentation de mettre en relation les notions de caractère, d'autorité et d'émotion, dans le champ de la rhétorique argumentative.

* Université de Lyon 2, 5, av. P. Mendès-France, 69676 BRON Cedex, Lyon, France.

Directeur de Recherche au Centre National de Recherche Scientifique (CNRS): UMR ICAR ("Interactions, Corpus, Apprentissages, Représentations").

E-mail: Christian.Plantin@univ-lyon2.fr

Cette mise en relation se fera à partir d'une tradition de recherche qui part de l'ancienne rhétorique ancienne, qui est une rhétorique argumentative, définie par les traits suivants; elle est:

— référentielle, c'est-à-dire qu'elle inclut une théorie des indices, pose le problème des objets, des faits, de l'évidence, même si leur représentation adéquate ne peut se saisir que dans le conflit et la négociation des représentations;

— elle est probatoire, c'est-à-dire qu'elle vise à apporter sinon la preuve, du moins une meilleure preuve;

— elle est dialogique (polyphonique, intertextuelle); ses conclusions sont soutenues sous l'horizon d'un contre-discours, tenu par un opposant;

— son objet privilégié est l'intervention (institutionnelle) planifiée.

Globalement, elle manipule toutes les dimensions du discours, que l'on peut rapporter à l'inusable schéma de Jakobson:

<center>

Contexte
(f. référentielle)

Destinateur   →   message   →   Destinataire
Expressive   *poétique*   *conative*

Contact
Phatique

Code
métalinguistique

</center>
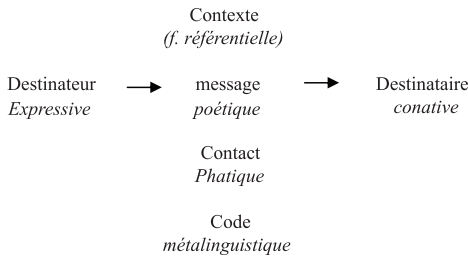
Le discours rhétorique argumentatif cherche à agir sur le destinataire (fonction conative), par un discours informé par un logos (fonction référentielle); il a une dimension *expressive*: il est animé par un *éthos* et un *pathos*. Rien n'interdit de voir dans le discours éloquent une manifestation de la fonction poétique.

Cet exposé présentera de nombreuses citations d'auteurs qui s'inscrivent dans cette tradition de recherche. Les rapports d'une discipline à son histoire sont toujours un peu délicats: on se réjouit des "revivals" et des nouveaux départs, ou on préfère mettre en relief les "ruptures épistémologiques", interprétées comme des garanties de progrès et de scientificité. Il est possible d'étudier l'argumentation en la coupant de son histoire (comme le font par exemple les recherches en informatique sur le raisonnement défaisable); la politique adoptée ici est différente, elle consiste simplement à admettre que les idées justes n'ont pas d'âge, mais qu'elles peuvent connaître des développements.

Le §1 revient sur le mot d'*éthos* et les mots de la même famille en français, pour se demander si, en jouant sur les deux sens du mot *éthique*, les recherches sur l'*éthos* doivent être élargies jusqu'à englober l'éthique du discours. À la suite des travaux d'Amossy (1999), le §2 tente de problématiser les trois dimensions que l'on s'accorde à reconnaître à l'*éthos*: réputation, *éthos* discursif explicité, *éthos* discursif implicité. La recherche sur l'*éthos* est une voie du retour de la stylistique dans l'étude du discours; le §3 présente la "machine discursive" mise au point par Hermogène le rhéteur, et ses techniques de construction de construction stylistique de l'*éthos*. À partir de la question des *éthè* de l'auditoire, les §4 et §5 proposent un rapprochement global de la question de l'*éthos* avec la théorie de la schématisation de Grize. Toujours dans cette même perspective d'établir des liens entre différentes approches de l'argumentation ou différentes composantes de l'acte d'argumenter, le §6 pose le problème de la

<center>182</center>

nature pathémique de l'*éthos*, qui peut être vue comme une humeur, le *pathos* étant de l'ordre de l'émotion. Enfin, le §7 fait un lien entre la prééminence accordée à l'*éthos* en rhétorique et la critique de l'autorité en argumentation: contre l'*éthos* envahissant, et comment s'en débarrasser.

1. L'*ETHOS*: LE MOT ET LES CHOSES

1.1. Les mots grecs

Le mot *éthos* (graphie française courante, pl. *éthè*) provient du grec ancien. Le grec connaissait deux substantifs *éthos*. Le mot grec *éthos* qui intéresse la rhétorique et la philosophie avait deux significations:

> I. *Au pl.* Séjour habituel, lieux familiers, demeure. en parlant d'animaux: écurie, étable, repaire, nid. […]
> II. Caractère habituel, d'où la coutume, l'usage; la manière d'être ou habitude d'une personne, son caractère; […] *par extension*, mœurs. (Bailly 1901/1955, art. "éthos")

C'est ce terme qui est employé en rhétorique pour désigner "[l']impression morale (produite par un orateur)" (*ibid.*).

> À côté de ce substantif *éthos*, existent en grec:
> — *êthopoiia*, substantif: "peinture de mœurs ou de caractère";
> — *êthicos:*
> a/ Comme adjectif, il se dit de ce "qui concerne les mœurs, moral, *par opposition à…* intellectuel" (Arist. *Nic.,* 1,13,20), mais aussi de ce qui concerne les "mœurs oratoires" (Bailly).
> b/ Comme nom, il désigne la philosophie morale.

1.2 Les mots français: *éthos, éthique, éthopée, éthologie*

On trouve en français:
— Le substantif *éthos*, utilisé en rhétorique;
— le substantif *éthopée*, également utilisé en rhétorique (voir §4);
— le substantif *éthologie*, "science des comportements des espèces animales dans leur milieu naturel" (Rey 1992/1998, art. "éthologie");
— le substantif *éthique* (philosophie morale) provient du "calque latin féminin pluriel *ethica*, qui lui-même est emprunté au grec" (*ibid.*).

1.2.1 De l'éthique à l'éthique?

On a donc en français une famille de termes étymologiquement apparentés, où l'*étho*s de la rhétorique voisine avec l'*éthiqu*e (philosophie morale). Il n'y a pas de

scandale à employer *éthique* en rhétorique pour renvoyer aux mœurs oratoires ("preuves éthiques"), comme un dérivé d'*éthos*.

Mais l'identité des mots introduit un problème formidable: faut-il élargir la problématique de *l'éthos* – l'image de soi dans le discours, pour emprunter les termes de Ruth Amossy (1999) –, à la problématique de *l'éthique du discours*? En d'autres termes, si l'on n'est pas allergique au langage pseudo-psychanalytique, quel est le rapport entre *l'image qui est donnée du moi* et *l'image qui est donnée du surmoi* dans le discours?

Le problème est intéressant car, toujours en défaut sur la question de la vérité (elle traite du disputé, donc du "simili-vrai"), la rhétorique peut se rattraper sur la morale, en faisant peser sur le locuteur la charge d'assumer l'être de "l'homme de bien", et on se trouve engagé dans la problématique de l'orateur "vir bonus dicendi peritus", selon la définition de Caton l'ancien. On remarque que Perelman propose une autre stratégie, qui consiste à faire peser le poids du vrai ni sur l'orateur, ni sur la réalité, mais sur l'auditoire universel.

2. L'*ETHOS* EN RHETORIQUE ARGUMENTATIVE: STRATEGIES DE PRESENTATION DE SOI

Présentation de soi: ce titre est emprunté à Erving Goffman. On pourrait distinguer deux étapes, la production et le produit; d'une part, la *présentation de soi*, comme production de soi, étape active, stratégiquement gérée, et de l'autre le produit, *l'image de soi*, donnée dans le discours et reconstructible par l'analyste, aux risques et périls de l'interprétation.

2.1 Aristote: l'effet conjugué du discours et la réputation

Aristote traite du caractère (*éthos*) dans deux passages essentiels de la *Rhétorique*, d'une part l'auto-fiction que constitue la construction de la face qu'il entend présenter au public ou *l'éthos propre*; et d'autre part la fiction que constitue *l'éthos de son public*, la conception a priori qu'il peut se faire de son auditoire. Nous traiterons de l'*éthos* comme fiction du public infra, §4; l'*éthos* comme "auto-fiction" stratégique de l'orateur, fonctionne comme preuve rhétorique "technique".

L'*éthos* comme auto-fiction renvoie à un des trois types d'arguments (*pistis*, preuve, moyen de persuader), destinés à produire la persuasion. Schématiquement, on dira que les preuves *logiques*, logico-discursives, information et argumentation, sont d'une part, menacées par l'ennui et l'incompréhension, d'où la nécessité de fournir aux auditeurs des indices périphériques de vérité: ce sera la fonction de *l'éthos;* d'autre part, elles ne suffisent pas à déclencher le "passage à l'acte", d'où le recours au *pathos*.

La *Rhétorique* introduit un premier concept d'*éthos* comme suit:

Il y a persuasion par le caractère, quand le discours est ainsi fait qu'il rend celui qui parle digne de foi. Car nous faisons confiance plus volontiers et plus vite

aux gens honnêtes sur tous les sujets plus bonnement, et même résolument sur les sujets qui n'autorisent pas un savoir exact et laissent quelque place au doute; il faut que cela aussi soit obtenu par l'entremise du discours et non en raison d'une opinion préconçue sur le caractère de celui qui parle. *On ne saurait dire en effet, comme quelques techniciens qu'au regard de la technique l'honnêteté de celui qui parle ne concourt en rien au persuasif.* Bien au contraire: le caractère constitue, pourrait-on presque dire, un moyen de persuasion tout à fait décisif. (Aristote 2007: 1356a; p. 126)

2.2 *Ethos* technique et *éthos* non technique

La nouvelle traduction de la *Rhétorique* par Pierre Chiron qui vient d'être citée accompagne la phrase que nous avons soulignée de la note "texte peu satisfaisant". La discussion porte sur la relation entre ce qui est "obtenu par l'entremise du discours" et ce qui est la conséquence d'une "opinion préconçue". La traduction de Ruelle proposait de les conjuguer et non pas de les opposer: "Il faut d'ailleurs que ce résultat soit obtenu par la force du discours et non pas *seulement* par une prévention favorable à l'orateur." (Aristote 1882*:* II, 4, je souligne). Il me semble que le "bien au contraire" de la traduction de Chiron va dans le même sens.

Cette distinction renvoie en fait à l'opposition technique/non technique. L'effet éthique "obtenu par l'entremise du discours et non en raison d'une opinion et non en raison d'une opinion préconçue sur le caractère de celui qui parle" correspond à une preuve (moyen de persuasion) *technique*. Dans le second cas, celui de l'effet de persuasion obtenu en raison d'une "opinion préconçue", l'effet éthique est produit de manière *non technique*.

Ce vocabulaire est pour nous peu parlant. Sont définies comme *techniques* les preuves ou moyens de persuasion rhétoriques (*logos*, *éthos*, *pathos*); sont *non techniques* les autres preuves, celles qui relèvent de la technique juridique:

> Entre les preuves, les unes sont extra-techniques, les autres techniques; j'entends par *extra-techniques* celles qui n'ont pas été fournies par nos moyens personnels, mais étaient préalablement données, par exemple les témoignages, les aveux sous la torture, les écrits et autres du même genre; par *techniques*, celles qui peuvent être fournies par la méthode et nos moyens personnels. Il faut par conséquent utiliser les premières, mais inventer les secondes. (Aristote 2007: I, 1355b35, mis em italique par moi).

Quintilien ajoute les précédents, les rumeurs et les serments à la liste d'Aristote (Quintilien 1975: V, 1, 1). La preuve par excellence dans le domaine judiciaire est apportée par le *témoignage*. Les *serments* pour les citoyens, la *torture* pour les esclaves sont des moyens censés assurer sa véracité.

Un point très important sur cette question, du technique et du non technique a été effectué par Gerardo Ramírez Vidal, dans son ouvrage sur *La Retórica de Antifonte*. La rhétorique est née dans le cadre judiciaire. Or pour certains procès on ne dispose d'aucun d'éléments de preuve factuelle, en particulier, sans document ni témoin qui

permettraient de trancher. C'est dans ces derniers cas qu'on a recours aux preuves rhétoriques. Mais dans le cas courant, ce sont les preuves matérielles, dites "non techniques", qui fondent la décision judiciaire: "Cuando uno de los litigantes poseía pruebas no técnicas, el asunto resultaba claro para los jueces, y no había necesidad de muchas palabras." (Vidal 2000: 56) La preuve dite *non technique* est de toute évidence essentielle dans le domaine judiciaire. La notion de preuve *technique* renvoie donc à un cas tout à fait spécial, où tout document légal, tout indice matériel, tout témoignage ferait défaut, comme c'est le cas lors de la scène des fameux comiques Tisias et Corax.

Tout ceci peut paraître très lointain. Cependant, l'enjeu est clair lorsqu'il s'agit de définir un tant soit peu l'objet de l'étude du discours argumentatif. Très schématiquement: cette étude doit-elle prendre pour objet *le discours seul*, et l'on ne s'intéressera alors qu'aux manifestations de phénomènes de langue, ou bien *le discours dans son fonctionnement global*, et la grammaire devra être accompagnée d'une encyclopédie, permettant à l'analyse d'intégrer les savoirs contextuels?

2.3 Reprises de la notion d'*éthos* en linguistique et en analyse du discours

À l'époque contemporaine cette distinction entre divers modes de présence de la personne à son discours, fondée sur l'idée d'un sujet divisé par la langue, a été retravaillée et a connu une fortune immense. C'est en particulier un point où se noue le contact entre études du discours argumentatif et études littéraires en narratologie, qui opposent l'auteur et le narrateur, le lecteur réel et le lecteur implicite (Amossy 1999).

a/ Une face construite "par l'entremise du discours"

Ducrot intègre cette notion d'*éthos*, et cite le terme à titre d'illustration, dans sa théorie de la polyphonie énonciative. L'*éthos technique* est un attribut du "locuteur en tant que tel" (opposé au locuteur tel que le désigne le pronom *je*, et au sujet parlant) (Ducrot 1984: 200):

> dans ma terminologie, je dirai que l'*éthos* est attaché à L, le locuteur en tant que tel: c'est en tant que source de l'énonciation qu'il se voit affublé de certains caractères qui, par contrecoup, rendent cette énonciation acceptable ou rebutante. Ce que l'orateur pourrait dire de lui, en tant qu'objet de l'énonciation, concerne en revanche, […] l'être du monde, et ce n'est pas celui-ci qui est en jeu dans la partie de la rhétorique dont je parle. (201)

b/ Une face correspondant à une "opinion préconçue sur le caractère de celui qui parle"

À côté de cet élément intra-discursif constitutif du "caractère moral" (*éthos*) de l'orateur, Aristote introduit un élément extra-discursif, antérieur au discours, de l'ordre

de la réputation, du prestige, voire du charisme. Cet *éthos* "pré-jugé' est également appelé l'*éthos* "préalable" par R. Amossy:

> On appellera donc *éthos* ou image préalable, par opposition à l'*éthos* tout court (ou *éthos* oratoire, qui est pleinement discursif), l'image que l'auditoire peut se faire du locuteur avant sa prise de parole. […] L'*éthos* préalable s'élabore sur la base du rôle que remplit l'orateur dans l'espace social (ses fonctions institutionnelles, son statut et son pouvoir) mais aussi sur la base de la représentation collective ou du stéréotype qui circule sur sa personne. […] En effet, l'image que projette le locuteur de sa personne fait usage de données sociales et individuelles préalables, qui jouent nécessairement un rôle dans l'interaction et ne contribuent pas peu à la force de la parole. (Amossy 2000: 70)

En ce sens, on peut parler d'un *éthos* "pré-discursif" (Maingueneau), ou "préalable". Cet *éthos* ne peut être dit "pré-discursif", qu'au sens de "préexistant à tel acte de parole particulier". Cette autorité est fondée sur de la parole, imbibée de parole, comme toute forme d'activité humaine.

c/ Une face construite par "ce que l'orateur dit de lui-même"

Ducrot introduit un troisième élément, intra-discursif:

> ce que l'orateur pourrait dire de lui-même en tant qu'objet de l'énonciation (1984: 201).

Le locuteur thématise sa personne: "Moi aussi j'ai dû travailler pour gagner ma vie". Ce que le locuteur choisit pour le thématiser, ces éléments explicites d'auto-portrait sont bien distincts de ce qu'il peut révéler indirectement sur lui-même. Ce n'est pas la même chose d'avoir un accent et de dire "Oui, j'ai un accent et j'en suis fier".

En situation argumentative, les participants valorisent systématiquement leurs personnes et leurs actes, afin de se légitimer. Les exigences de cette situation priment sur les principes de politesse linguistique, notamment sur le "principe de modestie" (voir Plantin 1995).

2.4 Problèmes et orientations

• Le concept d'*éthos* comme pur être de langage est un cas limite. La définition aristotélicienne, reprise par Ducrot, de l'*éthos* propre, pur produit du discours, vaudrait pour quelqu'un (1°) qu'on n'a jamais vu, ni à la télévision ni dans la vie réelle, (2°) qu'on n'a jamais entendu parler (3°) dont on n'a jamais entendu parler, et (4°) qui s'exprime dans une situation sur laquelle on n'a aucune information. Dans tous les autres cas, interviennent la réputation, l'histoire conversationnelle, tous les discours et les actes connus de la personne, etc. Ce qui doit évidemment être pris en compte si l'on souhaite traiter de la persuasion autrement que sur le mode désengagé de "l'intention de persuader".

• L'impact éthique du discours est la résultante précaire de trois forces:

éthos → éthos *de discours* → éthos de discours **explicité**
éthos de discours **implicité**

éthos → éthos *de réputation*
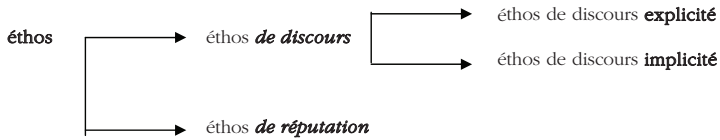
On aboutit à une opposition forte entre deux modes de construction de l'*éthos*: un *éthos* explicité, déclaratif et un *éthos* implicite, inférable à partir d'indices discursifs. Les deux peuvent être contradictoires, comme ils peuvent l'être avec la force de la réputation/des préjugés constitués sur la personne. Globalement, la construction et la gestion et la réparation d'image sont du domaine de l'activité professionnelle des agences de communication, pour lesquelles tout comme les humains, les produits ont des images (cf. §5).

• Il faudrait distinguer systématiquement le point de vue de la production et celui de la réception. Le point de vue de la rhétorique est celui de la *production;* il s'agit pour l'orateur d'optimiser l'effet éthique du discours, par un calcul pour lesquels réputation, éthos inféré, éthos déclaré sont des ressources. Pour lui, tout c'est une affaire toute d'éxécution. Ce qui se passe du point de vue de la *réception* est également une question empirique, qui relève de l'étude d'impact du discours; il ne semble pas qu'on ait beaucoup progressé sur ce point. L'analyste est dans une posture difficile, dans la mesure où son éthique professionnelle lui interdit de faire passer pour analyse objective ce qui n'est qu'une manifestation subjective de ses préférences politico-sociales, comme de ses aversions ou de ses penchants personnels.

• La notion a été mise au point dans le champ de la rhétorique argumentative; elle peut être utilisée pour désigner, de façon générale, l'image qu'une personne donne d'elle-même à partir de son discours ordinaire (Kallmeyer 1996), son identité discursive. Ce processus de généralisation est typique de certaines théories modernes de l'argumentation, comme celle de l'argumentation dans la langue ou de la logique naturelle.

Cette généralisation de l'*éthos* s'accompagne de sa naturalisation. Le concept cesse d'être une catégorie de l'action stratégique rhétorique pour devenir une catégorie descriptive, applicable à toute forme de discours. On perd l'élément fonctionnel spécifique de l'*éthos* rhétorique: il s'agit d'utiliser l'image. *Éthos*, *pathos* et *logos* sont des concepts stratégiques, considérés comme manipulatoire par la personne guidée par d'autres intérêts ou qui n'est pas dans le coup.

L'*éthos* est constitué par un ensemble de traits affichés par le locuteur, projetés par le locuteur dans son discours, consciemment ou inconsciemment. La rhétorique les rend conscients. Lorsqu'on passe à la rhétorique généralisée de la parole coupée des intentions stratégiques du locuteur, on perd cet élément essentiel de calcul.

• L'*éthos* aristotélicien est un éthos intra-communautaire recherchant la conviction en se coulant dans l'autorité du consensus majoritaire. Il existe d'autres postures éthiques mises en œuvre par des rhétoriques de rupture établissant des autorités minoritaires "*je suis différent de vous tous… j'apporte une nouvelle parole… oui c'est une folie*".

• L'*éthos* persuade, ou dissuade, par empathie ou antipathie, dans le jeu des mécanismes de transfert et de contre-transfert. Peitho, compagne d'Aphrodite est déesse de la séduction et de la persuasion. Pour les théories monologales-rhétoriques de l'argumentation, adhérer à un discours est, toujours, au fond, s'identifier à son porteur. L'argumentation serait, au fond, séduction, au risque d'une perte du *logos* et du réel. Le *Traité de l'argumentation* fonde sa définition de l'argumentation sur la notion de persuasion, mais propose un étrange concept de "communion", dont on voit bien quelle logique l'a produit. L'orateur veut persuader un auditoire, donc, en fonction de cet auditoire, il se présente (*éthos*); il fait ses choix d'objets (*logos*); il s'émeut pour émouvoir (*pathos*): on peut alors se demander qui, en fin de compte, a absorbé qui, qui s'est identifié à qui? La problématique de la persuasion se transforme dans ces stratégies de miroir en auto-persuasion, définitivement prise aux pièges du Même, en l'occurrence l'"in-group" des rhéteurs-rhétoriciens, qui jouent à se persuader les uns les autres.

L'approche dialogale de l'argumentation, qui introduit une pluralité d'actants dans le jeu argumentatif, complexifie un peu cette situation d'hypnose par la parole: s'identifier certes, mais à qui? au Proposant, à l'Opposant ou au Tiers? au dernier qui parle? ou bien regarder un peu de quoi il s'agit?

• La réflexion sur la structure "splitée" de l'*éthos* doit être rapporté au courant général qui traite de la division du sujet en linguistique et la non-coïncidence des différents êtres de discours: *sujet parlant*, *locuteur*, *énonciateur* de Ducrot; *author*, *animator* et *principal* de Goffman (1987: 154sv, 173sv); auteurs des actes phonétique, phatique et rhétique d'Austin. En outre, il faut mettre en relation ces divisions avec des structures de réception un peu plus complexes que le concept massif d'auditoire qui nous a été légué par la rhétorique. Là encore, Goffman montre la voie avec ses distinctions entre différents formats de réception *ratified participants* (*addressed* ou *unaddressed*) opposé aux *bystanders* (*overhearers* ou *eavesdroppers*).

Enfin, comme nous y avons déjà fait allusion, cette division du sujet nous rappelle la psychanalyse, qui prétend diagnostiquer et traiter ses patients à partir d'indices de discours. Qu'en est-il des images du moi, du surmoi et du "ça" dans le discours? – à moins qu'il ne s'agisse pas d'images, mais irréductiblement d'êtres de discours.

• L'*éthos*, c'est l'homme – et l'homme, c'est le style. Si l'on cherche une méthode systématique pour étudier l'*éthos*, on rencontre la stylistique.

3. COMMENT SE CONSTRUIT L'*ETHOS*? HERMOGENE ET LES CATEGORIES STYLISTIQUES DU DISCOURS

Quintilien note ainsi l'efficacité d'un "effet de style" lié au choix du vocabulaire qui doit être considéré comme un effet éthique: "Les mots archaïques n'ont pas seulement pour eux des garants importants; ils apportent au style une certaine majesté qui n'est pas sans charme: ils ont en effet, l'autorité du temps […]" (Quintilien 1975*:* I, 6, 39). Le locuteur s'approprie l'autorité du mot qu'il énonce. L'être de langage "effet du discours lui-même" est construit à partir de traits de tous niveaux linguistiques: la voix, puissant vecteur d'attraction / répulsion, les usages lexicaux, la syntaxe, la manière de bafouiller, le type de plaisanteries, etc.

Les pratiques argumentatives permettent les mêmes inférences sur le caractère: celui qui fait des concessions est un modéré/un faible, celui qui n'en fait pas est droit/sectaire, celui qui fait appel aux autorités est dogmatique, celui qui utilise les arguments par la conséquence est un pragmatique, celui qui réfère son discours à la nature des choses et à leur définition est un néo-conservateur.

On peut se servir de ces inférences éthiques pour construire le locuteur, mais aussi pour le déconstruire (ce qui est tout de même beaucoup plus amusant pour l'analyste).

Le lien avec la stylistique est fait explicitement dans l'*Art rhétorique* d'Hermogène de Tarse. Hermogène fait de l'éthos une des sept *Catégories stylistiques du discours* et décrit par quelles techniques se construisent ses composantes: "la naïveté, la modération, la sincérité et la sévérité". La situation de référence est la parole publique, tribunal ou assemblée.

Hermogène de Tarse a vécu au 2e siècle de notre ère. Il est un peu moins connu qu'Aristote, mais son œuvre est d'une importance essentielle pour la théorie rhétorique. Elle est constituée de cinq traités. Ces traités sont des machines discursives, des machines à fabriquer des discours qui procèdent par division et recomposition. C'est leur grand intérêt, qu'il n'est pas possible de développer dans le cadre d'un bref exposé, mais on peut s'en faire une idée sur le cas qui nous occupe, celui de l'*éthos*. Je suivrai pour cet exposé les commentaires de Patillon, traducteur et commentateur d'Hermogène (Patillon 1988):

I. Exercices préparatoires
II. Les états de cause
III. L'invention
IV. *Les catégories stylistiques du discours* (je souligne)
V. La méthode de l'habileté

Patillon attribue les traités (1) et (4) à un "Hermogène le rhéteur", distinct d'Hermogène le sophiste. La question de l'*éthos* est développée dans le traité consacré aux "Catégories stylistiques du discour". Ces catégories sont sept:

IV. *Les catégories stylistiques du discours*
(1) la clarté
(2) l'autorité et la grandeur
(3) l'élégance et la beauté
(4) la vivacité
(5) l'*éthos*
(6) le discours sincère
(7) l'habileté

Hermogène fait de l'*éthos une des* catégories stylistiques du discours; il y a des discours *avec ou sans* '*éthos*'; et il peut y avoir *un peu ou beaucoup* d'*éthos* dans un discours donné.

Enfin, la catégorie de l'*éthos* est elle-même constituée de quatre composantes:
— la naïveté, la saveur, le piquant
— la modération
— *la sincérité*
— la sévérité

On comparera avec les qualités de sagesse, d'expertise et de bienveillance dont se compose l'éthos aristotélicien. Enfin, la composante "sincérité" de l'*éthos* se construit par les moyens techniques suivants:

— un *sentiment*: "les pensées propres à la sincérité sont les pensées indignées" (Patillon 1988, 261);
— une *méthode* de gestion générale du discours, en particulier de ce qui thématisé et ce qui suggéré sur une base indicielle;
— l'emploi de *mots* de la sincérité, "ceux de la rudesse et de la véhémence";
— l'emploi de *figures*:
    – l'apostrophe; l'apostrophe interrogative;
    – le démonstratif péjoratif;
    – l'embarras:
        la réticence [gr. *aposiopèse*];
        la manifestation du doute, l'hésitation, l'aporie [gr. *diaporésis*;
        lat. *dubitatio*, *addubitatio*] – en utilisant ce que nous appellerions;
        les boucles énonciatives;
        la correction avec amplification;
        les figures de l'interrogation;
    – le commentaire personnel; la suspension du discours.

Conclusion:
On soulignera le fait que les figures de l'*elocutio* servent la construction de l'*éthos*, donc l'argumentation en général. On mesure la distance avec les rhétoriques post-ramusiennes où l'invention est divorcée de l'élocution.
Enfin, un terme comme "embarras" désigne clairement un état émotionnel (cf. §6 infra). L'*éthos* se construit sur l'émotion, et l'opposition de l'éthos au pathos est purement scolaire.

4. LES *ETHE* DE L'AUDITOIRE: DE L'AUTO-FICTION A LA FICTION

Aristote traite de l'*éthos* en deux moments de la *Rhétorique*, lors du bref passage déjà cité, et après les chapitres consacrés aux émotions:

Étudions après cela les caractères (*éthè*), à savoir ce que sont les gens en fonction des passions (*pathè*), des dispositions (*hexeis*), des âges et des conditions de fortune (Aristote 2007: 1388b 31).

Il s'agit ici d'idéaux-types de caractères, qui classent et caractérisent les humains:
— selon les âges: la jeunesse/la vieillesse/la maturité:

tels sont les caractères des jeunes gens et des vieillards. Puis donc que tous les hommes accueillent les discours conformes à leur propre caractère et les gens qui leurs ressemblent, il n'est pas difficile de voir comment il faut se servir des discours pour donner cette apparence à soi-même et à ses paroles. (Aristote 2007: II, 13; p. 94)

— selon la fortune: les nobles, les riches; les puissants, et les chanceux.

Trois remarques:
• La question des *éthè* de l'auditoire établit un nouveau lien entre argumentation et littérature; littérature des "Caractères", en premier lieu ceux de Théophraste, mais d'une façon générale littérature des portraits de mœurs; nous somme passés de l'*éthos* à l'*éthopée*. On n'est plus dans le domaine de l'auto-fiction mais dans celui de la fiction tout court. Cet *éthos* fictionnel articule l'*éthos* en action et en paroles on décrit les actions de l'Avare – on reproduit ses discours. C'est pourquoi les auteurs anciens liaient l'éthos à la comédie, alors que le pathos renvoyait à la tragédie.[1]
• Par rapport aux trois statuts distingués pour l'*éthos* du locuteur, *éthos* montré (reconstruit par inférence à partir d'indices langagiers, ou, plus généralement sémiotisés), *éthos* thématisé, et *éthos* de réputation, on voit qu'ici il s'agit du dernier type, la réputation n'étant plus celle d'une personne mais d'un groupe: on sait que les vieux sont comme ça.
On pourrait suggérer que *le publics a aussi un 'éthos' montré*, qu'il peut se manifester par ses réactions au discours qu'on lui propose: éthos de jeunes, de vieux, de professeurs, de gens de pouvoir, de riches...
• Ce souci de l'*éthos* du public est celui d'adaptation à l'auditoire. Il sera considéré comme suspect de fallacie par les théories normatives de l'argumentation: on ne parle pas *à tel auditoire*, on parle *en vérité*.

5. GRIZE: SCHEMATISATION DE SOI, DE L'AUTRE ET DU RESTE

Le locuteur se construit dans son discours son image, et celles de bien d'autres choses. Il y a une construction stratégique de tous les "objets de discours", pour reprendre la terminologie de Grize: images de l'opposant, du juge, du public, du suspect, des témoins, de tous les protagonistes de la cause. La thématique de l'*éthos* débouche sur celle de "schématisation" proposée par Grize. Le schéma suivant est profondément rhétorique.

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[1] "Ce que les Grecs appellent *pathos*, et que nous, nous appelons proprement *adfectus*, est d'un caractère tout opposé, et, pour marquer au plus près leur différence, je dirai que l'*éthos* s'assimile plutôt à la comédie et le pathos à la tragédie. Le *pathos* tourne presque tout entier autour de la colère, la haine, la crainte, l'envie, la pitié." (Quintilien 1975: VI, 2, 20; p. 28-29)
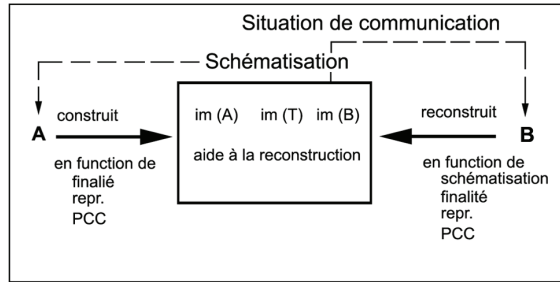
A = locuteur; B = interlocuteur
T = Thème
Im(A) Im (T) Im(B) = Image de A, de B, du thème
(Grize 1990: 29)

6. *MORES*: L'*ETHOS* COMMME AFECT DOUX

Schématiquement, la rhétorique latine distingue dans le caractère deux composantes: d'abord une dimension émotionnelle, qui lie l'*éthos* au *pathos* en le définissant comme un affect doux (Quintilien) ou thymique; et en second lieu, une dimension morale, élaborée par la réflexion sur l'homme de bien et l'éthique du discours (liée à l'*éthos* réputation: une façon avoir une bonne réputation, on peut tenter de passer pour un homme de bien en étant effectivement vertueux).

Les latins pensent l'acte oratoire non plus en terme de propriété du discours, mais en terme de tâches assignées à l'orateur: "Les effets à obtenir sont, à mon avis du moins, au nombre de trois: instruire l'auditoire, lui plaire, l'émouvoir vivement." (Cicéron, *Brutus*, §185; p. 64). Instruire correspond au logos, émouvoir au *pathos*, mais, si plaire renvoie évidemment à l'*éthos*, c'est en soulignant clairement sa dimension affective, pathémique: par le *pathos*, on s'insinue dans les bonnes grâces du public.

Cicéron donne une description de l'action oratoire dans laquelle la schématisation des *mores* de l'orateur est mise strictement en parallèle à celle des *mores* de son client ou de leur adversaire (soulignés); d'autre part, les termes utilisés marquent la dimension affective de l'*éthos* (mis en italique par moi):

182. Il importe donc beaucoup au succès de la cause que soient mis en lumière favorable les mœurs [mores], les principes, les faits et gestes, la conduite de l'orateur et de son client, inversement en lumière défavorable ce qui concerne l'adversaire sous tous ces rapports, et que l'on incline le plus possible les dispositions des juges à la *bienveillance* envers soi-même comme envers celui qu'on défend. Or ce qui nous concilie la *bienveillance*, c'est la dignité de notre caractère, ce sont nos actions louables, la considération qu'inspire notre vie: toutes choses qu'il est plus facile d'embellir lorsqu'elles existent, que de les feindre quand elles n'existent pas. D'autres qualités ajoutent chez l'orateur à l'effet produit: la *douceur* de la voix, l'air du visage, *l'aménité* de la parole, l'impression que, s'il se livre à une attaque un peu vive, c'est *à regret* et par devoir. Il est très utile de donner des marques d'une

humeur facile, d'une âme généreuse, bonne, *sensible, reconnaissante, à l'abri des désirs cupides*. Tout ce qui indique la droiture, la modestie, *un caractère exempt d'aigreur et d'acharnement*, ennemi des procès et de la chicane, attire la bienveillance et indispose contre ceux où ces qualités sont absentes. Aussi aura-t-on soin d'imputer à ses adversaires les défauts opposés. […]

184. […] Tel est l'effet d'une certaine manière de sentir et de dire que le caractère de celui qui parle se reflète dans ses paroles. Un heureux choix de pensées et d'expressions, soutenu par une action *douce*, où se devine la *facilité d'humeur*, offre l'image de la droiture, des bonnes mœurs, de la vertu.

La différence avec l'éloquence du *pathos* est clairement soulignée:

185. A cette éloquence il faut en joindre une autre très différente, dont les ressorts touchent et entraînent les cœurs; alors vous voyez les juges tour à tour haïr ou aimer, vouloir la perte ou le salut de l'accusé, craindre ou espérer, éprouver de la sympathie ou de l'aversion, de la joie ou de la tristesse, de la pitié ou le désir de punir, ou d'autres sentiments analogues, bref tous les mouvements en rapport avec ces diverses passions de l'âme humaine. (Cicéron, *De Oratore*, §185; p. 79-81)

Pratiquement, *éthos* et *pathos* représentent deux modalités d'un même travail sur les affects:

Il y a en effet deux choses qui bien traitées par l'orateur rendent l'éloquence admirable. L'une, que les Grecs appellent "éthique", est appropriée aux tempéraments, aux mœurs et à toute la conduite de la vie; l'autre, qu'ils nomment "pathétique", sert à troubler et exciter les cœurs et c'est en elle que triomphe l'éloquence. La première est affable, plaisante, propre à nous concilier la bienveillance; l'autre est violente, enflammée, impétueuse, elle arrache le succès, et quand elle est emportée comme un torrent, il n'y a pas moyen de lui résister. (Cicéron, *Orator*, 37, 128)

Quintilien traite de l'*éthos* et des émotions au livre VI de l'*Institution Oratoire*. Il comprend *pathos* comme une "émotion vive", soit une émotion, et *éthos* comme une "émotion calme et mesurée », soit une humeur, tout en soulignant bien le rapport de l'éthos aux mœurs (*mores*):

8. Or les sentiments, comme nous le savons selon l'antique tradition, se répartissent en deux classes: l'une est appelée par les Grecs *pathos*, terme que nous traduisons exactement et correctement par *adfectus*, l'autre, *éthos*, terme pour lequel, du moins à mon avis, le latin n'a pas d'équivalent: il est rendu par mores et, de là vient que la section de la philosophie nommée ethique (éthique) a été dite moralis. 9. […] des écrivains plus prudents ont préféré exprimer l'idée plutôt que de traduire le mot en latin. Par conséquent, ils ont rendu ceux – ci par "émotions vives" et ceux-là par "émotions calmes et mesurées": dans une catégorie, il s'agit d'un mouvement violent, dans l'autre doux; enfin, les premières commandent, les dernières persuadent; les unes prévalent pour provoquer un trouble, les autres pour

incliner à la bienveillance. 10. Certains ajoutent que l'*éthos* est un état continu, le pathos un état momentané. (Quintilien 1975: VI, 2, 8; p. 25)

De ces citations, on retiendra, d'une part, que l'*éthos* a une composante pathémique; en conséquence, on a une nouvelle raison pour considérer l'énumération "*éthos*, *pathos*, *logos*" comme scolaire.

7. L'ARGUMENTATION: SECOUER LE JOUG DE L'*ETHOS*

La problématique de l'*éthos* s'est développée dans le cadre des études rhétoriques du discours. Les études d'argumentation ont sélectionné dans la tradition une autre ligne de réflexion, portant sur l'autorité dans le discours. Il n'est pas possible de discuter en détails le traitement de l'autorité en argumentation; nous nous limiterons à souligner une différence considérable dans la position du problème.

Il faut d'abord souligner que le concept d'autorité est redéfini et discuté dans tous les champs des sciences humaines, en relation avec la soumission et en opposition avec la ou les libertés. Des études majeures sur le thème de l'autorité, du pouvoir et du totalitarisme ont marqué le siècle dernier: en psychologie particulièrement depuis les retentissantes expériences de Stanley Milgram sur la "soumission à l'autorité";[2] en philosophie, avec l'étude de la "personnalité autoritaire" de Theodor Adorno[3] ou l'étude du "système totalitaire" d'Hannah Arendt;[4] ou en sociologie avec Max Weber,[5] et les fameuses distinctions entre les différentes catégories d'autorité/légitimité, qui sont passées dans la pensée commune: autorité traditionnelle, charismatique, et rationnelle-légale. La problématique de l'autorité engage l'étude du discours dans une réflexion pluridisciplinaire sur les plans *épistémique* (conditions d'acceptabilité non vériconditionnelles des énoncés); *de l'influence sociale*, (gestion des pouvoirs dans le discours); *interpersonnel* (sur les manifestations et effet sur l'interaction des positions hautes/basses des interactants).

Dans le face à face, l'autorité "éthique" donne un fondement au discours, de la force aux arguments de tous ordres, mais elle ne constitue pas un argument à proprement parler.[6] Participant de l'autorité charismatique liée à l'individu, elle établit un pouvoir de la personne "à caractère fort" sur son interlocuteur: "Il l'a dit, je l'ai cru". Le positionnement implicite de l'ethos rend ce mode d'autorité très difficile à mettre en cause. Il n'est pas accessible à la réfutation *ad hominem*,[7] et il invite à l'attaque sur la personne (*ad personam*), universellement proscrite; on pourrait dire que l'affichage éthique dans le discours pousse l'opposant à la faute.

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[2] Milgram 1974.

[3] Adorno 1950/2007.

[4] Arendt 1951/1972.

[5] Weber 1921/1997.

[6] Car il ne respecte pas la condition propositionnelle: l'argument doit être constitué "indépendamment" de la conclusion.

[7] Qui montre que l'interlocuteur se contredit.

En conséquence, pour les théories de l'argumentation qui postulent que seules sont valides les arguments sur les choses mêmes, l'*éthos* n'est ni plus ni moins qu'une forme d'emprise émotionnelle, une tentative fallacieuse d'intimidation de l'opposant, cherchant à inhiber la libre critique. Le récepteur doit se libérer méthodiquement de cette emprise, s'il veut avoir quelques chances d'avancer vers la vérité.

Locke a proposé sous le nom de fallacie *ad verecundiam* une critique radicale de l'autorité éthique. Les théories de l'argumentation appellent parfois "argument *ad verecundiam*" l'argument d'autorité. *Verecundia* est un mot latin signifiant "modestie". On peut dire qu'en effet, l'argument *ad verecundiam* est un argument d'autorité, sauf que c'est exactement le contraire. Dans la situation envisagée par Locke, il ne s'agit pas d'alléguer une autorité pour étayer quelque chose, mais d'alléguer sa propre insuffisance pour ne pas contredire. Il est donc nécessaire de revenir à la très claire définition qu'en donne Locke. Ce passage contient des éléments de portrait (mis en italique par moi):

> Le premier [de ces argument] est de citer les opinions *des personnes qui par leur esprit, par leur savoir, par l'éminence de leur rang, par leur puissance, ou par quelque autre raison, se sont fait un nom et ont établi leur réputation sur l'estime commune avec une espèce d'autorité.* Lorsque les hommes sont *élevés à quelque dignité,* on croit qu'il ne sied pas bien à d'autres de les contredire en quoi que ce soit, et que c'est blesser la modestie de mettre en question *l'autorité* de ceux qui en sont déjà en possession. Lorsqu'un homme ne se rend pas promptement à des décisions *d'auteurs approuvés* que les autres embrassent avec soumission et avec respect, on est porté à le censurer comme un homme trop plein de vanité; et l'on regarde comme l'effet d'une grande insolence qu'un homme ose établir un sentiment particulier et le soutenir contre *le torrent de l'antiquité,* ou le mettre en opposition avec celui de quelque *savant docteur,* ou de quelque *fameux écrivain.* C'est pourquoi celui qui peut appuyer ses opinions sur une telle autorité, croit dès-là être en droit de prétendre la victoire, et il est tout prêt à taxer d'impudence quiconque osera les attaquer. C'est ce qu'on peut appeler, à mon avis, un argument *ad verecundiam.* (Locke, 1690/1972, L. IV, Chap. XVII, §19)

Locke opère ici un magistral recadrage du problème de l'autorité sur celui de l'interaction autoritaire. On voit que les deux possibilités sont mentionnées, soit le locuteur cite une autorité, soit il *est* une autorité. Le problème réside moins dans l'affirmation d'autorité – le locuteur ne peut pas parler autrement que dans la position qui est la sienne, avec son corps et dans sa société et dans son temps –, que dans la possibilité de contredire l'autorité. La modestie, le respect des faces, des règles de politesse, la préférence pour l'accord, sont autant d'inhibiteurs intellectuels.

En conséquence, l'autorité est redéfinie comme argument d'autorité, explicite, classé comme une forme de preuve périphérique, et interprété principalement dans la problématique de l'expertise. Sur ces questions, on verra d'abord les travaux de Woods et Walton.

8. PERSPECTIVES

Ce lourd parcours m'a semblé nécessaire pour préciser comment la question de l'*éthos* se pose dans la tradition de recherche en rhétorique. Un autre parcours, pas plus léger, s'imposerait pour la question de l'autorité (voir Plantin, "Autorité montrée et autorité citée", à paraître). Aucune théorie de l'argumentation sensible à la dimension du langage et aux phénomènes d'interaction ne peut négliger la dimension stratégique de la présentation de soi. L'analyste devra décider quelles limites il se donne pour cette reconstruction, qui n'échappe pas aux risques d'une interprétation infinie. Etudier le discours, ce n'est pas psychanalyser le locuteur.

Par ailleurs, les études d'argumentation soulignent que l'*éthos* se veut souriant, mais qu'il est pesant dès que l'on se soucie de vérité. On pourrait songer à soumettre l'*éthos* aux normes d'une morale – d'une éthique du discours, et à réactiver la quête du "vir bonus". Personnellement, il me semble que cette direction de travail n'est pas réaliste: il n'est pas une vertu à laquelle l'hypocrite ne puisse rendre hommage, et surtout pas nécessaire. On peut, ici encore, passer de la norme à la critique, en appliquant généreusement le principe du" laissez faire" (voir Plantin "Pour un laissez-faire en argumentation", à paraître). L'ego – pardon, l'*éthos*, de l'un, aussi envahissant soit-il, trouvera toujours sa limite dans l'*éthos* de l'autre.

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PART IV

**RHETORIC; AND COMMUNICATION THEORY /
EDUCATION THEORY APPROACHES TO ARGUMENTATION**

(Página deixada propositadamente em branco)

CHAPTER 12

SOLVING THE MYSTERY OF PRESENCE:
VERBAL/VISUAL INTERACTION IN
DARWIN'S *STRUCTURE AND DISTRIBUTION OF CORAL REEFS*

Alan G. Gross*

ABSTRACT: In *Chaïm Perelman*, Ray Dearin and I contend that presence transcends the isolated effects that Perelman and Olbrechts-Tyteca catalogue; we contend that there is a global form, a synergy of effects in which "to be persuaded is to live in a world made significantly different by the persuader." Later, on my own, I extend this form of presence from the verbal to the visual. In this paper, I attempt to further this analysis of presence, to offer a systematic account of the verbal-visual interaction on which it depends, to offer, in effect, a genealogy of presence. Such an account is essential if we are to explain the mystery of verbal-visual presence, to explain what is, in fact, the central mystery of Perelmanian presence, the transformation of the perceptual into the argumentative. My example is Darwin's first masterpiece, *The Structure and Distribution of Coral Reefs*.

In *Chaim Perelman,* Gross and Dearin (2002) contend that presence transcends the isolated effects that Perelman and Olbrechts-Tyteca catalogue; they contend that there is a global form, a synergy of effects in which "to be persuaded is to live in a world made significantly different by the persuader" (151). In "Presence as Argument in the Public Sphere", Gross extends this form of presence from the verbal to the visual. In this paper, I attempt to further the analysis of presence, to offer a systematic account of the verbal-visual interaction on which it depends, to offer, in effect, a genealogy of presence. I contend that such a broadly based account is essential if we are to explain the mystery of verbal-visual presence, to explain what is, in fact, the central mystery of Perelmanian presence, the transformation of the perceptual into

* University of Minnesota, Department of Communication Studies, 225 Ford Hall, Minneapolis MN 55455-042, U.S.A. E-mail : agross@umn.edu

the argumentative and the narrative. According to *The New Rhetoric,* presence is based on the fact that "the thing on which the eye dwells, that which is best or most often seen is, by that very circumstance, overestimated." Initially, then, presence is perceptual; its effect is "to [fill] the whole field of consciousness." But, according to Perelman and Olbrechts-Tyteca, such is the nature of presence that what is "at first a psychological phenomenon, becomes an essential element in argumentation" (Perelman and Olbrechts-Tyteca 1969: 116-118).

Although for Perelman and Olbrechts-Tyteca presence is the product of verbal interaction alone, this cannot be true of any text, like *Structure,* in which information-bearing images contribute significantly to meaning. A genealogy of the presence that is a consequence of verbal-visual interaction requires recourse to theories that are broader in scope. Accordingly, I employ Köhler's Gestalt theory to account for our perceptions, and Peirce's semiotics to account for their interpretation. Both theories suffer from a visual bias. Gestalt categories that apply flawlessly to the visual apply only awkwardly to other modes of perception. Peirce himself acknowledges a visual bias in his thinking: "I do not think I ever reflect in words. I employ visual diagrams, firstly, because this way of thinking is my natural language of self-communion and secondly, I am convinced that it is the best system for the purpose" (cited in Leja 2000: 97). While such a bias leads to difficulties when we try to incorporate the other senses in a general hermeneutic of presence, they suit my present purposes exactly, the analysis of presence in Darwin's first masterpiece, *The Structure and Distribution of Coral Reefs.*

THE GENEALOGY OF PRESENCE

Presence has its beginnings in the patterns of perception our sensory systems produce, organized in accord with the 'laws' of Gestalt psychology. Köhler and his followers were certainly mistaken when they hypothesized that perceptual processes were actually organized along Gestalt lines, hard-wired into the brain (Köhler 1947). Given the current state of our knowledge of such processes, it would probably be best to regard the Gestalt "laws of organization [as] opportunistic guides to the viewer as to what will afford desired visual information," and to support the view "that they probably vary widely in level, speed, and power" (Hochberg 1998: 291). On one plausible accounting, there are six Gestalt principles. According to *figure-ground,* we see objects automatically as shaped, framed against a shapeless background, one that may, in fact, also have a shape, though we do not perceive it as such. When this background actually does have a shape – as in the case of the cell structure of tables or the latitude-longitude coordinates of maps – we can direct our attention alternately to it and to the foreground of data elements. We see a second Gestalt principle in operation, *good continuation,* when we complete in our mind's eye the rectangular shape of a whiteboard despite the fact that the man is standing in front of it is partially blocking our view. Scientific tables are characterized by a third Gestalt principle, *enclosure;* on the other hand, relationships among their cells are highlighted by means of the fourth principle, *similarity and contrast.* A fifth principle, *proximity,* groups adjoining letters of the alphabet into

words (Pinker 1990: 84 ; Hochberg 1998: 260-61 ; see also Pinker 1983). A final and overriding principle is *Prägnanz,* the perception of an overall Gestalt. When we arrive home after a long journey what we see is not windows, doors, and roof, but home.

Gestalt patterns are meaningful only in so far as they participate in a system of value-laden differences. Saussure articulates this principle for language:

> In all these cases what we find, instead of *ideas* given in advance, are *values* emanating from a linguistic system. If we say that these values correspond to certain concepts, it must be understood that the concepts in question are purely differential. That is to say they are concepts defined not positively, in terms of their content, but negatively by contrast with other items in the same system. What characterizes each most exactly is being whatever the others are not. (Saussure 1916: 115; emphasis his)

Saussure's principle applies generally to any semiotic system. For example, traffic signals and electrical wiring diagrams also rely for their interpretation on value-laden differences. To differentiate these systems from languages, let us call them codes.

Patterns of perception made potentially meaningful according to Saussure's principle are interpreted as Peircian symbols, icons, or indexes. Patterns recognized as verbal are understood as symbols, whose relation to their objects may be, but need not be arbitrary. Alphabets are systems of wholly arbitrary signs; ideograms are symbols that are not wholly arbitrary. Patterns recognized as non-verbal are understood either as symbols, icons, or indices. An icon is a sign that depicts; a photograph or a drawing of a microbe is an icon. An index is a sign whose relation to its object is causal or indicative. Geiger counter readings are causally linked to the external world; in a photograph an arrow pointing to a cell nucleus is merely indicative. To avoid ambiguity, let us call this latter category of signs deictic.

For the purposes of exegesis, Peirce's categories are insufficiently fine-grained to capture all meaningful transactions within a system of signs. Accordingly, to interpret the verbal, I borrow from linguistics, narrative theory, logic, and rhetorical theory, analytical perspectives that are, I judge, compatible with his semiotics. I single out as linguistic a semantic concern for the relationship between words and the world, a syntactic concern for the legitimate combinational possibilities of words in sentences, and a pragmatic concern for the effect of natural-language utterances on interlocutors.

Utterances also partake of larger systems of meaning, organized either in chronological sequences or according to logical operations. There are two types of chronological sequences: those that are repeated without change and those that are unique. The first we call processes; the second, narratives. I single out as logical the following operations: definition, classification, implication/inference, and generalization by induction. Definition operates by genus and differentia: a chair is an article of furniture designed for sitting; it has a back and four legs. The genus is furniture; the differentia, designed for sitting, having a back, having four legs. Classification operates by division; it creates hierarchies of categories,

each level of which has the same cognitive status within the system specified: for example, the animal kingdom can be divided into creatures with and without backbones. Implication is a property of propositions whereby to commit to one is to commit to another. If All men are mortal, then by implication, All Armenians are mortal. Inference is the psychological process by which this implication is realized. Induction is generalization from a necessarily limited set of instances: from the genetics of some peas to the genetics of all peas, from the genetics of all peas to all genetics.

I single out as rhetorical the three traditional canons that are the sources of persuasion in oral and written communication: the invention of arguments that, however persuasive, would not pass muster in formal logic, the arrangement or organization of discourses with persuasion in mind, and style, the systematic use of persuasively significant variations in the means of expression. Traditionally, invention is subdivided into three forms of appeal: *logos,* appeals from reasoning, *ethos,* appeals based on the trust that the author creates in the reader, and *pathos,* appeals to the emotions of the auditor or reader.

I now move from the verbal to the visual. While we see images, we do not ordinarily see words; rather, we see through them to their underlying concepts. This is what reading means. The verbal and the visual also differ in the way they are organized. Words are ordered in sequential hierarchical structures composed of combinations of smaller units. A paragraph is composed of a sequence of sentences, composed of sequences of clauses and phrases, composed of sequences of words, composed of sequences of letters. Images, on the other hand, are ordered into synchronous hierarchies or nested sets. A face is composed of a nested set of eyes, eyebrows, nose, mouth, teeth, ears, brow and cheeks. When organized into larger units, moreover, words never entirely lose their separate identities ; the components of images, on the other hand, tend to lose their separate identity as they become imbedded or nested. We see a face, not its components; we see, not an intricate nesting of various Gestalts but, as a consequence of *Prägnanz,* a single Gestalt. The verbal and the visual are also processed differently. Words are processed sequentially; in contrast, images can be processed not only sequentially, but also in parallel and simultaneously.

Images differ from words in one other important respect: they are subject to semiotically relevant spatial transformations. They can be rotated on their axes: subjected to this transformation, topographical surfaces reveal geological depths. Three-dimensional objects may also be projected onto two-dimensional surfaces; we do so when we create a map. One image, moreover, may be superimposed on another, an effect achieved when lines of latitude or longitude are applied to maps. In addition, a sequence of visuals may be animated; this is how temporal progression is routinely represented in films.

Other transformations are possible. Some take place within a particular category of sign. For example, a photograph of an eye may be used to construct a drawing of the eye, a shift from one iconic mode to another. Some transformations involve a shift from one category of sign to another. For example, a series of measurements may be used to construct a line graph, a shift from the symbolic to the iconic. The iconic may also be transformed into symbolic: photographs of *an* eye may become a

diagram of *the* eye. Finally, the iconic may be transformed into the indexical: a chest x-ray may reveal the cause of a persistent cough. Sebeok makes the essential point about the plasticity of the Peircian categories:

> In general, it is… inane to ask whether any given subject "is," or is represented by, an icon, an index, or a symbol, for all signs are situated in a complex network of syntagmatic and paradigmatic contrasts and oppositions, i. e., simultaneously participate in a text as well as a system; it is their position at a particular moment that will determine the predominance of the aspect in focus. (Sebeok 1976: 1433n)

As Gérard Deladalle points out: "we must insist… on the functional character of these distinctions: what is an index in one semiosis may be a symbol in another. Take, for instance, the symptom of an illness… If this symptom is referred to in a lecture on medicine as always characterizing a certain illness, the symptom is a symbol. If the doctor encounters it while he is examining a patient, the symptom is an index of an illness" (Deladalle 2000: 19-20). The contention of Sebeok and Deladalle that context is central to semiotic interpretation is a generalization of Saussure's principle that meaning is constituted by difference.

This understanding of Peirce's taxonomy is consonant with the views of Nelson Goodman in meaning-making, a position worth quoting at length:

> Comparative judgments of similarity often require not merely selection of relevant properties but a weighing of their relative importance, and variation in both relevance and importance can be rapid and enormous. Consider the baggage at an airport check-in station. The spectator may notice, shape, size, color, material, and even make of luggage; the pilot is more concerned with weight, and the passenger with destination and ownership. Which pieces of luggage are more alike than others depends not only upon what properties they share, but upon who makes the comparison, and when. Or suppose we have three glasses, the first two filled with colorless liquid, the third with a bright red liquid. I might be likely to say the first two are more like each other than either is like the third. But it happens that the first glass is filled with water and the third with water colored by a drop of vegetable dye, while the second is filled with hydrochloric acid – and I am thirsty. Circumstances alter similarities. (Goodman 1972: 445)

Texts that combine words and images constitute a wide-ranging category of communication, one that includes genres as different as comic strips and scientific monographs. These mean as a consequence of the interaction of their verbal and visual components, interpreted in all cases as Peircian signs ever and exquisitely sensitive to the changes in context to which Sebeok, Deladelle and Goodman refer. Figure 1 makes this verbal-visual interdependence clear.
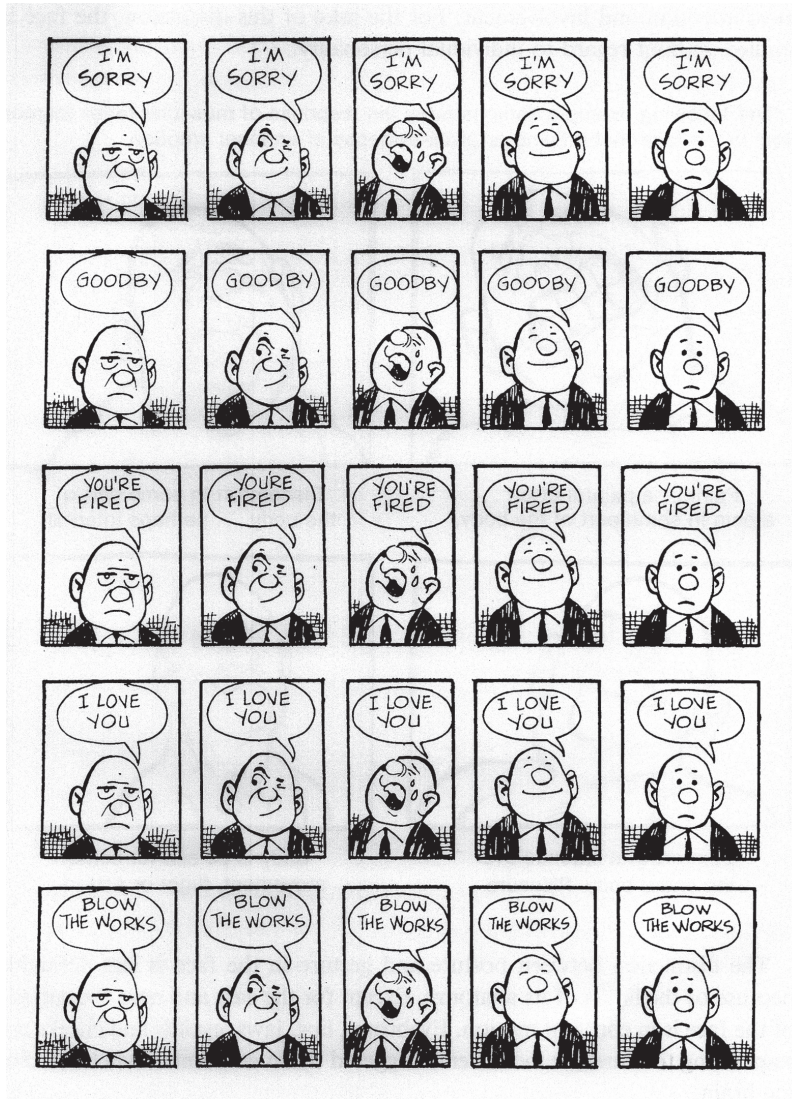
Figure 1: The interaction between words and pictures. From Eisner 1985: 110.

Row by row, this cartoon character conveys same verbal message while displaying different facial expressions. In the first panel of the first row, verbal–visual interaction conveys puzzlement or consternation, while in the penultimate panel smug satisfaction is conveyed – he is not *really* sorry. Column by column, this character conveys different verbal messages while displaying the same facial expression. In the penultimate column, a smiling "Goodby [sic]" indicates relief at your departure, while a smiling "Blow the works" indicates approval.

Combing Gestalt psychology and Peirce's semiotics, I have outlined a process by which the interaction of the verbal and the visual leads from perception to meaning.

In so doing, seemingly, I face a difficulty: surely, a theory of meaning and a theory of presence are not the same. This difficulty, however, is only apparent. In *Chaim Perelman,* Gross and Dearin defined a "superordinate" form of presence as the "cumulative effect of interactions" among arrangement, style, and invention (Gross and Dearin 2002: 135). But to say this, I think, is the equivalent of saying that, while rhetoric's function is, in Aristotle's words, "to see the available means of persuasion in each case" (Aristote 1991: 1355a), the effective employment of these means in a particular case creates a single Gestalt that is the psychological equivalent of presence. In persuasive texts, to trace the genealogy of presence is to reveal it as the synergy of "all the available means of persuasion." In this paper, I solve the mystery of presence in Darwin's *The Structure and Distribution of Coral Reefs* by showing how the synergy of all of the available verbal and visual means of persuasion creates a perceptual, argumentative, and narrative Gestalt.

THE PERCEPTUAL BASE

Because the creation of perceptual presence is Darwin's first task, he begins his monograph by describing Keeling Atoll, a description so detailed that readers are cast in the role of virtual witnesses who can attest to the congeries of facts soon destined to be transformed into evidence for his argument. Below is an example of this stylistic technique, this thick description that creates perceptual presence, a presence that is, at the same time, a testament to Darwin's meticulousness, a projection in every sentence of the *ethos* of the careful researcher who, literally, leaves no stone unturned:

> On the outside of the reef much sediment must be formed by the action of the surf on the rolled fragments of coral; but, in the calm waters of the lagoon, this can take place only in a small degree. There are, however, other and unexpected agents at work here: large shoals of two species of Scarus, one inhabiting the surf outside the reef and the other the lagoon, subsist entirely, as I was assured by Mr. Liesk, the intelligent resident before referred to, by browsing on the living polypifers. I opened several of these fish, which are very numerous and of considerable size, and I found their intestines distended by small pieces of coral, and finely ground calcareous matter. This must daily pass from them as the finest sediment; much also must be produced by the infinitely numerous vermiform and molluscous animals, which make cavities in almost every block of coral. Dr. J. Allan, of Forres, who has enjoyed the best means of observation, informs me in a letter that the Holothuriæ (a family of Radiata) subsist on living coral; and the singular structure of bone within the anterior extremity of their bodies, certainly appears well adapted for this purpose. (Darwin 1984: 14)

In his creation of perceptual presence, Darwin now shifts to the visual. He begins with a navigator's chart. In Figure 2, the first Gestalt principle foregrounds the atoll against its surrounding ocean and enclosed lagoon, while the Gestalt principle of contrast differentiates the atoll from the coral base on which it is superimposed. Figure 2 is the basis for a diagram Darwin will soon produce, a semiotic spatial transformation that

will reveal aspects of the atoll's structure that will prove pertinent to the persuasive case he wishes to make.
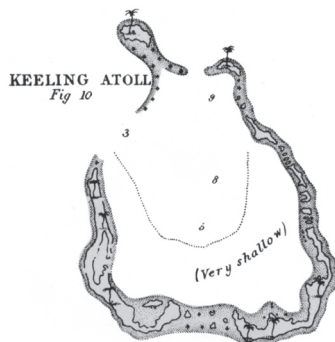
Figure 2: A navigator's chart of Keeling Atoll. From Darwin 1984: Plate I.

In constructing Figure 3 from this chart, Darwin rotates it 90^0 on its axis, a rotation that discloses it in vertical section. To do so, he employs a new code, a graphic code that simplifies the atoll's contours to reveal its essential structural features. By means of considerable distortion he also clarifies aspects of those features that would be masked by a rendering in true proportions.[1]
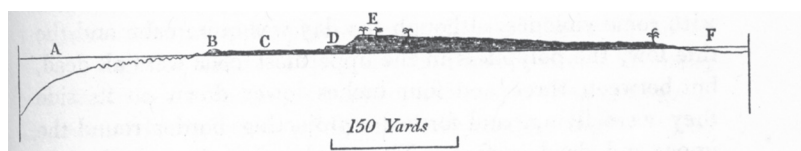
Figure 3: A diagram displaying the structural features of Keeling Atoll. Darwin 1984: 5.

A—Level of the sea at low water: where the letter A placed, the depth is 25 fathoms, and the distance rather more than 150 yards from the edge of the reef.

B—Outer edge of that flat part of the reef, which dries at low water: the edge either consists of a convex mound, as represented, or of rugged points, like those a little farther seaward, beneath the water.

C—A flat of coral-rock, covered at high water.

D—A low projecting ledge of brecciated coral-rock, washed by the waves at high water.

E—A slope of loose fragments. Reached by the sea only during gales: the upper part, which is from six to twelve feet high, is clothed with vegetation. The surface of the islet slopes gently to the lagoon.

F—Level of the lagoon at low-water.

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[1] "The section is true to the scale in a horizontal line, but it could not be made so in a vertical one, as the average greatest height of the land is only between six and twelve feet above high-water mark" (6). See Brown I, facing p. 271 for Darwin's original sketch.

The diagram permits us to see the island's structural features as a single Gestalt, a task no words could accomplish, But it is only words that can identify these as features; moreover, it is only words that can highlight the crucial role of one particular feature: "The wood-cut represents a section across one of the islets on the reef, but if all that part which is above the level of C were removed, the section would be that of the simple reef, as it occurs where no islet has been formed. It is this reef which essentially forms the atoll" (Darwin 1984: 10). Words and diagram are closely interwoven, a linkage marked by the letter 'C', not in this case primarily a symbol, but a Peircian deixis.

The diagram has undergone another semiotically significant transformation. In creating it, Darwin has displaced the atoll from its geographical context; he has re-contextualized it geometrically by means of a superimposed grid that signals a significant epistemic shift: from an object in the world of nature to an object in the world of theory. The diagram's geometrical character is now at the center of our field of attention: the atoll has become its structure.

It will be crucial to Darwin's argument to show that the structure of Keeling atoll is, in all its essential aspects, typical. In pursuit of this goal , Chapters 2 through 4 detail the similarities among the three classes of reef-island systems – atolls, barrier reefs, and fringing reefs. They do so by means of an extensive catalogue of reef-island systems and a comprehensive anthology of charts whose comparison is made simpler by the adoption of a uniform visual code the chart of Keeling Atoll exemplifies.[2] This catalogue and these charts demonstrate that reef-island systems share all of their essential structural features; in effect, they form a single Gestalt:

> The general resemblance between the reefs of the barrier and atoll classes may be seen in the small, but accurately reduced charts… [T]his resemblance can be further shown to extend to every part of the structure… If we look at a set of charts of barrier-reefs, and leave out in imagination the encircled land, we shall find that, besides the many points already noticed of resemblance, or rather of identity in structure with atolls, there is a close general agreement in form, average dimensions, and grouping (Darwin 1984: 41, 45).

By the end of the first part of *Structure*, Keeling Atoll has come to stand for all reef-island systems. This is a transformation from the iconic to the symbolic, effected through verbal-visual interaction.

Darwin's initial model is static, a status emphasized by the assignment of agency to persons rather than to geological forces. Darwin and Fitzroy observe and measure ; Liesk and Allan observe and inform; the earth holds still for its portrait. Nevertheless, Darwin anticipates the dynamic theory he will soon reveal, a theory that accounts for the structural features he has just uncovered. In a first step, in the first part of Structure, he suggests that these feature are "the effect of uniform laws… that some

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[2] "In the several original surveys, from which the small plans on this plate have been reduced, the coral-reefs are engraved in very different styles. For the sake of uniformity, I have adopted the style used in the charts of the Chagos Archipelago, published by the East Indian Company, from the survey by Captain Moresby and Lieutenant Powell." (Darwin 1984: xvii)

renovating agency (namely subsidence) comes into play at intervals, and perpetuates their original structure" (Darwin 1984: 24; see also 31). This hint foreshadows a transformation that will allow us to re-read a passage like the one below as evidence in an argument for the theory of subsidence Darwin will soon proffer:

> On the western side, also, of the atoll, where I have described a bed of sand and fragments with trees growing out of it, in front of an old beach, it struck both Lieutenant Sulivan and myself, from the manner in which the trees were being washed down, that the surf had lately recommenced an attack on this line of coast. Appearances indicating a slight encroachment of the water on the land, are plainer within the lagoon: I noticed in several places, both on its windward and leeward shores, old cocoa-nut trees falling with their roots undermined, and the rotten stumps of others on the beach, where the inhabitants assured us the cocoa-nut could not now grow. Captain Fitzroy pointed out to me, near the settlement, the foundation posts of a shed, now washed by every tide, but which the inhabitants stated, had seven years before stood above high watermark. (Darwin 1984: 17-18)

THE ARGUMENTATIVE SUPERSTRUCTURE

The same facts that were employed in the first part of *Structure* to build a static model of the reef-island system form in its second part the inductive basis of a causal argument for a dynamic theory based on the subsidence of large portions of the earth's crust. In this radical re-contextualization, we move from description secured by facts to theory secured by evidence; we move from perceptual to argumentative presence. Despite his theory's actual origin in a bold analogical leap – a heroic re-envisioning "in imagination" –[3] Darwin understood that it was only by means of accumulation of overwhelming evidence that he could convince his professional peers of its truth. He devoted five years to this tedious but necessary task: "it is very pleasant easy work putting together the frame of a geological theory," he wrote, "but it is just as tough a job collecting & comparing the hard unbending facts" (*Correspondence,* II*,* 207).

If his argument was to be given a fair hearing, however, an opportunity to become fully present in the minds of readers, Darwin had to give a fair hearing to competing theories. It was his personal and professional misfortune, however, that his chief competitor was his mentor and friend, Charles Lyell. "The circular or oval forms of the numerous coral isles of the Pacific with the lagoons at their centre," Lyell had

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[3] Darwin did not arrive at his theory by an inductive route; far from it: "No other work of mine was begun in so deductive a spirit as this, for the whole theory was thought out on the west coast of South America, before I had seen a true coral reef. I had therefore only to verify and extend my views by a careful examination of living reefs. But it should be observed that I had during the previous two years been incessantly attending to the effects on the shores of South America of the intermittent elevation of the land, together with denudation and the deposition of sediment. This necessarily led me to reflect much on the effects of subsidence, and it was easy to replace in imagination the continued deposition of sediment by the upward growth of corals. To do this was to form my theory of the formation of barrier reefs and atolls." (Darwin 1959: I, 58)

asserted in his magisterial *Principles of Geology*, "naturally suggest the idea that they are nothing more than the crests of submarine volcanes, having the rims and bottoms of their craters overgrown by corals" (Lyell 1991: II, 290). In Darwin's view, Lyell's theory had to be abandoned because it could not explain the existence of fringing or of barrier reefs. Neither could it explain the fact that all reef-island systems were low-lying or that the coral of which they were mainly composed could live only in relatively shallow waters. In addition, the theory was undermined by the general distribution of reef-island systems far from volcanic areas.

Darwin solved his rhetorical problem – his need to dismiss Lyell's theory without criticizing Lyell – by an exercise in diplomacy. Throughout the monograph, Lyell is treated as an authority and, in one particular case, an authority on subsidence, the very mechanism behind Darwin's own theory: "It is very remarkable that Mr. Lyell, even in the first edition of his *Principles of Geology*, inferred that the amount of subsidence in the Pacific must have exceeded that of elevation, from the area of land being very small relatively to the agents there tending to form it, namely, the growth of coral and volcanic action" (Darwin 1984: 95; see also 29, 71-72, 118, 137, 143, 175).

This strategy succeeded. When Darwin published his theory, Lyell's concurrence was virtually immediate and especially gratifying: "I must give up my volcanic theory for ever," Lyell wrote, "though it cost me a pang at first, for it accounted for so much, the annular [circular] form, the central lagoon, the sudden rising of an isolated mountain in a deep sea" (Darwin 1959: I, 293). Vital to that acceptance is the fact that Darwin's rival theory is at bottom Lyellian, an application of Lyell's own central insight that the earth's current configuration is the result of gradual change over eons of geological time.

Having dealt with and dismissed rival theories, most especially that of his mentor, Darwin can now devote the penultimate chapter of *Structure* to an argument in favor of his own. According this theory, subsidence, the gradual descent of large portions of the earth's crust, when accompanied by slow coral growth, causes the transformation from fringing to barrier reefs and from barrier reefs to atolls. This is a *vera causa* argument with a tripartite structure: subsidence exists, is competent as a cause of the evolution of reef-island systems, and is in fact responsible for that evolution.[4]

This causal claim is an inference from two sets of facts, introduced by Darwin in the form of a rhetorical question:

> What cause, then, has given to atolls and barrier-reefs their characteristic forms? Let us see whether an important deduction [that is, inference] will not follow from the consideration of these two circumstances, first, the reef-building corals flourishing only at limited depths; and secondly, the vastness of the areas interspersed with coral-reefs and coral-islets, none of which rise to a greater height above the level of the sea, than that attained by matter thrown up by the waves and winds. (Darwin 1984: 90)

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[4] The argument in *Structure* is therefore a precursor to the central argument in *Origin of Species,* as analyzed by Hodge (1977): natural selection exists, is competent to cause the evolution of species, and is in fact responsible for that evolution.

Because it is characterized by these defining features, Bora Bora will be the exemplar for Darwin's dynamic theory. An island surrounded by a barrier reef, it is in an intermediate stage between fringing reef and atoll. Readers first meet Bora Bora in the form of a woodcut, seeing it as a traveler would. In Figure 4, Mt. Otemanu, dotted with coconut palms, dominates the foreground of the scene. Behind the mountain is a placid lagoon. In the background is a barrier reef, surmounted by an atoll. Although the atoll is partially obscured, the Gestalt principle of good continuation permits us accurately to reconstruct what we cannot see. Even in this realistic depiction, Bora Bora's re-contextualization as a theoretical object has stealthily begun. Darwin says that he has "taken the liberty of simplifying the foreground, and leaving out a mountainous island in the far distance" (Darwin 1984: 2n). The woodcut has begun to reveal Bora Bora's essential structural features. The march toward argumentative presence has begun.
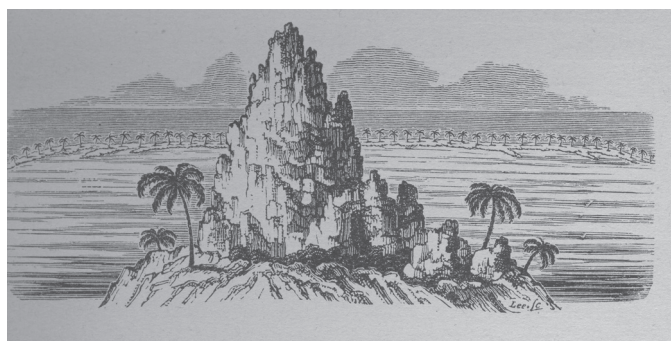
Figure 4: View of Bolabola [Bora Bora] featuring Mt. Otemanu, the island's highest point. From Darwin 1984: 3, Figure 2.

The next step toward a dynamic theory is the transformation of Bora Bora into a chart, a semiotically significant 90^0 rotation of its eye-level depiction. In this rendering, the illusion of depth in Figure 4 – the product of an artistic code composed of shading and perspective – has been replaced by the imposition of a scale: what was perceived is now measured.[5] In the interest of bringing the reef-island's structure unequivocally in the foreground, the actual has also been simplified: some lagoon islets have been omitted and no attempt has been made to depict the distribution of the island's flora. In line with this purpose, the actual has also been enhanced: the depth of the lagoon in fathoms is variously indicated, and the lagoon is, as it were, drained in order to reveal the contours of its underlying reef. In this transformation, what is representational in the realistic rendering is symbolized in the chart so as not to distract from the its essential purpose. In the realistic rendering, light and shade represented the mountain as a three-dimensional object; in the chart, the height of the mountain is symbolized by parallel lines, signaling a change from an artistic to a cartographic code. In the artistic rendering, the size and location of the coconut palms is reproduced; in the chart, the repeated coconut palms are transformed into symbols designed to help

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[5] The scale is presented separately on p. 216.

viewers differentiate by contrast the land from the reef below (Darwin 1984: 215). It is this uniformity of representation that facilitates structural comparisons among reef-island systems, a uniformity that in turn facilitates the transformation of facts on the ground into evidence for Darwin's argument for his dynamic theory.
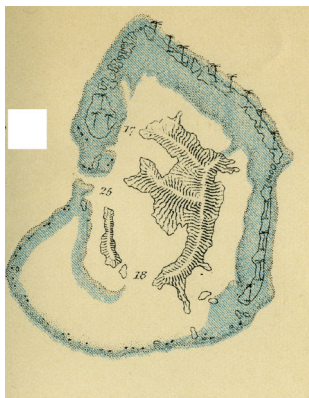
Figure 5: Chart of [Bora Bora]. From the survey of Capt. Duperrey in the *Coquille*. Scale ¼ inch to a mile. The tinted area shows the extent of the reef. The area that encloses the coconut trees (exaggerated in scale) represents the coral islets. The numbers 17, 28, and 25 are the depth of the lagoon in fathoms of six English feet. From Darwin 1984: Plate I, Figure 5.

In transforming the chart of Bora Bora into the companion diagrams in Figures 6 and 7, Darwin advances farther into the realm of theory. He now rotates the chart 90^0 on its axis to disclose a vertical section, simplifying the atoll's contours to place its essential structural features in the Gestalt foreground; at the same time, by means of considerable vertical distortion, he clarifies aspects of those features that would be masked by a rendering in true proportions. Finally, he superimposes a grid so that the reader can view those features through a geometrical lens.

So far, he is following the procedure he used in the case of Keeling Atoll; in the case of these diagrams of Bora Bora, however, the static has been transformed into the dynamic. In contrast to Figure 3, Figure 6 depicts evolutionary succession as a consequence of subsidence, a result Darwin asks the reader to reproduce by animating the foregrounded Gestalt "in imagination":

Let us in imagination place within one of the subsiding areas, an island surrounded by a «fringing reef,» – that kind, which alone offers no difficulty in the explanation of its origin. Let the unbroken lines and the oblique shading in the woodcut [Figure 6] represent a vertical section through such an island; and the horizontal shading will represent the section of the reef. Now, as the island sinks down, either a few feet at a time or quite insensibly, we may safely infer from what we know of the conditions favourable to the growth of coral, that the living masses bathed by the surf on the margin of the reef, will soon regain the surface. The water, however, will encroach, little by little, on the shore, the island

becoming lower and smaller, and the space between the edge of the reef and the beach proportionally broader. (Darwin 1984: 98-99)

Figure 6 stands for any reef-island system: the anchored boat stands for the depth of any lagoon; the palm trees, the existence of land on any coral reef; the differential hatchings, any reef and its island ; the solid lines, the current state of any reef-island system; the dotted lines, its future. Animated, this diagram is simultaneously iconic and indexical. It possesses an argumentative presence.
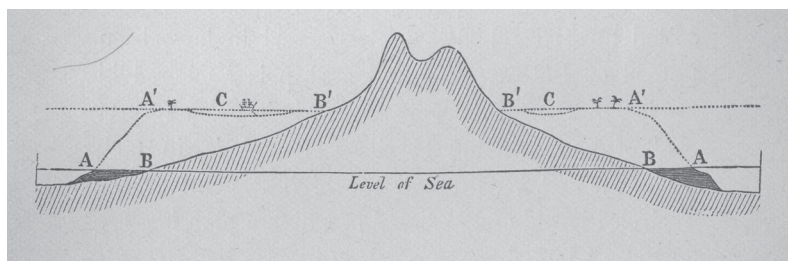
Figure 6: A vertical section of Bolabola [Bora Bora], showing formation of a
fringing reef at AA and a barrier reef at A' A'.

"A A – Outer edge of the reef at the level of the sea.
BB – Shores of the island.
A' A' – Outer edge of the reef, after its upward growth during a period of subsidence.
C C – The lagoon-channel between the reef and the shores of the now encircled island.
B' B' – The shores of the encircled island."

"N. B. In this, and the following wood-cut, the subsidence of the land could only be represented by an apparent rise in the level of the sea."
Note the ship at anchor to the right of C.
(From Darwin, *The Structure and Distribution of Coral Reefs.* Figure 4. Page 98.)

In Figure 7, Bora Bora has subsided further still: the barrier reef has become an atoll. Now A" designates the sea, C', to the lagoon. The island has disappeared.
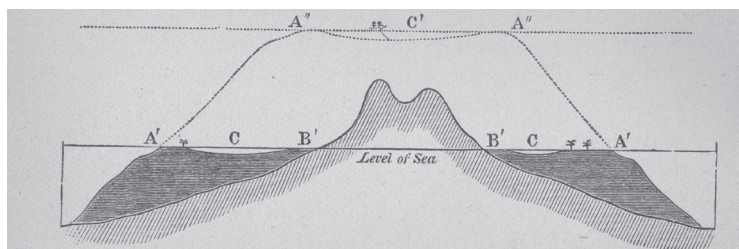
Figure 7: Vertical view of Bobola [Bora Bora], showing the formation of an atoll.

"A' A'—Outer edges of the barrier-reef at the level of the sea. The cocoa-nut trees represent coral islets formed on the reef.

C C—The lagoon-channel.

B' B'—The shores of the island, generally formed of low alluvial land and of coral detritus from the lagoon-channel.

A" A"—The outer edges of the reef now forming a atoll.

C'—The lagoon of the newly-formed atoll. According to the scale, the depth of the lagoon and the lagoon channel is exaggerated."

Note the ship anchored in the lagoon to the left of C'.
From Darwin 1984: 100, Figure 5.

In Figures 6 and 7, Darwin has shifted our attention from the appearance of Bora Bora at any one time to the evolution of any reef-island system over time. This is a transformation from the indexical to the symbolic. Bora Bora has become a model for the dynamics of all reef-island systems:

We are now able to perceive that the close similarity in form, dimensions, structure and relative position … between fringing and encircling barrier-reefs, and between these latter and atolls, is the necessary result of the transformation, during subsidence, of the one class into the other. On this view the three classes of reefs ought to graduate into each other. (Darwin 1984: 102)

As a consequence of this transformation, Darwin's initial classification of reef-island systems is revealed as a convenient fiction, a concession to the short life-span of human beings who, though they cannot see, can by means of argument bring to the forefront of their consciousness the evolution of these systems and the *vera causa* of that evolution.[6] Darwin's causal argument for the evolution of reef-island systems is now fully present.

THE NARRATIVE SUPERSTRUCTURE

Three years before *Structure,* in the *Voyage of the Beagle,* Darwin had envisioned the unique history of the earth as the interplay of tectonic forces over geological time: "We may thus, like unto a geologist who had lived his ten thousand years," he said, "and kept a record of the passing changes, gain some insight into the great system by which the surface of this globe has been broken up, and land and water interchanged" (Darwin 1962: 480). To realize this vision in fact, however, the master argument of *Structure* must be transformed into a master narrative: argumentative must be transformed into narrative presence. Because geology is a historical science, geological theories cannot stop at process explanations.

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[6] Species will have a similar status in Darwin's *Origin of Species.*

Unlike their fictional counterparts, scientific narratives are credible only so long as their underlying arguments hold true. In a historical science like geology, arguments and the narratives inferred from them are therefore epistemologically equivalent. By the time Darwin concludes his argument in favor of his theory of subsidence, Keeling Atoll and Bora Bora have been transformed into typical reef-island systems; at the same time, they have been turned from material into theoretical objects, defined by their geometry in relation to their surrounding seas, and characterized by subsidence, a fundamental force that alters that relationship. But they have not yet been transformed into historical objects.

To do so, what has been de-contextualized in the interest of theory must be re-contextualized under the dominance of theory: "the history of [a particular] atoll" can be reconstructed only if the general argument for subsidence is "modified by occasional accidents which might have been anticipated as probable" (Darwin 1984: 114). Only in so far as the geological features of a particular reef-island system are taken into consideration can we imagine what its past might have been and what its future is likely to be. The particular geological features of New Caledonia, for example, allow us to turn a general process into a specific narrative, to envision the story of a unique future that stems from a unique past:

> if, in imagination, we complete the subsidence of that great island, we might anticipate from the present broken condition of the northern portion of the reef, and from the almost entire absence of reefs on the eastern coast, that the barrier-reef after repeated subsidences, would become during its upward growth separated into distinct portions; and these portions would tend to assume an atoll-like structure, from the coral growing with vigour round their entire circumference, when freely exposed to an open sea. (Darwin 1984: 110)

The final chapter of *Structure* demonstrates that what applies to New Caledonia applies to every reef-island system. In Figure 8, we see a map of the Pacific Ocean that indicates, by its contrasting colors, the location of such systems and of the "Ring of Fire", the chain of volcanoes at the margins of the Pacific. On this map, the systems colored light brown designate areas that "have remained stationary or have been upraised" (Darwin 1984: 124). Areas of volcanic activity are colored vermillion. In contrast, reef-island systems colored blue designate areas of general subsidence. In accordance with Darwin's persuasive purpose, the Gestalt principles of proximity and foregrounding give visual prominence to this chain of reef-island systems that subsidence has created.

In this map, the reversion to iconicity is only apparent; in this final chapter, we are asked to see the Pacific "under the theoretical point of view of the last chapter" (Darwin 1984: 123). Given this point of view, the map is simultaneously a representation of the network of reef-island systems and a representation of a theory of their distribution in space and time: it is "corroborative of the truth of the theory" that reef-island systems are distributed according to whether the surrounding areas have subsided, been elevated, or remained stationary (Darwin 1984: 124). In other words, map is, at the same time, iconic and indexical: it is an effect that points its cause. The map is also symbolic – it stands for the truth of Darwin's theory of subsidence.
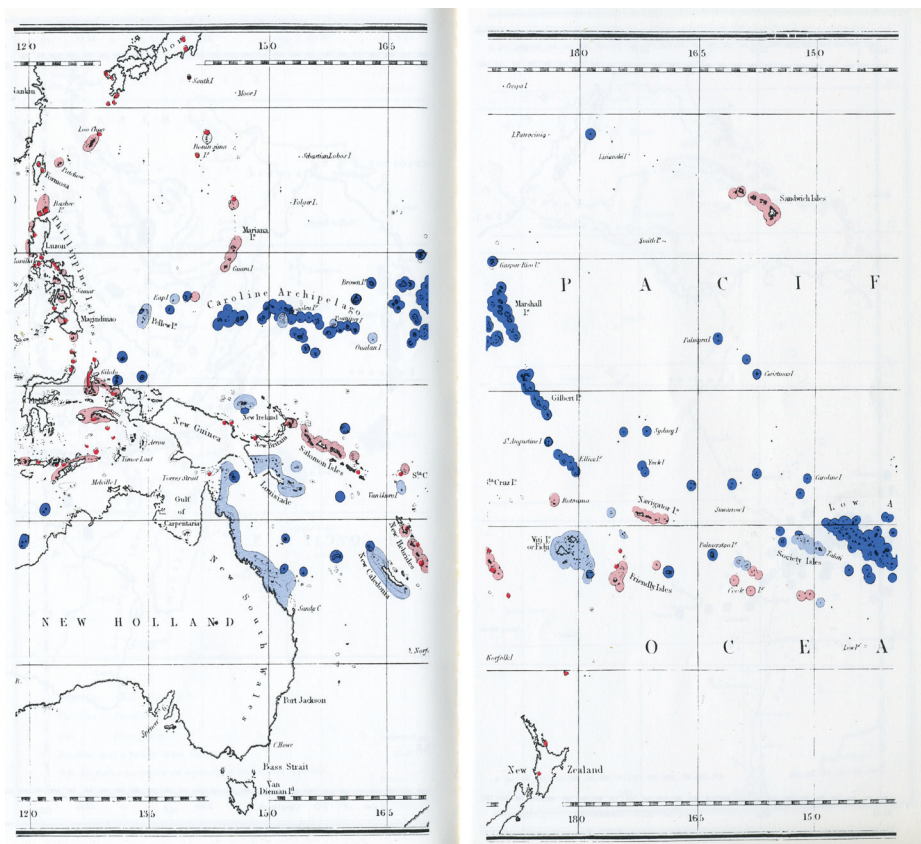
Figure 8: Atolls, barrier, and fringing reefs of the Pacific. The scale is such that each square contains 810,000 square miles.[7] The dark blue represents atolls, the light blue, barrier, the light brown, fringing reefs. From Darwin 1984: Plate III. For an updated version of Darwin's map, see Schuhmacher 1976, inside front and back covers and their flyleafs.

Darwin's insight looks forward to Wegener's famous theory of continental drift: the idea that shifts in the tectonic plates over time account for the configuration of the earth's land-masses and oceans. From the superimposition of the outline of these plates in Figure 9, we see from the cartographic code that barrier reefs (●) and atolls (▼) exist predominantly in mid-plate regions. These are far from the destructive plate boundaries of subduction zones, regions where portions of the earth's tectonic plates dive beneath other plates into the earth's interior. This map is a conceptual *Prägnanz:* it simultaneously summarizes Wegener's theory and provides evidence in its favor.

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[7] From the southern end of the Low Archipelago – the dark blue mass at the lower right margin – to the northern end of the Marshall Archipelago – the dark blue mass at the fold – the distance is 4500 miles (Darwin 1984: 143), the length of a round-trip between New York City and El Paso.
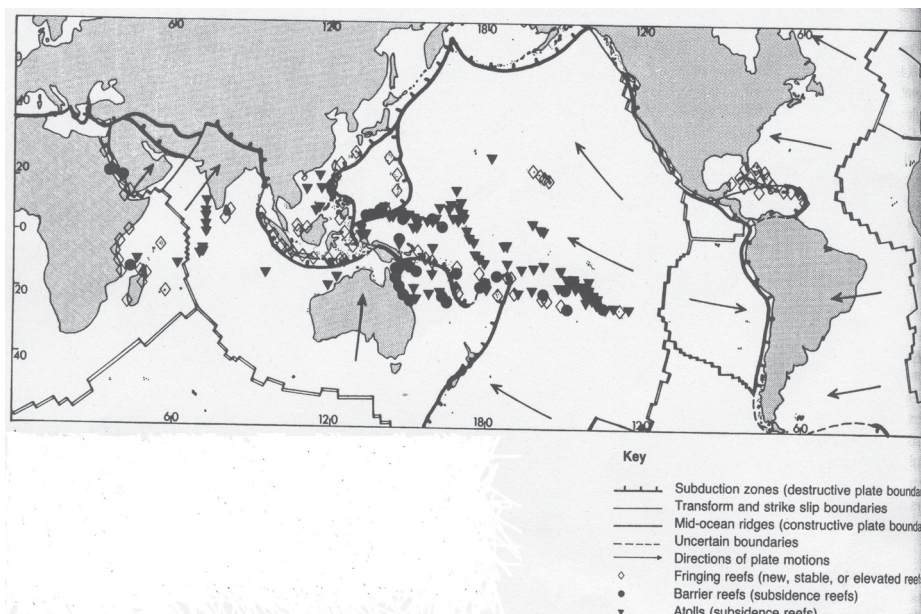
Figure 9: Bora Bora is at the center in the Pacific tectonic plate, far from "The Ring of Fire," the string of active volcanoes marked by destructive plate boundaries. From Rosen 1982: 520, Figure 2.

CONCLUSION

I have explored the exegetical possibilities inherent in Gestalt theory and Peirce's semiotics in order to trace the genealogy of argumentative and narrative presence back to its perceptual base. In Darwin's first masterpiece, *The Structure and Distribution of Coral Reefs,* details that originated in visual perception, expressed initially by means of description and depiction, are transformed into evidence for an argument in favor of a dynamic geological theory. But because geology is a historical science, this argument has to undergo a further transformation into a narrative specific to science, one that compels only so long as the argument that supports it holds.

The organization of *Structure* firmly undergirds this argumentative and narrative structure. In its first part*,* the text moves deliberately from the description and depiction of one reef-island system to the description and depiction of all reef-island systems. It is this generalization that forms the inductive base of Darwin's theory. In the second part of *Structure*, in arguing for subsidence as the *vera causa* of all reef- island systems, the text moves from a static model to its dynamic counterpart, a model that, however general its constitutive forces, produces a unique story in the case of each reef-island system, one that incorporates the accidents of a particular geological past. In the historical sciences, perceptual presence is regularly transformed into its argumentative counterpart; in turn, argumentative is transformed into narrative presence, a final transformation.

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RETÓRICA DA IMAGEM?

Tito Cardoso e Cunha*

RESUMO: Neste texto procura-se reflectir sobre as condições de possibilidade de uma retórica da imagem. Tendo a retórica sido, historicamente, uma disciplina centrada sobre os efeitos persuasivos do discurso verbal e escrito, como poderá ela pensar a preeminência que a imagem tem adquirido no campo mediático comtemporâneo. A pergunta, pois, sobre a qual se procura aqui reflectir, formular-se-á assim: como será possível pensar uma retórica da imagem no início do século XXI?

É frequente ouvir-se, hoje em dia, a expressão "uma imagem vale mais do que mil palavras." Pretende-se com isso, as mais das vezes, afirmar e justificar a predominância da imagem num mundo cujo espaço público é sobretudo ocupado pelos meios de comunicação electrónica centrados na imagem, isto é a televisão. O "valer mais" da imagem poderia querer significar que esta carrega consigo mais informação. Mas não é tanto isso que a expressão quer significar. Antes ela pretende demonstrar que a imagem é mais persuasiva do que a palavra.

O título desta comunicação levanta desde logo um problema. Ele enuncia um paradoxo de raiz histórica. Nas suas origens helénicas, a aproximação de dois termos como "retórica" e "imagem" releva do impensável.

Historicamente, e desde as suas origens helénicas mais remotas, a retórica é entendida como uma teoria e uma prática essencialmente relacionada com o discurso e a linguagem, excluindo portanto a imagem.

Basta lembrar Platão, no *Górgias*, para nos darmos conta do paradoxo contido nessa aproximação. No celebrado diálogo sobre a retórica, que tem precisamente por objectivo definir "o que é a retórica?", é à imagem que Platão atribui a identificação mesma do contrário da retórica.

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* Universidade da Beira Interior, Faculdade de Ciências Sociais e Humanas, Rua Marquês d'Ávila e Bolama, 6201-001 Covilhã, Portugal.
E-mail: titompc@gmail.com

Em 450c Platão afirma, pela boca de Sócrates, "entre todas as artes, umas atribuem, creio eu, um papel fundamental à acção, necessitando de muito poucas palavras; algumas prescindem inteiramente do discurso, podendo realizar toda a sua obra em *silêncio*, como é o caso da *pintura*, da escultura e muitas outras. Suponho que é destas que dizes que não têm relação nenhuma com a retórica. Não será?" (Platão 1997: 450c)

Ou seja, as artes cuja função é essencialmente imagética, essas estão excluídas de qualquer preocupação retórica. Caem inteiramente fora do seu âmbito. Consequentemente é também a retórica, aos olhos de Platão, que exclui da sua área de actuação qualquer consideração da imagem a não ser, claro está, no sentido figurado do termo.

Prosseguindo, no texto do *Górgias*, Sócrates afirma: "Há, pelo contrário, outras artes que realizam todos os seus objectivos pela palavra e não carecem praticamente de nenhuma ou quase nenhuma acção.(...). É ao número destas últimas que suponho dizes pertencer a retórica." (Platão 1997: 450d) Como já o tinha afirmado o próprio Górgias, "a arte que assegura o seu efeito através da palavra é a retórica."

Temos pois que, para Platão, ao ruído palavroso da retórica se contrapõe o silêncio em que as imagens, na pintura como na escultura, se fazem.

É claro que nem toda a arte da palavra é retórica. A continuação do diálogo isso mesmo irá estabelecer dando a Górgias a oportunidade de afirmar qual a especificidade do uso retórico das palavras, confinando-o ao "poder de convencer pelas tuas palavras os juízes no tribunal, os senadores no Conselho, o povo na Assembleia ou em qualquer reunião de cidadãos." (Platão 1997: 450e)

Parece assim claro que, no tempo de Platão, Górgias ou Sócrates, a discursividade preenchendo o espaço público sob a forma retórica exclui completamente do seu âmbito a imagem. O silêncio é, por definição, aí banido e confinado à expressividade plástica das imagens que se vêm assim livres de qualquer ambição ou intenção persuasiva.

A expressão "retórica da imagem" é pois, neste contexto, um contra senso. Para Platão as imagens eram silenciosas e a retórica demasiado palavrosa. Era mesmo um ruído sem grande significação. Pelo menos aquelas palavras que os sofistas, mestres de retórica, pronunciavam ignorantemente para um auditório de ignorantes.

Esta relação platónica entre a imagem e o silêncio é porventura pouco sustentável hoje em dia. Já não há imagens silenciosas. Se pensarmos na torrente quotidiana de imagens que nos submergem reparamos que elas são tudo menos silenciosas. A televisão, sobretudo, enquanto mediação esmagadoramente açambarcando o que já em tempos se chamou um espaço público, impõe esse império da imagem sendo simultaneamente uma poderosa máquina destinada a destruir qualquer veleidade de silêncio. É o silêncio que fundamentalmente a televisão hoje combate e, de certo modo foi para o tornar impossível que ela foi inventada. Como a rádio, claro. Mas, no dizer de McLuhan, a televisão não passa de um rádio a que se acrescentou um pequeno (ao princípio) écran.

A imensa maioria das imagens que o quotidiano fluxo televisivo nos transmite obsessivamente são de natureza publicitária. A mensagem publicitária tomou hoje conta do nosso dia a dia e de maneira absolutamente esmagadora. Ao ser totalmente contraditória com o silêncio, como diria Platão da retórica, a publicidade é inegavelmente um domínio de intensa persuasão. Tudo nela se resume a isso, aliás. Como entender então a relação entre a persuasão retórica e a imagem quando esta se encontra ao serviço de uma estratégia persuasiva?

R. Barthes, num texto inicial (Barthes 1982), tentou estabelecer os princípios básicos de uma tal compreensão. Começa por enumerar as posições que mais se assemelham à atitude platónica atrás descrita e que fazem da imagem um "lugar de resistência ao sentido" (Barthes 1982: 25) em que a inteligibilidade se enfraquece muito mais do que na linguagem.

No entanto, a tentativa de Barthes talvez se inscreva mais numa semiologia da imagem do que propriamente numa retórica da imagem, pelo menos no sentido mais estrito que esta palavra possa ter.

O seu problema enuncia-se assim: "Comment le sens vient-il à l'image?" (Barthes 1982: 25) embora rapidamente restrinja essa interrogação apenas à imagem publicitária, isto é àquela que, no seu dizer, produz uma significação "intencional."

A imagem publicitária é, com efeito, aquele tipo de iconicidade a que, nas sociedades contemporâneas estamos mais esmagadoramente expostos no quotidiano. Impossível a ela escapar. Mas a pergunta que se pode formular é a seguinte: será a imagem contemporânea, enquanto expressão de uma mediação electrónica, comparável à silenciosa imagem que Platão invocava para a distinguir, no seu silêncio, da loquacidade retórica?

Como terá a imagem, mormente a imagem publicitária, abandonado de todo o seu antigo silêncio para se transformar no veículo privilegiado da verbosidade mediática contemporânea que obcessivamente se dedica a anular qualquer escuta possível do silêncio?

Poder-se-á hoje falar de uma imagem sem ter em conta o facto de ela existir numa mediação que a integra em mensagens complexas de que a iconicidade é apenas um aspecto incompreensível e ineficaz sem as dimensões não só linguísticas mas também sonoras que a acompanham?

Barthes irá usar, na análise da mediação publicitária, a distinção, de origem propriamente linguística, entre *denotação* e *conotação* sendo que a mensagem conotada é, para ele, aquela que verdadeiramente transmite a dimensão intencional do sentido, ou, dito de outro modo, aquela que mais intensamente revela a intencionalidade persuasiva isto é retórica. Ele afirma mesmo que "ce domaine commun des signifiés de connotation, c'est celui de l'idéologie... On appellera ces signifiants des connotateurs et l'ensemble des connotateurs une rhétorique: la rhétorique apparaît ainsi comme la face signifiante de l'idéologie." (Barthes 1982: 40)[1]

Em suma, para Barthes, como aliás foi típico do estruturalismo, ao deparar-se-lhe uma nova questão como essa de pensar uma retórica da imagem, socorre-se da analogia linguística e faz dessa distinção entre denotação e conotação o instrumento maior de qualquer retorização possível da imagem.

Ao fazer dos "conotadores" a "face significante da ideologia" Barthes dá um passo particularmente interessante uma vez que, assim, aproxima o campo retórico desse outro, fundamental para a compreensão sociológica do conhecimento, que é o da ideologia.

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[1] Numa nota ao texto Barthes exprime mesmo o projecto de uma "retórica geral" entendida como "linguística dos significantes de conotação, válida para o som articulado, a imagem, o gesto, etc." Nota 2, p. 40.

Formalmente, aventa ele muito à maneira estruturalista, a retórica será sempre a mesma, quer se trate de linguagem ou de imagem como de certo modo uma retórica do sonho o mostraria e Lacan tentou aprofundar ao aplicar a noção de figura retórica à compreensão que Freud tinha proposto do trabalho do inconsciente no sonho.

No entanto, assegura Barthes com prudência, a conotação, no discurso como na imagem, não deixa de permanecer arrimada à função primordial da denotação (Barthes 1982: 41).[2]

Não é por acaso que a reflexão de Barthes se desenvolve a pretexto da análise de uma imagem publicitária. Esse campo mediático tão obsessivamente presente no nosso dia a dia é particular mente adequado a toda o pensamento que o queira ser da relação entre a imagem, a linguagem e também a realidade.

Um exemplo trivial é no entanto esclarecedor sobre o cerne da questão (Messaris 1997: 274): Uma empresa de produtos fortalizantes publica um anúncio em que, ao lado de uma fotografia do seu produto aparece uma fotografia de um indivíduo de compleição atlética ilustrando assim uma relação de "causa-efeito por justaposição." Interpelada a empresa sobre a natureza eventualmente enganosa da dita publicidade, respondeu que em parte nenhuma do anúncio está escrito que tal relação exista e que ela, empresa, não é responsável pelas ilações que qualquer um possa tirar da dita justaposição.

A ausência de mensagem verbal, neste caso, permite aos conotadores de que fala Barthes agir livremente sobre o espírito e a convicção do espectador mas, por outro lado, como pretendia Platão, o silêncio da imagem, isto é a ausência de mensagem verbal naquela circunstância, não nos autoriza a afirmar que tenha havido qualquer intenção persuasiva ou que permita, pelo menos, estabelecer uma inequívoca relação de causa efeito entre a justaposição das imagens e a persuasão eventualmente obtida ou pretendida.

Talvez por isso a publicidade hoje em dia seja um meio de comunicação que, embora primordialmente imagético, não dispensa, na maior parte dos casos) a sonoridade em geral e a palavra em particular.

Duas questões que talvez estejam ligadas e talvez tenham a mesma resposta:

1- Porque coloca Platão o domínio da imagem no da anti-retórica por excelência que é o silêncio?

2- Porque é, hoje em dia, privilegiado o campo da imagem quando se trata de transmitir uma mensagem persuasiva, como é sobretudo o caso da publicidade ou da propaganda política?

Como é que, neste caso, a oposição entre o silêncio da imagem e a loquacidade retórica deixa de ser percebida como tal, isto é como oposição exclusiva?

A questão poder-se-á formular assim: qual o estatuto da imagem publicitária (porque é esta que mais abertamente se anima de uma intervenção persuasiva) na sua relação com com a discursividade propriamente retórica?

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[2] "C'est très exactement le syntagme du message dénoté qui 'naturalise' le système du message connoté."

Em que medida se pode falar de uma "persuasão visual", como no título da obra de Paul Messaris?

O típico anúncio publicitário opera uma aproximação espacial promovendo a contiguidade entre duas imagens: a de um *modelo* (Perelman, 1988: 488)[3] e a da coisa em si na imagem denotada.

A contiguidade ente o modelo a imitar (no caso atrás citado o da compleição atlética) e o objecto a vender procurará transpor a adesão do espírito, através de uma desejabilidade pelo objecto que leve à acção de o adquirir.

Os *conotadores*, como diria Barthes, é que aqui actuam. Mas é claro que a dimensão denotativa também a sustenta. Primeiro porque a imagem denotará sempre algo, real ou imaginário, embora porventura com um maior grau de imprecisão do que o faria a linguagem.

A fixação semântica, até da imageticamente sugerida relação de sucessão entre as duas imagens, só se conseguirá com mais precisão através da palavra, tal como Barthes já o tinha assinalado ao referir a função de ancoramento que a mensagem linguística exerce relativamente à mensagem icónica (Barthes 1982: 31)[4].

Apenas a palavra responde, em última instância, à pergunta sobre o que é a coisa representada. O fotojornalismo é disso bem o exemplo, pelo menos na tradição anglo-saxónica, particularmente americana, quando faz acompanhar cada fotografia de legendas que fixam os sentidos denotativos do que a imagem representa ao referir e identificar as pessoas, o local e outras circunstâncias necessárias à compreensão da imagem. Desse ponto de vista a diferença é enorme com outras tradições jornalísticas em que a disparidade entre a imagem, o que ela representa, e o texto legendado que a acompanha é total permanecendo ambos, imagem e texto, completamente dissociados. A imagem fotográfica permanece assim abandonada à arbitrariedade das leituras possíveis ou, o que é pior, intensificada a incompreensão ou, como diz Barthes, o "terror dos signos incertos."

Trata-se assim, no fotojornalismo americano como nalguma publicidade, de uma "descrição denotada" que limita as significações possíveis de uma imagem obviando assim à proliferação desregrada de todas as conotações possíveis de uma imagem muda.

Como muito justamente assinala Barthes, "par rapport à la liberté de signifiés de l'image, le texte a une valeur *répressive*." (Barthes 1982: 32)

Estará assim a retórica da imagem dependente de uma retórica discursiva necessária à precisão da sua mensagem e à *repressão* das suas proliferantes significações?

Isso explicaria o carácter altamente ruidoso da imagem publicitária, cuja sonoridade se tenta sobrepor a todos os contextos.

É claro que se trata também de um procedimento calculado para captar e manter a atenção do auditório numa luta infrene contra a irrelevância que, neste caso, significa sobretudo uma tentativa de anular toda e qualquer possibilidade de silêncio, uma vez que este é percebido como um pretexto à desatenção.

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[3] Na definição de Perelman o modelo como argumento serve para "incitar a uma acção que dele se inspira."

[4] "Ainsi se développent dans toute société des techniques diverses destinées à *fixer* la chaîne flottante des signifiés, de façon à combattre la terreur des signes incertains: le message linguistique est l'une de ces techniques."

Boas ilustrações disso são o que se passa na TV quando, no fluxo permanente de programação, se passa pelo momento (ou, melhor dizendo, pelas infindáveis horas) da publicidade em que, subitamente, o nível sonoro atinge o máximo da estridência de modo a anular qualquer outro estímulo susceptível de distrair a atenção e manter o olhar vidrado no pequeno écran.

É claro que a preocupação em fixar a atenção do auditório sempre esteve na mente do orador retórico. A mobilização da imagem na prossecução dessa estratégia não trouxe consigo a mobilização do silêncio gestual, por exemplo, mas antes uma progressiva competição pela estridência sonora e verbal.

O discurso sozinho pode ser bem mais perto do silêncio do que quando associado à imagem como é o caso na publicidade. E quando essa associação acontece, dir-se-ia que a discursividade ocupa um lugar complementar duplo: o de fixar a significação da imagem e o de captar, pela estridência do ruído, a atenção do auditório.

O que não deixa de apresentar duas dimensões contraditórias, uma vez que, se por um lado o ruído fixa a atenção, por outro, tendencialmente, é capaz de desconstruir a significação que da imagem se quer fixar.

Isso estará também porventura na origem de um fenómeno que parece preocupar os publicitários e que é a progressiva perca de capacidade persuasiva dos seus métodos perante o embotamento da sensibilidade receptiva do auditório. A retórica publicitária estar-se-ia a destruir num processo quase autofágico.

De qualquer modo, a questão que aqui nos ocupa é de outra ordem. Qual ou quais as especificidades de uma retórica da imagem que a distinguiam da sua antecessora muito mais antiga, aquela que sempre elegeu a discursividade oral, e depois a escrita, como veículo de transmissão.

Segundo Paul Messaris (Messaris 1997: viii), a resposta passa pela averiguação de quais sejam os traços distintivos da imagem relativamente à linguagem escrita ou oral, deslocando assim a enunciação do problema para fora da consideração da relação entre a linguagem e a imagem como até aqui temos feito e ilustrado a propósito da publicidade.

Usando a distinção peirciana entre ícone, índice e símbolo, Messaris faz notar que a imagem se distingue da escrita sobretudo pelos seus aspectos icónicos e indiciais. Ao contrário da linguagem, onde predomina a dimensão propriamente simbólica.

Do ponto de vista sintáctico também a linguagem, oral ou escrita, tem uma maior capacidade de explicitação das significações do que a imagem. As imagens podem-se justapor, como no anúncio acima mencionado, de modo a melhor fixar de entre todas as significações possíveis aquela que ocasionalmente mais se pretende exprimir. Mas fica-se ainda muito aquém da falta de ambiguidade que a linguagem permite através da sua capacidade de articulação sintáctica.

Há pois uma maior indeterminação da imagem em comparação com a linguagem, mas poderá precisamente ser essa indeterminação que constitui a vantagem do uso da imagem num processo persuasivo.

É também esta aparente "deficiência" da imagem, a indeterminação sintáctica, que levará a mais das vezes a mensagem publicitária a ser "ruidosa" em termos geralmente sonoros ou discursivos em particular, como atrás se disse.

É raro, aliás, a imagem publicitária não se fazer acompanhar de uma mensagem linguística complementar que lhe determine mais rigorosamente as significações.

O que deriva sobretudo da dimensão icónica da imagem é a sua capacidade de mobilizar as emoções e os afectos. É isso mesmo que torna o seu uso indispensável na publicidade porque é precisamente a emoção aquilo que melhor capta e mantém a atenção do auditório. Por sua vez, o apelo emocional da imagem vem-lhe da sua dimensão icónica na medida que que esta remete mais dramaticamente para o real ele mesmo, contrariamente à distanciação que a linguagem permite e mesmo a que obriga.

Concluindo, parece-nos ser possível afirmar que não existe nem é possível uma retórica que o seja puramente das imagens.

Uma retórica das imagens implicaria necessariamente a linguagem, isto é uma abordagem retórica que tenha em conta as imagens terá de ser centrada na relação imagem-linguagem e não em cada um dos elementos isoladamente.

A imagem em si não produz persuasão, a menos que seja acompanhada de um discurso oral ou escrito.

Em suma, regressando à questão inicialmente evocada a propósito da incompatibilidade platónica entre a imagem e a retórica, entre o silêncio e a linguagem, deverá hoje ser possível averiguar da veracidade de uma asserção que afirme não apenas a possibilidade de uma retórica da imagem, mas necessariamente também a relação de complementaridade que com ela mantém uma retórica discursiva.

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CHAPTER 14

DA RETÓRICA ÀS INDÚSTRIAS DA PERSUASÃO

António Fidalgo*

RESUMO: O modelo comunicacional subjacente à sistematização aristotélica da retórica é triangular: o orador, a mensagem e o auditório. A retórica mediatizada acrescenta mais um elemento: os meios, obtendo então um modelo de quadrado comunicacional. Não se trata de um mero elemento adicional, mas de um elemento que intervém e refaz as relações entre os outros elementos entre si. A relação de um orador com seu ouvinte modifica-se substantivamente se for mediatizada, tal como a mensagem se altera consoante o meio em que é veiculada.A mutação mais profunda é seguramente a substituição do auditório pela audiência ou por um público. A unidade de espaço e tempo que caracteriza o auditório fragmenta-se em múltiplos lugares e em tempos diferentes. A retórica clássica é uma retórica de presença, a mediatizada é uma retórica de ausência.–Os meios também alteram a própria figura de orador. Com a imprensa e a industrialização do jornalismo o orador individual foi substituído pela redacção do jornal. Mais importante do que a credibilidade de um jornalista é a credibilidade do órgão onde escreve.–A tese de McLuhan de que "o meio é a mensagem" aplica-se à comunicação persuasiva. A oralidade da retórica clássica é desafiada pelo carácter multimédia da retórica mediatizada. Mesmo em situações retóricas presenciais o orador recorre hoje em dia a apresentações gráficas, tipo *power-point*, para mais facilmente expor a mensagem e melhor persuadir o auditório.–A especificidade de cada meio, imprensa, rádio, televisão, internet, apresenta exigências retóricas específicas. Por exemplo, a televisão privilegia as imagens, pelo que dificilmente constituirá um meio propício a argumentações cerradas. Num debate televisivo tão ou mais importante do que as palavras de um interveniente serão as imagens captadas e seleccionadas, o que não depende do orador, mas dos operadores de câmara e do editor da emissão.–Em

* Universidade da Beira Interior, Faculdade de Ciências Sociais e Humanas, Rua Marquês d'Ávila e Bolama, 6201-001 Covilhã, Portugal.
E-mail: fidalgo@ubi.pt

suma, a mediatização da comunicação requer uma nova análise dos processos persuasivos. Hoje a persuasão numa sociedade mediatizada, de múltiplos públicos, decorre mais em estratégias continuadas de persuasão do que em actos pontuais como os configurados pelos discursos tradicionais. A persuasão deixa de ser um processo situado num determinado contexto para se disseminar por toda a vida da sociedade de informação.

Entendida a retórica no sentido aristotélico como a faculdade de persuadir, nunca como nas sociedades actuais se fez tanto uso da retórica. Na publicidade, nas relações públicas ou no marketing a persuasão é a forma de influenciar as pessoas nas múltiplas e diversas partes das suas vidas. A tal ponto que a justo título podemos falar de indústrias da persuasão, actividades centrais e estruturantes das democracias ocidentais e das economias de mercado. Se os gregos descobriram o discurso persuasivo como o processo ideal de resolver ou superar divergências na vida política da cidade, as sociedades actuais usam a persuasão em todos os âmbitos da vida humana, não só no âmbito político, mas também no social, económico, cultural, científico e religioso.

O modelo comunicacional subjacente à sistematização aristotélica da retórica é triangular: o orador, a mensagem e o auditório. A retórica mediatizada acrescenta mais um elemento: os meios, obtendo então um modelo de quadrado comunicacional. Não se trata de um mero elemento adicional, mas de um elemento que intervém e refaz as relações entre os outros elementos entre si. A relação de um orador com seu ouvinte modifica-se substantivamente se for mediatizada, tal como a mensagem se altera consoante o meio em que é veiculada.

1. AUDITÓRIOS E PÚBLICOS

A noção de auditório na retórica clássica prende-se com a ideia de *pólis* e do seu governo democrático. A cidade é a comunidade onde todos têm direito à palavra e onde a decisão colectiva sobre os assuntos públicos é tomada na sequência e à luz da livre discussão sobre os mesmos. Assim, em última instância a audiência[1] é a cidade. Os cidadãos são à vez oradores e ouvintes no processo de avaliação dos assuntos que compete a todos decidir.

A democracia directa obrigava a uma dimensão da cidade à escala do discurso e da acção presencial do cidadão. Platão (*Leis*, 737) e Aristóteles (1998: 1326a, 1326b) debruçam-se sobre o tamanho adequado da cidade grega, nem demasiado pequena, nem demasiado grande, chegando Platão ao número de 5040 cidadãos e Aristóteles a

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[1] Emprego aqui o termo "audiência" no mesmo sentido de "auditório", conjunto de pessoas reunidas num mesmo espaço e tempo a quem se pretende influenciar. Embora em português se faça a diferença entre auditório (presencial) e audiência (ausente, que pode ser a de uma estação de rádio ou televisão), optei por identificar estes dois termos, pois que em inglês "auditorium" é apenas o espaço físico da audiência. Para o sentido de "audiência" ausente (de rádio ou televisão) uso sempre o termo "público".

uma comunidade grande o suficiente para atender às incumbências vitais, mas não tão grande que a voz de um indivíduo não chegue a todos.[2] Para uma boa administração da cidade, "tanto para julgar como para distribuir os cargos públicos, é indispensável que os cidadãos se conheçam bem entre si".[3]

A primeira característica do auditório é a escuta presencial do orador. Existe uma partilha do mesmo espaço e do mesmo tempo por parte de quem fala e de quem ouve. O orador está ali em pessoa ou em carne e osso (o *leibhaftig gegeben* da fenomenologia), como em pessoa ou em carne e osso estão ali os ouvintes. A presença implica a unidade e a imediatidade de espaço e tempo. O orador está ali e ali estão os ouvintes, em presença. O auditório pode ser constituído diversamente, por pessoas de diferentes tipos, de sexo, idade ou condição, em locais distintos, numa sala, numa praça ou num anfiteatro ao ar livre, em tempos variados, de manhã, ao entardecer ou à noite, e versando sobre temas diferentes, mas só é auditório se estiver presencialmente diante do orador.

A segunda característica do auditório é a sua finalidade. O auditório constitui-se sempre com uma finalidade. Segundo Aristóteles, o auditório ou observa ou decide, e se decide ou o faz sobre algo ocorrido no passado ou sobre algo atinente ao futuro. E destas finalidades decorrem os três géneros de discursos retóricos, respectivamente epidíctico, forense e deliberativo.

A democracia representativa estabelece-se na modernidade com o aparecimento dos meios de comunicação social. A dimensão demográfica das sociedades e cidades modernas inviabilizou a democracia directa e a necessária informação, expressão e discussão dos assuntos públicos numa democracia indirecta passa impreterivelmente pelos média. Há uma relação essencial entre democracia e retórica e o exercício de ambas. A democracia directa dos atenienses fundava-se numa retórica presencial, a democracia representativa exige uma retórica que passe pelos meios de comunicação de massas, que vá além dos auditórios limitados e chegue às vastas audiências dos cidadãos eleitores.

O ensaio de Gabriel Tarde "O Público e a Multidão",[4] publicado originariamente em 1898, faz a distinção entre multidão e público. Multidão significa uma multiplicidade de pessoas reunidas num mesmo local, exercendo uma forte influência sobre as outras. Trata-se dum agregado de tipo animal, de onde emerge uma disposição psíquica produzida pela proximidade física. A categoria de público, ao invés, é definida como "uma colectividade puramente espiritual, como uma disseminação de indivíduos fisicamente separados e cuja coesão é inteiramente mental".[5] Gabriel Tarde declara que esta categoria de público não existiu na Antiguidade, não existindo tão pouco, nem em latim nem em grego, termo que correspondesse ao seu presente significado. Havia sim termos para designar o povo, a assembleia de cidadãos, o corpo eleitoral, e

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[2] "... se for demasiado numerosa, ainda que seja capaz de satisfazer as necessidades básicas, será mais um povo do que uma cidade, pois dificilmente adquirirá uma forma política. Quem poderá comandar uma multidão tão vasta ? Quem será o seu arauto, se não tiver uma voz de Estentor?" (Aristóteles 1998: 448-449).

[3] Aristóteles 1998: 449.

[4] Tarde 1992.

[5] Tarde 1992: 29.

as muitas variedades de multidão, mas não a de público. Condição para o surgimento deste foi a imprensa. A afirmação de Tarde é explícita: "O público só pôde começar a nascer após o primeiro grande desenvolvimento da invenção da imprensa no século XVI."[6]

Tarde contrapõe a noção de "público" às noções de "multidão", "auditório" e "audiência", significando com estes sempre uma associação presencial de indivíduos. É verdade que hoje em dia, devido em boa medida aos meios eléctricos de comunicação, rádio e televisão, que transmitem informação ao mesmo tempo para destinatários dispersos geograficamente, em português o termo audiência aproxima-se bem mais do conceito de "público" que do conceito de "auditório". Mas seguindo Tarde e o uso da língua inglesa para traduzir "auditório" por *audience*, usarei os termos "audiência" e "auditório" no mesmo sentido, aos quais também oporei o termo "público".

Mas por mais distinta que seja multidão e público, existe um importantíssimo elemento que os une e que Tarde não deixa passar em branco, a audiência dos oradores.[7] Isto é, o público tem como ponto de partida auditório, ou seja a relação de audição de um por um conjunto de outros. Aliás, a afinidade de público com o auditório é que permite o entendimento de público como audiência não presente. Por outro lado, toda a multidão tende a converter-se num público e todo o público pode dar origem a uma multidão. Embora a tendência seja a de uma substituição gradual das multidões pelos públicos, que Tarde considera muito vantajosa, pois que "é sempre acompanhada de um progresso na tolerância, quando não no cepticismo", há por vezes uma "recaída do público na multidão", quando "… de um público super-excitado, como acontece com frequência, irrompem às vezes multidões fanáticas que percorrem as ruas gritando *viva* ou *morte* a qualquer coisa".[8] Não temos, por conseguinte, realidades estanques entre multidão e público ou um caminho de sentido único, mas sim uma situação intermutável de formas colectivas de escutar um orador.

Tarde atribui à limitação física do auditório a estagnação da retórica ao longo de séculos.[9] O que permitiu passar a eloquência a um patamar superior foram as inovações técnicas, permitindo criar públicos "indefinidamente extensíveis": "Formou-se assim, por um feixe de três invenções mutuamente auxiliares − tipografia, estrada de ferro, telégrafo −, o formidável poder da imprensa, esse prodigioso telefone que ampliou desmesuradamente a antiga audiência dos tribunos e dos pregadores."[10] Se Gabriel Tarde realça desta forma o papel da imprensa na ampliação desmesurada dos auditórios, o que não diria ele dessa ampliação com o aparecimento do rádio e da televisão!

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[6] Tarde 1992: 34.

[7] Tarde 1992: 38: "…da multidão ao público a distância é imensa, como já se percebe, embora o público proceda em parte de uma espécie de multidão, da audiência dos oradores."

[8] *Ibidem*.

[9] A mais vasta audiência que se viu foi a do Coliseu; mesmo assim não excedia cem mil pessoas. As audiências de Péricles ou de Cícero, e mesmo a dos grandes oradores da Idade Média, um Pedro, o Eremita, ou um São Bernardo, eram certamente bem inferiores. Assim se compreende que o poder da eloquência, seja política, seja religiosa, não tenha progredido sensivelmente na Antiguidade ou na Idade Média." (Tarde 1992: 37)

[10] *Ibidem*.

A natureza da oratória altera-se com o surgimento do público. "Que resultou do tempo em que a eloquência sagrada de um apóstolo, de um Columbano, de um Patrício, convertia povos inteiros presos a seus lábios? As grandes conversões de massas, hoje, são os jornalistas que as realizam."[11] Tarde considera que a influência, o grau de persuasão que um publicista exerce sobre o seu público é bem maior que o de um orador sobre o seu auditório. "Ora, a influência que o publicista exerce sobre o seu público, embora muito menos intensa num instante dado, é bem mais poderosa, por sua continuidade, que o impulso breve e passageiro transmitido à multidão por seu condutor; alem disso ela é secundada, jamais combatida, pela influência bem menor que os membros de um mesmo público exercem uns sobre os outros, graças à consciência da identidade simultânea de suas ideias ou de suas tendências, de suas convicções ou de suas paixões, quotidianamente atiçadas pelo mesmo fole de forja."[12]

Com o predomínio da comunicação mediática os auditórios encontram-se em regressão. O número dos ouvintes diminui nas reuniões públicas em detrimento dos que acompanham os acontecimentos através dos meios de comunicação. E por outro lado, a atenção dos que ainda assim comparecem a auditórios diminui. A descrição dada por Gabriel Tarde da situação é hoje tão pertinente que custa acreditar que seja do século XIX : "A verdade é que o número de ouvintes, em geral, está diminuindo, ou pelo menos não tem aumentado nas reuniões públicas... Mesmo quando numerosos, os ouvintes são menos atentos do que antes dos textos impressos, quando o efeito de uma desatenção era irreparável. A nossa Universidade não tem mais a ideia da afluência e da atenção de outrora, em seus anfiteatros hoje desertos em três quartas partes. A maioria dos que antes estariam apaixonadamente curiosos por ouvir um discurso pondera hoje: 'Vou lê-lo no jornal...'. E é assim que, pouco a pouco, os públicos aumentam, enquanto as multidões diminuem e diminui mais rapidamente a sua importância".[13]

Se Aristóteles partia dos diferentes tipos de auditório para definir os diferentes tipos de retórica, então é bem de ver que a substituição de auditórios ou audiências por públicos obriga a uma nova equação dos tipos de discurso. Com certeza, os ouvintes ainda têm como objectivo apreciar e decidir acerca do que ouvem, mas as áreas e as formas de apreciação e de decisão são hoje bem mais complexas do que outrora, aquando da comunicação directa ou presencial.

Na democracia directa grega os cidadãos eram chamados a apreciar as propostas de lei, a ouvir os diferentes argumentos acerca da sua utilidade ou da inutilidade, e no fim a decidir. O auditório identificava-se com a assembleia decisora. Nas democracias representativas e mediáticas actuais os cidadãos são chamados a votar em partidos, em políticos profissionais e nos respectivos programas. Na Grécia os membros do auditório eram eles próprios que deliberavam sobre as vantagens e as desvantagens de determinada medida política, actualmente os cidadãos são fundamentalmente eleitores dos políticos a quem incumbe decidir por eles. Mais do que persuadir os cidadãos do acerto desta ou daquela medida, hoje a luta retórica, patente sobretudo nas campanhas eleitorais, incide na capacidade e na credibilidade dos políticos. Ora

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[11] Tarde 1992: 37.

[12] Tarde 1992: 40.

[13] Tarde 1992: 50.

se os argumentos a favor e contra determinada medida política podem ser esgrimidos numa reunião presencial, a avaliação da capacidade e sobretudo da credibilidade de um político remete para um processo muito mais longo, só viável mediante uma comunicação continuada, feita nos média.

2. AS MÚLTIPLAS INSTÂNCIAS DO ORADOR

A introdução dos meios na comunicação persuasiva também alterou decisivamente a figura do orador. Na retórica presencial o orador era um indivíduo a quem o saber e a experiência emprestavam autoridade e credibilidade na apresentação dos argumentos. Hoje temos no local de quem fala e quer ser persuasivo não tanto indivíduos, mas entidades colectivas, de natureza política, cultural, social ou empresarial. Claro que são sempre indivíduos que efectivamente falam ou argumentam, mas quando o fazem é por delegação ou em nome de alguém para quem trabalham. Uma autêntica indústria, a das relações públicas, ocupa-se hoje de fabricar ou compor a identidade, a autoridade e a credibilidade do sujeito discursivo nos processos de comunicação e persuasão.

Tomemos o caso do jornalismo. Em princípio, teríamos um jornalista individual que daria a notícia num jornal, sendo este apenas o veículo onde daria a informação. O garante da veracidade da notícia seria o jornalista. Contudo, não é isso que se passa actualmente. Os jornalistas diluem-se de algum modo no sujeito colectivo que é o jornal, compreendido este como um todo, administração, redacção e distribuição. As características da autoridade e da credibilidade são tanto ou mais propriedade do jornal, enquanto entidade, que dos jornalistas que assinam as notícias. Aliás, de tal monta que há muitas notícias que não estão assinadas, assumindo o jornal como todo a autoria das mesmas. Mário Mesquita nota a propósito da alteração retórica que ocorre quanto ao papel do sujeito no jornalismo: "Com a industrialização do jornalismo, a 'situação retórica' do orador perante o auditório cedeu lugar aos mecanismos de produção do jornal. O orador individual foi substituído pelo colectivo da redacção e o discurso oral e persuasivo pelo discurso escrito da informação. À proximidade sucedeu a distância."[14]

Pode dizer-se que na retórica clássica e presencial o orador pertencia ao esquema prévio ou dado à partida na situação retórica. O auditório, o tema e o orador são os elementos necessários, mas encontram-se a montante da acção persuasiva em si, constando esta fundamentalmente da esgrima de argumentos. Claro que já era tida em devida conta a credibilidade do orador e a disposição do auditório, mas um e outro estavam perfeitamente constituídos à partida, havendo tão só que fazer valer a credibilidade angariada pelo orador ou explorar a disposição do público. A persuasão mediatizada, porém, recua um patamar na situação retórica e procura construir o próprio orador. Tão importante, ou talvez mais, do que o discurso e a respectiva argumentação é hoje a imagem do orador. Isso é bem patente nos debates televisivos, onde a prestação presencial do orador, a postura, o tom de voz, a serenidade, e mesmo os silêncios, são elementos essenciais da prestação retórica e suplantam a importância

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[14] Mesquita 2003: 342.

da argumentação produzida. Enquanto os argumentos exigem atenção continuada e até alguma preparação sobre o assunto em causa por parte do telespectador, os elementos de credibilidade que se prendem com a imagem do orador são de carácter intuitivo, de fácil apreensão, e, por isso, muitas vezes os únicos que contam.

Objectar-se-á que já na retórica clássica o papel do orador não era de algum modo descurado e que havia a consciência clara de que a prestação do orador era crucial para uma acção retórica bem sucedida. Com efeito, Demóstenes e Cícero consideravam a *actio*, a representação do orador, como o elemento principal do sucesso retórico.[15] É inegável que na formação do orador clássico era tida em conta muito especial a arte de representação, o modo de dizer o discurso. De nada valeria um discurso bem preparado e bem argumentado se depois não fosse bem apresentado.

Neste particular, na importância dada ao papel do orador temos dois elementos a considerar, a imagem do orador e as prestações isoladas dele. A imagem é continuada, mais constante, de mais longo fôlego. Uma prestação pode ser fraca e chocar mesmo a boa imagem de um orador, ou, vice-versa, pode um orador ter uma má imagem e surpreender com uma boa prestação retórica. Sem dúvida os dois elementos estão relacionados, pois que uma boa imagem ou reputação se consegue com boas prestações como também se perde com más prestações. Não obstante isso, há que separar imagem e prestações. Ora o que preocupava a retórica clássica eram as prestações e não tanto a imagem. Ao invés, hoje o que se valoriza mais é a imagem do orador. As prestações, perdem qualquer valor absoluto que poderiam ter e são subordinadas a estratégias de construção de imagem. Se um orador clássico se preparava para uma excelente prestação e tudo investia nessa prestação de modo a persuadir o auditório relativamente a uma medida a tomar para o futuro ou a um julgamento a fazer sobre algo no passado, o orador típico dos média procura fazer valer a sua imagem na aprovação de uma medida. A sua prestação será sempre de acordo com a imagem de que goza e por ela determinada.

Que a tónica se tenha transferido da prestação isolada para a imagem do orador não deve suscitar estranheza. Desde logo, e como já vimos, a retórica está intimamente vinculada ao modelo político-social em vigor e a retórica de uma democracia representativa não será a mesma de uma democracia directa. Se hoje é dada mais importância à imagem do orador do que às suas prestações é que os cidadãos elegem políticos e não deliberam sobre leis como na Grécia antiga. A decisão e o julgamento de quem ouve acaba por incidir mais sobre quem fala do que sobre aquilo que fala. As estatísticas e os índices de aprovação reportam-se mais às pessoas dos políticos do que às políticas que perseguem.

Por outro lado, essa transferência também se deve à natureza dos meios de comunicação. Estes vivem da materialidade imagética dos protagonistas e das suas palavras. As argumentações, a coerência de sentido, são realidades segundas, que

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[15] '*Nam et infantes actionis dignitate eloquentiae saepe fructum tulerunt et diserti deformitate agendi multi infantes putati sunt, ut iam non sine causa Demosthenes tribuerit et primas et secundas et tertias actioni.*' In *Orator*, p. 48: "Com efeito, maus oradores frequentemente conseguiram um bom nome graças à dignidade da acção, e bons oradores foram julgados maus oradores pela deficiência da acção, pelo que não foi sem razão que Demóstenes considerou ser a acção o primeiro, o segundo e o terceiro factor do sucesso retórico."

existem apenas sobre a materialidade da fotografia e do som e que, para serem apreendidas, exigem atenção continuada e esforço de compreensão. É por isso que é mais próprio à natureza dos média fazer programas sobre os protagonistas, falar sobre eles, passar reportagens biográficas, do que ouvi-los falar sobre os assuntos que afectam directamente os cidadãos.

A construção da imagem do orador nos média é complexa e objecto de uma indústria sofisticada, a das relações públicas. As novas agências de comunicação constituem hoje factores decisivos nas campanhas eleitorais, fazendo a diferença entre o profissionalismo e o amadorismo com que são conduzidas. A espontaneidade comunicativa e retórica na idade dos média pode aceitar-se a título de irreverência ou generosidade de quem começa, mas normalmente acaba por se afundar em contradições e situações inesperadas, propícias a equívocos fatais.

Antes da mediatização da retórica, poder-se-ia considerar a situação retórica de um orador frente ao seu auditório como uma situação pacífica, anterior e até de certo modo exterior à contenda retórica. Orador e auditório seriam as duas ordens de grandeza dadas à partida, como já foi dito. Seriam, por assim dizer, extrínsecos à acção retórica. Ora as agências de comunicação fazem-nos intrínsecos, passam a incluir esses elementos considerados externos no próprio processo retórico. A prestação retórica alarga-se, ganha nova amplitude, justamente por englobar a preparação do campo retórico. Nada pode ser deixado ao acaso, evitam-se surpresas, precisamente pela determinação das condições, nomeadamente de tempo e de espaço, em que ocorre a refrega retórica.

Ilustremos esta incorporação das condições retóricas no núcleo da acção retórica. Numa entrevista ou num debate televisionados há múltiplos factores do sucesso da prestação que não são de modo algum controlados pelo orador, mas pela produção e edição da emissão. As opções por este ou aquele plano de filmagem, grande plano, plano de conjunto, plano de pormenor, picado, contrapicado, ângulos de filmagem, pertencem aos operadores de câmara e em última instância ao realizador do programa. Ora as palavras mais nobres, a argumentação mais bem construída, podem ser destruídas no seu efeito pela associação a certas imagens captadas nesse instante. O que os ouvidos ouvem na televisão, que é da responsabilidade do orador, pode ser destroçado por aquilo que os olhos vêem no ecrã, imagens que não são da responsabilidade do orador, mas sim da produção e realização televisivas. Se o participante num debate televisivo faz uma afirmação e a imagem oferecida é a do oponente abanar a cabeça num gesto de negação do que o primeiro afirma, o mais certo é o telespectadores prestarem mais atenção à negação do que á afirmação. Ora cabe também às agências de comunicação preocuparem-se e ocuparem-se justamente dos factores extrínsecos à acção espontânea do orador e conjugarem condições e prestações da acção retórica.

Obviamente não cabe nesta conferência traçar o campo de actuação das agências de comunicação, apenas há que registar a sua inclusão e o seu papel nos processos retóricos mediatizados. Este registo é tanto mais importante quanto mais a função de tais agências ultrapassa a de consultoria e se torna total, nomeadamente quanto à elaboração de estratégias de comunicação, selecção dos actores envolvidos e determinação dos meios utilizados. Se a intervenção retórica de um político sobre determinado assunto for enquadrada e determinada por uma campanha mais geral, torna-se legítima a pergunta sobre a real autoria do processo retórico. Quando uma agência de comunicação se

vangloria de vender um político como vende uma pasta de dentes, então não restam dúvidas de que o *ethos* retórico desse político é ele mais um produto ou objecto da persuasão da campanha realizada pela agência de comunicação do que uma prova intrínseca da sua prestação retórica. Nestes casos então ganha pertinência a pergunta sobre os verdadeiros retores ou actores últimos dos processos de persuasão: serão as agências de comunicação que tudo definem e tudo determinam, mas que o fazem a partir de uma posição que se quer invisível, ou os actores singulares, visíveis, que com as suas prestações retóricas cumprem um papel num guião estabelecido à partida?[16]

O papel das agências de comunicação ganha relevância sobretudo no caso em que são instituições ou entidades empresariais a usarem a retórica. Brochuras, panfletos, cartazes, boletins, são emitidos por essas entidades com o fito manifesto de persuadirem o público e de influenciarem a sua acção. Ao mesmo tempo, recorre-se à figura do porta-voz para representar a instituição nos actos comunicativos e de persuasão. Muitas vezes estes porta-vozes são profissionais da comunicação, exteriores à instituição, contratados para o objectivo específico e único de, por delegação, falarem com os média. Nestes casos nunca é demais realçar a importância de construir uma identidade da instituição, de criar uma imagem própria e única, de ter planos coerentes de comunicação e persuasão. São estas tarefas que competem às agências de comunicação.

Bastará chamar a atenção para o papel das marcas (*brands*) para perceber que numa sociedade mediática se torna imprescindível a qualquer companhia criar uma identidade com nome e logótipo próprios de modo a estabelecer relações, não só comerciais mas também afectivas, com os trabalhadores, os clientes e o públicos em geral. Muitas vezes a empresa é vendida, as administrações mudam, os produtos renovam-se, mas a identidade mantém-se graças à marca. A identidade mediática não é manifestamente dada à partida com a criação de uma companhia, antes resulta de uma história de prática industrial, comercial ou outra, ou então é fruto de trabalho bem definido e continuado por uma agência de comunicação. A marca será a cristalização dessa história e desse trabalho estratégico de construção identitária.

As instâncias do orador são, pois, múltiplas na retórica mediatizada. O jornalista que escreve num jornal, um deputado eleito por um partido político, o porta-voz de uma companhia têm identidade própria quando falam ou escrevem com fins persuasivos. Dispõem indubitavelmente de um *ethos* pessoal e profissional próprio que carregam consigo quando mudam de jornal, de partido ou de companhia. Mas também é inegável que o jornal, o partido e a companhia tem um *ethos* institucional diferente e independente dos indivíduos que os integram. Por outro lado, a acção das agências de comunicação e dos seus profissionais determinam a identidade, a acção e a imagem das companhias para que trabalham. Hoje uma mesma mensagem nos meios de comunicação carrega consigo múltiplas autorias, pelo que também se torna complexa a credibilidade que lhe advém de quem a dá ou transmite.

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[16] "Professional communicators put words into the mouths of U.S. presidents as well as members of congress. They make White House proclamations and conduct political campaigns shaped by that new breed of politico, the 'spinster' who tells the media and the public what the candidate or governmental official 'actually' said, what the implications of the statement are, and how it should be reported and understood. Governors and mayors speak words prepared by public relations practicioners. Practicioners lobby legislators and regulators in regard to their sponsors' positions on public policy issues." (Heath 1992)

3. OS MEIOS, OS MEIOS

A sentença de Marshall McLuhan de que o meio é a mensagem tornou-se um dos tópicos centrais dos estudos sobre os meios de comunicação, e até mesmo num dos lugares comuns da cultura contemporânea. Os meios não são contentores vazios, de significado neutro, antes são a mensagem pois configuram e controlam as formas da acção e da associação humana.[17] As apresentações gráficas, tipo *PowerPoint*, associando o computador e os projectores, revolucionaram o modo de falar, apresentar e expor em público. De tal modo o fizeram que hoje em muitos casos a projecção é o essencial e o orador um acessório, uma voz *off*, externa, que vai explicando e comentando os diapositivos à medida que vão sendo passados. Grande desgraça é então quando a técnica falha, quando o computador não abre o ficheiro ou a lâmpada do projector se funde. Menos grave seria se a falha fosse o orador, se de repente, por acaso, lhe faltasse a voz e tivesse de ser substituído por outro orador.

Provavelmente nunca a retórica, como foi entendida ao longo de milénios, se viu tão desafiada na própria natureza quanto com a introdução do *PowerPoint*. Desde logo pela apetência dos auditórios pelas apresentações gráficas ou multimédia. São mais apelativas e exigem menor esforço de atenção continuada. Por outro lado, o que entra pelos olhos é mais forte do que o que entra pelos ouvidos; somos mais facilmente e mais rapidamente convencidos pelo que vemos do que pelo que ouvimos. Ou seja, de um paradigma oral passa-se a um paradigma visual, muito mais perto da própria realidade e experiência quotidianas.

Curiosamente, ao incluir a visão, a retórica multimédia cumpre os desideratos da retórica clássica, que na hipotipose, a figura que procura mediante uma descrição viva de uma situação impressionar e convencer o auditório, explorava a capacidade pictórica das palavras e simultaneamente a imaginação dos ouvintes, e assim ambicionava associar imagens ao discurso. É preferível ver a imaginar e por isso, em certas circunstâncias uma imagem vale mais que mil palavras. O *PowerPoint* acaba por dar à retórica aquilo que sempre sonhou ter, as imagens reais para oferecer aos olhos dos ouvintes.

Antes da obra *Understanding Media* (1964), McLuhan expusera em *The Gutenberg Galaxy* (1962) a passagem de um cultura oral a uma cultura visual por obra da tipografia. A invenção da imprensa não foi apenas um enorme desenvolvimento nas formas de disseminação do conhecimento, foi também uma revolução na forma de apreender o mundo e de nele viver. Com a introdução das apresentações gráficas e multimédias a retórica presencial muda de raiz. Hoje um orador pode sustentar um facto não através da sua credibilidade, mas mediante a apresentação directa de uma gravação sonora ou de vídeo. O *PowerPoint* não é simplesmente trazer um cinema pobre para os anfiteatros ou para as salas de grandes discursos, ele introduz invenções decisivas e marcantes no mundo contemporâneo como a fotografia e o fonógrafo. Com efeito, se algo modificou as formas de experiência e de vida no mundo em que vivemos esse algo foi o registo de imagem e de som. Mas esses registos só muito recentemente entraram nas apresentações públicas com o aparecimento dos computadores e dos projectores de vídeo. Anteriormente não

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[17] McLuhan 1969.

havia a possibilidade de fazer uso desses registos e de os integrar numa apresentação com fins persuasivos.

Há quem pretenda ver no uso do *PowerPoint* o declínio da retórica ou até a morte da retórica, o que desde logo não deixa de ser muito exagerado. As elegias sobre a superioridade do passado, invariavelmente suscitadas pela introdução de novas tecnologias, não podem criar redomas sobre o se que pretende preservar. A alternativa à transformação e à adaptação aos novos tempos são os museus.

Com efeito, as pessoas estão habituadas a um mundo de sons e imagens, plurisensorial. Os espectadores preferiram o cinema sonoro ao mudo, a cores ao preto e branco, a televisão à rádio. Não é de admirar que prefiram uma apresentação de *PowerPoint* a uma exposição meramente oral. Discursos secos, como o que aqui apresento, são tidos e sentidos como desafios ousados à atenção e paciência dos ouvintes. É inegável que na civilização multimédia, houve uma fragmentação da atenção, e até uma diminuição da capacidade de atenção. Mil e um factores apelam simultaneamente e incessantemente à atenção, provocando enorme dispersão por parte dos ouvintes ou destinatários. Não se trata apenas de uma competição pela atenção dos outros, mas de uma luta contínua para ganhar e manter essa atenção ao longo da exposição. É muito difícil hoje criar a situação ideal de um auditório reunido para, sobre determinado assunto, ouvir em silêncio um orador. E mesmo quando se consegue isso, é muito mais fácil desligar a atenção, buscar o momento de repouso durante um discurso seco do que numa apresentação feita com um *PowerPoint*.

Porém, como já vimos, a larguíssima maioria das comunicações públicas não são feitas hoje em presença. E grande parte delas nem em directo. Os meios, nomeadamente a imprensa, o rádio, a televisão e a Internet constituem as ágoras virtuais onde se debate a coisa pública, onde se atacam e defendem posições, onde se procura persuadir os outros da pertinência de uma questão (colocar o assunto na ordem do dia). Só nesses meios existe o espaço público onde circulam posições colectivas, correntes de opinião, e onde se geram consensos.

A fazerem-se de forma efectiva, as prestações retóricas far-se-ão neste espaço virtual, procurando e constituindo os respectivos públicos, intervindo nas discussões em curso, associando-se a prestações retóricas anteriores, corroborando posições antes defendidas, responder a objecções colocadas por opositores. Os meios derrubaram os muros dos auditórios, espalharam a voz dos oradores pelas cidades e pelos campos, mesmo por espaços nunca dantes imaginados e fizeram ouvir essa voz de dia e de noite. O espaço público é o espaço decisivo, o verdadeiro palco do debate, onde há que lutar por ideias e causas.

A introdução dos meios na consideração retórica levanta duas questões: a da formação dos oradores e a do acesso aos meios. Com efeito, aquilo com que os oradores hoje deparam são os meios e não os auditórios. E mais até: os meios são reais e as audiências virtuais. As audiências só se tornam reais sobre a acção dos meios. Daí que os aprendizes hodiernos da retórica tenham de ter uma formação sobre a natureza e o funcionamento dos média.

A formação académica para os meios é feita hoje nos cursos superiores de ciências de comunicação, compreendendo as áreas de jornalismo, relações públicas e publicidade. Não é uma formação restrita de técnica dos meios, de televisão, rádio ou imprensa, mas de uma formação ampla sobre uma sociedade mediatizada, sobre o papel da

comunicação e informação na vida pública e privada dos cidadãos, sobre a produção e a recepção de informação, sobre os conteúdos e sobre as audiências. Os profissionais da comunicação, ou mais exactamente, da comunicação mediatizada caracterizam-se por se ocuparem e centrarem no processo comunicativo em si, independentemente de qual o objecto da comunicação em concreto.

Se recuarmos a Platão veremos que há uma semelhança entre os oradores de então e os actuais profissionais da comunicação, nomeadamente os jornalistas. O retrato que Górgias dá de orador é o de um profissional da persuasão. "Seja qual for o profissional com quem entre em competição, o orador conseguirá que o prefiram a qualquer outro, porque não há matéria sobre a qual um orador não fale, diante da multidão, de maneira mais persuasiva do que qualquer profissional."[18] Ora a ideia que temos de um profissional da comunicação dos nossos dias é a de alguém com competência para fazer chegar ao público qualquer informação que seja. Nos retores antigos e nos profissionais da comunicação de agora o que vemos em comum é justamente a competência para se dirigir à população em geral e de lhes fazer chegar uma mensagem sobre qualquer tema. Gabriel Tarde parece evocar as palavras de Górgias ao realçar a influência que os jornalistas exercem sobre a sociedade. "Os grandes publicistas, bem mais que os homens de Estado, mesmo superiores, fazem a opinião e conduzem o mundo. E, quando se impõem, que trono sólido é o deles! Compare-se ao desgaste rápido tão rápido dos homens políticos, mesmo dos mais populares, o reinado prolongado e indestrutível dos jornalistas de grande talento, que lembra a longevidade de um Luís XIV ou o sucesso indefinido dos ilustres actores de comédias e tragédias. Não existe velhice para esses autocratas."[19]

A segunda questão incide sobre o acesso aos meios. Quem tem voz nos grandes meios de comunicação? Na Grécia antiga os auditórios tinham regras sobre o seu funcionamento, sobre quem e como tinha direito à palavra. Hoje, estabelecida a liberdade de expressão, a efectivação dessa expressão pública é deixada em geral às forças do mercado. Os meios de comunicação de massa pertencem, na larguíssima maioria, a indivíduos ou empresas particulares, que decidem quem neles trabalham e quem pode expressar-se neles. Mas também nas empresas de comunicação do sector público o acesso não é universal. Os critérios de escolha são de diversa ordem, nomeadamente económica, social e política.

Porque os meios de comunicação são decisivos na condução da vida pública, hoje a questão acerca de quem os controla e de quem a eles tem acesso é das questões mais brisantes das sociedades contemporâneas. A luta política é feita abertamente no espaço público e os meios são peças fulcrais dessa luta. E quem diz da política diz da economia e da cultura. Quem controlar os meios de comunicação ou a eles tiver maior acesso disporá de uma enorme vantagem para influenciar a opinião pública e os poderes vigentes.

O acesso aos meios é indispensável a qualquer orador que queira realmente persuadir a sua comunidade e influenciar a vida pública. Os meios são condição de um exercício retórico efectivo. Até num auditório presencial o controlo do meios de ampliação sonora é decisivo. Se a um orador lhe for desligado o altifalante fica sem

[18] Platão 1973: 47.

[19] Tarde 1992: 44.

condições de prosseguir o discurso. Tão simples quanto isso. Mas o acesso aos meios de comunicação de massas, aos jornais impressos de circulação nacional, às rádios e televisões, sobretudo em horário e muito mais complexo. Nestes casos não se trata apenas de aceder pura e simplesmente, mas sobretudo sob que condições se acede. Uma pessoa a que seja facultada a possibilidade de aparecer e falar na televisão pode ser num contexto de *reality show*, onde em vez de desempenhar um papel de sujeito de discurso lhe é dado um papel de personagem secundária, de figurante ou até mesmo de objecto de chacota de um *entertainer* profissional.

Sem os meios o orador não se fará ouvir; portanto, aceder a eles é uma das suas tarefas principais. Mas esse acesso envolve grandes riscos. Desde logo porque qualquer meio, pela sua própria natureza, tenderá a enquadrar o orador e a sua intervenção numa estratégia própria, que não a do orador e onde os objectivos visados pela intervenção do orador serão eventualmente enfraquecidos, alterados ou adulterados. A utilização dos média pelo orador exigirá sempre a avaliação das condições e dos custos em que essa utilização é feita.[20]

Concluindo esta parte, direi que longe de os meios serem um elemento secundário na prestação retórica, eles são o elemento determinante. Se Aristóteles partia do auditório como elemento chave, hoje são os meios que formam as públicos.

4. AS INDÚSTRIAS DE PERSUASÃO (PUBLICIDADE, RELAÇÕES PÚBLICAS E MARKETING)

Não será excessivamente polémico afirmar que a industrialização da persuasão começou com a propaganda nos princípios do século XX. É então, sobretudo durante a I Guerra Mundial, que os governos das potências em conflito recorrem a tácticas de persuasão para, de forma planeada e organizada, mobilizar as populações no esforço de guerra.[21] Criam-se serviços especiais de informação e propaganda e faz-se um uso sistemático e massivo de folhetos, panfletos e cartazes.[22] A batalha pelas opiniões públicas exige pessoal qualificado e vastos recursos financeiros e técnicos. Estabelecem-se assim os fundamentos para uma actividade institucional e continuada de persuasão de massas.

No período entre as Guerras Mundiais, a propaganda agudiza-se com o alastramento do comunismo internacional e a emergência dos nacionalismos sociais em Itália e na Alemanha; e ganha sofisticação com o cinema e a rádio. A propaganda torna-se um elemento central da II Guerra, uma arma tão ou mais importante que todas as outras.[23] O cinema de Chaplin e de Eisenstein, e a difusão radiofónica dos discursos de Churchill e Goebbels constituem marcos incontornáveis da retórica de massas.

No período pós-guerra a propaganda continua com a guerra fria, mas mais importante para as indústrias da persuasão é o crescimento económico no mundo ocidental. A publicidade, as relações públicas e o *marketing* impõem-se definitivamente

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20 Fidalgo 2006.

21 Pizarroso 1993.

22 Toth 1992a: 4.

23 Münzenberg 1977.

não só como importantes sectores da actividade económica, mas também e sobretudo como elementos estruturantes da economia de mercado. Designo por indústrias de persuasão as actividades económicas que têm como objectivo influenciar positivamente pela informação a percepção, a opinião, o comportamento e a acção das pessoas relativamente a instituições, públicas ou privadas, comerciais ou de solidariedade, e a bens ou produtos, materiais ou espirituais.

São três os factores que, a meu ver, induziram à massificação, organização e profissionalização da retórica e deram assim origem às indústrias de persuasão: a democratização da sociedade, a mediatização da comunicação e a emergência da sociedade de consumo.

O campo da retórica grega era restrito. Apenas os homens livres participavam na vida pública da cidade, ficando de fora mulheres, metecos e escravos. Do conjunto de toda a população seriam uns 10% os que teriam assento nas assembleias do povo, a falar nelas e a votar. Por outro lado, os assuntos em discussão e deliberação nas assembleias eram apenas os da esfera política. Os assuntos sociais pertenciam à esfera familiar ou privada, onde cabia ao homem enfrentar e satisfazer as necessidades próprias da condição animal, nomeadamente a nutrição e a reprodução. Na vida privada o homem enfrentava as necessidades, na vida política ou pública o homem exercia a sua liberdade. A retórica cingia-se à vida pública, já que na vida privada não havia lugar à persuasão, o senhor simplesmente ordenava, impunha a sua vontade aos familiares e aos escravos.

Actualmente as democracias são universais, cada pessoa tem direito à palavra e ao voto, independentemente do sexo, da condição ou da raça. Por outro lado, o que era privado tornou-se público ou político, nomeadamente as condições sociais, o trabalho, a alimentação, a habitação e a saúde. Tornando-se tudo público, tudo passou a ser objecto de discussão livre e, por conseguinte, da retórica. Desse modo, o campo da persuasão alargou-se a toda a actividade humana, da educação à alimentação, da luta política ao lazer. Tal como a propaganda se converteu durante a primeira metade do século XX num poderoso instrumento de condução de guerra, assim as indústrias da persuasão, em particular a publicidade, se converteram em vectores fundamentais das actividades económicas, sociais, culturais e políticas.

A segunda causa da industrialização retórica foi indubitavelmente a mediatização da comunicação. Desde logo pela sua abrangência. Com os meios a comunicação persuasiva pôde chegar a todos os lados, a todas as horas. Primeiro pela imprensa, depois pelos meios eléctricos e instantâneos da rádio e da televisão, a comunicação ganhou uma amplitude quase universal. Com efeito, a cobertura total dos territórios nacionais costuma ser um requisito legal para os serviços de comunicações e telecomunicações. Justamente a administração de uma comunicação tão vasta, e tão diversa, requer estruturas empresariais. E também o uso de todos estes meios para influenciar os públicos, seja pela informação seja pela publicidade, obriga a uma acção organizada e continuada de tipo empresarial. O mesmo se diga para a gestão das relações públicas das instituições ou empresas com os meios de comunicação.

Tudo o que sabemos do mundo sabemo-lo pelos meios de comunicação (média),no dizer de Luhman.[24] A percepção e a experiência é feita assim através dos meios. A

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[24] Luhman 1996: 9.

realidade é então a realidade mediatizada, existe o que aparece nos média. Ou seja a intensidade dos média é total. Pelo que compreendê-los e saber lidar com eles se tornou num dos maiores imperativos de quem pretende influenciar os seus concidadãos.

A terceira causa das indústrias retóricas contemporâneas é a sociedade industrial e de consumo. Na economia artesanal não havia consumidores. Aí, o artesão faz os artefactos directamente por encomenda, o contacto entre cliente e artesão é face a face. Só com o surgimento da sociedade industrial é que aparece a sociedade do consumo. Com a abundância e a concorrência, a perplexidade do consumidor aumenta à medida em que só a produção em massa é considerada economicamente viável. Põe-se a questão : Como é que o cliente potencial, confrontado com estandardização de produtos, vai gastar o seu dinheiro, entre milhares de bens equivalentes.[25] As escolhas são feitas mediante a informação e a persuasão publicitárias. Em suma, a disseminação da retórica por todos os domínios da actividade humana e a prática empresarial que actualmente enforma as realizações retóricas é o resultado da evolução social e técnica. Mudou a sociedade, mudou a cultura, mudou a religião, mudou o modelo de governação política, pelo que a retórica não poderia manter-se inalterada, ela própria tão imbricada com a sociedade e com as formas de vida social e politica.

O estudo da retórica mediatizada obriga ao estudo das indústrias persuasivas. O modelo tradicional de retórica não perdeu o seu valor, mas não se espere que por si possa dar conta da explicação teórica dos instrumentos, técnicas e modos de persuasão que estruturam a sociedade contemporânea. O universo retórico hoje muitíssimo mais complexo que o universo das assembleias gregas. Os públicos são muito mais diversos, os temas e os objectos da persuasão extravasaram em muito as categorias do justo e injusto, útil e nocivo que pautavam as retóricas forense e deliberativa, e mesmo as provas intrínsecas da credibilidade dos oradores, da consistência da apresentação de posições e da patologia dos públicos têm hoje uma necessária diferenciação inimaginável há dois milénios.

Não se trata de descobrir os traços e a estrutura retórica dentro das actividades que designei por indústrias retóricas, mas de perceber as alterações retóricas que a evolução técnica e a transformação social provocaram. Ao próprio nível da teoria, evidentemente. Produzimos e reproduzimos imagens com a mesma ou até maior facilidade que palavras e isso obviamente influi na forma como um cidadão pode persuadir um outro. Gravamos mensagens e reproduzimo-las em qualquer parte e em qualquer altura. Hoje a retórica usa-se em todas as ocasiões e a qualquer propósito. É essa disseminação da retórica, porque praticada por indústrias poderosas, que temos hoje de investigar e pensar.

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[25] Chatelat 2001.

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A RETÓRICA – DISCIPLINA DE COMUNICAÇÃO: UNA E MÚLTIPLA, NA SOCIEDADE E NA ESCOLA

José Nunes Esteves Rei*

RESUMO: A Retórica apresenta-se, diacronicamente, envolvida em avanços e recuos, alargamento e diminuição de algumas das suas partes e, ainda, caracterizada como branca ou preta, morta ou ressuscitada. Haveria azo a perguntar: trata-se, ainda, da mesma ou de várias disciplinas? A ser única e com subdivisões, interrogar-nos-emos: quais os fundamentos da sua compreensão?–Penso estarmos não só perante uma disciplina una, como diacronicamente em desenvolvimento quanto aos produtos discursivos e ao espaço social de intervenção, tornando-se cada vez mais complexa por confronto e exigência das sociedades que a solicitam, em cada nova Idade, e às quais responde positivamente, de acordo com as novas necessidades que se vão manifestando.–Como pressuposto, temos que a Retórica se tem apresentado como "didáctica dos discursos", uma "teoria do texto", termo esse que Van Dijk preferiria a esta expressão se não acontecesse, como refere, que "o conceito de retórica frequentemente se associa a determinadas formas e manifestações estilísticas e de outra índole, em especial na comunicação pública e persuasiva." (Van Dijk 1992: 19)–Estamos, assim, perante uma disciplina de comunicação discursiva, que se multiplica por espaços e tempos diferentes, num movimento pendular entre a sociedade, onde tem o seu espaço de autenticidade e eficácia, a escola, onde é objecto de tratados múltiplos, por parte de académicos, e a aprendizagem, do lado dos escolares.–A Retórica estrutura-se, assim, entre Sociedades, que a ela recorrem sob formas várias, tratados retóricos, que lhe traçam os correspondentes rostos, e Escolas, que os recebem e os transmitem de gerações em gerações, na preparação dos escolares para a vida activa.–Este triângulo retórico: Sociedade - Retórica - Escola, constituído instrumento de investigação, permite estabelecer critérios, apontando três retóricas que se tornam concomitantes

* Universidade de Trás-os-Montes e Alto Douro, Departamento de Letras, Apartado 1013, 5001-801 Vila Real, Portugal.
E-mail: jrei@utad.pt

após o surgimento sucessivo da segunda e da terceira.–Trata-se da Retórica clássica, antiga ou da *inventio*, localizada nos tribunais, e que mantém a sua actualidade desde a Grécia e Roma até aos nossos dias; da Retórica literário-cultural, romântica ou da *elocutio*, situada na governação do Estado moderno e institucionalizada na literatura, que se expande a partir do século XVI e mantém, até hoje, a sua vitalidade; e da Retórica comunicativo-funcional, das empresas e organizações ou da *dispositio*, surgida na segunda metade do século XX, que dá os seus primeiros passos em termos tratadísticos, reflexivos e escolares.

A ABRIR: DIVERSIDADE DE USOS E DISCURSOS

Se um grego clássico visitasse o nosso mundo político, jurídico, académico, social e empresarial, que sentiria perante o espaço aí ocupado pela *Retórica*: termo e seu uso prolixo, disciplina e seu conteúdo disperso? Surpresa e perplexidade, provavelmente.

Vejamos exemplos de uso surpreendente do termo "retórica".

A Ministra da Educação, há dias, satisfeita ao ouvir o Presidente da República elogiar a transferência das competências para as autarquias, na área da educação [dizia que]: "Há muito tempo que há *retórica* sobre o assunto, sobre o alargamento das competências das autarquias em muitas matérias […]" (*Jornal de Notícias*, 14 Ag., 2008).

Filomena Mónica (2007: 102) fala de uma "retórica analfabeta"; o embaixador Seixas da Costa, "da *retórica* que subsiste nas relações Lisboa-Brasília" (*Visão*, 29 Dez., 2008); José Manuel Fernandes, de "retirar a *retórica verbal* conservando o conteúdo das respostas, na condensação de uma entrevista" (*Público*, 17 Mar., 2008); João Dias da Silva, da FNE, [d']*a retórica* do discurso da autonomia» (*Público*, 20 Jan., 2008); João Cândido da Silva, "[d']os truques de *retórica*" (*Público*, 23 Abr., 2006).

Torga (1995), por seu lado, fala de uma "comunicação […] *sem retórica possível […]* a dum sino aldeão, que em meia dúzia de badaladas […] anuncia […] um nascimento ou uma morte."

Todavia, outras afirmações históricas sobre a Retórica deixar-lhe-iam menor surpresa? Vejamos.

— "No séc. IV, Élio Donato, na sua *Arte da Gramática*, cria uma secção sobre as figuras [e] as normas para escrever correctamente passam a incluir os preceitos para escrever ornadamente. Deste modo, cria a primeira indefinição das fronteiras entre as artes." (Garavelli 1991: 46)

— Sobre a Idade Média: "A Idade Média apresenta-nos uma nova configuração das disciplinas do *trivium* ao decompor a retórica em várias artes […]: a arte da versificação, *ars poetriae*, a arte da epistolografia, *ars dictaminis*, e a arte da pregação, *ars predicandi*. A Dialéctica […] vai também ela ocupar espaços retóricos: transforma-se na técnica do debate, destinada a alcançar não a verdade, mas uma conclusão perante duas posições contrárias, mas ambas plausíveis" (Garavelli 1991: 46).

— No século XVI: "A retórica foi amputada de três das suas partes, a *inventio*, a *dispositio* e a *memoria* [exportadas para a Dialéctica], tornando-se uma Retórica restrita à *elocutio* e à *actio* conforme pretendia Petrus Ramus, na sua obra *Institutions Dialectiques* de 1543" (Meyer 1999: 135).

Em sentido oposto, vemos outros alargarem esse espaço à história e ao ensaio. A primeira viria já de Cícero (Wolff 1988: 95), seguida, entre nós, por João de Barros. O segundo seria avançado por Montaigne, que o delimita assim: "Quero que as coisas venham ao de cima e [...] encham a imaginação [...]. A linguagem de que gosto é uma linguagem simples e natural [...] fora de afectação e de regras, descozida [sic], audaciosa [...]; nem pedantesca nem fradesca, nem tribunalesca [...]." (Montaigne 1993: 85-87).

A Retórica liberta-se da tipologia imposta pela Idade Média e vê-se integrada na ciência civil, pelos "mais famosos pedagogos do século XVI", como "o auge da formação integral do homem" (Garavelli 1991: 51).

— Nos séculos XVII-XVIII, com Vico (Gravelli 1991: 54), mas sobretudo no século XIX, com os românticos, ela receberá a missão de educar o povo (Barros e Murta s. d.: 26-28).

— E, no século XIX, ouvimos o grito de "guerra à retórica" lançado por Victor Hugo, sob a bandeira da sinceridade do autor, da sua intenção pedagógica e no respeito pelo código da língua (Olivier Reboul 1991: 90-91).

— Já no século XX, fala-se do regresso da Retórica depois de um "longo eclipse", como refere Olivier Reboul, de "Nova Retórica" (Perelman e Olbrechts-Tyteca 1988) e de "retórica [que] renasce das cinzas", nas palavras de Jean Paulhan (Belaval 1988: 34).

O TERMO, A NOÇÃO E A DISCIPLINA

De que falamos ao usar a palavra *Retórica?* Qual a sua função e o seu conteúdo? Para além dos sete objectivos de Michel Meyer (1998: 22), o nosso conceito de *retórica* é devedor de Yvon Belaval (1988: 53), em *Digressions sur la rhétorique*, ao afirmar: "Designemo-la - não ouso dizer: definir - como *uma busca ponderada e [...] experimental sobre os meios da expressão, com vista a um fim prático*" [s.n.].

Acreditamos na existência de uma unidade estrutural nas diferentes acepções de *retórica*: uma "*negociação* da distância entre os homens a propósito de uma questão, de um problema" – como para Michel Meyer (1998: 27) e "fruto da experiência milenar do *diálogo* e formulação das leis deste" – na expressão de Marc Fumaroli (1988: 16).

Parece, assim, claro que a Retórica sempre foi o espaço milenar da comunicação, do "diálogo" (Fumaroli 1988), da "negociação" (Meyer 1998) e dos "meios de expressão" (Belaval 1988).

Contrasta com esta diversidade de discursos, a perenidade da retórica, uma disciplina milenar, reconhecida por todos. E o que é uma *disciplina?* O termo *disciplina*, espalha-se no final do século XIX, em substituição de "matéria" ou "assunto" escolares. Ora, a sua determinação nocional parece decorrer da função que o conteúdo curricular desempenha na formação do aluno.

Perdeu-se a ligação do substantivo, *disciplina*, ao verbo, *disciplinar*: a mente, o corpo, o conhecimento e a sua arrumação. De outro modo, aí reconheceríamos a "disciplinação" mental, conteudística e expressiva para a comunicação. Avivar o elo conceptual "disciplina" / "disciplinar" é vital para compreender e justificar as matérias escolares.

Roland Barthes, em 1964, elabora um *Memorando* sobre *Retórica Antiga*, para compreender a unidade da Retórica. Sente necessidade de "um livro, um manual, um *memento*, fosse ele qual fosse, que apresentasse um panorama cronológico e sistemático dessa Retórica antiga e clássica" (Barthes 1987: 19).

Com o objectivo de superar os discursos díspares sobre a Retórica e de medir a sua unidade, recorremos ao triângulo retórico: *Sociedade - Retórica - Escola*. A observação e a análise feitas, a partir destes ângulos ou categorias, permitem organizar, diacronicamente, a diversidade retórica numa perspectiva crescente e unificada. Oferecem um ganho de racionalidade e coerência nas mutações sofridas pela disciplina, colocando a Sociedade como determinante das alterações sofridas na Retórica e na Escola.

Temos como *pressupostos*, os seguintes:

1- A sociedade vai complexificando as relações interpessoais e institucionais;

2- O seu devir histórico solicita novas formas de comunicação e seus correspondentes tratados;

3- Anteriores e recentes formas de comunicação ou retóricas mantêm-se em concomitância;

4- As mudanças verificadas na Sociedade e as correspondentes formas discursivas reflectem-se na Escola, com um atraso significativo, como se observa ainda hoje.

O TRIÂNGULO RETÓRICO: INSTRUMENTO DE OBSERVAÇÃO E ANÁLISE

A organização das palavras em discurso sempre foi uma actividade complexa, mas indispensável à *sociedade*. Sempre exigiu o esforço de ensino-aprendizagem, ancorado no *encontro escolar* entre um cliente/discípulo e um profissional/mestre. O conhecimento aí presente toma a forma de *compêndio retórico*, e, assim, surge o triângulo: *Sociedade – Retórica – Escola*. A primeira coloca permanentes desafios à língua; as respostas discursivo-textuais vão sendo sistematizadas e teorizadas em tratados; a escola considera-os indispensáveis. Matriz deste processo pode ser a *Retórica a Herénio*, manual atribuído a Cícero durante muito tempo.

Aplicado ao território da nossa disciplina, o triângulo descrito receberia três configurações retóricas, correspondendo a espaços e funções sociais distintas: a clássica, antiga ou da *inventio*; a literaturizada (Barili 1985: 87), literário-cultural ou da *elocutio*; e a comunicativo-funcional, profissional ou da *dispositio*. Florescem na Antiguidade Clássica, do Renascimento ao século XIX, e na segunda metade do século XX, respectivamente, sendo os seus espaços, pela mesma ordem: o tribunal e o fórum; a ilustração, formação e acção do funcionário do Estado; as empresas, organizações e instituições.

Observemos as relações que se estabelecem entre as duas primeiras, deixando de lado as de ambas com a terceira.

QUE RELAÇÃO SOCIEDADE – RETÓRICA: ANTIGA, CLÁSSICA OU DA *"INVENTIO"*?

A narrativa matricial do nascimento desta retórica mostra uma sociedade carenciada de organização, normas e leis. Vejamos.

A Retórica nasceu de processos de propriedade. Cerca de 485 a. C., dois tiranos sicilianos, Gelão e Hierão, efectuaram deportações, transferências de população e expropriações, para povoar Siracusa e lotear os mercenários; quando foram depostos por uma sublevação democrática e se quis voltar à *ante qua*, houve processos inumeráveis, pois os direitos da propriedade eram pouco claros. Estes processos eram de um novo tipo: mobilizavam grandes júris populares, diante dos quais, para os convencer, era necessário "ser eloquente" […]. Esta eloquência constituiu-se rapidamente em objecto de ensino. (Barthes 1960 e 1987: 23)

A caracterização da *Sociedade* grega, berço da Retórica clássica, destaca o facto de os Gregos, independentemente do regime político – democracia directa, aristocracia, oligarquia ou tirania – gostarem de "dirigir os seus assuntos públicos" (Kitto 1970: 174); gostaram "de actuar em grupo, em parte, porque queriam participar nos acontecimentos, em parte, porque gostavam da emulação" (Kitto 1970: 176).

É indispensável ter presente o que representa a *polis* na cultura grega, para compreendermos o gosto, o entusiasmo e a obrigação de todo o cidadão nela participar. Na expressão de Kitto, a *polis* era mais do que a unidade política, era "mais do que um Estado, uma nação ou um povo: [era] um sistema de vida […], uma entidade […] que exercitava o espírito e o carácter dos cidadãos. [Uma super-família que dava] plenitude e significado à vida" (Kitto 1970: 123-124, 206) .

Essa participação cívica exerce-se pela participação em duas instâncias, definidoras da Sociedade grega: a *democracia* e *justiça*, entre si relacionadas. A primeira era entendida como "a participação no governo da cidade de todos os cidadãos" (Kitto 1970: 207). Quanto à segunda, no século V, são milhares os cidadãos indigitados como juízes para o exercício da justiça (Mossé & Schnapp-Gourbeillon 1994: 252). Mais, na inexistência de advogados de profissão, "uma pessoa lesada apelava directamente para os seus concidadãos, para que fosse feita justiça […]. O júri popular era juiz de direito e de facto, e não havia apelação. […] O promotor, se ganhava o caso, propunha uma pena, o acusado apresentava uma alternativa e o júri tinha de escolher uma das duas." (Kitto 1970: 211-212)

Que *Retórica* solicita essa Sociedade? Antes de lembrarmos a acção determinante de Aristóteles sobre a disciplina, vejamos o titubear dos seus primeiros passos.

Roland Barthes (1987: 19-91) refere uma oposição entre uma retórica sintagmática, discursiva, composta pelas partes da *oratio*, instituídas por Corax, no início do século V: o exórdio, a narração ou acção (relato dos factos), a argumentação ou prova, a digressão e o epílogo (Barthes 1987: 32), e uma retórica paradigmática, assente no trabalho sobre "as figuras" e aberta à "estilística".

A primeira está ligada à reivindicação da propriedade e situa-se "ao nível do conflito social [surgindo, assim,] um primeiro esboço teórico da *palavra fingida* (diferente da palavra fictícia, a dos poetas […]" (Barthes 1987: 24-25). A segunda é criada por Górgias de Lentini, ao norte de Siracusa, que introduz a prosa no código retórico, "acreditando-a como sábio discurso, objecto estético, 'linguagem soberana', antepassado da 'literatura'" (*ib.*). Trata-se "do surgimento de uma prosa decorativa, de uma prosa-espectáculo" (*ib.*), pela passagem dos Elogios Fúnebres, primeiramente compostos em verso, à prosa, sendo confiados a homens de Estado

e nascendo, deste modo, um terceiro género (depois do judicial e do deliberativo), o *epidíctico*.

Foi enorme a acção de Aristóteles sobre a retórica clássica, dirigindo-se em três sentidos: a concepção, a função e a sistematização. A sua *technè rhétorikè* é caracterizada por Barthes como sendo "uma arte da comunicação quotidiana, do discurso em público" e como tendo por objectivo "regular a progressão do discurso, de ideia em ideia". À retórica compete, na expressão aristotélica, "descobrir especulativamente o que em cada caso, possa ser próprio para persuadir" (*Retórica,* 1355 b 25-26, e 1356 a 19-20).

Quanto à função, Aristóteles, ao reduzir-lhe o poder à busca dos meios de persuasão em cada caso concreto, "torna-a mais plausível e mais eficaz. Entre o 'tudo' dos sofistas e o 'nada' de Platão, a retórica [com Aristóteles] contenta-se com ser qualquer coisa, mas de um valor certo", na expressão de Olivier Reboul (1991: 38). Mais, a função da retórica é, assim, a de "defender argumentando, em situações em que a demonstração não é possível, o que lhe impõe passar por 'noções comuns' que não são opiniões vulgares, mas aquilo que cada um pode encontrar pelo seu bom senso, em domínios nos quais nada seria menos científico do que exigir respostas científicas" (Reboul 1991: 38).

A sistematização compreende "uma teoria da argumentação que constitui o eixo principal e que fornece simultaneamente o nó da sua articulação com a lógica demonstrativa e com a filosofia […], uma teoria da elocução e uma teoria da composição do discurso" (Ricoeur s. d.: 13).

QUE ESPECIFICIDADE NA RELAÇÃO SOCIEDADE – RETÓRICA: LITERÁRIO CULTURAL OU DA "*ELOCUTIO"?*

É no século XVI que esta se desenvolve e consagra, por a Sociedade apresentar novos elementos que a solicitam. A sua narrativa etiológica é de Cícero, na abertura da *Retórica ou da Invenção Oratória*.

> Houve um tempo em que os homens erravam pelos campos como os animais […]: a força decidia tudo. […] Não tinham qualquer ideia de deveres para com a Divindade nem para com os seus semelhantes […]. As paixões cegas e brutais subjugavam o espírito […]. Nesses tempos de barbárie, um homem descobre em si uma sabedoria e uma força superiores.
>
> À sua voz, os homens […] juntam-se e reúnem-se numa clareira. Esse homem inspira todos os gostos honestos e úteis a esses corações ferozes […], num primeiro momento, querem rejeitar um jugo cuja novidade os revolta, mas […] sensíveis à eloquência da sabedoria, tornam-se finalmente humanos e civilizados quando antes eram selvagens e bárbaros (Cicéron 1848: Liv. 1º, p. II).

A) O século XVI
Determinantes na caracterização das novas valências da *Sociedade no Século XVI* foram: o surgimento do Estado, a figura do cortesão e a explosão dos colégios, como estratégia da Reforma e da Contra-Reforma.

O Estado desenvolve-se apoiado em duas figuras, pilares da abundância e da riqueza, saídas do mercantilismo, cada vez mais a nível mundial (Godinho 1963: 11): o nobre e o burguês. Através delas, multiplicam-se os oficiais do rei tanto na governação central como na administração provincial e colonial: desde a cobrança de impostos à administração da justiça e ao serviço no exército.

Este capitalismo comercial, iniciado no século XVI na Itália e continuado depois pelas nações ibéricas, mantém "os traços essenciais de […] uma sociedade aristocrática que encontra a sua forma de expressão no regime senhorial" (Touchard 1970: 9). Desenvolve-se, assim, "uma teoria, a do abolutismo […] sem limites e sem *contrôle*" (Touchard 1970: 10).

Numa sociedade com esta concepção de poder, parece não restar espaço para o exercício do livre-arbítrio, da opinião e da discussão, entrevendo-se já o desenvolvimento do campo da conotação, da ficção ou da "representação do mundo", mais tarde referenciado pelo termo "literatura".

Em contraste com esta diminuição da expressão individual crescem as possibilidades de divulgação dos escritos através da folha impressa, indo da divulgação dos textos antigos, religiosos ou não, à dos grandes humanistas.

"As [obras] de Erasmo terão tiragens de várias centenas de milhares de exemplares, no decorrer do século XVI." (Corvisier 1977: 50-51) A Igreja e os soberanos exercem uma cerrada vigilância sobre a imprensa, sendo a censura, em geral, entregue às universidades – tornadas centro da indústria do livro e pólos de cultura.

De Itália vem, ainda, um novo tipo de homem, o cortesão, cujo ideal Baldassare Castiglione (1478-1529) consagrou. Quem é esta figura? "Um homem senhor de si, de elegância comedida, afável e educado […], instruído e cuja conversação está isenta de pedantismo e grosseria." (Corvisier 1977: 56)

Em 1537, chegam a Roma os inacianos. Estabelecem laços pessoais com o Papa e constituem-se "em grupo de reformistas que o poder romano observa com um misto de curiosidade e de admiração" (Corvisier 1977: 105). A 27 de Setembro de 1540, nascia a Companhia de Jesus.

Na primeira metade do século XVI, toda a Europa foi varrida por uma onda de colégios, a maior parte deles municipais, cujos corpos directivos eram recrutados de entre "humanistas errantes muitas vezes influenciados pelas 'novidades luteranas" (Mesnard s. d., p. 63). Estamos, assim, perante uma consolidação da Reforma.

Traçada a rota da acção contra-reformadora e guardando boas recordações do seu estudo em Paris, é para lá que o primeiro Geral envia os seus estudantes, tornando-os "letrados, para pregar e confessar" (Mesnard s. d.: 66), ou seja, para o exercício da palavra, em público e em privado.

Qual o papel reservado à *Retórica*, nesta sociedade *do século XVI*? Sobretudo o de agente de mudança. A busca da verdade torna-se numa aguda questão individual, deixando de lado o caminho da *disputatio* medieval e optando pela laboriosa conquista pessoal (Garavelli 1991: 51). A Retórica liberta-se da tipologia imposta pela Idade Média, ouve o apelo ao desenvolvimento da *elocutio*, isto é, da expressão, e, sobretudo, vê-se integrada na ciência civil, representando "o auge da formação integral do homem" (*ib.*). De facto, ela vai estar na origem de uma das maiores revoluções culturais do Ocidente – a literário-pedagógico-didáctica, tendencialmente alargada às massas (Garavelli 1991: 54).

Torna-se no palco de representação-acção do orador e do literato-intelectual-escritor. Este abraça a língua nacional, nela desenvolve os géneros escritos em prosa e quer ser ouvido por reis e súbditos, a quem pretende "agradar, instruindo" (Ménager 1968: 24-28).

Esta segunda retórica, literário-cultural, situa-se para além das necessidades do indivíduo, dos actores e dos lugares retóricos tradicionais: enxerta-se no espaço da cultura que, por sua vez, presta um relevante serviço à política.

Assim o entende Eugénio Garin (1972: 72, 93) quando afirma: "A cultura é uma componente importante da política [...], é um instrumento precioso para viver e brilhar nas novas cortes, [...] para progredir na carreira, para assumir cargos militares."

São três os factores determinantes desta mudança:

— a deslocação da cultura das universidades e dos mosteiros para um público mais vasto, "nas cortes , [...] palácios comunais, residências burguesas [...] suscitando formas diferentes de comunicação" (Garin 1972: 71);

— a vulgarização da língua nacional por filósofos, escritores e historiadores, escrevendo alguns "ao mesmo tempo em Latim e em *volgare*" (Garin 1972: 71-72);

— por último, a rápida expansão da imprensa, que "favorecia a coroação do renascimento" (Garin 1972: 74).

B) Do século XVII ao século XIX

Na análise da *Sociedade* deste período, são relevantes as actividades políticas e económicas – absolutismo, desenvolvimento e classes dirigentes – bem como as actividades pedagógicas e culturais – as escolas, confessionais e públicas, as academias e os cafés.

O poder passa de regime absoluto a regime liberal e a atitude do povo, de abúlica a interventiva, em particular, a dos jovens universitários do início do século XIX, apegados ao ideário liberal, com caução inglesa.

O século XVIII traz um surto desenvolvimentista, devido ao ouro do Brasil e à organização "das forças económicas [direccionadas pelo Estado] para a produção e o comércio vinícola" (Saraiva 1983: 397). Entretanto, com as obras públicas, o país apresenta, no final do século, uma balança comercial positiva.

Assiste-se a uma renovação das classes dirigentes que só termina depois do vintismo do século XIX. Na sua origem, encontram-se a progressiva complexidade das funções do Estado e o florescimento de uma classe média, fruto da acção educativa dos colégios, marcada por uma alteração de mentalidade, e da mudança na composição das classes dirigentes. Por outro lado, desde o tempo do Marquês de Pombal, "o sangue nobre deixou de ser suficiente para o exercício de funções públicas, civis ou militares" (Saraiva 1983: 398).

A viragem cultural do início do século XVIII muito deve a instituições relevantes como as academias e os cafés. A origem das primeiras pode situar-se "no interesse pela discussão das coisas do espírito" (Pereira 1983: 351), permitindo o contacto com os livros e o estudo. Os segundos chegam com Pombal, na altura da reconstrução de Lisboa, quando botequins e cafés se expandem, pretendendo o seu reconstrutor, assim, "equiparar a cidade às outras capitais" (Pereira 1983: 351).

Os cafés ganham importância pela sua ligação à vida artística, à vida literária e à política. Neles, "os poetas como Bocage logravam admiradores e imitadores

mais numerosos e entusiastas" do que nas velhas academias domésticas e *partidas*, "adaptando-se a um gosto mais popular e [cantando] aspirações modernas. O poeta, enfim, descia à rua." (Pereira 1983: 351)

Joel Serrão afirma mesmo que "o Botequim das Parras festejou e pode dizer-se que contribuiu para preparar a revolução de 1820" (Serrão 1988: 167). Um outro, onde se desenrolou actividade política significativa, foi o Marrare, do italiano António Marrare, que em Lisboa reformou vários destes estabelecimentos: "Lá se preparou e celebrou a Regeneração. Lá fazia propaganda maçónica Passos Manuel. A tal ponto que o 2º Conde do Lavradio chegou a afirmar que Portugal estava sendo governado pelos cafés." (Serrão 1971)

Nos séculos XVII e XVIII, a *retórica* da expressão privilegia a inteligência, subjacente à alegria de pensar, ao prazer de oferecer aos outros aquilo que se compreende bem. A teorização desta retórica da expressão da inteligência nasce entre os oratorianos, com os Padres Lamy, Thomassin e Rollin.

Entre nós, é Luís António Verney quem levará mais longe o esforço de renovação da retórica. Qual a sua ideia sobre ela? Uma disciplina presente em todas as formas de expressão, oral ou escrita, cobrindo todo o espaço da comunicação do homem. Está ao serviço da clareza do pensamento e da simplicidade da expressão.

No século XIX, surge uma componente realista da retórica, ao serviço do compromisso social e político, na busca de uma sociedade nova, mais justa e mais livre que a do *antigo regime*. Socialistas utópicos, românticos liberais, progressistas com as mais diversas origens, acreditam, a partir dos ideais liberais da revolução francesa, na nova ordem social e política, na nova arte, capaz de a exprimir.

Teorizador e criativo desta arte *realista*, entre nós, foi Almeida Garrett, para quem a missão da arte é transportar a verdade da história, da sociedade, do povo, e "a literatura é a expressão da sociedade" (Saraiva 1961: 57-59). Segundo ele, à indefinição do futuro da literatura não é alheia a indefinição do futuro da sociedade: "a literatura actual é o verbo ainda balbuciante de uma sociedade indefinida" (Saraiva 1961: 57-59).

Na sua teoria literária, Garrett concebe uma verdade objectiva e atribui ao escritor a missão de a comunicar ao povo: "derramar pelas nações um ensino fácil, uma instrução intelectual e moral que […] surpreenda os ânimos […] no meio dos próprios passatempos, eis a missão do literato, do poeta." (Barros e Murta s.d.: 27)

A retórica da expressão romântica realizou ainda a "revolução que derrubou o 'antigo regime' da língua", na expressão forte de V. Hugo (Lanson 1912: 942-943), adaptando à transmissão do sentimento e da sensação uma língua, até aí, ao serviço das ideias, da filosofia, das academias e dos serviços públicos.

 Esta retórica pretendia, assim, aceder à verdade e à vida do homem individual, pela demolição das "leis do gosto [de alguns], das regras dos géneros, sua divisão e convenção […]" (Lanson 1912: 939). Com ela, a prosa artística deixa de ser "uma prosa exacta, lógica, perfeitamente inteligível" e torna-se "[n]uma prosa que […] contém […] todas as virtudes essenciais da música, da pintura e do verso" (Lanson 1912: 223) e desloca a frase da ordem intelectual para a ordem estética. Mais, esta prosa instala-se "até nos manuais escolares, até nos jornais, até nos discursos parlamentares" (Lanson 1912: 223).

Conhecemos o papel de Garrett, Herculano, Camilo e, sobretudo, de Eça de Queirós, como obreiros dessa revolução da língua ou do "antigo regime" da língua. Como refere Guerra da Cal: "Antes deles, [ela] era ainda a linguagem dos clássicos dos séculos XVI e XVII: um instrumento rico, hierático, rígido e solene […] com uma sintaxe aferrolhada por regras inflexíveis […], uma língua […] petrificada […] inadequada para a expressão viva dos matizes da inteligência e da emoção suscitados por novos estilos de vida […]." (Cal 1981: 57)

QUE RELAÇÃO SOCIEDADE – RETÓRICA: COMUNICATIVO-FUNCIONAL, PROFISSIONAL OU DA "*DISPOSITIO*"?

A narrativa que pode revelar a sua justificação, a partir de valências emergentes na Sociedade, inicia a obra *Estrutura e Dinâmica das Organizações* de Henry Mintzberg.

> A Srª Raku tinha um estúdio de cerâmica na cave da sua casa, em Nova Iorque. Encarregava-se ela mesma de todas as tarefas: preparação do barro, moldar os potes, preparar e aplicar os vidrados e cozedura no forno. A ambição e sucesso criaram um problema: a oferta não chegava para as encomendas. Contactou a vizinha e dividiu as tarefas entre ambas, sendo a comunicação informal suficiente.
>
> Todavia, as encomendas aumentaram e o pessoal começou a crescer, havendo necessidade de aumentar espaço, especializar pessoas, cuidar da satisfação dos públicos, enfim, constituir uma empresa, com dois fortes vectores, um interno e outro externo."
>
> Nesse momento, a comunicação formaliza-se e teve mesmo de a entregar a profissionais que a dominasse nas diferentes versões: interna e externa, publicitária e de crise, pública e interpessoal, atendimento e negociação, social e institucional (Mintzberg 1995: 19).

A *sociedade* do século XX inclui entre as suas marcas mais definidoras, a imprensa, a publicidade e a comunicação institucional, marcando-o como o século da comunicação. Se a implantação pragmática destas formas de comunicação na sociedade é um dado adquirido, a sua introdução no espaço da língua, pela teorização específica sobre as suas práticas, tem sido objecto de natural resistência.

Dizer que vivemos numa sociedade de comunicação é hoje um lugar-comum. Que factores determinam o seu desenvolvimento? Vejamos: 1) As aglomerações urbanas concentram-se desmesuradamente, tornando difícil o conhecimento e as relações entre as pessoas. 2) A actividade produtiva desloca-se para o sector terciário, dos serviços (Salinas e Tena 1992: 27), onde a língua é a principal ferramenta de trabalho. 3) A tecnologia oferece à informação condições ímpares de escala, de rigor e de quantidade de indivíduos atingidos (Lempen 1980: 19). 4) Satisfeitas as necessidades essenciais, surge uma homogeneidade social e fica uma margem económica para o progresso da tecnologia e a comercialização dos bens de informação. 5) O nível de educação, relativamente elevado e generalizado, proporciona à informação um espaço social amplo para justificar o seu desenvolvimento.

A generalidade dos indivíduos, sem a fé religiosa e as certezas ancestrais, "está mais disponível, mas também mais vulnerável. [...] já não possui escala de valores, reconhecida, para exercer livremente o seu espírito crítico, para orientar o seu comportamento. [...] é objecto de uma luta de influências por parte de poderes que procuram determinar o seu comportamento, passando de uma forma de condicionamento a uma outra." (Lempen 1980: 27)

Ficam a um passo da manipulação por toda uma série de meios de persuasão que se encontram nas mãos do poder político e económico, na cidade ou no campo, na fábrica ou no escritório. Neste contexto, a própria informação surge como o suporte de uma ideologia e um meio de propaganda ao serviço desses poderes. Também a informação e a ideologia aparecem num vazio religioso, axiológico e crítico: a primeira "impõe a realidade ao espírito, [a segunda] transforma a realidade segundo a orientação escolhida" (Lempen 1980: 19), conveniente e adequada aos interesses de quem a divulga ou segue.

A *retórica* solicitada pelas novas vertentes da sociedade do século XX começa a revelar a sua especificidade nos espaços da comunicação social, publicidade e comunicação interna.

A especificidade desta *retórica profissional na imprensa* é sentida, desde o seu início: "estilo simples e correntio", referia, em Dezembro de 1663, o Dr. António de Sousa Macedo, director do segundo título surgido entre nós (Cruz 1983: 193).

A proximidade entre o parlamento e o jornalismo é sublinhada por Francisco Ayala (1985: 51), que identifica, no jornalismo, as 553 máximas presentes na *Lógica Parlamentar*, de W. G. Hamilton. Os discursos de um e de outro pretendem resultados práticos, na sensibilidade e na inteligência: mover o destinatário da mensagem em determinada direcção. Das qualidades retóricas sobressai a concisão, visando a atenção dos receptores e a economia do papel.

No que diz respeito às informações, a sua redacção apresenta a forma mais concreta possível. O contraste é enorme. Como refere Ayala (1985: 53), "[antes] a expressão gramatical correcta era questão de cortesia e urbanidade"; hoje, para ganhar espaço, estilo telegráfico e a perda do respeito pela gramática e pelos leitores tomaram as notícias. A ignorância não permite dar a conhecer aquilo que o bom jornalista sabe e a notícia, como o texto publicitário, é redigida de modo a agarrar o leitor.

Na caracterização da chamada "má retórica", Ayala (1985: 51, 63) menciona: os verbos de encher, as frases feitas, de carácter eufemístico ou de sentido hiperbólico, sem falar da "não retórica", caracterizada "pelo descuido, debilidade e rudeza expressivas." Em crescendo, está o estudo e a teorização destas produções, no âmbito de vários ramos das Ciências da Comunicação.

A especificidade da *retórica* profissional *na publicidade* teve o seu precursor em Émile de Gardin, o grande renovador dos textos publicitários, num artigo de 22 de Abril de 1845, no seu jornal *La Presse*, ao pressupor uma nova concepção do anúncio e ao substituir o estilo de redacção antigo pela modalidade de reclamo simples, breve e vendedor. Afirma: "Muitos comerciantes crêem fazer ao mesmo tempo um acto de habilidade e de próprio benefício, dissimulando os anúncios de maneira que pareçam artigos escritos [...]; o anúncio deve ser conciso, simples e franco; nunca aparecer mascarado; ir directo ao objectivo com a cabeça levantada [...]. Todo o comentário

adicional, se não é nocivo, é, pelo menos, supérfluo. Todo o elogio em vez de provocar confiança, provoca a incredulidade." (Gúzman 1989: 136)

Com o final do século XIX, chega ao seu termo o aperfeiçoamento da chamada publicidade *informativa-persuasiva*, correspondendo à época da psicologia pré-científica. Ao tomar o consumidor como um indivíduo de bom senso e consciente, utiliza os elementos contidos na célebre sigla AIDA (Atenção, Interesse, Desejo e Acção) como base da criação dos textos publicitários (Gúzman 1989: 152).

A partir de 1940, a agência americana Ted Bates and Company, com a sigla USP ("Unique Selling Proposition": Proposição Única de Venda), trouxe um forte contributo para o mundo publicitário. Partindo do conceito de "poder de convicção", veiculado por um anúncio, esta teoria apoia-se na concepção racional da personalidade humana, que a leva a procurar um benefício concreto no uso ou consumo dos produtos comprados. Deste modo, a publicidade deve descobrir a melhor mensagem, única, que permita oferecer benefícios concretos ao consumidor, escolhendo a melhor característica do produto e nela baseando as suas argumentações.

Nos anos cinquenta, partindo de grandes investigações feitas na área da motivação, a técnica publicitária sofre uma autêntica revolução. Em 1957, Pierre Martineau, director de investigação do *Chicago Tribune*, lança uma nova forma de criar as mensagens com base nos dados vindos da investigação motivacional: era a forma da criação da "imagem do produto". A publicidade muda de rumo, a sua bússola passa a apontar para outro norte: "já não consiste em provar e destacar a superioridade de tal produto frente aos outros, mas proporcionar ao público um sentimento ligado ao produto, de modo que o leve a desejá-lo." (Gúzman 1989: 157)

O texto do anúncio deixa de apontar para a eficácia, deslocando o seu alvo para o mundo simbólico e imaginário que, juntamente com a imagem, é chamado a construir. Um produto será comprado pelo que significa para o indivíduo, "dentro do seu conjunto de atitudes, hábitos e motivações. O acto de compra é, como toda a conduta humana, uma forma de auto-expressão na qual se procura comunicar aos outros o que cada indivíduo pensa que é (Gúzman 1989: 157-158). Nos anos setenta, com o despertar da consciência dos consumidores, a publicidade começará a ser concebida, mais do que como técnica comercial, como uma forma de comunicação.

Comunicativa é a dinâmica que envolve a publicidade das últimas décadas; imaginário é o conteúdo da mensagem aposta aos produtos, serviços, bens ou pessoas; axiológica é a mais-valia por ela acrescentada a tudo o que vende; e arbitrária é a relação entre esse valor acrescentado e o seu suporte, objecto de venda e de compra. É o tempo em que "as marcas se tornam 'pessoas'", em que "é necessário dar uma 'alma' a uma marca" e em que 'a qualidade' vai transformar-se num 'valor'" (Séguela 1991). É hoje claro que "é […] função da publicidade destacar a diferença, chamar a atenção, surpreender, seduzir através de um valor imaginário acrescentado" (Brochand 1988: 15). A nova publicidade vai, assim, ser "um grande espectáculo, tornado uma arte única" e exclusiva, produtor de um grande prazer, e, ainda, "a expressão popular de uma ética, de um sistema de valores, de uma moral, muito simplesmente, de uma cultura" (Brochand 1988: 15).

A especificidade da retórica *profissional na comunicação interna* merece a maior atenção nas empresas e organizações, pelo relevo crescente aí adquirido e pelo número de indivíduos nela implicados. Inclui escritos de acção institucional cuja simples

existência marca uma posição ou um compromisso na empresa ou organização, sendo secundarizado o seu conteúdo. É que, ao ser vertido em dado tipo de texto, está de imediato a circunscrever-se a certos temas, áreas e situações que o usam e onde desempenha uma função institucional.

Tais escritos e a sua preparação solicitam reflexão teórica sobre a sua natureza, tipologia e funcionalidade, assim como uma formação específica, conduzindo ao domínio dessas práticas retóricas profissionais.

A retórica profissional tem as suas origens nas cartas, as quais, em Cícero, atingem uma perfeição que faz delas uma referência: da função que hão-de vir a desempenhar e do estilo que o autor lhes imprime. É o que reconhece Rollin desde o século XVIII, o século da epistolografia: "['A eloquência florida e brilhante'] pareceria ainda mais insuportável nas cartas, cuja simplicidade constitui a sua principal marca […]. Cícero é disso prova e pode, ele sozinho, servir-nos para nos formarmos em todo o género de eloquência. As suas cartas podem dar-nos uma ideia precisa do estilo epistolar.» (Rollin 1748: 128)

CONCLUSÃO

Para concluir, como sinal dos tempos, reconhecemos que, hoje, se fala mais do que se estuda a retórica. Todavia, ela está viva e recomenda-se. Apesar disso, os políticos desconhecem-na, os juízes não a têm nos seus "curricula", os jovens escritores desprezam-na e os directores de comunicação empresarial passam-lhe ao lado.

Ou talvez as coisas não sejam assim. Do nosso ponto de vista, o juiz, o político, o escritor e o Dircom, director de comunicação, têm as suas retóricas próprias, a individualizar e a desenvolver nos respectivos territórios.

A sociedade vai dando sinais de como nela as coisas se passam. Ainda na semana passada, o Ministro da Cultura anunciava a reformulação do ensino da língua portuguesa no estrangeiro. E qual a razão? Afirmava: "porque muitos alunos 'não querem o português literário'" (*Público*, 29 Set., 2008, p. 9). Perguntemos: qual deles? O de Camões e Vieira, clássico, ou o de Garrett e de Eça, moderno? Querem outro, a descobrir, curricularmente, onde?

Essa afirmação recorda-nos a de António José Saraiva (1960: 6) a 28 de Junho de 1960, em "As duas literaturas portuguesas", texto de *O Primeiro de Janeiro*, quando:

A literatura portuguesa moderna começa em meados do século XVIII com a prosa de Verney. [Da anterior] é outra a sua temática, outro, o seu estilo. […]. [Depois] dir-se-ia que os escritores deixaram de saber escrever; perderam o sentido da economia dos recursos estilísticos; […] são demasiado terra-a-terra, roçando pela brutalidade ou demasiado afectados. […] Além disso deixou de haver padrões comuns; cada escritor é um país diferente. […] É a partir do século XVIII que os centros regionais como Porto, Coimbra e Baia começam a ganhar importância na literatura.

Dessas três línguas, a reconhecer sem cotações culturais, poderiam ser contraponto, na sociedade e na escola, as três retóricas de que falámos.

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CHAPTER 16

SE TODA A ARGUMENTAÇÃO É RETÓRICA, ENTÃO TODA A RETÓRICA DEVE SER ORATÓRIA: CHAÏM PERELMAN *VERSUS* OLIVIER REBOUL

Joaquim Neves Vicente*

RESUMO: Partindo da legitimidade da distinção entre demonstração e argumentação (Perelman), assumindo também o vínculo inextricável entre argumentação retórica e persuasão, a nossa intervenção parte da seguinte questão: o que é que faz de um discurso um discurso retórico e, enquanto retórico, um discurso persuasivo? A tese que pretendemos defender, seguindo de perto a posição de Olivier Reboul, é a de que é retórico num discurso o que o torna persuasivo pela união do fundo e da forma: a) entendendo por fundo o conteúdo informativo e a estrutura lógica da argumentação (*lógos*); b) entendendo por forma o que diz respeito à afectividade (o *éthos* e o *páthos*), à construção (*dispositio*) e ao estilo (*elocutio*), dando a este último ênfase particular. Dito de outro modo, o discurso retórico, porque se quer persuasivo, tem de assentar sempre em dois pilares: o pilar argumentativo e o pilar oratório. – É por causa do pilar oratório que a retórica se torna mais suspeita, mas é também por ele que a retórica se torna, para o bem e para o mal, mais eficaz, tornando difícil a paráfrase da mensagem e a réplica. Para contrabalançar os desequilíbrios de um discurso persuasivo, a situação retórica clássica sempre postulou o direito ao contraditório, a *outro(s)* discurso(s) e instituiu dois princípios ou critérios: o princípio da transparência (sabe-se que o orador ou advogado está a defender a sua tese ou causa e tem a obrigação de lhes dar todas as oportunidades); e o princípio da reciprocidade (sabe-se que outro orador ou advogado irá fazer o contraditório).

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* Universidade de Coimbra, Faculdade de Letras, Instituto de Estudos Filosóficos, 3004-530 Coimbra, Portugal.

Grupo de Investigação "Ensino de Lógica e Argumentação" (LIF/FCT).

E-mail: jnevesvicente@net.sapo.pt

INTRODUÇÃO

Partindo da legitimidade da distinção entre demonstração e argumentação, tão cara a C. Perelman, assumindo também o vínculo inextricável entre argumentação retórica e persuasão, a nossa intervenção parte da seguinte questão: – O que é que faz de um discurso um discurso retórico e, enquanto retórico, um discurso persuasivo?

A tese que pretendemos defender, seguindo de perto a posição de Olivier Reboul, para quem a retórica é a arte de *persuadir* pelo discurso, é a seguinte: – É retórico num discurso o que o torna persuasivo pela união do fundo e da forma: *a)* entendendo por fundo o conteúdo informativo e a estrutura lógica da argumentação (*lógos*); *b)* entendendo por forma o que diz respeito à afectividade (ao *éthos* e ao *páthos*), à construção (*dispositio*) e ao estilo (*elocutio*), dando a este último ênfase particular. Dito de outro modo, o discurso retórico, porque se quer persuasivo e para ser persuasivo, tem de assentar sempre em dois pilares: o pilar argumentativo e o pilar oratório.

É por causa do pilar oratório que a retórica se torna mais suspeita, mas é também por ele que a retórica se torna, para o bem e para o mal, mais eficaz, designadamente, por tudo fazer para tornar difícil a paráfrase da mensagem e por tudo fazer para blindar a possibilidade da réplica.

Para contrabalançar os desequilíbrios, os perigos e os abusos de *um* discurso assim, persuasivo e potencialmente manipulador, a situação retórica clássica sempre postulou o direito ao contraditório, a *outro(s)* discurso(s) e instituiu dois princípios ou critérios reguladores: o princípio da transparência (sabe-se que o orador ou advogado está a defender a sua tese ou causa e tem a obrigação de lhes dar todas as oportunidades) ; e o princípio da reciprocidade (sabe-se que outro orador ou advogado irá fazer o contraditório).

Este é o sumário da intervenção que passamos de imediato a desenvolver. Começaremos com uma figura retórica designada *tautologia*. A retórica é a retórica. Com esta afirmação, queremos dizer que a retórica, pelo menos na sua versão clássica, é uma das duas grandes vias de procura do verosímil e do justo, a par do diálogo argumentativo ou dialéctica (à maneira socrática), sem com esta se confundir. A situação retórica não era uma situação de diálogo e de colaboração, mas de confronto efectivo e de polémica. O orador ou advogado A não tinha por objectivo persuadir ou convencer o orador ou advogado B ou chegar com ele a um consenso. A situação retórica era triádica e não diádica. Era a um terceiro – juíz(es) ou assembleia – que cada uma das partes se dirigia e a esse, e só a esse, terceiro é que era relevante persuadir.

São duas, de facto, as grandes maneiras de argumentar legadas pela tradição: – uma consistia em propor uma tese ou hipótese sem a impor, deixando a porta aberta às possíveis objecções e à possibilidade de outras proposições ou teses ; – outra consistia em argumentar sem conceder, evitando tanto quanto fosse possível a possibilidade da réplica.

Sobre a questão de saber como procurar a verdade, são, de resto, bem conhecidas as passagens da *República*, 348 *a-b,* e do *Êutifron*, 7 *b-d*. Sabe-se, pelo passo do *Êutifron*, que Platão admite, quando o desacordo não incide sobre aquelas matérias em que é possível a adopção dos procedimentos objectivados de medir, contar ou pesar, a alternativa entre *a)* o método dialéctico, por perguntas e respostas, e *b)* o método do "debate" oratório que, à maneira dos *dissói logói* de Protágoras, colocava, frente a frente, dois discursos antagónicos, um pró e outro contra.

Também se sabe, pelo citado passo da *República*, que a preferência de Platão ia para o método dialéctico, por, entre outras razões, evitar o recurso aos juízes e conceder aos parceiros de diálogo o duplo papel de causídicos e juízes. Mas também se sabe que outro era o caminho escolhido pela retórica.

REBOUL E AS NOVAS RETÓRICAS

Para uma melhor aproximação à tese que aqui sustentamos, servir-nos-emos do confronto com as posições com as quais Reboul mais se confrontou e mais confrontou a sua definição de retórica.

No Colóquio "Argumentation et Signification" que decorreu, em 1987, no Centre International de Cerisy-la-Salle, organizado pelo Centre Européen pour l'Étude de l'Argumentation, com a intenção expressa de colocar frente a frente as várias perspectivas contemporâneas sobre retórica e argumentação, cujos textos foram editados por Alain Lempereur (Lempereur 1987), no volume *L'Argumentation*, Reboul toma posição relativamente a quatro dos mais importantes modos de entender a retórica na actualidade. A intervenção de Reboul tem por título a sugestiva pergunta "Pode haver uma argumentação que não seja retórica?" (Reboul 1987: 107).

Consideremos as quatro posições, uma a uma, tendo por base a questão já enunciada: o que é que faz de um discurso um discurso retórico e, enquanto retórico, um discurso persuasivo?

Para um primeiro grupo de investigadores, todos eles teóricos da literatura, com destaque para o Groupe μ (Groupe μ 1970) da Universidade de Liège, é retórico tudo o que num discurso é *literário,* ou seja, tudo o que constitui um corte ou desvio (*écart*) com o *grau zero* do discurso ou com a prosa não literária. São as figuras de estilo que assumem aqui o lugar da diferença entre retórico e não retórico. Esta "nova retórica", uma "retórica do estilo" ou "retórica das figuras" tem o mérito, diz Reboul, de estabelecer o vínculo inegável entre retórica e literatura ou entre retórica e poética, mas tem também o demérito de omitir o mais importante: o vínculo entre retórica e persuasão. Reduzir a retórica à literatura, mais exactamente à estilística, como se o discurso retórico representasse apenas um desvio ou corte (*écart*), através das figuras, com um suposto *grau zero* da literatura, é pouco, demasiadamente pouco. O que é visado num discurso é muito mais do que a intenção estética. É a intenção de dar a ver mais e melhor e de uma outra maneira, que dá credibilidade às figuras. A tese do *écart*, se dá conta da figura (*quod est disputandum*), não dá de todo conta da retórica, nem mesmo do estilo, pois há estilo sem figuras e figuras sem estilo. De resto, a figura não adquire sentido a não ser inserida no discurso. Na retórica, em que as figuras estão codificadas, a percepção da figura como um *écart* equivaleria à perda imediata (*ipso facto*) do seu efeito persuasivo. A regra da retórica é a de dissimular a sua própria retórica. O estilo, mais do que pelo desvio, define-se, diz Reboul (1984: 103), pelas escolhas: escolha das palavras que além de justas hão-de soar bem, escolha das figuras que além de ornamentos hão-de ser argumentos, escolha dos ritmos que além de estéticos hão-de ficar no ouvido, escolha das construções que além de elegantes hão-de ser surpreendentes.

Para Jean-Blaise Grize, a segunda posição com a qual Reboul quer confrontar a sua definição, é retórico "ce qui appartient à l'orateur (...) et cherche à aider à

la réception de ce qui est présenté" (citado por Reboul 1987: 108). O retórico diz respeito, neste caso, ao que no discurso facilita a sua recepção, a sua compreensão, a sua comunicação. O mérito reside neste caso no reconhecimento da importância do carácter pedagógico de qualquer discurso que se quer fazer compreender; o demérito reside na subvalorização do carácter argumentativo.

Posição bem distinta é a de C. Perelman que, com inteira clareza, identifica retórica e argumentação. As figuras de estilo, que para o Groupe *μ* constituem a diferença específica do retórico, são em Perelman assumidas como um caso particular de argumentação (Perelman 1976: 226). A metáfora é encarada como um raciocínio por analogia condensado; até a ironia é reduzida a um argumento. Fecunda, esta outra "nova retórica", uma "retórica (só) da argumentação", designada também "retórica dos conflitos", também ela é redutora por negligenciar um aspecto relevante que Reboul não hesita em designar por "charme": a emoção ou o rir que provoca a retórica e que tanto contribui para o seu poder persuasivo, ainda que por isso a tornem suspeita. Em *Introduction à la rhétorique*, Reboul manifesta todo o seu apreço pelo trabalho de C. Perelman e da sua colaboradora L. Olbrechts-Tyteca, consubstanciado no *Traité de l'argumentation, la nouvelle rhétorique,* do qual diz (Reboul 1991: 97):

> Esta obra, que se inscreve na tradição retórica de Aristóteles, de Isócrates e de Quintiliano, é realmente a teoria do discurso persuasivo. Os seus autores partiram de um problema, não linguístico ou literário, mas genuinamente filosófico: como fundamentar os juízos de valor? O que é que nos permite afirmar que isto é justo, ou que aquilo não é belo? Procuraram numa lógica do valor, paralela à da ciência, e acabaram por encontrá-la na antiga retórica, completada como justeza pela dialéctica. A grande descoberta do TA [*Tratado da Argumentação*] é que, entre a demonstração científica e a arbitrariedade das crenças, existe uma lógica do verosímil, que nomeiam como argumentação e que unem à antiga retórica.

Um elogio tão expressivo é, no entanto, mitigado de imediato por uma forte crítica (Reboul 1991: 98):

> Ela [a obra de Perelman] é, no entanto, também incompleta. Com efeito, se o TA descreve maravilhosamente as estratégias da argumentação, ignora os aspectos afectivos da Retórica, o *delectare* e o *movere*, o charme e a emoção, essenciais à persuasão.

A quarta posição que Reboul selecciona, no Colloque de Cerisy-la-Salle de 1987, para esclarecer a sua noção de retórica, é representada por Francis Jacques que situa a retórica no degrau inferior de uma escala que, quanto ao rigor e à verdade, começa na demonstração, prolonga-se na argumentação e tem o seu nível mais baixo na retórica. Para o autor de *Dialogiques*, como para Platão, a retórica comporta sempre uma parte de rotina e de lisonja (*flatterie*) que a tornam suspeita. Caracteriza-a também a unilateralidade e o desejo de vencer, que faz do orador o senhor dos outros e do seu poder um poder de domínio. Só a argumentação "dialógica" é verdadeira. Retórica e argumentação distinguem-se porque se opõem no seu projecto: a retórica pretende dominar, a argumentação (dialógica) pretende encontrar em comum. "*Cette définition,*

je ne la partage pas, mais elle a du moins le grand mérite de poser le problème" (Reboul 1987: 109) – um "problema", acrescentamos nós, que será um verdadeiro quebra-cabeças para Reboul, como o comprovam várias passagens das suas obras.

Neste conflito de definições, tendo de tomar posição (*il faut trancher*, diz Reboul), o professor vindo de Estrasburgo pronuncia-se nos seguintes termos (Reboul 1987: 109):

> Tentarei fazê-lo, inspirando-me em Aristóteles, ou seja, na tradição. Como definir a palavra "retórico" como adjectivo? Que queremos dizer quando falamos de um discurso retórico, ou do aspecto retórico de um discurso? O que é "o retórico"? Eis a minha resposta: é retórico num discurso o que o torna persuasivo pela união do fundo e da forma. Entendo por fundo o conteúdo informativo e a estrutura lógica do discurso. Por forma, tudo o que respeita à afectividade (ao *éthos* e ao *páthos*), à construção (*dispositio*), ao estilo e por último à dicção.

O PILAR ARGUMENTATIVO E O PILAR RETÓRICO

Como Reboul repetirá vezes sem conta, o que é *retórico* para ser persuasivo implica sempre dois pilares: um pilar argumentativo e um pilar oratório.

A essência da retórica, diz Reboul (1984: 32), não está no estilo nem na argumentação, mas na região da sua intersecção. Releva da retórica todo o discurso que funde argumentação e estilo, em que as três funções de instruir, agradar e comover estão presentes conjuntivamente e cada uma delas em colaboração com cada uma das demais, ou seja, releva da retórica todo o discurso que persuade pelo prazer e pela emoção, sustentado obviamente pela argumentação.

A primeira e mais importante função da retórica é *persuadir*. O problema maior será o de saber por que meios um discurso é persuasivo. De entre esses meios, uns são mais racionais, outros mais afectivos (Reboul 1984: 7; sobretudo 1991:7). O persuasivo ou o retórico, porque se dirige ao homem na sua totalidade, terá de comportar meios racionais e meios afectivos. Dos meios racionais fazem parte os argumentos (*lógos*), cujas modalidades maiores são os entimemas (que substituem o raciocínio silogístico da lógica) e em particular os exemplos (que substituem a indução); dos meios afectivos, destacam-se o *éthos*, ou seja, o carácter que deve assumir o orador para captar a atenção e ganhar a confiança do auditório e o *páthos*, isto é, as tendências, os desejos, as emoções do auditório. Aos meios mais racionais chama Reboul (1991: 7-8) o lado mais argumentativo da retórica, aos meios mais afectivos chama ele o lado mais oratório.

Num discurso propriamente retórico, isto é, que visa persuadir, as figuras só raramente são um ornamento gratuito. A unidade da retórica reside na fusão. Nunca um discurso retórico é simplesmente estético ou simplesmente argumentativo. Fora do seu contexto argumentativo, as figuras não passam de "flores ressequidas num ervanário", como diz Perelman; reduzidas a figuras de estilo deixam de ser figuras retóricas.

Certa recuperação contemporânea da retórica como retórica das figuras não faz, por isso, justiça à verdadeira retórica, à retórica antiga, à retórica de Aristóteles, onde as figuras ocupam, de resto, um lugar modesto.

A figura, termo latino que traduziu o termo grego *skhêma*, pertence à linguagem desportiva (movimento típico do desportista ou da dançarina). Como no desporto ou na dança, também na retórica as figuras são ao mesmo tempo livres e codificadas. Sem código seriam ininteligíveis, sem liberdade não passariam de factos vulgares da língua e não do estilo. A *asa* do avião já não é figura mas simples catacrese, de uso forçado, por não dispormos de designação alternativa. Outro tanto se passa com a *perna* da mesa ou o *braço* da cadeira. As figuras, necessariamente requeridas pela estética literária (sobretudo na poesia), ao serem mobilizadas também na retórica tornam-se nesta, além de estéticas, persuasivas. A prova mais recente da fusão estético-persuasiva é a publicidade, onde assistimos ao uso massivo de metáforas, hipérboles, antíteses... para além da rima, também esta importante do ponto de vista persuasivo, por facilitar a recordação e gerar um sentimento de evidência.

Os gestos do orador, o tom e as inflexões da voz são puramente oratórios. Mas, sê-lo-ão as figuras de estilo? Uma metáfora, uma hipérbole, uma antítese, sem deixarem de ser oratórios e como tal contribuírem decididamente para agradar e provocar emoção, são também argumentativos, enquanto argumentos condensados, capazes de maior contundência (*plus frappant*).

Como separar oratório e argumentativo em expressões célebres como "A religião é o ópio do povo", de Karl Marx, para justificar a sua crítica à religião ou a expressão "*homo hominis lupus est*", de Hobbes, para justificar a sua teoria política. Nestes dois casos, cada um dos enunciados é, ao mesmo tempo, tese e argumento ou, se se preferir, conclusão e premissa. A religião é o ópio do povo, porque a religião é um ópio. O homem é lobo do homem, porque o homem é lobo.

Quem pode ignorar, para dar um outro excelente exemplo, o efeito poderoso, de dois em um, da curtíssima expressão "cortina de ferro", lançada por Churchill, em 1946, quando disse que "uma cortina de ferro tinha caído sobre a Europa"? Como se *cortina* não fosse já um grande mal, ainda por cima ela era *de ferro*.

Ao iniciar o capítulo II da sua *La Rhétorique*, a primeira afirmação que nele lemos é mesmo esta: "C'est la figure que montre le mieux le joint, propre à la rhétorique, entre le style et l'argumentation" (Reboul 1984: 35). Em "La figure et l'argument" (Reboul 1989: 10), diz o professor que, mesmo num texto literário e poético, as figuras não são gratuitas. A metáfora, por exemplo, aparece como um "raccourci d'argument par analogie". A derivação – figura que consiste em usar na mesma frase duas ou mais palavras com o mesmo étimo – é de grande efeito persuasivo, como se pode observar nestes dois exemplos. No *slogan* de Vichy "A França aos Franceses" se substituído por "A França aos cidadãos" todo o efeito persuasivo desapareceria. De igual modo a exortação de De Gaulle à luta com "É tempo de os trabalhadores trabalharem" foi muito mais persuasiva do que se se limitasse a dizer, por exemplo, "É necessário que os operários trabalhem". Num caso como noutro, a derivação sugere um vínculo lógico entre a essência e a sua manifestação: França para os Franceses e trabalho para os trabalhadores.

Nestes como em muitos outros exemplos a eficácia persuasiva reside no carácter condensado do discurso. É melhor dizer muito com poucas palavras do que dizer pouco com muitas. Os melhores enunciados são sempre os mais curtos. O problema maior destes enunciados, como também das tautologias ("um homem é um homem", "uma mulher é uma mulher", "um cêntimo é um cêntimo", "cognac é cognac") é que são demasiado curtos para o muito que querem dizer, ficando abertos a todas as

interpretações, com o mérito e o demérito de cada um os interpretar segundo as suas preferências. É bem possível que todos estejam aparentemente de acordo, quando todos estão realmente em desacordo.

Passemos agora das palavras-embuste e das expressões contundentes a construções um pouco mais elaboradas. Vejamos dois exemplos de realização discursiva que consideramos muito bem sucedidos do ponto de vista argumentativo e do ponto de vista oratório, por explorarem com eficácia bastante dois argumentos a que Perelman chamaria *argumentos quase-lógicos*.

Exemplo 1. Jean Piaget na sua obstinada oposição ao ensino transmissivo e na sua porfiada defesa do cognitivismo soube cunhar neste enunciado conciso, eficaz e persuasivo o seu ponto de vista. "*Chaque fois qu'on explique quelque chose à l'enfant, on l'empêche de l'inventer.*"/"Cada vez que se explica alguma coisa a uma criança, impede-se que ela a invente." Ou, numa outra versão: "*Chaque fois qu'on enseigne quelque chose à l'enfant, on l'empêche de l'apprendre.*"/"Cada vez que se ensina alguma coisa a uma criança, impede-se que ela a aprenda."

Concorde-se ou não com a afirmação, reconhecer-se-á que ela é um belo achado. Reconhecer-se-á que se trata de uma enunciação feliz, facilmente repetível, com as vantagens de ser difícil a réplica e fácil a conservação na memória.

Tentarei responder a este primeiro exemplo de *forma retórica*[1] e de dois modos distintos, ambos oratórios. Eis a primeira tentativa de resposta retórica, com recurso à contraposição e a alguma ironia:

"Sempre que ensinamos alguma coisa a um aluno, retiramos-lhe a possibilidade de ser ele a aprendê-la." Bela tirada oratória [efectivamente proferida numa conferência do autor], paralisante do prazer de ensinar, mesmo por parte daqueles que efectivamente são mestres. Assim se ensina que não é preciso ensinar, assim se defende, em suma, que o *professor deve ensinar meno*s para que o *aluno aprenda mais* por si próprio.

Eis a segunda tentativa de resposta retórica, com réplica pelo recurso ao argumento *a contrario*, acrescentando-lhe um argumento adicional.

Sempre que não explicamos qualquer coisa de importante a uma criança corremos o risco de ela jamais a encontrar ou jamais a aprender, com a desvantagem acrescida de vermos a pobre criança perdida no atoleiro dos ensaios inúteis e dos erros paralisantes.

Exemplo 2. Nos anos 60, a administração americana pôs a correr esta outra fórmula também lapidar, depreciativa para o trabalho dos professores, certamente polémica,

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[1] Entendo por *de forma retórica* aquela forma de argumentar que tem lugar na situação retórica, no tribunal ou na assembleia, com o tempo limitado, como diz Platão no *Teeteto*, pela clepsidra, onde não seria eficaz a forma científica própria do ensino. Parto da afirmação do próprio Aristóteles (*Retórica*, 1355 *a*) segundo o qual "O discurso científico é próprio do ensino, e o ensino é aqui impossível, visto ser necessário que as provas por persuasão e os raciocínios se formem de argumentos comuns, como já tivemos ocasião de dizer nos *Tópicos*, a propósito da comunicação com as multidões."

mas nem por isso menos convincente, dotada que é de grande efeito persuasivo para o senso comum: "*There can be no Teaching without Learning*"/Não há ensino se ninguém aprende nada (cf. Israel Scheffler 1960: 42 e ss.). Certamente, sem terem tido conhecimento da fórmula, também há alguns anos foi escrito aqui nos muros da FLUC: "Aqui ensina-se, mas não se aprende." A força persuasiva do argumento reside justamente na sua aparência demonstrativa, mais exactamente na aparência de uma contradição evidente, cujo implícito é o carácter correlativo dos termos ensinar e aprender.

Tentarei responder a este segundo exemplo já não de forma retórica mas antes *de forma pedagógica*.[2] Se estivesse a analisar o enunciado com os meus alunos diria algo assim:

> O slogan é falacioso por dissimular que entre ensinar e aprender a distância pode ser abissal e por tomar como correlativos dois termos que são apenas relativos. Há muitas matérias que são objecto de ensino que não chegam a ser aprendidas, como há muitas outras que são aprendidas sem terem sido ensinadas. O enunciado não passa de um truísmo, se se toma o verbo ensinar como verbo de resultado. Tomado como verbo de resultado, é evidente que não se ensinou se alguém não aprendeu. Mas ensinar, antes de ser um verbo de resultado, é um verbo de acção intencional. Do *slogan* se podem fazer pelo menos duas interpretações concorrentes. Lançado pelas administrações escolares contra os professores, ele aponta o dedo acusador: "Se os vossos alunos não aprendem nada é porque vocês não sabem ensinar nada." Mas poderá o professor fazer aprender só por si? O único desafio pedagógico sério que o "lema" pode comportar é o de insistir na necessidade de prestar atenção não apenas aos conteúdos de ensino como fim em si, mas também aos alunos, às suas dificuldades e às condições do aprender. É neste sentido, se adoptarmos uma interpretação caridosa, que se poder ler este outro slogan também dos anos sessenta: "We teach children, not subjects"/"Nós ensinamos crianças, não matérias".

Para este terceiro slogan, poder-se-ia, ao invés, procurar uma réplica retórica do género:

> Resta saber se se ensina alguém, quando não se lhe ensina nada.

Os discursos pedagógicos de que retirámos estes exemplos são, de facto, um domínio fértil para a exploração do carácter retórico da linguagem da educação, onde constatamos a escolha criteriosa de palavras "politicamente correctas" e "pedagogicamente convenientes", como "autonomia" (das escolas ou da universidade), "retenção" dos alunos, para evitar falar em reprovação, até ao propalar de slogans como "aprender a aprender" ou "aprender a pensar", "democratizar o ensino" ou "descolonizar a criança". Quem é que não deseja a autonomia? Quem é que não tem por má a reprovação? Quem tem a coragem de negar que o que importa é "aprender a aprender" ou "aprender a

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2 Entendo por *de forma pedagógica* aquela forma de argumentar que tem lugar no ensino, sem limite de tempo, onde se procede a uma avaliação crítica dos argumentos do ponto de vista formal e informal.

pensar"? São estas palavras-armadilha e estes slogans-engodo que tornam a contestação mais difícil e a réplica mais longínqua. Qual é o pai ou qual é a mãe que contesta a fórmula mais recente do Ministério da Educação que promete "uma escola *a tempo inteiro*"?

Tentando de novo responder a este outro exemplo *de forma retórica*, diria, replicando:

> Resta saber se uma escola a tempo inteiro não é uma escola a tempo perdido. Se todo o tempo é tempo de escola, onde está o tempo de vida? A completa escolarização da existência das nossas crianças não acarretará a deserção simétrica da família e da comunidade por parte dos nossos alunos? Pobre sociedade esta que só tem a escola para realizar toda a educação! É porque a sociedade já deixou, toda ela, de ser educativa?

Se o discurso pedagógico é notoriamente retórico, o discurso político não o é menos. Consideremos alguns exemplos.

Exemplo 1. Um ditador instalado no poder, confrontado com uma manifestação de opositores na rua dirá, recorrendo a um cliché (o cliché é a arma do poder, só o slogan é que é a arma da oposição), que os manifestantes não passam de um "punhado de agitadores", ou seja, que são poucos e ainda por cima desordeiros. Talvez fosse uma boa réplica responder-lhe que não são um "punhado" mas antes uma "mão bem cheia", não de "agitadores" mas de "corajosos".

Exemplo 2. Foi aqui em Coimbra, numa festa dos estudantes, mais precisamente numa festa da Latada, que se pôde ler num cartaz este argumento de efeito persuasivo fácil, pelo menos para públicos menos esclarecidos. "Se o socialismo fosse bom, o capitalismo já o tinha comprado". Embora o argumento seja frouxo, a formulação linguística, convenhamos, é excelente, tornando difícil, também aqui, a formulação de uma réplica à altura da provocação. A excelência retórica e oratória do enunciado reside num óptimo uso do raciocínio entimemático tão característico do discurso retórico. Poderíamos reconstruir o argumento que está por detrás do enunciado com este silogismo: *O capitalismo compra tudo o que é bom* (premissa maior); *Ora, o capitalismo não compra o socialismo* (premissa menor); *Logo, o socialismo não é bom* (Conclusão). Reduzindo o argumento a uma forma canónica, dir-se-ia: 1) *Tudo o que é bom é comprado pelo capitalismo* (premissa maior). 2) *O socialismo não é comprado pelo capitalismo* (premissa menor). 3) *O socialismo não é bom* (Conclusão). Bem se vê a diferença entre a formulação completa do argumento com três enunciados, o que faria dela uma formulação pesada e a formulação reduzida a um único enunciado, que a torna leve. Mais relevante do ponto de vista retórico é a hábil ocultação do princípio geral, ou seja, da premissa maior, que, posta "para debaixo da mesa", passa despercebida, sem ter de se assumir o ónus da prova que neste caso não seria tarefa fácil. A "arte" da formulação está na dissimulação do que constitui os pés de barro do argumento. A formulação tem ainda a vantagem de deixar ao leitor do cartaz a tarefa, esta fácil, de retirar a conclusão óbvia.

Neste como em muitos outros casos observa-se o que Reboul (1975, 1991) chama de "retórica do atalho" (*rhétorique du raccourci*). Um argumento é atalhado sempre que não é explicitada uma das premissas e/ou a conclusão. E a regra é, por um lado,

a de evitar a formulação das premissas menos evidentes ou mais difíceis de provar, e, por outro, a de procurar a formulação das premissas, e só das premissas, que inclinam o leitor ou ouvinte para a conclusão desejada.

O que é mais frequente no discurso retórico, quando recorre aos entimemas, é a formulação apenas de uma das premissas e da conclusão. Em determinados contextos, o atalho pode ir até mais longe, bastando formular apenas a premissa maior, sem formulação da conclusão. Noutros contextos, basta também formular apenas a premissa menor. Numa discussão sobre a infalibilidade pontifícia alguém poderá apenas dizer: *O Papa é um homem*. Ao dizê-lo nesse contexto, o argumento fica completo porque facilmente se subentende *Todos os homens são falíveis* (premissa maior) e *O Papa é falível* (conclusão).

Casos há também em que apenas é enunciada a conclusão. O médico que, numa consulta de rotina, após medir a febre de um cliente, lhe diz: "*Você está doente*", limita-se a enunciar a conclusão de um raciocínio que poderíamos formular assim: 1) "*A febre é sinal de doença*" (premissa maior); 2) "*Você tem febre*" (premissa menor); 3) "*Você está doente*" (conclusão).

Exemplo 3. Nem os nossos melhores políticos escapam ao uso da retórica, nem sempre da mais séria. Relatou o Dr. Almeida Santos no encerramento do Congresso *A Retórica Greco-Latina e a sua Perenidade,* que decorreu aqui em Coimbra, de 11 a 14 de Março de 1997, organizado pelo Instituto de Estudos Clássicos, estes dois casos de intervenção parlamentar.

> Evocarei a propósito dois momentos parlamentares em que eu próprio – que nisso sou vezeiro – fiz apelo à "santa ironia", como lhe chamava o Eça.
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> Era eu Ministro dos Assuntos Parlamentares e fui à Assembleia defender uma proposta de lei do Governo, de que eu próprio tinha sido co-autor. Regulava ela o sistema remuneratório dos titulares dos cargos políticos. Gizámos o sistema em pirâmide descendente, por percentagens decrescentes da remuneração do Presidente da República. A proposta veio a ser aprovada, e ainda hoje vigora. Mas a bancada do Partido Comunista zurziu-a impiedosamente, como fonte de injustificadas mordomias. Quando me coube a vez do repique lembrei-me de me sair com esta:
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> — Bramam os senhores porquê? Apesar de eu, como autor da honrosa malfeitoria, ter fixado no montante que fixei o meu próprio vencimento, sabem os senhores quanto passo a ganhar a mais? Quatro mil escudos! O preço de um charuto do vosso camarada Fidel Castro!
>
> — Dos menos caros! — disse alguém do hemiciclo.
>
> O efeito deste 'fait divers' foi surpreendente !
>
> Noutra oportunidade fui, na mesma qualidade [de Ministro dos Assuntos Parlamentares], defender a única proposta de lei que, desde há décadas, consagrou uma modesta correcção das rendas de prédios urbanos até então congeladas. Também estive na origem dessa proposta "celerada".
>
> Assim a considerou, com larga cópia de razões na defesa dos inquilinos, uma vez mais a bancada comunista. Quando me coube responder ironizei assim:
>
> — Pelo que vejo os senhores recusam-se a compreender que, quando tiverem conseguido eliminar o último senhorio, terão liquidado o último inquilino. Sem

casas para arrendar, nem dinheiro para as construir, o único recurso é o regresso à copa das árvores, com o pequeno incómodo de, a quem nos procura, deixarmos de dizer 'entre', passando a dizer 'suba'!

Exemplo 4. Não resistimos a introduzir também duas imagens de uma campanha eleitoral francesa, mais exactamente das Presidenciais de 1986.
Compare-se para uma análise retórica das imagens:
a) os elementos que singularizam o *éthos* de cada um dos cartazes,
b) os elementos que diferenciam o *páthos* de cada um dos cartazes,
c) e, por fim, a rima, que constitui um elemento também ele relevante da réplica.

A IMPOSSIBILIDADE DE PARAFRASEAR A MENSAGEM E O SEU FECHAMENTO

Servem os exemplos dados atrás, e inclusive estas imagens, para sublinhar uma vez mais que a argumentação retórica, na retórica clássica, tal como hoje, era e é bem pouco dialógica. Cada advogado, cada parlamentar, tinha e ainda tem a incumbência de: à sua causa, dar todas as oportunidades de vencer; e, à causa contrária, levantar todos os obstáculos.
Servem estes mesmos exemplos para introduzir duas outras características apontadas por Reboul (1989: 109), no referido Colóquio de Cerisy-la-Sale, como específicas do discurso retórico.

Acrescento que se pode reconhecer a presença do retórico por estes dois sinais: a impossibilidade de parafrasear a mensagem e o seu fechamento.

Nada há mais demolidor no debate retórico (judiciário, parlamentar ou mesmo publicitário) que a sobreposição da excelência da réplica à fragilidade ou mediocridade do argumento inicial.

Daremos quatro exemplos:

Exemplo 1. Tudo corria bem na publicidade do jornal *L'Œuvre (A Obra)*, potenciada com o slogan "*Les imbéciles ne lisent pas L'Œuvre*" (*Os imbecis não lêem A Obra)*, até que um detractor se lembrou da seguinte réplica: "*Ils l'écrivent"* (*Escrevem-na*).

Exemplo 2. No seu desejo de afirmação industrial frente ao Ontário, o Québec lançou este belo slogan: "*Québec sait faire!*" O slogan não resistiu mais, quando um maledicente do Ontário se lembrou apenas de perguntar: "*Sait faire quoi?*".

Exemplo 3. Um slogan como "*O tabaco mata lentamente*" é certamente um mau slogan porque não hão-de faltar fumadores a retorquir "*Ainda bem! Eu não tenho pressa nenhuma em morrer*". Melhor fora que o slogan dissesse apenas "*O tabaco mata*".

Exemplo 4. Reconhecer-se-á que foi brilhante a réplica de R. Aron à tese de Karl Marx, segundo a qual "*A religião é o ópio do povo*", quando R. Aron retorquiu que, em alternativa, o marxismo se transformou no "*ópio dos intelectuais*". Referimo-nos à obra do autor *L'Opium des intellectuels*, de 1955.

A retórica não se reduz, obviamente, a enunciados curtos e lapidares como aquelas que acabamos de registar, mas também é verdade que não dispensa formulações linguísticas que estão próximas dos slogans, das máximas, dos provérbios ou das crias, como pontos de ancoragem do discurso. Tais formulações podem agradar pelo que defendem, apregoam ou prometem, mas agradam também, e muitas vezes sobretudo, por elas mesmas, pela sua graça verbal, pela excelência estética da sua formulação, porque fazem rir, porque são cómicas ou porque embaraçam. A excelência de certas formulações reside precisamente no seu carácter gostoso.

O tirano Sereníssimo, recorda Reboul (1975: 63), espantado com a semelhança que um estrangeiro tinha com ele, perguntou-lhe: – *A tua mãe habitou aqui no palácio?* Respondeu o estrangeiro: – *Não foi a minha mãe, mas sim o meu pai*. Insultado grosseiramente pelo tirano, o pobre estrangeiro poderia ser tentado a retorquir: – *Tu é que és bastardo!* Mas não o fez. E assim, diante do poder sem graça afirmou-se a graça sem poder. E foi a graça e não o poder que levou a melhor.

Nem os filósofos escaparam à tentação gostosa da fórmula lapidar e à eficácia sintética e persuasiva da fórmula contundente. "*Tudo o que é real é racional e tudo o que é racional é real*", resumiu Hegel, em *Princípios da Filosofia do Direito*. T. Hobbes no *Leviathan*, cap. 17, rematou: "*Convenções sem espadas, não passam de palavras ("Covenants, without the swords, are but words")*. J. Bentham erigiu como máxima "*A maior felicidade para o maior número*". Kant proclamou, na *Crítica da Razão Pura*, que "*pensamentos sem conteúdos são vazios, intuições sem conceitos são cegas*".

Dito o que acaba de ser dito, consideremos as objecções que o uso e sobretudo o abuso do pilar oratório enfrenta. É sempre possível que a arte de dizer bem se desobrigue de dizer a verdade. É muito provável que caia na tentação de, dispondo do poder da palavra, queira também dispor da fraqueza dos homens. Com frequência deslizou ela de uma arte de persuadir para uma arte de enganar e de uma arte de agradar para uma arte de corromper.

E Reboul não alivia em nada as objecções, quando acrescentou, como vimos, que são constitutivas do discurso retórico: *a impossibilidade de parafrasear a mensagem* e o seu *fechamento*. É a partir da situação retórica, e só desta, que se têm de ler e porventura legitimar as duas marcas com que Reboul nos surpreende.

O PILAR ORATÓRIO E OS PRINCÍPIOS RETÓRICOS

O exemplo privilegiado por Reboul (1991: 111) para servir de paradigma à impossibilidade de parafrasear uma mensagem e dar conta do seu fechamento é a célebre abertura da intervenção de Cícero *(Catilinam*, I, 1) junto do Senado romano: *Quo usque tandem abutere, Catilina, patientia nostra?* É difícil reunir tanta retórica numa só frase. Sem quaisquer considerandos prévios, *ex abrupto*, e não perdido no meio do discurso, o desafio não deixa margem à réplica, com a vantagem de aparentemente se dirigir a um outro (Catilina), quando, na realidade, se quer dirigir e quer envolver o Senado porque, diz, a *patienta* é *nostra*. Mesmo que Catilina respondesse que parava de imediato as hostilidades, não respondia à objecção que a frase acusatória contém, a saber, que já houve muita paciência, que houve abuso, que a paciência é questão nossa. Numa mesma frase, duas figuras fundidas, ainda que de sentido contrário: a apóstrofe (fingir dirigir-se a outrem) e a prosopopeia (fingindo num só acto locutório fazer falar pela sua voz um orador fictício, o Senado, ao referir *nostra)*.

Fechado e sem permitir a réplica, o discurso retórico parece dar razão aos que, como Francis Jacques, falam de não diálogo e de unidireccionalidade comunicativa. Não deve por isso a argumentação desfazer-se da retórica? Mas será que pode? Quem é que não vê que, sem esta retórica, sem um tal modo de dizer, fechado e não parafraseável, Cícero teria fracassado junto do Senado? A causa justa não corre o risco de passar despercebida se não for defendida por fórmulas contundentes? A argumentação de Cícero foi eficaz. Tê-lo-ia sido de outro modo? Ao proceder como procedeu, Cícero foi desonesto? A retórica é necessariamente ilegítima?

Reboul (1991: 111-112) responde deste modo:

> Do nosso ponto de vista, o que é próprio de uma boa argumentação não é suprimir o aspecto retórico – uma argumentação cinzenta não é forçosamente mais honesta – mas equilibrá-lo de acordo com dois critérios. À não paráfrase, pode-se opor o critério da transparência: que o ouvinte esteja tanto quanto possível consciente dos meios pelos quais se altera a sua crença; o charme e a poesia do discurso não são destruídos por isso, mas são dominados. Ao fechamento, pode-se opor o critério da reciprocidade: que a relação entre o orador e o auditório não seja assimétrica, que o auditório tenha direito de resposta. Estes dois critérios não tornam a argumentação menos retórica, tornam-na mais honesta.

Esta dupla exigência de Reboul [transparência e reciprocidade] merece um destaque particular, por se tratar da resposta mais importante do autor às objecções da não paráfrase e do fechamento; em suma, por se tratar da melhor defesa e da melhor legitimação do uso da retórica. Um discurso retórico não será manipulador, se, e só se, ocorrerem, conjuntamente, as duas condições.

O recurso à retórica, isto é, a meios oratórios é, de resto, indispensável em vários domínios. É indispensável no tribunal; é indispensável nas assembleias; é-o também no ensino.

Comecemos pelo ensino. Pior do que um professor retórico é certamente um professor morno que provoca tédio e aborrecimento nos seus alunos. Para instruir torna-se indispensável muitas vezes acrescentar às razões (ao *lógos)* o *éthos* e o *páthos*.

Uma comunicação eficaz não se compadece com uma linearidade discursiva, com uma linguagem chã, com um ponto zero da simples formulação sintáctica correcta dos enunciados. Ao conhecimento rigoroso da matéria e a uma correcta realização discursiva (o *lógos*), o professor não pode evitar o recurso a uma boa realização retórica, isto é, ao *éthos* e ao *páthos*. Não é por causa dela que o professor é menos honesto ou é manipulador. Um ensino sem retórica não será, por isso, mais verdadeiro; e um ensino com retórica não será, por isso, menos verdadeiro. Retórica e honestidade não são necessariamente incompatíveis; retórica e verdade também não. Resta saber se ensino honesto e ensino da verdade podem ter sucesso sem retórica. Pode o ensino libertar-se da retórica? O ensino é, até, pensa Reboul, a circunstância, por excelência, em que o uso da retórica pode ser mais pacífico. Com uma condição: que sejam assegurados os dois critérios que, sem tornarem a argumentação menos retórica, a tornam mais honesta, única forma de evitar a manipulação que, no caso do ensino, toma o nome de doutrinação: o critério da transparência e o critério da reciprocidade, isto é, *a)* que os alunos saibam que o professor usa da retórica para os persuadir, convencer ou tornar compreensível uma informação, uma teoria, uma interpretação; *b)* que o professor ensine também a retórica, que o professor proporcione aos seus alunos conhecimentos que lhes permitam perceber o que há de retórico no discurso pelo qual o professor ensina.

Distinta é a situação do tribunal. E aqui não se aplicam do mesmo modo os critérios de transparência e reciprocidade. Pretender aplicar aos debates judiciais o modelo pedagógico seria pretender que, no final, o culpado confessasse livremente o seu crime e que ele mesmo solicitasse a pena. A nossa sociedade e a nossa democracia não o exigem. No domínio judicial, o diálogo irenaico (*irénique*) cede lugar ao debate polémico. É público e, portanto, transparente, que cada um dos advogados procura dar à sua causa todas as oportunidades. Não se trata de persuadir ou convencer um adversário, mas um terceiro, isto é, o tribunal a quem cabe decidir. Aqui, um advogado não está só. A reciprocidade é garantida porque todo o advogado tem diante de si um outro, capaz de detectar a sua retórica e de a contrariar por uma outra.

Algo de semelhante se passa no debate político e nas assembleias, pelo menos em democracia. É público e transparente que cada deputado ou partido toma partido. O sistema democrático garante, por outro lado, o princípio da *reciprocidade*, porque admite vários partidos. Também aqui não se trata de convencer o partido adversário mas um outro "tribunal", o do povo ou da assembleia.

Duas conclusões se podem retirar da situação retórica do tribunal e da assembleia que tornam legítima a retórica: a primeira é que o perigo de manipulação diminui, quando um advogado ou orador não está só, quando a sua retórica tem de enfrentar uma outra retórica; a segunda, o verdadeiro objectivo da retórica, nas relações sociais, não é de julgar, mas de preparar o julgamento que um terceiro, juiz ou povo, tem obrigação de fazer. Nestes domínios, a relação argumentativa não é unilateral, nem bilateral, mas triangular.

Uma outra situação é a da filosofia. O propósito do filósofo é distinto do do advogado. O que ele se propõe não é defender uma causa mas uma tese. Uma tese não tem incidências directas nas decisões práticas, nem implica necessariamente pôr fim a um debate ou estabelecer um veredicto. De resto, uma tese não se impõe, apenas se propõe. E o filósofo propõe-na antes de mais a si mesmo, o que não anula nem a

controvérsia, nem a retórica, porque no interior de si mesmo, ele sustenta os prós e os contras, sendo, ao mesmo tempo, o orador e o seu adversário, cabendo ao seu público ouvinte ou leitor o papel do tribunal.

Ensino, debates judiciais, debates políticos e filosofia, eis as situações argumentativas mais típicas em que a retórica, inevitável e indispensável, pode escapar à crítica da manipulação e legitimar-se meritoriamente.

Outra e distinta é a situação da propaganda e da publicidade: unilateral e assimétrica; onde as duas marcas específicas do discurso retórico, a saber, a *impossibilidade de parafrasear a mensagem* e o seu *fechamento*, não são equilibradas pelos dois critérios reguladores, ou seja, os princípios da *transparência* e da *reciprocidade*.

Observe-se, a título de exemplo, a imagem da publicidade Moulinex. Os produtos Moulinex libertam a mulher ou aprisionam-na ainda mais ao seu estatuto tradicional de género? Grande falácia!

ALGUMAS ALEGAÇÕES FINAIS

Terminamos a nossa intervenção com algumas breves alegações finais contra cinco das maiores objecções contra a retórica.

1. Acomodação a uma filosofia relativista. Acusa-se a retórica de se ter acomodado e acomodar a uma filosofia relativista, se não mesmo niilista. Mas isso não quer dizer que a implique. No domínio das relações humanas não há evidências, a não ser negativas, mas há causas que podem ser mais ou menos verosímeis. Há mesmo causas consideradas objectivamente justas: a de Sócrates, a de Joana d'Arc, a de Dreyfus, etc., … para nós, hoje, mas não para os contemporâneos dessas causas. A justiça nessas causas só é possível vê-la por intermédio dos advogados. A pior injustiça é crer que a justiça é evidente. Não é ; ela carece de muita retórica e de todo o empenho possível.

2. Fusão do afectivo e do racional. Acusa-se a retórica de ter misturado e misturar de forma inextricável o afectivo e o racional. Mais uma vez não é a retórica que o determina, é o homem que o exige, porque é ele mesmo uma mistura inextricável de afectividade e racionalidade. Os sentimentos não se equivalem: podem ser cegos ou esclarecidos, versáteis ou profundos, infantis ou adultos. O valor de uma retórica afere-se pela qualidade dos sentimentos que mobiliza, mas essa decisão já não é de ordem técnica, mas ética.

3. Retórica e sinceridade. A retórica seria a denegação da expressão sincera. O problema é que há uma sinceridade aparente e uma sinceridade real; e esta também carece de retórica. A sinceridade só por si não preserva ninguém da inabilidade, da imperícia, da incoerência, da obscuridade. Não é porque (apenas) se é sincero, que em política se convencem os eleitores, em ensino se leva a aprender, em religião se fazem crentes. É preciso toda uma arte para se exprimir, uma arte sem a qual não seremos credíveis ou até não seremos pura e simplesmente compreendidos. Para ser sincero não basta querer exprimir o que se pensa ou sente; é preciso poder fazê-lo, saber fazê-lo, ser capaz de o fazer. E é aqui que se revela o verdadeiro problema (problema moral) de toda a retórica: que não é o problema da mentira, mas o problema do poder que ela confere.

4. Polémica e não dialógica. Acusa-se a retórica de ser polémica e não dialógica. Não é a retórica que é polémica. A realidade é que o é e admite uma pluralidade de pontos de vista e, consequentemente, raciocínios a favor e contra. Uma causa é-o também. É por isso normal que mesmo a causa menos boa tenha os seus advogados, não porque seja justa, mas porque é justo que ela seja defendida. É este também o princípio da democracia. A polémica não é a guerra; é até a condição de a evitar porque nela o combate dá lugar ao debate e o arbitrário ao razoável. Enquanto falamos, não nos matamos. A retórica é a arte de persuadir pelo discurso, não pela força.

5. Manipulação. A vitória da retórica, diz-se, é alcançada à custa da manipulação. Os advogados têm a obrigação de tudo fazer pela sua causa. A resposta à objecção não pode ser senão esta: é preciso conhecer as técnicas da manipulação para delas não ser vítima. Se a retórica como técnica pode subjugar, como teoria ela liberta.

E aqui abriria um novo capítulo: o da paideia retórica, que tanta falta nos faz hoje, porque ela ensinava mais do que a arte de manipular a arte de nos defendemos das manipulações. Mas este seria o tema de uma outra e certamente mais longa intervenção.

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PART V

LAW THEORY APPROACHES TO ARGUMENTATION

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CHAPTER 17

PERELMAN, THE USE OF THE "PSEUDO-ARGUMENT" AND HUMAN RIGHTS

Guy Haarscher*

ABSTRACT: In the *Traité de l'argumentation*, Perelman defines the "pseudo-argument" as follows. "It is actually possible that one seeks to obtain approval while basing the argument on premises that one does not accept oneself as valid. This does not imply hypocrisy, since we can be convinced by arguments other than the ones used to convince the persons we are talking to." I am not interested here in the possible absence of "hypocrisy", as for instance when the speaker uses a path of reasoning that is different from the one he used to convince himself (because the latter would not be understood in a specific context by a particular audience). It happens often, especially today, that the speaker pretends to begin with the same premises as the ones accepted by his audience, because it helps him penetrate the "fortress". In the examples I shall give, notably related to limitations to free speech, the censor pretends to begin with human rights premises. He then constructs an artificial and non-credible systemic conflict between religious liberty and freedom of expression. In certain instances, he is even able to completely invert the respective positions of the "hangman" and the "victim" by accusing the one who exercises his right to free speech of being a racist (who is guilty, for instance, of "islamophobia", "christianophobia", etc.). I shall try to show that the European judges on the European Court of Human Rights have never gone so far, but have accepted in certain circumstances the legitimacy of the "translation" of, notably, the problem of blasphemy into the language of the "right of others" not to be gratuitously hurt in their religious feelings. Now this is precisely, in my opinion, an example of the use of the "pseudo-argument" in the Perelmanian sense. I shall give many other examples of such a rhetorical strategy, which seems to be particularly confusing and pervasive today.

* Université Libre de Bruxelles, CP 132, av. Paul Heger 6, 1050 Bruxelles, Belgique.
  Président du Centre Perelman de Philosophie du Droit.
  E-mail: Guy.Haarscher@ulb.ac.b

1. INTRODUCTION

Perelman defines the "pseudo-argument" as an argument beginning with premises which the speaker does not really believe in. So why should he argue in such a way? Perelman insists that the pseudo-argument not necessarily involves "hypocrisy".[1] For instance, a judge may want to take a decision for moral reasons which are convincing to him; but in order to write an opinion, he is obliged to find motivations in law. The premises he will begin with are perhaps not the ones he personally finds totally adequate, but he is a judge, not a legislator, or a tyrant who would be entitled to dictate his moral views to all his subjects. Another example of the use of such an argument is when one has been convinced of the validity of a thesis through a certain path of reasoning, but such a rhetorical line of argument will not persuade a particular audience: then the speaker resorts to other premises than the ones he is most "attached" to.

But quite often, the use of the pseudo-argument involves what Perelman calls "hypocrisy". The resort to such a term necessarily imposes on us to enter, as it were, into the psychology of the speaker. If the latter is a "hypocrite", he will lie about his true positions, and try to deceive the audience by *pretending* to begin the argument with some premises the latter accepts. In that case, the speaker does not believe in the premises he uses: he resorts to them for other, hidden reasons.

Let us suppose that you want to attack the values of liberal democracy in the name of theocracy, or fascism, or the rule of the all-knowing and never-erring Communist party (the Party knows, as Hegel would have said, the cunning path of History). But you are convinced at the same time of the fact that an audience dedicated to defending human rights and democracy will of course not accept such premises, which blatantly run counter to its most cherished commitments. So you will abandon the frontal attack, and replace it with a more devious – but rhetorically more efficient – strategy. You will try to show your audience that you strongly believe in liberal-democratic values; you will present the latter as premises of your argumentation, which will take the audience so to say off-guard: the people you will be speaking to will think that the debate you have initiated is taking place *within* the realm of human rights and democratic values. Then – as did the sophists in Ancient Greece – you will distort the arguments in order to get to the results you wanted in advance. If the public is not informed enough of the complexities of the *apparently* simple notions of human rights and democracy, it will follow you. Then liberal democracy will have been fundamentally weakened, as those who want to undermine it will have had the intelligence to present themselves as "true democrats".

In the following pages, I would like to give a few examples that will show how such a rhetorical strategy works. Among them: the evolution of the notion of racism; the struggle of creationists against biological evolution; and the "translation" of the notion of blasphemy into the language of the "rights of the others".

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[1] "It is actually possible that one seeks to obtain approval while basing the argument on premises that one does not accept oneself as valid. This does not imply hypocrisy, since we can be convinced by arguments others than the ones used to convince the persons we are talking to." (Perelman 1989 : 80)

2. RACISM, SEGREGATION AND THE FOURTEENTH AMENDMENT

After the Civil War (1861-1865), slavery was abolished on the whole territory of the United States (Thirteenth Amendment to the Constitution – ratified in 1865). A little later, the Fourteenth Amendment (ratified in 1868), which was passed with much more difficulties, guaranteed among other things that no State would "deny to any person within its jurisdiction the equal protection of the laws". The provision is rather general, and it was for a long time controversial whether it applied to other situations than race relations between White people and recently emancipated Blacks. Now, as one knows, White people, especially in the South, reacted to the emancipation by not wanting to live with Blacks: this was the beginning of the segregation process, which took sometimes very violent forms, notably with the creation of the first Ku Klux Klan (1865-1871). But ordinary segregation took also legal forms: Blacks were excluded from public facilities, transportation, schools, restaurants, public places in general, etc., that were reserved to Whites. In the 1890s, the segregation policies were for the first time challenged before the Supreme Court of the United States. It is the famous *Plessy v. Ferguson* case (1896). Homer Plessy, a partially Black man, boarded a car of the East Louisiana Railroad that was reserved to White people. He was arrested and sued. The case was finally brought before the Supreme Court. The question was whether the Equal Protection clause of the Fourteenth Amendment had been violated. An affirmative answer seemed rather obvious: facilities reserved to Black people were of a much inferior quality than the ones provided for Whites, and anyway, the segregation process was a decision by the White majority, not the Black minority. Confronted with such an institutionalized and State-sponsored pattern of discrimination, the Court should have declared that the Equal Protection clause had been obviously violated and that the "Jim Crow" laws, as they were called, were unconstitutional. But the Court went the other way around and invented the famous and fateful notion "separate but equal". By this phrase, the Court meant that the Constitution did impose on the States the application of the principle of equality to Whites and Blacks, but did *not* require a mixing of the "races". In short, one could be treated in an equal way without necessarily living together and sharing the same facilities.

Of course, the majority opinion did not rely on a scientific assessment of the real situation: if the Justices had resorted to a serious sociological analysis, they would have discovered that segregation was imposed on Blacks by Whites and generated huge inequalities. It should have been deemed contrary to the Fourteenth Amendment of the Constitution. Such position was taken in a famous dissenting opinion: Justice Harlan flatly declared that the Constitution and the law in general should be "color-blind", and that, obviously, the segregation policies did not meet that standard.

3. THE RHETORIC OF TRANSLATION: LEGITIMATE OF PERVERSE

The rhetorical strategy used by the majority of Justices sitting on the Court is quite clear: instead of beginning the argument with racist premises (which were perhaps the ones that appealed most to them), they adopted the egalitarian premises that are, so to say, embodied in the post-Civil War revised Constitution, and drew some

consequences that led to the final conclusion: segregation is constitutionally valid. The Supreme Court position was finally overturned in 1954, in the famous *Brown v. Board of Education* decision, which forbade segregation in schools. Actually, the latter judgment constitutes only the beginning of a much broader process: in the 1950's and 1960's, segregation was progressively prohibited in all domains of State action by the Court. Then the Civil Rights movement succeeded in outlawing segregation in private relationships (in privately owned cafés or restaurants, on the job market, etc.). But for almost three quarters of a century, the "separate but equal" (bogus) doctrine was the supreme law of the United States. It was the Constitution, as interpreted by the US Supreme Court.

One immediately understands what kinds of benefits are attached to such a rhetorical stance. "Scientific" racism, especially in the XIXth Century, when it was expressed in a quasi-normal way in the public sphere, ran counter to the very idea of equality and human rights: it presupposed a fragmentation of humanity. The latter was divided into (at least) two biologically grounded entities, one superior, the other inferior. And it went without saying that the superior "race" had a natural right to rule over the inferior one, or to protect itself from any "contamination" by the latter. Now the Fourteenth Amendment was the very embodiment of the idea of equality and human rights: no *person* (the relevant provision is not reserved to US citizens) should be deprived of the equal protection of the laws by any public authority (be it the federal government, a State or a local authority). So the bogus reference to egalitarian premises ("separate *but equal*") created a rhetorical context that was favorable to the continuation of blatantly racist policies. *But, so to say, the Court made that form of racism invisible*: it pretended to apply the egalitarian principles of the Constitution.

I called elsewhere such a strategy the "wolf in the sheepfold", or the process of (perverse) "translation".[2] Let me explain the general meaning of these two metaphors. If the "wolf" appears as such, the "sheep" will fear him and flee or shout and cry, which will induce a strong reaction, say, by the shepherds. If, on the contrary, the wolf uses a sheep's skin as a disguise, he will not immediately be recognized for what he really is, and will enter the sheepfold by taking the animals and the shepherds off-guard. Then, once he will be inside the house of the "enemy", he will be able to wreak havoc on whoever he finds there. *Mutatis mutandis*, racism, as it was reinterpreted by the Supreme Court at the end of the XIXth Century, became – to use a phrase that of course did not exist at the time – politically correct: segregation was (poorly) justified by reasoning from egalitarian premises. This means that the whole debate had been deeply transformed by the rhetorical strategy. The process is the following: first you have a debate that at least is framed in clear terms: equality *versus* inequality; human brotherhood *versus* racist contempt, etc. Then the debate is subtly *translated* into quite another one: the discussion takes place *inside* the politically correct domain of equality and rights; the majority of the Supreme Court (in 1896) has a certain opinion on the way the Equal Protection clause should be applied to its primary object (race relationships), and the (great) dissenter, Justice Harlan, has another one. Thus, all this seems to boil down to a civilized conversation – a quite normal phenomenon

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[2] See Haarscher 2008b.

indeed in democratic societies – between people adopting different (but reasonable) interpretations of *the same* values.

Of course, the phenomenon of "translation" I am criticizing *here* is very often quite legitimate. Indeed, it appears to be unavoidable when we need to defend a thesis while having to change jurisdictions and apply a law that is different from the one that was valid in front of a previous judge. For instance, one cannot argue the same way in defending the right to privacy against the tabloids in Europe and in the United States. The European Convention on Human Rights puts on the same plane freedom of expression (art. 10) and the right to privacy (art. 8): there is no *a priori* hierarchy between them, so the Court has to balance one right against the other in other to find a solution to a given conflict. In the United States, freedom of speech and of the press is guaranteed by the First Amendment to the Constitution, which the Court has considered applicable to the States and local authorities since the *Gitlow v. New York* decision of 1925. The right to privacy does not literally appear in the Constitution: it is the product of a broad interpretation of another clause of the Fourteenth Amendment, which states that no State "shall deprive a person from life, liberty, or property, without due process of law". Under such an interpretation, "liberty" is supposed to involve the "right to be left alone", that is, the very definition of privacy according to Warren and Brandeis who, at the end of the XIXth Century, initiated a movement in favor of such a right to privacy in a famous article.[3] But the reasoning does not stop here. It continues as follows: the right to be left alone involves the right to contraception (*Griswold v. Connecticut*, 1965),[4] and even a right to abortion, which the States cannot restrict during the first three months of pregnancy (*Roe v. Wade*, 1973).[5] It is therefore obvious that, when freedom of the press and the right to privacy come into conflict, the former right, which has the advantage of being literally guaranteed by the First Amendment, is more firmly entrenched than the second one, which depends on an elaborated and very controversial "construction" based on the Due Process clause of the Fourteenth Amendment. So we can conclude here that a lawyer will use premises that will vary according to the place: either in Strasbourg or in Washington. The difference of reasoning is perfectly justified by the difference of audiences, that is, of legal contexts.

But even if the process of "translation" appears to be necessary, and even unavoidable, in certain important circumstances, it is by itself problematic and potentially dangerous. There is always the possibility that the "jump" from one context to the other becomes wholly artificial. The possibility of manipulation is always present, as the use of the "trick" can help someone play the role of the "wolf in the sheepfold". A bogus translation is for instance at the basis of the *Plessy* decision of the Supreme Court: the integration of a racist ideology into an egalitarian legal context (the Equal Protection clause of the Fourteenth Amendment) is totally unwarranted and intellectually confusing. Of course, no translation, as understood in the present intellectual context, can be without risks: there exists always a certain distance between two audiences, and the transformation

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[3] See Warren and Brandeis 1890.

[4] See Griswold v. Connecticut, 381 U.S. 479 (1965).

[5] See Roe v. Wade , 410 U.S. 113 (1973).

of the language, as well as the change of premises in the reasoning, will always be a process of reinterpretation and "construction". If the construction is too narrow, the translation will not be possible, and the cause will not be defended properly in the "second" forum. But if the construction is too broad, the dangers of confusion (paralogism) or deliberate manipulation (sophism) will inevitably increase.

4. SOME MORE REMARKS ABOUT THE TRANSFORMATION OF RACISM INTO A "HONORABLE" OPINION

The justification of racism has a long history. The progressive access of a doctrine belonging to an anti-humanist ideology to a liberal-democratic (humanist) legitimacy should be exposed in detail in order to prevent the "wolf" from easily eating the whole "sheepfold". In the present article, I only want to briefly mention a particularly clear example. After the Second World War, "scientific" racism seemed to be definitively banished from the legitimate public forums. So the extreme right tried several strategies in order to *hide its racist premises* and get to the same conclusions by reasoning from liberal-democratic points of departure. Actually, the Nazis themselves had already resorted to euphemisms to refer to the Holocaust: the very phrase "final solution" shows the abysmal distance existing between the unspeakable reality and the triviality of the words. Then, at the end of the war, when the defeat of the German army was a foregone fact, the Nazis destroyed the gas chambers in an attempt to erase all traces of their crimes. After the war, what would be known much later as the Holocaust denial movement continued the "negationist" rhetorical strategy by casting a doubt on the reality of the Holocaust. The most important implication was that the Jews had deliberately exaggerated the facts (or even forged them) in order to defame Germany and make their domination of the world and Palestine possible. Here the "translation" works as follows: Holocaust deniers are not supposed to be racists; actually (so the story goes), they are persecuted scientists who try to tell the truth about the Second World War and the so-called (in their opinion) destruction of the European Jews. Of course, their "science" is a bogus one, and their carefully hidden relationships with the "real" extreme right have been documented in many books, articles and television programs. But it remains that they can pretend that, instead of basing their argumentation on racist values, they reason in the context of objective facts, "discovered" by them: they defend a "science" that does not recoil in front of even widely shared "myths". The wolf is in the sheepfold in that nobody in the mainstream of contemporary societies can be "against" science and challenge scientifically established facts in the name of any ideology. So the advocates of Holocaust denial try to radically invert the situation, by using a rhetorical trick which has not yet been sufficiently deconstructed, at least before the public at large.

5. CREATIONISM AND THE RHETORIC OF TRANSLATION

It is not only in the debate about race relations that the "perverse" Perelmanian pseudo-argument has played an important role. If we consider the State/religion

relationships, we can see that here also the frontal attack strategy has not been the only one: after a certain time, it has been replaced with a rhetoric of (perverse) "translation". I shall take here the example of the debate about Creationism in public schools. This is a very important question. Biology courses are also sometimes challenged in European public schools by some religious (especially Muslim) groups as being contrary to the Law of God. I think the evolution of the problem in the United States, where it has existed for almost a century, can give us some useful perspectives about how to deal with it in Europe, where it appeared much more recently.

When Darwin decided, after hesitating for a long time, to publish *The Origin of Species* in 1859, he perfectly knew that his discoveries could be considered, under a literal reading of the Bible, to be at odds with religion. He had long delayed the publication of the book, because he feared "the firestorm of anger that his ideas were sure to unleash".[6] But the question did not reach public schools until after the First Wold War. Indeed, until then, access to secondary schools had been the privilege of a small elite. So only a few teenagers could be exposed to the teaching of scientific biology. But in the 1920's, as the economy dramatically developed, secondary education began to be "massified": it became accessible to more and more young people. Then protestant fundamentalists reacted, and statutes outlawing the teaching of doctrines contrary to the Bible were passed in many States. So at that time, the rhetorical strategy – which is the only question I am interested in here – was clearly frontal: the teaching of "anti-religious" doctrines was forbidden because they were supposed to be opposed to the Law of God. And indeed, this is the time when (in 1925) the famous Scopes trial – dubbed the "monkey trial" – took place in Dayton, a small town in Tennessee. Scopes, a biology teacher, had exposed in class the theory of natural selection and had been sued under the Butler Act, one of the statutes outlawing the teaching of Darwinism. In that trial, which is considered to be the first media event of the kind in US history, an atheist attorney, Clarence Darrow, defended Scopes, while William Jennings Bryan, a famous Democrat politician, took a strong position in favor of Creationism. Literally speaking, Darwinism teaches that the human species has evolved from other ("animal") forms of life, while the Bible says that the human being is a privileged Creature, separated from the rest of the nature, and that all the species were created by God and did not evolve. Darwinian biology also explains the process of evolution by natural selection, which appears "immoral", as it runs counter to, notably, the Christian theological virtue of charity. Moreover, at the time when the trial took place, some intellectuals – notably the disciples of Darwinian philosopher Herbert Spencer – had tried to apply the theory of natural selection to the social sphere, in an attempt to scientifically justify power politics and unregulated capitalism, which were considered to be the very embodiment of the doctrine of the "survival of the fittest". Bryan was a political figure that leaned to the left a far as social problems were concerned, but to the right when morals, religion and the liberty of scientific investigation were at stake. (This is a kind of ideological mixture that is not that rare today.)[7] So the attack was frontal, Scopes lost the trial and was convicted for having

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[6] See Scott 2004. Foreword by Niles Eldredge, at x.

[7] A well-known example of such a phenomenon is the Muslim public intellectual Tariq Ramadan.

violated the Butler Act. Statutes criminalizing the teaching of Darwinism remained on the books for about thirty years. Then an apparently unrelated event took place. In 1957, the United States was taken by surprise when the Soviet Union launched an artificial satellite, called the "Sputnik". The government then made a critical evaluation of the teaching of science in public schools: the idea was that the courses were obsolete, the teachers and pupils were weak on the relevant topics. A decision was therefore taken to reinforce the science curriculum. Of course, the teaching biology was also affected. The irony of the situation consisted in the fact that the Soviets were at that time themselves in a predicament because Lyssenko had ruled over biological research during Stalin's era: for reasons that are too complicated to be exposed here, he rejected genetics and took position in favor of Lamarck's inheritability of acquired characteristics, which seemed to be more compatible than random mutations with the Communist hope of creating a radically new Man. All this was done at a time when Watson and Crick largely confirmed the intuitions of the author of *The origin of species.* So in both countries, the United Stats and the Soviet Union, a dogmatic vision of the world had hindered biological research and teaching.

Be it as it may, Darwinian biology began to be "seriously" taught in American public schools. Now in the 1940s (*Everson v. Board of Education*),[8] the Supreme Court had decided that the Establishment clause of the First Amendment, which prohibits "Congress" from making any law "respecting an establishment of religion" applied not only to the rules enacted by the federal government, but also by the States and local authorities. As we know, many State laws regarding the teaching of Darwinism had been on the books since the 1920's and the "Monkey trial". As biology courses were enhanced in school curriculums, religious fundamentalists tried to enforce these laws. The Supreme Court considered in *Epperson v. Arkansas*[9] that the laws prohibiting the teaching of Darwinism were the product of the intervention of certain (monotheist, "creationist") Churches in the teaching of science, that is, their "establishment". The Court thus struck down the laws that had made possible the Scopes trial more than forty years earlier.[10]

Then the Creationists progressively abandoned the "theocratic" strategy – that is, the frontal attack – by suggesting both "conceptions" could be taught in class: the students would be allowed to choose between them. Such a position was very smart indeed, in that it boiled down to invoking freedom of choice, pluralism, and controversies (which are part of the "normal" scientific activity), etc. So the opponents of such a proposal appeared to be dogmatic. Such a rhetorical trick is in fact not exceptional at all: not only the wolf succeeds in pretending to be a sheep, but it is the sheep who is accused of being a "predator". Albert Camus once called that strategy: inversion of the respective positions of the hangman and the victim: "But the slave camps under the banner of liberty, the massacres that are justified by the love of man or a taste for super-humanity, in a sense, make the judgment impotent. On the day when the crime wears the clothes of innocence, it is innocence which is required to give its

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[8] See Everson v. Board of Education, 330 U.S. 1 (1947).

[9] See Epperson v. Arkansas, 393 U.S. 97 (1968).

[10] Here and in the following, I use E. C. Scott 2004.

justifications, through a curious process of inversion that is characteristic of our times."[11] But the Supreme Court did not accept the pseudo-argument, and also rejected such an apparently more open and tolerant position: even if, this time, the teaching of scientific biology was no more forbidden, it remains that one cannot put on the same level religion (Creationism) and science (Darwinism). This would only be, according to the Court, a subtler (and probably more devious) form of establishment.[12]

But as far as the "translation" of a discourse against secularism into the very language of… secularism was concerned, Creationists had other arguments at their disposal. They defended the famous theory of "Intelligent Design", which appeared to be purely scientific: this time the suggested choice would no more take place between a controversial scientific theory and a religious doctrine, but between *two* scientific theories, each of them pretending to be a valid approach of the phenomena of life. The argument runs as follows: some organs or organisms are supposed to be too complex to have been generated by the blind mechanisms of mutation and adaptation. They presuppose an intelligent being, just as, one might say, for Voltaire, the clock presupposes a clockmaker.[13] Many studies have shown the implausibility – to say the least – of the doctrine propagated (with a lot of money) by the Discovery Institute, which is the main promoter of the ID thesis. Anyway, even if – very improbably – a "Designer" should be presupposed as a hypothesis by serious biological scientist, it would not easily be identified with the Christian God, who is associated with the ideas of Trinity, Incarnation, Redemption, etc. – in short, the God of Abraham, Isaac and Jacob.

So the pseudo-argument works in the following way: the clearly Creationist position taken in the 1920's ("blasphemous" science shall be forbidden) is replaced with a translation of the problem into the language of free scientific debate. Recently, the Board of Education of Dover, a small town in Pennsylvania, decided that a disclaimer mentioning the existence of "other" theories than Darwinism (the only taught theory) would be read to the pupils in the beginning of biology classes. The Board did not even dare to suggest that both Darwinism and ID should be taught and adopted a still more "modest" position. Nevertheless, a federal judge who, ironically, was appointed by George W. Bush, decided that such a disclaimer was unconstitutional: Intelligent Design was not real science (some of the main biologists teaching in the best universities testified in that sense in court), and that the advocates of such a doctrine were disguised Creationists.[14] The stratagem of perverse translation was thus once again revealed by a federal judge. But this is not a decision taken by the US Supreme Court, so it only applies to a district (a part of Pennsylvania). The "saga" is far from over.

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[11] Camus 1951 : 14. My translation: "Mais les camps d'esclaves sous la bannière de la liberté, les massacres justifiés par l'amour de l'homme ou le goût de la surhumanité, désemparent, en un sens, le jugement. Le jour où le crime se pare des dépouilles de l'innocence, par un curieux renversement qui est propre à notre temps, c'est l'innocence qui est sommée de fournir ses justifications."

[12] See Edwards v. Aguillard, 482 U.S. 578 (1987).

[13] "L'univers m'embarrasse, et je ne puis songer [que] cette horloge existe et n'ait point d'horloger." (*Les Cabales*, 1772).

[14] See Tammy Kitzmiller, *et al. v.* Dover Area School District, *et al.* (No. 04cv2688) (2005).

6. THE "CHILLING" OF FREE SPEECH

The pseudo-argument is maybe still more dangerously present in the questions related to freedom of expression, particularly when the latter is confronted with demands of censorship made by religious groups. The same confusion is working here, and even pushed to extremes. In democracy, reasoning is very often related to the short run, and decisions are rushed. It seems to me that nowadays, a non negligible part of the public opinion, as well as the conformist Left, considers that the main danger comes from too much (and not too little) expression: the principal risk would consist in the fact that members of diverse communities would be shocked in their convictions and "sensitivities". Critique should thus be limited to speech that does not gratuitously shock the others. Such is the main tenet of a vague and omnipresent current that is called "political correctness". But if such a claim can be made in good faith (why shock our neighbor without necessity?), it remains that its possible perverse effects are pervasive and often underestimated. First, who is the "other" whose convictions and sensitivities should be respected? In religious matters, such a claim boils down to saying that one should not blaspheme, that is, insult or defame the God (or Gods) venerated by a part of the population. But in our pluralist societies, religious groups are numerous, and often disagree with each other (even inside a given community). If freedom of expression were limited by the respect of "sensitivities", notably religious ones, the whole intellectual debate would be threatened. We must take the measure of such a danger for liberal democracies. Many of us think that the main danger related to the use of the right to free speech is exaggeration, that is, in a vigorous democratic debate, the fact of gratuitously shocking people. In an intellectual debate, one should therefore avoid what would hurt without necessity some "others" in their convictions. One would of course still be authorized to criticize religions and ideologies, but one would have to balance the right to free speech against the respect of beliefs. I showed elsewhere that such an application of the doctrine of political correctness would inevitably lead to what the Americans call a "chilling effect", that is, a "freezing" of discourse. Many people who want to express their ideas or feelings would not do it out of fear of sanction. Now the main danger to our societies does probably not consist in an always possible exaggeration, but in the opposite: intimidation, conformism, hypocrisy and the temptation of following the "herd" (gregariousness).

There is no real democracy if the individuals cannot speak their minds without being intimidated. If they think that expressing their ideas on a subject will get them into trouble, they will choose to remain silent, and all that repressed speech will be lost for the democratic vitality of our societies. Here, I can only give a schematic presentation of the argument. Individual defamation and insult constitute abuses of the right to free speech, but it would be very problematic indeed to immunize ideas – notably religious ones – from criticism, and even from caricature. The possible impact of religions on societies and States, and their reference to an absolute Truth, are a subject that is obviously of general interest. If, in pluralist societies, criticism of religions (or atheism, or any ideas) were not totally free, freedom of expression would depend on the veto of those who, for various reasons, and on a subjective basis, would declare themselves shocked. That is exactly the "heckler"s veto. I showed

elsewhere[15] that such an attack on free speech – a vital principle for democracies – had at least taken two distinct forms. On the one hand, one does not speak any longer of "blasphemy" ("defamation" of God), but of an "exaggerated" attack on the others' convictions: the relationship, which was as it were "vertical" in the beginning (blasphemous speech/God) becomes "horizontal", in that this time it opposes the one who exercizes his right to free speech to the one who, being shocked, considers that such a discourse amounts to an attack on his religious freedom. But the very reasoning is characteristic of the "bad" pseudo-argument: freedom of religion in no way involves the right to be immunized against even virulently critical speech.

Such an argumentative strategy consists thus in not speaking any more of blasphemy, and in rephrasing the conflict that really exists between free speech and religious dogmatism by transforming it into a conflict taking place *inside the system of human rights* (what is currently called a "systemic conflict"): between two rights, namely, freedom of expression and freedom of religion. But we already know that this argument amounts to a sophism: freedom of religion is independent from the right to criticize religions. It seems to me that, in Europe, the courts have accepted too often such an argument, which is politically correct *par excellence*. The European Court of Human Rights[16] has not clearly declared that the laws prohibiting blasphemy were contrary to the 1950 Convention: the Court has accepted up to a certain point the "translation" of these repressive criminal provisions into the language of human rights: one speaks of shocked communities, not of a "defamed" God).

But a second strategy is quite often used nowadays. It consists as it were in "poisoning the source" of the speech: if you criticize a religion (or some of its aspects) in such a virulent way, the argument goes, it is because you dislike the people who practise it; in doing so, you are overwhelmed by an irrational fear – a phobia: you are islamophobic (or christianophobic, judeophobic, "atheistophobic" if one may say so, etc.). In short, the pseudo-argument is pushed to extremes: the individual who exercizes his right to free speech in an "exaggerated" or "caricatured" way is… a racist. Such an argument is very frequently used in contemporary debates: it aims at delegitimizing the opponent, above all because in many European countries racist speech is not considered an "opinion" and is criminally prosecutable.

7. A FEW WORDS TO CONCLUDE

Pseudo-argument, perverse translation and the strategy of "the wolf in the sheepfold" are omnipresent in contemporary debates. Patiently deconstructing them constitutes a necessary and urgent task in philosophy, as defined by Perelman: "a systematic study of confused notions".[17] I would like to conclude by quoting a decision of the United States Supreme Court in a blasphemy case. The opinion speaks by itself: the

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[15] See Haarscher 2008: 139-230. See also Haarscher 2008a.

[16] See Haarscher 2008: 140-163.

[17] Perelman 1990: 17: "One can draw the conclusion, which might seem disrespectful, that the proper object of philosophy is the systematic study of confused notions."

problem is presented in a clear way (yes, it *is* a case of blasphemy, or, in other words, of "sacrilegious" speech), and it is *not* translated into a bogus systemic conflict between two human rights, that is, freedom of speech and freedom of religion. Blasphemy is described as such – a speech that is "repugnant" to a religious group because it is an attack on God – *and considered to be protected by the First Amendment.* "In seeking to apply the broad and all-inclusive definition of 'sacrilegious' given by the New York courts, the censor is set adrift upon a boundless sea amid a myriad of conflicting currents of religious views, with no charts *but those provided by the most vocal and powerful orthodoxies…* Under such a standard the most careful and tolerant censor would find it virtually impossible to avoid favoring one religion over another, and he would be subject to an inevitable tendency to ban the expression of unpopular sentiments... Application of the *'sacrilegious' test…*, might raise substantial questions under the First Amendment's guaranty of separate church and state with freedom of worship for all... However, from the standpoint of freedom of speech and the press, it is enough to point out that *the state has no legitimate interest in protecting any or all religions from views distasteful to them which is sufficient* to justify prior restraints upon the expression of those views. It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine, whether they appear in publications, speeches, or motion pictures."[18]

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[18] See Joseph Burstyn, Inc. *v.* Wilson, Commissioner of Education of New York, *et al.*, at 6. My underline.

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CHAPTER 18

NOVA RETÓRICA E DEMOCRATIZAÇÃO DA JUSTIÇA

Hermenegildo Ferreira Borges*

RESUMO: A Constituição da República Portuguesa consagra no Art.º 20º, n.º 1, o direito de acesso de todos os cidadãos aos Tribunais e à Justiça, referindo, expressamente, que a justiça não pode ser "denegada por insuficiência de meios económicos". Alguns autores consideram este normativo como uma explícita exigência constitucional de "democratização da Justiça". Sem negarmos inteiramente a bondade desse ponto de vista, lembramos que este direito de acesso à justiça é, antes de mais, "um direito fundamental formal" e, como tal, afirma-se como condição necessária mas não suficiente do que pensamos ser uma "efectiva democratização da justiça". Esta só começa, verdadeiramente, quando o processo judicial se abre, pelos princípios da imediação, da oralidade e do contraditório, ao exercício livre da razão, mesmo que tal exercício surja condicionado pelos constrangimentos processuais lhe regulem o tempo e a oportunidade. –A esta luz, a "democratização da justiça" tem o seu privilegiado momento no debate instrutório e na audiência de julgamento. Mas ela está igualmente presente na subsunção do caso à norma, sempre que o juiz se empenha em conformar a sua decisão com o "sistema material de valores" consagrado na Constituição, valores largamente partilhados pela sociedade. Vemo-la ainda presente na deliberação íntima do juiz, uma vez que, nesse momento, a sua razão se abre dialogicamente à interlocução, presumida mas efectiva, com os seus pares, com as instâncias que potencialmente podem ser chamadas a apreciar os fundamentos da sua decisão, numa palavra, à interlocução com o auditório judiciário universal. Por último, a democratização da justiça expressa-se na racionalidade argumentativa que caracteriza motivação das decisões de Justiça, cumprindo-se desse modo um imperativo que sendo legal não deixa de ser também ético e político, uma vez que o dar razões dos actos praticados impende sobre todo o exercício democrático do poder.

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* Universidade Nova de Lisboa, Faculdade de Ciências Sociais e Humanas, Avenida de Berna, 26-C, 1069-061 Lisboa, Portugal.

E-mail: hfborges@mail.telepac.pt

1. O ADVENTO DA JUSTIÇA

A fórmula latina que condensa a petição de Isaías, *Rorate caeli desuper, et nubes pluant justum*,[1] faz alusão a um tempo de profunda prostração e expiação de um povo, oprimido, humilhado, mas contrito da sua culpa, que clama por Justiça: que os Céus, rasgando-se, deixem cair sobre a Terra o orvalho ou mansa chuva que faça germinar o Justo – Aquele que, pela força do seu braço, haverá de libertar o povo eleito da escravidão e reconduzi-lo à Terra Prometida. *Rorate Caeli* exprime, numa gramática de superfície, a expectativa de que a justiça divina se faça sentir sobre os seus opressores, fazendo deles escabelo de seus pés. Estamos em presença da única acepção de justiça concebível à luz da racionalidade desse tempo, a justiça retributiva, que tem na *lex talionis* a sua regra fundadora. Todavia, numa camada mais profunda de possíveis sentidos, aquela fórmula dá-nos conta do sentir sofrido das comunidades humanas de todos os tempos que, como aquela, tinham, têm ou terão, fome e sede de justiça.

Referimo-nos a todas as comunidades que, ao longo da história, têm visto adjudicada, por formas de poder despótico supranacional, a sua vontade de autonomia e a possibilidade de escolherem livremente o seu próprio destino ou, dito de outro modo, aspiram a ser o Estado que inicialmente haviam recusado ser.[2] É significativo que na invocação de um "Justo" transcendente, se pressinta já a exigência de que a Justiça, para o ser, necessite do concurso de um terceiro imparcial, capaz de evitar "a guerra de todos contra todos", personificada por Hobbes na figura do monstro marinho Leviatão que inspira e titula a sua obra mais célebre. Sobre estas e outras razões, com fundamentos análogos ou diversos, as teorias contratualistas clássicas souberam justificar racionalmente a necessidade da figura tutelar do Estado.

As *ordalia* ou "julgamentos de Deus", o "juramento do acusado" e as "provas legais", através dos "espectáculos da dor"[3] a que deram origem, são testemunho de um tempo de sofrida aprendizagem que levará os modernos a tentarem uma radical conversão do direito, na sua natureza e fundamentos, abrindo caminho a novas expectativas de realização da Justiça. A estabilização, pela escrita, de um direito *erga omnes*, a consagração do princípio da legalidade, a conquista dos direitos subjectivos e a emancipação e secularização da Justiça, foram passos decisivos para a realização de tais expectativas. Hoje, temos ainda em mãos a tarefa urgente de erradicar, da concreta realização da Justiça, todas as marcas ancestrais de vingança, a mais significativa das quais é, sem dúvida, a pena de morte aplicada no quadro da legalidade positiva. A nós não nos parece que possam coabitar, sem contradição, uma consistente teoria dos direitos humanos e a estatuição da pena de morte.

Impressiona-nos que, estando ainda tão viva a memória do holocausto nazi, consumado a coberto da legalidade positiva, não tenhamos aprendido ainda a lição do que pode o totalitarismo da lei. Não obstante todos os avanços conseguidos, tanto no campo da consolidação e expansão dos Direitos Humanos, como no dos princípios em que se escora o Estado de Direito – definido, por Ricoeur, como o "conjunto de

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[1] Isaías, 45, 8.

[2] Clastres 1979.

[3] Foucault 1988.

alternativas de que dispõe a Sociedade para opor à violência" –[4] subsistam ainda, na Lei Fundamental de Estados "de direito democrático", traços tão vincados e explícitos de uma justiça vingativa que a Lei penal se incumbe de fazer aplicar.

"Levar a sério os direitos", como propõe Dworkin[5] e, em particular, os direitos económicos e sociais, ditos "direitos humanos de segunda geração", pode ser o bom caminho para uma efectiva democratização da justiça, tanto à escala nacional, como supranacional. Estudos sociológicos dão-nos conta de que a violação dos direitos económicos e sociais está na base da esmagadora maioria dos litígios que chegam aos tribunais e que, literalmente, bloqueiam o seu funcionamento. O Estado de Direito democrático tem nos tribunais a primeira de todas as alternativas à violência na sociedade, enquanto instituições que dirimem, pela aplicação do direito, os conflitos não passíveis de resolução consensual entre os sujeitos. Pensamos, todavia, que a primeira etapa da "democratização da justiça" poderá ser cumprida, através de uma *praxis* política que previna a própria conflitualidade social. Na medida em que a *praxis* é, por definição, "acção comum", as acções preventivas da violência deverão caber, simultaneamente, à Administração e aos cidadãos. À Administração, na medida em que for capaz de auto-conter-se, de dar-se a si própria limites e "levar a sério os direitos" e garantias dos cidadãos, cumprindo-os e fazendo-os cumprir; aos cidadãos, na medida em que forem capazes de respeitar as relações jurídicas assumidas entre si e de, reciprocamente, se reconhecerem como iguais em direitos e deveres.

A Modernidade trouxe consigo a emancipação e secularização alargadas, colocando nas mãos das instituições do Estado o ancestral anseio de realização da Justiça. Todavia, como sabemos, a Modernidade não cumpriu, capazmente, as suas promessas de liberdade e de igualdade, não trouxe consigo a efectiva democratização da justiça, nem conseguiu erradicar, como se disse, as marcas ancestrais da vingança. Ao privilegiar o formalismo lógico, como linguagem de excelência para aplicação do direito, e ao fazer do direito um sistema pretensamente completo e fechado sobre si próprio, o positivismo jurídico, na sua versão *hard*, transformou o juiz em mero "operador técnico neutral"[6] ao serviço de um certo "totalitarismo da lei" a que se refere o constitucionalista Gomes Canotilho.[7]

O positivismo jurídico da Escola da Exegese, a quem são caros os valores da "ordem" e do "bom comportamento" da "Sociedade Disciplinar" moderna, prestou-se docilmente a desempenhar o papel de racionalidade que convém aos ideais de "progresso" da elite política dos modernos e ao modo de produção capitalista. Do nosso ponto de vista, prestou uma abnegada ajuda à consolidação do poder político-económico da burguesia; mas prestou, em sentido inverso, um deplorável serviço à democratização do direito, ao exercício livre e público da razão e à própria democratização da Justiça. Todavia, importa não esquecer, é-lhe também devido o mérito do seu contributo para a consolidação do direito positivo.

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[4] Ricoeur 1995.

[5] Dworkin 1977.

[6] Borges 2005: 80.

[7] J. J. Gomes Canotilho, no prefácio a André 1980:10.

2. EM QUE SENTIDO DIZEMOS "DEMOCRATIZAÇÃO DA JUSTIÇA"?

Nos termos do disposto no art.º 20.º, n.º 1, da Constituição da República Portuguesa: "A todos é assegurado o acesso aos tribunais para defesa dos seus direitos e interesses legalmente protegidos, *não podendo a justiça ser denegada por insuficiência de meios económicos*".[8] Alguns autores identificam, nesta última disposição do normativo, um claro propósito de "democratização da justiça"[9] que não desmentimos. Reconhecemos, sem a mínima reserva, que a democratização da justiça passa por aí, deve começar, de facto, pela garantia de acesso efectivo de todos os cidadãos aos tribunais e à justiça. Em linguagem formal, diríamos que a garantia de acesso é condição necessária para "democratização da justiça". Sustentamos, todavia, que o cumprimento, em si mesmo muito complexo, daquela exigência constitucional de acesso efectivo de todos os cidadãos à justiça, não configura, a nosso ver, uma condição suficiente para uma democratização efectiva da Justiça.

Isto mesmo é, de algum modo, reconhecido por Boaventura S. Santos numa obra recentemente publicada, sob o título: *Para uma Revolução Democrática da Justiça*.[10] Nela, o autor considera que a democratização da justiça passa claramente pela convergência de esforços da Sociedade e do Estado, no sentido de, conjuntamente, criarem condições para que as classes populares possam ultrapassar os obstáculos, económicos, sociais e culturais, que inibem o seu acesso aos tribunais e à justiça, em condições de paridade com os demais cidadãos. Para esse fim, Boaventura propõe um conjunto diversificado de medidas já empiricamente testadas, com significativo sucesso, em situações adversas.

Todavia, Boaventura vai mais longe ao sustentar que o *deficit* de democratização da justiça radica, sobretudo, numa "cultura normativista, técnico-burocrática" de índole positivista, de que estão impregnados os manuais e o ensino ministrado nas Faculdades de Direito e que preside, também, aos critérios de selecção e formação dos magistrados. Tal cultura traduz-se, no limite, na realização de uma justiça pretensamente neutral e necessitante, incapaz de se adequar à realidade social que, obstinadamente, desconhece e não quer conhecer. Cortar pela raiz com um tal estado de coisas, requer, na opinião de Boaventura, uma profunda revolução do universo judiciário, que passa pela reforma da administração da justiça, pela alteração de métodos e conteúdos ministrados nas Faculdades de Direito e, por último, pela reforma dos cursos de formação de magistrados que deverão capacitá-los para compreender melhor a realidade social e a génese dos conflitos que chegam aos tribunais.

Estudos sociológicos, desenvolvidos neste domínio, dão-nos conta de que o afastamento dos cidadãos dos tribunais e da justiça, tendo já uma larga expressão no início do século XX, atingiu o seu ponto mais crítico no pós-guerra. A partir de então, foram postas em prática, em muitos países, medidas de apoio judiciário gratuito aos mais desfavorecidos, primeiro por iniciativa das Ordens de Advogados, depois tais iniciativas passaram a ser assumidas e suportadas, em muitos casos, pelo

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[8] Sublinhado nosso.

[9] Cf. André 1980:159.

[10] Santos 2007.

Estado. A melhor ilustração de um esforço sério, no sentido de aproximar a justiça dos cidadãos, foi, sem dúvida, a decisão do Governo dos E.U.A. de criar "um sistema completamente novo baseado em advogados contratados pelo Estado, trabalhando em escritórios de advocacia localizados nos bairros mais pobres das cidades e seguindo uma estratégia (…) orientada para [um enquadramento] dos problemas jurídicos dos pobres enquanto problemas de classe."[11] Não menos original e arrojado que este, é o projecto de criação de uma "justiça itinerante" levado a cabo, com êxito, nas zonas de difícil acessibilidade do Brasil profundo.[12]

Iniciativas desta índole, porque visam chegar junto dos cidadãos e promover a "democratização da justiça" *stricto sensu*, têm desde logo o mérito de, no imediato, ajudar a dirimir os conflitos entre as partes desavindas e terminar com a incerteza pelo cumprimento da "finalidade curta" de toda e qualquer decisão de Justiça. Adicionalmente, terão ainda o mérito de pacificar as comunidades e estimular a convivência pacífica entre todos os seus membros, cumprindo a "finalidade longa" que se espera de todo o decidir judicativo e que se traduz na realização da paz judiciária.[13] Todavia, pensamos que a realização da justiça, nas suas mais diversas dimensões, só é verdadeiramente possível no quadro de uma efectiva Justiça Política, verdadeiro continente dos direitos humanos, na fundamentada opinião de Stamatios Tzizis.[14] A esta luz, Gomes Canotilho, sem desmerecer a relevância devida à garantia constitucional de acesso dos cidadãos à justiça, exprime o seu receio de que o "direito de acesso" possa servir apenas para *hipocritamente tranquilizar as consciências*, em face das decisões ilegais e arbitrárias da Administração que diariamente lesam os direitos dos cidadãos. Por um tão ponderoso motivo, Canotilho propugna que, a montante da garantia do "direito de acesso", se adoptem processos no sentido de "evitar a lesão dos direitos dos cidadãos".[15]

Estamos convictos de que uma aproximação efectiva dos cidadãos à Justiça não se torna efectiva apenas com medidas que garantam e concretizem o acesso dos cidadãos aos tribunais. Como pudemos fundamentar em estudos anteriores, a nossa tese vai no sentido de que a democratização da justiça terá de estar muito para além do acesso dos cidadãos aos tribunais, em sentido estrito. Tem razão Boaventura quando diz: "não basta uma justiça de proximidade (…). O que precisamos é de uma justiça democrática de proximidade."[16]

Este postulado de Boaventura, que concita o nosso completo acordo, requer, necessariamente, o livre uso da razão de todos os cidadãos que, de uma ou outra forma, estejam implicados na resolução do conflito judiciário. Referimo-nos, especificamente, a um cabal exercício dos princípios da imediação, da oralidade e do contraditório que têm o seu *forum* privilegiado no debate instrutório e na audiência de julgamento. Estamos

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[11] Santos 1994: 150.

[12] Santos 2007: 53.

[13] Sobre a "epistemologia da decisão" e conceitos conexos, ver, entre outros, Borges 2005: 165-204.

[14] Tzizis 1991.

[15] Canotilho, prefácio à obra de André 1980:10.

[16] Santos 2007: 57.

em presença de "mecanismos que pretendem assegurar o exercício livre da razão, num espaço onde os *procedimentos* têm por função constranger e regular, mas, igualmente, garantir a plena expressão da retórica jurídica e, nessa medida, [garantir] a democracia no quadro da produção das provas e da preparação de uma decisão justa."[17]

Importa ter igualmente presente que os procedimentos que enformam o uso da razão de cada um no debate judiciário se justificam, também, pela necessidade de administrar equitativamente o tempo de todas as partes atendíveis no caso. Num Estado de Direito democrático, os cidadãos confiam, de um modo geral, que um terceiro imparcial, colocado na relação de "justa distância" e em representação dos tribunais, enquanto instituições justas, ponha fim ao conflito, defina a medida das penas com equilíbrio e bom senso. Numa palavra, seja capaz de pôr uma pedra sobre a incerteza e, simultaneamente, realizar a paz judiciária.

A aventura democrática da justiça, que tem o seu limiar na garantia do acesso, *stricto sensu*, prossegue no momento em que os tribunais concedem aos cidadãos a liberdade de exprimir livremente as suas razões, em paridade com a dos demais sujeitos implicados no caso, evitando que, sobre o cidadão, recaiam outros constrangimentos que não sejam os que resultam de uma razoável tramitação processual. Os princípios da imediação, da oralidade e do contraditório são, a esta luz, três pequeninas janelas que se abrem, no ordenamento jurídico, da generalidade dos Estados de Direito democrático, para a democratização da Justiça.

Subitamente, a senda da democratização da justiça inflete para um segundo nível. Só prossegue se o juiz for livre, ele também, de decidir em conformidade com a lei e com o direito e, nessa liberdade, for capaz de produzir uma decisão fundamentada em argumentos que mostrem a sua conformação com a *lex scripta*, com os princípios gerais do direito e com os valores materiais consagrados na Constituição, de modo a que as suas ponderações apareçam, aos olhos de toda a comunidade jurídica, como equitativas e justas. É evidente que, pela sua natureza valorativa, uma tal decisão de justiça, requer cuidados e esforços suplementares de fundamentação racional, na medida em que o juiz não se limita a ser um "operador técnico neutral" nem se basta com a aplicação do dispositivo de modelo inferencial, centrado no silogismo jurídico e nos cânones de interpretação *a pari*, *a contrario*, *a fortiori* e *distinguo*.

Bem diferente e mais laboriosa é a motivação de uma decisão em equidade e justiça, produzida através de ponderações de natureza valorativa que não dispensam o concurso de uma racionalidade argumentativa, como pudemos certificar em *Vida, Razão e Justiça*.[18] A análise de sessenta acórdãos do S.T.J. permitiu-nos constatar que, não só a sua exterioridade constitutiva tem uma estrutura de debate, como também a análise da sua discursividade técnica nos fez perceber que a motivação das sentenças é um exercício, muito laborioso, de racionalidade argumentativa. De facto, só a Justificação, enquanto paradigma de fundamentação racional, se revela capaz de ajudar o juiz a fundamentar racionalmente o discurso com que motiva a sua decisão.

A esta luz, a democratização da justiça não passa apenas pelos momentos privilegiados de debate judiciário (debate instrutório e audiência do julgamento) onde os princípios

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[17] Borges 1992: 12.

[18] Borges 2005.

da oralidade, da imediação e do contraditório são, como se disse, janelas abertas à participação efectiva dos cidadãos na realização da justiça. Deverá estar também presente sempre que, na apreciação de um caso, o juiz se empenha em produzir uma decisão de justiça e, sem temer fazer ponderações sobre valores, se esforça por conformar o sentido da norma "aos valores materiais que a Constituição proclama";[19] está ainda presente no decisivo momento da deliberação íntima do juiz e do prévio diálogo "consigo mesmo", uma vez que terá de presumir sempre a interlocução com o auditório judiciário universal, em função do qual escolhe os argumentos que fundamentam a sua decisão; por último, a democratização da justiça revelar-se-á, de forma mais perene e, porventura, mais politicamente comprometida com a Sociedade, no discurso que motiva as decisões de Justiça.

A motivação, aquando da sua consagração inaugural pelo direito moderno--iluminista, não tinha outra preocupação que não fosse a de controlar os juízes que, para a racionalidade da época, operavam então em "roda livre", entenda-se, demasiado livre. A obrigação de motivar constituía, pois, um dispositivo de travagem, capaz de garantir a conformidade rigorosa das decisões com a *lex scripta*, isto é, com a dimensão locutória da Lei, visando exclusivamente a segurança jurídica. A motivação judiciária era, então, um instituto exclusivamente intraprocessual ou ao serviço da "justificação interna".[20] Com o aprofundamento da democracia no ocidente e a evolução do conceito de Estado de Direito para o de Estado Social de Direito, a obrigação de motivar as decisões de justiça passa a impor-se como exigência extraprocessual ao serviço da "justificação externa". Responde, em larga medida, às aspirações que fazem parte do movimento pela consagração universal dos Direitos do Homem, consumada a 10 de Dezembro de 1948. Tenhamos presente que, uma década volvida sobre esta data, em 1958 ressurge, com Perelman e Toulmin, a retórica como que respondendo às exigências de barrar o caminho a uma nova "ruptura totalitária", ajudando a construir uma Nova Retórica para uma nova cidadania.

No tempo presente a motivação judiciária é um dispositivo fundamental para a democratização da justiça, na medida em que: garante o respeito efectivo pelo princípio da legalidade nas decisões de justiça; garante a independência e imparcialidade dos juízes; presta contas, perante a comunidade jurídica (que somos nós todos), garantindo que o poder excepcional detido pelos tribunais é exercido em conformidade com as regras que são próprias ao exercício democrático do poder.

Do nosso ponto de vista, não é possível falar em "democratização da justiça" no quadro de uma racionalidade dogmática de modelo cartesiano, servida por um dispositivo de modelo inferencial, tão ao gosto do positivismo jurídico estrito. Acima de tudo, porque uma razão que convence e opera pela submissão dos espíritos à força constringente das suas razões.[21] Ora o fundamento das razões de uma decisão em Justiça, em caso algum pode ter a força constringente de uma evidência, sobretudo porque a decisão terá de ter em conta ponderações, juízos de valor, como acontece sempre que se avalia a intensidade do elemento subjectivo do dolo ou da culpa. Só

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[19] Sousa 1993: 15.

[20] Sobre as noções de "justificação interna" e "justificação externa" no discurso jurídico, ver Alexy 1994.

[21] Borges 2005: 178.

uma racionalidade prática, situada, pelo seu estatuto epistemológico de *techné*, num lugar intermédio entre a apodicticidade e a mera sugestão, terá a capacidade para legitimar racionalmente o discurso jurídico-judiciário, uma vez que este se não pode dissociar dos valores materiais consagrados na Constituição, entre os quais pontifica o próprio valor da "Justiça" aqui sob análise. Por este conjunto latíssimo de razões, não se compreende bem quais sejam as razões que têm obstado a que as Faculdades de Direito incluam, nos curricula dos seus cursos, a disciplina de Retórica Jurídica.

O mais pequeno dos ganhos a obter com a introdução de uma tal disciplina no ensino do Direito, poderia ser o de conseguir um novo olhar sobre esse "público de profanos",[22] para usar a sugestiva designação de Habermas, uma vez que, sendo a instância que profere o assentimento que conta no jogo das estratégias do poder, é também destinatário último de todo o direito realizando.

3. O UNIVERSO JURÍDICO E O "PÚBLICO DE PROFANOS"

Dissemos que para haver uma efectiva democratização da justiça não basta garantir a todos os cidadãos o acesso aos tribunais e à justiça, quer facultando aos mais carenciados apoio judiciário gratuito, quer fazendo os tribunais deslocar-se até junto dos cidadãos através de uma "justiça itinerante". Importa que os tribunais sejam eles próprios democráticos no seu modo de funcionamento, não fazendo acepção de pessoas, em função do grau de instrução ou da situação económica de cada um, em todos reconhecendo a mesma condição de sujeitos de direito. Justamente porque é da própria natureza do "espaço público" democrático não excluir ninguém e os tribunais não podem dar-se a si próprios um lugar à margem das regras por que se rege uma sociedade democrática.

Tomemos, como limiar desta reflexão, as seguintes palavras de Habermas: "tal como o mundo vivido no seu conjunto, o espaço público reproduz-se também ele através da actividade comunicacional, sendo suficiente o conhecimento de uma linguagem natural para nele participar; importa [ao espaço público] que a prática quotidiana da comunicação esteja ao alcance de todos."[23] Todavia, o próprio autor reconhece que o acto de dominar uma língua natural requer o uso e aperfeiçoamento de duas faculdades que nos são co-naturais: a primeira, habilita os falantes a interpretar, a compreender e "a fazer compreender o sentido [sempre que] a comunicação é perturbada"[24] e que, se aperfeiçoada, pode tornar-se numa arte a que chamamos "hermenêutica"; a segunda, é a 'competência comunicacional' que partilhamos com todos os locutores e que, tal como a primeira, é passível de ser artificialmente desenvolvida até se tornar uma arte, especificamente vocacionada para "persuadir e convencer, em situações em que se trata de dar solução a questões práticas"[25] e que dá pelo nome de retórica.

O surgimento do Estado Moderno pôs fim aos direitos de privilégio, a um direito incerto e irregular e aos encenados "espectáculos da dor", excrescências do poder

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[22] Habermas 1997: 387-388.

[23] Habermas 1997: 387.

[24] Habermas 1970: 239.

[25] Habermas 1970: 240.

absoluto do Antigo Regime. Em seu lugar, fez consagrar a igualdade formal de todos perante a Lei, criou um direito uniforme, assente num sistema codificado de leis escritas, que estendeu a todas as latitudes do território. Deposto o poder absoluto do rei, de pronto elege um novo absoluto, a Lei, fonte de todo o direito aplicando. Sob o impulso hegemónico da Escola da Exegese e a pretexto de garantir a segurança jurídica, o sistema jurídico, como um todo, fechou-se sobre si próprio e, à semelhança de um sistema lógico e internamente coerente, cortou cerce toda a possibilidade dialógica no quadro da aplicação do direito, tanto para o juiz aplicador da lei como para o cidadão sobre quem recaía a decisão. A *dura lex* carecia de ser obedecida, não contradita. Mas é para nós muito claro que não há democracia, qualquer que seja o domínio, sem contraditório.

A partir da segunda metade do Século XX, do pós Julgamento de Nuremberga e, já depois, com o surgimento da Nova Retórica, verificou-se uma clara abertura do direito à tópica jurídica, à aceitação dos princípios gerais do direito na interpretação das normas e ao debate contraditório. Todavia, na profundeza do sistema judiciário não parou de crescer o novo monstro da burocratização processual, alimentado pela proliferação de normas jurídicas redundantes e contraditórias entre si, gerando, no seu rasto, uma discursividade técnica selectiva, laboriosamente tecida pela cultura "técnico-burocrática".[26]

Numa relação inversa, qual "Jangada de Pedra"[27] à deriva, foi ganhando distância uma larga fatia da comunidade jurídica que se sente sem competência hermenêutica e retórica para acompanhar a erudição e tecnicidade do discurso jurídico-judiciário em uso no debate judiciário. A comunicação, entre os profanos à deriva e o continente maciço do judiciário, fica por conta do labor de uma classe profissional de mediadores a quem, pela natureza da sua função, mais interessa alimentar a dissensão que a concórdia, na maior parte dos casos.

Escorado nos resultados obtidos pela investigação sistemática e empírica dos "obstáculos ao acesso efectivo à justiça", Santos dá-nos conta de que as classes populares se vêm privando do acesso efectivo aos tribunais e à justiça, por três ordens de razões: económicas, sociais e culturais.[28] Concordamos por inteiro com a tese do autor de que a raiz dos três mencionados obstáculos poderá estar na desigualdade económica de base, na medida em que consequencia todos os demais. Pensamos, todavia, que a causa eficiente das desigualdades no acesso à justiça reside, pela sua natureza fracturante, nos obstáculos de ordem cultural que se manifestam na falta de competência hermenêutica e retórica dos cidadãos e na consequente incapacidade para, em discurso directo, reconhecer a natureza jurídica do seu caso e, em sede própria, exercer publica e livremente a sua razão.

Melhor se compreenderá a errância do "público de profanos" face à Justiça, se às razões económicas, sociais e culturais, juntarmos os obstáculos levantados pela "burocracia" dos tribunais que, no limite, radica na cultura do sistema judiciário. Não podemos deixar de convocar, aqui, a célebre correlação de Boaventura entre Retórica,

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[26] Santos 2007: 66-78.

[27] Título de obra de ficção em Saramago 1986.

[28] Santos 1994: 147.

Burocracia e Violência, enunciada nestes termos: "A amplitude do espaço retórico do discurso jurídico varia na razão inversa do nível de institucionalização da função jurídica e do poder dos instrumentos de coerção ao serviço da produção jurídica." O autor esclarece que a correlação por si proposta deve ser entendida deste modo: "quanto mais elevado é o nível de institucionalização da função jurídica menor tende a ser o espaço retórico do discurso jurídico, e vice-versa; quanto mais poderosos são os instrumentos de coerção ao serviço da produção jurídica, menor tende a ser o espaço retórico do discurso jurídico e vice-versa."[29]

Tenhamos presente que a "amplitude do espaço retórico" ali referida é para ser entendida como correlata de um "mais amplo e livre exercício da razão", o mesmo é dizer, de mais e melhor democracia no debate judiciário. Assim elucidados, melhor compreenderemos que a democraticidade do debate decresce na razão inversa em que aumentam os factores de intimidação no ritual, levado à cena na "ribalta do tribunal", de par com a crescente tecnicidade discursiva do debate.

Todavia, parece-nos sensato reconhecer que as restrições de tempo impostas pela Lei Processual Penal ao livre e público uso da razão, por parte dos cidadãos e em sede de debate judiciário, se justificam pela necessidade de, em equidade, dar voz a todas as partes implicadas no caso. E, porque assim é, os níveis de institucionalização da função jurídica são pacificamente admitidos por quem espera que lhe seja feita justiça. O mesmo se não dirá, nem da burocracia, nem da discursividade técnica. Elas cumprem, na maior parte dos casos, uma função inibidora, indutora de descrença nos cidadãos no que respeita à transparência e lisura do que se passa no quadro da concreta realização da Justiça.

Dissemos já que os princípios da oralidade, da imediação e do contraditório são janelas processuais que abrem para a democratização da justiça. Todavia, algo de complementar e muito decisivo deve ainda ser dito, para que eles não passem de mero "artifício retórico" a consumar, quer no debate instrutório, quer na audiência de julgamento. Perelman e Tyteca designam a argumentação perante um auditório como um "contacto de espíritos."[30] Interpretando a seu modo esta noção, Bernard Guillemain esclarece: "Trata-se, com efeito, de contacto de espíritos. E este contacto diz respeito à fineza de tocar, farejar, por antecipação as reacções de outrem. É mesmo, numa certa medida, um assunto de moral."[31] E o mesmo autor esclarece que, a esta luz, a Nova Retórica/Teoria da Argumentação valoriza, antes de mais, a importância do outro, mesmo que para um pensamento solitário; a necessidade de ser ouvido e ser lido, não bastando falar ou escrever em privado; o acto de escutar alguém, uma vez que representa já admitir, eventualmente, o seu ponto de vista; tomar a razão como sendo, essencialmente, argumentação, não se justificando, por isso, a atitude de fechamento sobre si mesmo no "cogito", pois o pensamento está por essência na segunda pessoa. Tudo quanto se disse implica, nas palavras de Guillemain: dar importância à adesão do interlocutor; uma certa modéstia de quem fala, uma vez que,

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[29] Santos 1980: 59 e 61.

[30] Perelman et Olbrechts-Tyteca 1992: 18-24.

[31] Guillemain 1960: 6.

como diz Perelman, "o que o orador diz não é palavra de Evangelho",[32] implica saber que os outros esperam de nós, em vez de ordens, que os consideremos membros de uma sociedade igualitária; e, por último, implica considerar que até as discussões mais frívolas podem constituir um mecanismo social indispensável capaz de contribuir para um bom equilíbrio social.

À luz das palavras de Guillemain e de Perelman, que não são diferentes daquelas que o modelo de argumento em Toulmin sugerem, *A Nova Retórica*, unanimemente valorizada pelo seu contributo para a determinação do estatuto epistemológico da razão prática, no quadro da concreta realização da justiça e da própria justificação interna do raciocínio jurídico, imprime aqui um inesperado impulso ético e pedagógico indutor de uma desejada aproximação entre o "mundo dos profanos" e o universo judiciário. Acredito que juiz algum, na avaliação reflexiva do seu desempenho, enquanto "terceiro imparcial em segundo grau",[33] dispensará uma única das directivas acima suscitadas por Perelman e Guillemain.

E, todavia, sabemos que a cultura e a prática jurídicas encaminham os magistrados por vias que são, de um modo geral, divergentes daquelas. E, bem vistas as coisas, no reconhecimento da divergência, entre a prática técnico-burocrática e a ética humanista, sugerida por *A Nova Retórica*, encontramos seguramente muitas das razões que inibem os magistrados de terem uma relação mais próxima dos cidadãos, sem que, com isto, se pretenda denegar a necessidade de haver "justa distância" no problemático decidir judicativo. Pensar seriamente na falta de democratização da justiça, deve fazer-nos somar as razões que de uma e outra parte inibem "uma justiça democrática de proximidade". Na génese desta esperada proximidade está, inegavelmente, o efectivo e recíproco reconhecimento do outro como sujeito de direito, mesmo quanto esteja, episodicamente, privado do exercício de alguns desses direitos.

Nesta capacidade de ajudar a "definir os contornos de uma verdadeira ética da relação social entre os indivíduos, e entre estes e o Estado com as suas instituições próprias"[34] pensamos identificar, muito sinteticamente, os méritos e contributos de *A Nova Retórica* para a democratização da Justiça.

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[32] Perelman et Olbrechts-Tyteca 1992: 21.

[33] Ricoeur 1995.

[34] Laborinho Lúcio, no prefácio a Borges 1992.

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INDEX OF NAMES

309

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