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Chaim Perelman

Kenneth Burke and Chaim Perelman are "two writers whom historians of twentieth-century rhetorical theory are sure to feature," asserts Wayne Brockriede. He believes that "they may dominate an account of rhetorical theory in this century as Adam Smith and George Campbell dominate Wilbur Samuel Howell's characterization of eighteenth-century rhetoric." We will examine Burke's contributions to contemporary rhetoric in chapter seven; the focus here will be on those of Perelman.

¹Wayne Brockriede, rev. of *The New Rhetoric and the Humanities: Essays on Rhetoric and Its Applications*, by Chaim Perelman, *Philosophy and Rhetoric*, 15 (Winter 1982), 76.

Chaim Perelman was born in Warsaw, Poland, on May 20, 1912;² his family moved to Belgium in 1925. Perelman was exposed to the study of rhetoric in secondary school. He was introduced to Richard Whately's *Elements of Rhetoric* (1828), among other works, and he studied such diverse topics as the syllogism and figures of style—topics that later seemed to Perelman to be conspicuously unrelated to one another: "Since then I have often wondered what link a professor of rhetoric could possibly discover between the syllogism and the figures of style with their exotic names that are so difficult to remember."³ Perelman completed his education at the Free University of Brussels, where he earned a doctorate in law in 1934 and a doctorate in philosophy in 1938.

Perelman was a man of action as well as a man of ideas. During the second World War, he was a leader of the resistance movement in Belgium and, at the conclusion of the war, he was offered a number of medals for heroism. He refused them, saying, "My heart was on fire. I simply picked up a pail of water to douse the flames. I want no medals." After the war, he returned to the Free University as a professor of logic, ethics, and metaphysics. Later, he served as director of the Center for the Philosophy of Law and the National Center for Logical Research. Since then, he received honorary degrees from the University of Florence and the Hebrew University of Jerusalem.

Because of his interest in law, Perelman studied the nature of justice early in his professional career; these studies led him to develop a concept he calls "formal justice." He defines formal justice as "a principle of action in accordance with which beings of one and the same essential category must be treated in the same way."⁴ Perelman soon discovered that application of this principle to particular cases led immediately to questions of values and to the question, "How do we reason about values?"

Perelman found the answers provided by the philosophical literature about values and reason to be highly unsatisfactory. He himself could think of no way to resolve questions of value on rational grounds: "Indeed, as I entirely accepted the principle that one cannot draw an 'ought' from an 'is'—a judgment of value from a judgment of fact—I was led inevitably to

²Biographical information on Perelman was obtained from the following sources: Carroll Arnold, "Introduction," in Chaim Perelman, *The Realm of Rhetoric*, trans. William Arnold, Notre Dame, Ind.: University of Notre Dame Press, 1982; Chaim Perelman, "The Klubbak (Notre Dame, Ind.): University of Notre Dame Press, 1982; Chaim Perelman, "The New Rhetoric: A Theory of Practical Reasoning," in *The Great Ideas Today* (Chicago: Encyclopedia Britannica, 1970), p. 272; *Who's Who in World Jewry* (New York: Pitman, 1972), p. 681; Editor's note, Chaim Perelman, "The New Rhetoric and the Rhetoricians: Remembrances and Comments," *Quarterly Journal of Speech*, 70 (May 1984), 196; and Telephone conversation with Perelman's daughter, Noemi Mattis, May 1984.

³Perelman, "The New Rhetoric," p. 273.

⁴Chaim Perelman, *The Idea of Justice and the Problem of Argument*, trans. John Peirce (New York: Humanities, 1963), p. 16.

the conclusion that if justice consists in the systematic implementation of certain value judgments, it does not rest on any rational foundation."⁵ Thus, the student of law and rhetoric found questions regarding how one rationally or logically compares one value to another to be ones that could be answered by neither of his fields of study: "I found myself in a situation similar to Kant's. If Hume is right in maintaining that empiricism cannot provide a basis for either science or morals, must we not then look to other empirical methods to justify them?" Perelman then set out to discover what those methods might be.

Perelman and his colleague, Lucie Olbrechts-Tyteca, decided to follow the method used by German logician Gottlob Frege, who studied examples of reasoning used by mathematicians to cast new light on logic. Perelman and Olbrechts-Tyteca similarly decided to investigate the ways authors in diverse fields use argument to reason about values. These methods included a study of specific examples of argumentation texts concerning questions of value; they also studied specific examples of political discourse, philosophical discourse, reasons given by judges to justify their decisions, and other daily discussions involving deliberations about matters of value. "For almost ten years, Mme. L. Olbrechts-Tyteca and I conducted such an inquiry and analysis," Perelman explained:

We obtained results that neither of us had ever expected. Without either knowing or wishing it, we had rediscovered a part of Aristotelian logic that had been long forgotten or, at any rate, ignored and despised. It was the part dealing with dialectical reasoning, as distinguished from demonstrative reasoning—called by Aristotle *analytics*—which is analyzed at length in the *Rhetoric*, *Topics*, and *On Sophistical Refutations*. We called this new, or revived, branch of study, devoted to the analysis of informal reasoning, *the new rhetoric*.⁶

Their study was presented in 1958 in a two-volume work entitled *The New Rhetoric: A Treatise on Argumentation*, which was translated into English in 1969. According to the editors of *The Great Ideas Today*, "more than any single item, this work aroused a renewed interest in the idea [of rhetoric]."⁶

After the French edition of *The New Rhetoric* was published, but before the English translation, Perelman came to America as a distinguished visiting professor at Pennsylvania State University. He came at the joint invitation of Henry W. Johnstone, chair of the Department of Philosophy, and Robert Oliver, chair of the Department of Speech. "I was very perplexed," noted Perelman, "for I knew nothing of 'speech,' a discipline entirely unknown in European universities.... I chose as the title of my course, 'The Philosophical Foundations of Rhetoric,' but I could not

⁵Perelman, "The New Rhetoric," p. 281.

⁶Perelman, "The New Rhetoric," p. 272.

prepare my lessons, because I did not know what the preoccupations of the members of the Department of *Speech* were."⁷

Prior to his visit to America, Perelman assumed that rhetoric and argumentation were subjects that had been neglected or had been studied by non-humanistic methods. Out of his ignorance, "which lasted until 1962," Perelman concluded, he knew nothing "of the very existence of a university profession in the United States devoted to the study and teaching of rhetoric (Speech Communication)."⁸ Later, he explained his earlier conclusion as one "which we find ridiculous today."⁹ Perelman maintained close association with his friends in the speech communication field since that time. His last "official" visit with the profession was marked by his attendance at the annual convention of the Speech Communication Association in Louisville in 1982.

On December 5, 1983, a law was passed in Belgium making Perelman a Baron in recognition of his work in philosophy and of the renown he had brought to his native land. Following a dinner to celebrate the honor with some of his close friends, on January 22, 1984, Perelman died of a heart attack in his home.

Need for a New Rhetoric

Perelman felt that a new approach to rhetoric was needed because rhetoric stressed matters of style at the expense of matters of rationality.¹⁰ The contemporary state of dispute of rhetoric is due to this problem, Perelman believes, a problem he traces to attitudes about rhetoric in classical Greece: "Among the ancients, rhetoric appeared as the study of a technique for use by the common man impatient to arrive rapidly at conclusions, or to form an opinion, without first of all taking the trouble of a preliminary serious investigation."¹¹ Thus, because rhetoric seemed to be concerned more with matters of style than with matters of rationality, the subject has not been one that historically has commanded respect, particularly among philosophers.

Perelman traces the connection of rhetoric to style (and thus to its current dispute) largely to Aristotle's "misleading analysis . . . of the epideictic or

ceremonial form of oratory."¹² Aristotle divided rhetoric into three forms of oratory. Forensic oratory or judicial speaking is speaking in a court of law; it is concerned with matters of the past such as whether or not a certain act has or has not occurred. Deliberative oratory, or speaking in a legislative assembly, is concerned with matters of the future, such as what courses of action are advisable. Epideictic oratory, or ceremonial speaking, such as a fourth-of-July address, concerns speaking about matters of praise and blame.

The audiences of both forensic and deliberative oratory were expected to judge the speech on the merits of its content. "Was it or was it not true that a certain person had committed an act of murder?" was a question that might concern the forensic speaker. "Is it or is it not advisable for the state to enact this policy or that policy?" might be the question a deliberative speaker must answer. In epideictic oratory, however, the audience was expected to judge on the basis of the orator's skill: "Such set speeches were often delivered before large assemblies, as at the Olympic Games, where competition between orators provided a welcome complement to the athletic contests. On such occasions, the only decision that the audience was called upon to make concerned the talent of the orator, by awarding the crown to the victor." While deliberative and forensic speaking were concerned with matters of policy and fact, epideictic oratory was concerned with matters of value. Since it was concerned with values, no standards for judging the content of the speech supposedly existed; thus, audiences had to be instructed to judge on matters of skill.

This classical treatment of rhetoric seemed to indicate that audiences, although capable of judging matters of fact and policy on their merits, were incapable of judging matters of value in the same way. Because epideictic oratory, the form of speaking most closely associated with values, was judged on style instead of content, Perelman felt the need for a theory of argument in which values could be assessed rationally—in the same way as facts and policies. He believes that questions of value are especially important to rhetoric: "The epideictic genre is not only important but essential from an educational point of view, since it too has an effective and distinctive part to play—that, namely, of bringing about a consensus in the minds of the audience regarding the values that are celebrated in the speech."¹³ How Perelman achieves assent with an audience became of particular interest to him—rather than law or philosophy.

⁷Perelman, "Remembrances and Comments," pp. 188-89.

⁸Perelman, "Remembrances and Comments," p. 188.

⁹Perelman, "Remembrances and Comments," p. 189.

¹⁰Perelman, "The New Rhetoric," pp. 273-77.

¹¹Chaim Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (Notre Dame, Ind.: University of Notre Dame Press, 1968), p. 7.

¹²Aristotle's analysis of epideictic, deliberative, and forensic oratory is discussed in Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 47-51; and Perelman, "The New Rhetoric," pp. 277-78.

Argumentation and Logic

Perelman's theory of rhetoric is a theory of argumentation. Argumentation, however, is not the same as logic; Perelman believes that argumentation is separate and distinct from demonstration or formal logic. "Demonstration," according to Perelman, "is a calculation made in accordance with the rules that have been laid down before hand,"¹¹ while "argumentation is the study of the discursive techniques that 'induce or increase the mind's adherence to the theses presented for its assent.'"¹² Demonstration uses mathematical language such as that contained in the mathematical formula $a/b = c/d$, while argumentation uses the naturally ambiguous language of humans. Such a demonstration allows us to produce a conclusion by reasoning from premises, while the argument, "busing for racial integration will improve education," attempts to produce adherence to a claim.

The primary difference between argumentation and demonstration, according to Perelman, is that demonstration is impersonal, while argumentation is personal. Demonstration or formal logic is conducted according to a system that largely is unrelated to people, but argumentation is a person-centered activity. The aim of demonstration is calculation—the deduction of formally valid conclusions by conforming to a particular set of rules—while the aim of argumentation is not calculation, but seeking adherence to a thesis, which presupposes a "meeting of minds."¹³ The conclusion of demonstration is assumed to be certain, while the conclusion of an argument is a probable one. Demonstration begins with axioms that are assumed to be true regardless of an audience's agreement with them. Argumentation, on the other hand, is personal because it begins with premises that the audience accepts. The conclusion of demonstration, then, is a self-evident one, while the conclusion of an argument is one that is more or less strong, more or less convincing.

Conception of Audience

Perelman's concern with argumentation as opposed to demonstration led him to focus on the audience in his perspective on rhetoric.¹⁴ All argumenta-

¹¹For discussions of the differences between demonstration and formal logic, see Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 13-17; Perelman, *The Realm of Rhetoric*, pp. 1-10; and Perelman, "The New Rhetoric," p. 281.

¹²Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 4.

¹³Perelman, *The Realm of Rhetoric*, p. 9.

¹⁴References relevant to Perelman's concept of audience include: John W. Ray, "Perelman's Universal Audience," *Quarterly Journal of Speech*, 64 (December 1978), 361-75; Allen Scull, "Perelman's Universal Audience: One Perspective," *Central States Speech Journal*,

tion must be planned in relation to an audience: "a speech must be heard, as a book must be read."¹⁵ Sometimes, groups such as scientists pretend they do not address an audience and that they merely report the facts. Such an attitude is contrary to Perelman's perspective on rhetoric since it "rests on the illusion, widespread in certain rationalistic and scientific circles, that facts speak for themselves."¹⁶ The perspective on rhetoric presented by Perelman insists that facts do not "speak." "Facts" only become facts when an audience consents to call them facts.

A central notion in Perelman's perspective on rhetoric is the idea that in order for argumentation to occur, a contact of the minds or, in Perelman's words, a "formulation of an effective community of minds" must exist. This meeting of the minds is an intellectual contact that requires people engaged in argumentation to share some frame of reference. In some cases, of course, contact of minds can be inadequate. Perelman uses the example of Alice in *Wonderland* to show how failure to have this contact of minds results in ineffective or non-existent argumentation. Alice was unable to communicate effectively with the characters in *Wonderland* because the rules of conversation there were so different from those in Alice's natural environment; a shared frame of reference between speaker and audience did not exist.¹⁷

How is "audience" to be defined? Is it to be limited to the audience to whom the speaker physically is speaking? Perelman does not impose this limitation on his definition, explaining that "a member of Parliament in England must address himself to the Speaker, but he may try to persuade those listening throughout the country." At the same time, however, situations exist where the speaker may choose to ignore certain persons to whom argumentation is actually addressed because they are beyond appeal. For example, a politician may realize the futility of attempting to persuade a certain group of people actually present for a speech. Thus, Perelman defines the audience "for the purposes of rhetoric, as the ensemble of those whom the speaker wishes to influence by his argumentation."¹⁸ His concept of audience refers to the speaker's mental conception of the audience rather than to the physical presence of a group of people assembled to hear a speech.

Perelman divides the audience into two types—particular and universal.

27 (Fall 1976), 176-80; John R. Anderson, "The Audience as a Concept in the Philosophic Rhetoric of Perelman, Johnstone, and Natanson," *Southern Speech Communication Journal*, 38 (Fall 1972), 39-50; Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 11-62; Perelman, *The Realm of Rhetoric*, pp. 9-20; and Perelman, "The New Rhetoric," pp. 285-86.

¹⁷Perelman, *The Realm of Rhetoric*, p. 10.

¹⁸Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 17.

¹⁹Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 14-15.

²⁰Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 19.

... *universal* audience is composed of all reasonable and competent people; a *particular* audience is any group of people whether or not they are reasonable or competent. His notion of the particular audience may range from people who are physically present and who are addressed at a particular time to a specific group of persons whom the speaker is attempting to influence. The particular audience for a politician, for example, may include all of the voters of the precinct, although the speech is presented only to an assembly of the League of Women Voters. For a doctor, a particular audience may be the patient, although the entire family is present.

In contrast to the particular audience, the universal audience "may be all of humanity, or at least all those who are competent and reasonable... which may itself be made up of an infinite variety of particular audiences."²¹ The universal audience is a mental concept that the speaker constructs; thus, every culture and perhaps every speaker has a different universal audience. The universal audience generally is not an elite audience or even an audience of experts in a subject area. Those who wish to appeal to elite audiences well may consider elite audiences to be above common people: "The elite audience embodies the universal audience only for those who acknowledge this role of vanguard and model. For the rest it will be no more than a particular audience. The status of an audience varies with the concepts one has of it."²² An elite audience may or may not conceptualize the universal audience, depending on the attitude of the speaker.

The universal audience does not have to be composed of many people; it can be one person or one's own self. Argumentation before a single hearer might include one philosopher attempting to convince another to accept her position on the question of ethics. Similarly, we all probably are familiar with instances when we argue with ourselves. These constitute argumentation before the universal audience; of course, only when the speaker chooses arguments and appeals that merit consideration beyond the particular audience. In such a case, "the interlocutor in a dialogue and the man debating with himself are regarded as an incarnation of the universal audience."²³ The distinguishing feature of the universal audience, then, "does not depend upon the number of persons who hear the speaker but upon the speaker's intention: does he want the adherence of some or of every reasonable being?"²⁴ The speaker may envision those to whom the speech is delivered—even in an instance of private deliberation—as the universal audience.

The concept of the universal audience serves two purposes for the

speaker. First, it serves as an aid in the choice of arguments and appeals or as a "metaphor which functions as an inventional tool."²⁵ The speaker begins with a conception of the universal audience and from that conception makes decisions regarding the types of appeals that seem most appropriate for that audience. In selecting appeals and arguments, the speaker actually is selecting the audience, universal or particular, toward whom the argumentation is directed. The conception of the audience, then, aids the speaker in selection of appeals and thus is a tool used in the invention of the speech.

A second purpose of the universal audience is that it serves as a norm or a standard for differentiating "good arguments" from "bad arguments."²⁶ This purpose seems to be more relevant to philosophical argument than everyday argument. For philosophical arguments, the universal audience provides a sense of rationality since the universal audience gives its assent to good arguments and withholds it from those it considers bad. Perelman does not consider truth and validity in argumentation to be absolute; argumentation must provide for a variety of interpretations of reality: "To reconcile philosophical claims to rationality with the plurality of philosophic systems, we must recognize that the appeal to reason must be identified not as an appeal to a single truth but instead as an appeal for adherence of an audience";²⁶ various audiences and various members of the audience will have, of course, varying conceptions of what must be provided before assent will be given.

The concept of the universal audience implies that the quality of argument depends on the quality of the audience that accepts the thesis of the speaker. While adherence of a particular audience may not be indicative of a strong argument, adherence of the universal audience is the ultimate in rationality in Perelman's theory. Thus, an argument addressed to a particular audience may be persuasive to that audience but may not be convincing to the universal audience. An argument that would persuade members of the National Rifle Association, for example, to write their legislators opposing gun control might not be one that would convince all reasonable and competent people that gun control is unwise.

The Starting Points of Argumentation

The purpose of argumentation is to move an audience from agreement about premises to agreement about some conclusion. Thus, the process of argumentation is different from that of demonstration, where the purpose is to produce "Truth" by reasoning from premises to a conclusion. In

²¹Perelman, *The Realm of Rhetoric*, p. 14.

²²Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 34.

²³Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 30.

²⁴Perelman, *The Realm of Rhetoric*, p. 18.

²⁵Sculi, p. 177.

²⁶Perelman, "The New Rhetoric," p. 285.

Perelman's words, "the aim of argumentation is not, like demonstration, to prove the truth of the conclusion from premises, but to transfer to the conclusion the *adherence* accorded to the premises."²⁷

Although the conclusions of argumentation may be uncertain, contingent, and unacceptable to an audience, the argumentation process begins with premises the audience accepts. For example, a speaker may seek assent for a controversial thesis such as the value of a nuclear freeze by appealing to agreed-upon premises concerning the value of peace. Once the speaker has identified premises that the audience accepts, the next step is to cause the members of the audience to adhere to the speaker's conclusion in the same way that they agree with the premises. This is accomplished by "the establishment of a bond between the premises and the theses whose acceptance the speaker wants to achieve."²⁸

A variety of points of agreement are available as starting points of argument.²⁹ Perelman distinguishes between starting points that deal with reality (facts, truths, and presumptions) and those that concern the preferable (values, hierarchies, and the *loci* of the preferable). Facts, truths, and presumptions are among the starting points of argumentation that deal with reality. Facts and truths are "characterized by objects that already are agreed to by the universal audience."³⁰ Since something's status as a fact depends on agreement by the universal audience, no way exists "to define 'fact' in such a manner that would allow us, at any time, to classify this or that concrete datum as a fact." A fact is a fact due to the agreement accorded it by the universal audience. While its "actual" correspondence to the structures of reality is not the issue, universal agreement is achieved when persons perceive data to be rooted in those structures of reality. "From the standpoint of argumentation," Perelman asserts, "we are confronted with a fact only if we can postulate uncontroverted, universal agreement with respect to it."³¹

Because facts are given universal agreement, they are not subject to argumentation. Adherence to a fact requires no justification, and an audience expects no reinforcement. Facts have a privileged status in argumentation that easily can be lost; if justification is called for, the datum loses its status as a fact. Simply questioning a statement is sufficient to cause that statement to lose its privileged status as a fact that enjoys universal agreement. The speaker in this case no longer can utilize that statement as a

²⁷Perelman, *The Realm of Rhetoric*, p. 21.

²⁸Perelman, *The Realm of Rhetoric*, p. 21.

²⁹The starting points of argumentation are discussed in: Karl R. Wallace, "'Topoi' and the Problem of Invention," *Quarterly Journal of Speech*, 58 (December 1972), 387-96; Perelman, *The Realm of Rhetoric*, pp. 21-47; Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 65-183; and Perelman, "The New Rhetoric," pp. 287-89.

³⁰Perelman, "The New Rhetoric," p. 287.

³¹Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 67.

fact unless the speaker shows "that the person who opposes him is mistaken or, at least, shows that there is no reason to take the latter's opinion into account—that is, by disqualifying him, by denying him the status of a competent and reasonable interlocutor."³²

To summarize, a fact loses its privileged status as a fact when it is the conclusion rather than the starting point of argument. While argumentative conclusions are uncertain and contingent, the starting points of argumentation require agreement; thus, agreement is precisely the criterion that defines a fact. In the days prior to Christopher Columbus, for example, a well-accepted "fact" was that the earth was flat. This idea was granted the status of fact not because of its enduring truth, but because of the agreement accorded to it.

Truths are similar to facts because both enjoy universal agreement. Perelman uses the term "fact" to refer to a particular datum and the term "truth" to refer to some broader principle connecting facts to one another. They are different in that truths involve "more complex systems relating to connections between facts. They may be scientific theories or philosophical or religious conceptions."³³ Perelman takes no position regarding the primacy of facts and truths in his argumentative schema. Both serve as starting points of argument that are concerned with the nature of reality.

A third starting point of argument bearing on the nature of reality or one's view of the way things are is a presumption. Presumptions, like facts and truths, enjoy universal agreement: "We habitually associate presumptions with what happens and with what can reasonably be counted upon." Unlike facts and truths, however, the audience's adherence to presumptions falls short of being maximum; thus, presumptions can be reinforced by argumentation. Speakers engage in preliminary argumentation to establish certain presumptions or to reinforce those presumptions in the minds of the audience. According to Perelman, audiences expect that which is normal and likely, and presumptions are based on these expectations. For example, audiences expect good people to commit good deeds, evil people to commit evil deeds, truthful people to tell the truth, liars to lie, and reasonable people to act in sensible ways.

One of the important advantages associated with the use of presumption in argumentation is that it "imposes the burden of proof upon the person who wants to oppose its application."³⁴ One example of this advantage is the presumption of innocence followed in our legal system, where juries are supposed to accept the presumption of innocence on the part of the defendant. Of course, a presumption such as this does not last forever, and although jury members are informed of the presumption of innocence, they

³²Perelman, *The Realm of Rhetoric*, pp. 23-4.

³³Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 69.

³⁴Perelman, *The Realm of Rhetoric*, pp. 24-5.

also are informed that it can be overturned by proof beyond a reasonable doubt. Presumptions, then, are overturned when they are shown to be contrary to facts.

In summary, the starting points of argument concerned with reality involve facts, truths, and presumptions, which enjoy agreement by the universal audience. Facts and truths are accorded a higher status, however, because, unlike presumptions, they do not require reinforcement in the minds of the audience.

While facts, truths, and presumptions are starting points of argument dealing with reality, the next group of starting points—values, hierarchies, and *loci* of the preferable—bear on the preferable.¹⁵ The statement that “Denver is a large city,” for example, would be classified as a fact in Perelman’s schema. In contrast, the statement that “large cities are undesirable places” would be classified as a value. Both sets of ideas are starting points for argumentation; the primary difference between them is that facts, truths, and presumptions deal with matters of reality, while values, hierarchies, and *loci* deal with matters of preference.

Although facts, truths, and presumptions hold the adherence of the universal audience, values, hierarchies, and *loci* hold only the adherence of particular audiences. Some values, such as truth or beauty, seem to be ones that might secure the adherence of the universal audience. But Perelman contends this is true only to the extent that these values are not made specific. As soon as one applies the value to a particular case, the adherence of particular audiences is all that one reasonably can expect. He maintains that their “claim to universal agreement . . . seems to us to be due solely to their generality. They can be regarded as valid for a universal audience only on condition that their content not be specified; as soon as we try to go into details, we meet only the adherence of particular audiences.”¹⁶ While honesty, for example, may be a universal value in general, most people would not expect someone to tell a thief where the family jewels are hidden.

Perelman divides values into two types—the abstract and the concrete. Values are called abstract when they are not attached to a particular person or institution. “Truth,” “justice,” and the “American way” are examples of abstract values. Values are considered concrete when they are attached to some person, institution, or object. For example, in general, “truth” is an abstract value that becomes concrete when we attach it to a particular person in a claim that “Superman is a good person because he fights for ‘truth,’ ‘justice,’ and the ‘American way.’”

People who argue for the status quo, according to Perelman, are more likely to begin their arguments with concrete values because concrete values

¹⁵Values, hierarchies, and *loci* of the preferable are discussed in Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 74-99; and Perelman, *The Realm of Rhetoric*, pp. 26-32.

¹⁶Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 76.

are more persuasive when “one wishes to preserve than when one wishes to renovate.” On the other hand, those who argue for change are more likely to begin their argumentation with abstract values: “Abstract values can readily be used for criticism, because they are no respectors of persons and seem to provide criteria for one wishing to change the established order.”¹⁷

Hierarchies are even more important to argumentation than are values. Hierarchies—also starting points dealing with the preferable—refer to the way values are arranged in terms of importance, as in the “superiority of men over animals, of gods over men” or in the importance of a fair trial over freedom of the press. Selecting values that audiences accept usually is a simple matter; determining how that audience compares one value to another is much more difficult: “Most values are indeed shared by a number of audiences, and a particular audience is characterized less by which values it accepts than by the way it grades them. Values may be admitted by many different audiences, but the degree of their acceptance will vary from one audience to another.”¹⁸

Value hierarchies help to clarify the interrelationship between abstract and concrete values because an abstract value can be used to establish a hierarchy among concrete values. The abstract value that the individual is more important than society can be used to argue that the American judicial system is preferable to systems that do not offer a presumption of innocence. In this case, the abstract value of individualism is related to two or more persons or institutions in a concrete manner.

As in the case of values, hierarchies also can be classified as abstract or concrete. The superiority of humans over animals is a concrete hierarchy because it is related to specific objects. The superiority of the just over the useful is an example of an abstract hierarchy because these values are not applied to particular objects.

Hierarchies also are classified by Perelman as homogeneous and heterogeneous. A homogeneous hierarchy is one that compares similar values—for example, the danger of a mild illness compared to a severe illness. Since the values are different only in degree, these hierarchies are relatively easy to determine. More of a good thing is usually better, just as less of a bad thing is preferred.

A heterogeneous hierarchy is more difficult to determine since the values are different and often may come into conflict. The values of honesty and truth may come into conflict, for example, when you are approached by a friend who is wearing a positively ugly dress; she asks, “What do you think of my dress?” The answer to this question illustrates your heterogeneous value hierarchy relative to the values of honesty and kindness. The need for consideration of value hierarchies, particularly heterogeneous ones, is

¹⁷Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 79.

¹⁸Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 81.

apparent since simultaneous pursuit of certain values leads to incompatibilities that force us to make choices among them. For instance, while most Americans value both fair trial and free press, these values come into conflict when a newspaper reporter reports evidence that ordinarily would be suppressed by a judge.

After values and hierarchies, Perelman isolates a third starting point of argument related to the preferable that he calls "*loci*." *Loci*, also called "topics" or "topoi," are general headings under which certain types of arguments can be classified. Perelman points to two types of *loci*—the general and the special. According to Perelman, "general *loci* are affirmations about what is presumed to be of higher value in any circumstances whatsoever while special *loci* concern what is preferable in specific situations."¹⁹

An important point about *loci* is that within general *loci* are arguments that are incompatible with one another, such as a preference for the long lasting and a preference for that which is brief and fleeting. For example, someone might value a long-term relationship for its stability, while valuing a fleeting relationship for its romance; the preferences in this case are incompatible.

Perelman specifically discusses the *loci* of quantity and quality. The general *loci* of quantity is used by the person who argues for the greatest good for the greatest number. The general *loci* of quality, in contrast, is used to argue for something based on its uniqueness or its irreplaceability; it is used to attack a reliance on quantity. The value of money in general is a quantitative matter; most people prefer to have a large income rather than a small or moderate one. The value of certain coins, however, is a qualitative matter. A 1914d Lincoln penny is valued primarily because of its rarity. In addition, Perelman briefly considers other *loci* such as those of order, existent, essence, and autonomy, but "does not pretend to supply a list of all the *loci* and common opinions which can serve as starting points for argument. It is sufficient to stress that, in all cases," Perelman asserts, "the orator must know the opinion of his audience on all the questions he intends to deal with, the type of arguments and reasons which seem relevant with regard to both subject and audience, what they are likely to consider as a strong or weak argument, and what might arouse them, as well as what might leave them indifferent."²⁰

Perelman's system, then, includes starting points of argument that bear on the preferable as well as those that deal with reality. He concludes that in order to address any audience properly, a speaker should consider the values, hierarchies, and *loci* of the preferable that are acceptable to that audience.

¹⁹Perelman, *The Realm of Rhetoric*, pp. 29-30.

²⁰Perelman, "The New Rhetoric," p. 288.

Choice, Presence, and Communion

Because Perelman's perspective includes a variety of starting points and a focus on the audience, choice is an important factor in his conception of argumentation. Unlike the mathematician or the computer engaging in analytical reasoning, the speaker engaging in argumentation must choose from among the premises available as potential starting points.

The concept of choice leads Perelman to a discussion of another important element in his perspective on rhetoric—the concept of presence.⁴¹ When a speaker has a variety of elements of argumentation from which to choose, "the orator must select certain elements on which he focuses attention by endowing them, as it were, with a 'presence.'"⁴² Certain elements in our perception, depending upon the situation, can seem more important or special than other elements. The elements that are present in our mind are the most important, of course, while those that are absent are less important. Presence, then, is "the displaying of certain elements on which the speaker wishes to center attention in order that they may occupy the foreground of the hearer's consciousness."⁴³

One way to explain the notion of presence is by using the metaphor of figure and ground. A person standing on a mountain top looking into a valley may see trees, a lake, a stream, along with other objects. When that person focuses on, for instance, a tree, the tree becomes the figure and the rest of the objects become the ground. Perelman might say that, in this case, the tree has achieved "presence" in that person's perception.

One role of argumentation is to create presence and thus importance. To illustrate this concept, Perelman tells of a Chinese story in which a "King sees an ox on its way to sacrifice. He is moved to pity for it and orders that a sheep be used in its place. He confesses he did so because he could see the ox, but not the sheep."⁴⁴ Other examples of the function of presence can be seen in real objects, such as "Caesar's bloody tunic as brandished by Antony... [or]... the children of the victim of the accused."⁴⁵ These objects can be presented to an audience to establish presence. In these cases, the speaker is acting on the senses of the audience in order to move that audience.

Establishing the presence of what is absent is, however, a more difficult but often a more important task. Through the use of argumentation, a

⁴¹The concept of presence is discussed in: Louise A. Katon, "Presence in *The New Rhetoric*," *Philosophy and Rhetoric*, 9 (Spring 1976), 96-111; Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 115-42; and Perelman, *The Realm of Rhetoric*, pp. 33-40.

⁴²Perelman, "The New Rhetoric," p. 289.

⁴³Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 142.

⁴⁴Perelman, *The Realm of Rhetoric*, p. 34; Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 116; and Perelman, "The New Rhetoric," p. 289.

⁴⁵Perelman, *The Realm of Rhetoric*, p. 35.

lawyer can cause a jury to "live" a situation that occurred in the past, a legislator can assist an audience in imagining how much better the world would be if a bill were enacted, and a minister can bring audience members to distant places and times that existed before their birth or will exist after their death. The concept of presence implies that a speaker has the ability "to make present, by verbal magic alone, what is actually absent but what he considers important to his argument."⁴⁶

Some would argue that the elements of argumentation that are physically present are more important to argument since they are the most persuasive, but Perelman warns us against this belief. Often, he claims, the most persuasive ideas are more abstract and are not represented by physically present objects; in these cases, the techniques of presentation aimed at the creation of presence can cause those ideas to hold importance for the audience. Perelman's perspective on rhetoric, then, does not restrict us to the use of concrete starting points but allows us to expand the variety of appropriate starting points to include those that are intangible and abstract.

In addition to creating presence, argumentation also strives to establish communion with an audience. "Communion" is Perelman's term for establishing commonalities or identifying with the audience, and he believes that a speaker who establishes such communion is more likely to be persuasive than a speaker who does not. For example, a speaker might establish communion with a group of members of the Veterans of Foreign Wars by introducing a speech by referring to his own experiences in World War II. This notion of communion reasserts Perelman's notion that the starting point of argument is agreement.

Perelman introduces various techniques of presentation—or stylistic aspects of argument—that are used to establish presence and communion. He recognizes that these techniques have been developed to the point that their "study came to form the whole material of rhetoric,"⁴⁷ but he views them in a substantially different way from how they were viewed in the traditional study of rhetoric. He does not consider the techniques of presentation from their stylistic aspect; rather, he offers an in-depth consideration of the techniques of presentation as they function to argue and to assist in the attainment of communion and presence as well as adherence.

For Perelman, the style or form of an argument cannot be separated from its content: "The presentation of data is necessarily connected with its problems of language. Choice of terms to express the speaker's thought is rarely without significance in the argumentation." He claims that the argumentative intent of a speaker often is conveyed by the choice of one word over another. For example, when a person is described as "having a tendency to mislead," the meaning communicated is different than when

that same person is described as a "liar."⁴⁸

For the speaker, argumentation involves the choice of data and techniques of presentation to insure presence and communion. For the listener, it involves choices among various interpretations that might be assigned to the speaker's data. In this respect, argumentation stands in stark contrast to formal logic. In logic, no choice exists because the language of logic is unambiguous, while in argumentation, many choices exist because human language is symbolic and thus inherently ambiguous. The study of argumentation, then, must take into account the study of human language and the matter of interpretation. In Perelman's words, "the study of argumentation compels us to take into account not only the choice of data but also the way in which they are interpreted, the meaning attributed to them."⁴⁹

The speaker's presentational techniques and the listener's interpretive choices, of course, are interrelated. A speaker's presentational techniques may be aimed at securing a particular interpretation from among several potential interpretations on the part of the listener; this is done by choosing certain techniques to establish the presence of the favored interpretation. The speaker creates presence for a particular interpretation by "setting it in the foreground of consciousness... [and pushing]... the others into the shadow. The core of many arguments is formed of this play of innumerable interpretations and of the struggle to impose some of them and get rid of others."⁵⁰ Argumentation may succeed or fail depending on whether or not the speaker is successful in choosing techniques that achieve presence or communion.

Techniques of Argumentation

A substantial portion of Perelman's perspective on rhetoric is concerned with techniques of argumentation.⁵¹ These techniques involve either the creation of *liaison* or of dissociation. Argumentation in the form of a *liaison* "allows for the transference to the conclusion of the adherence accorded the premises," while argumentation in the form of dissociation "aims at separating elements which language or a recognized tradition have previously tied together."⁵²

⁴⁶Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 149.

⁴⁷Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 120-21.

⁴⁸Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 121-22.

⁴⁹Perelman and Olbrechts-Tyteca, *The New Rhetoric*, pp. 187-508.

⁵⁰Perelman, *The Realm of Rhetoric*, p. 49.

⁵¹Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 117.

⁵²Perelman and Olbrechts-Tyteca, *The New Rhetoric*, p. 142.

Techniques of Liaison

The technique of liaison seeks to establish a bond between the starting points of argument and the speaker's thesis. For example, the speaker might take as a starting point the presumed value of human life and attempt to create a liaison or bond between human life and the act of abortion in order to convince an audience that abortion is immoral. Perelman claims that three techniques of argumentation are used to create liaison: quasi-logical arguments, arguments based on the structure of reality, and arguments that attempt to establish the structure of reality.

Quasi-Logical Arguments. Quasi-logical arguments are similar in form to mathematics or to formal logic.¹¹ Still, they differ from formal logic in their structure and because they seek audience adherence rather than demonstration. Perelman claims that quasi-logical arguments gain much of their persuasive force from their similarity to logical forms. Since people are inclined to accept claims based on "logic," this type of argument seems particularly persuasive. Perelman provides a variety of examples of this type of argument, one of which is the argument of reciprocity. Using such an argument, a person might claim that capital punishment is a just punishment for a murderer because the punishment so perfectly fits the crime.

Quasi-logical arguments best express the difference between logic and argument. In formal logic, a contradiction consists of two statements that are inconsistent with one another. Incompatibility in argumentation is similar to contradiction in formal logic. Incompatibilities occur when we find ourselves faced with a position that is in conflict with a previously held one. A child, for instance, is faced with an incompatibility when instructed by a teacher, "Never tell a lie," and when ordered by a parent, "Tell the clerk at the movie you are only eleven so you can pay half price." A major difference between incompatibility and contradiction is that one can escape from an incompatibility but not from a contradiction. The child can tell a lie although instructed by his teacher never to do so by rationalizing, for example, that this is only a "little white lie." One cannot escape contradiction in formal logic, however, since "X" never can be "not X."

Arguments Based on the Structure of Reality. After quasi-logical arguments, Perelman considers arguments based on the structure of reality. Two kinds of these arguments include associations of succession and associations of coexistence. Perelman claims that these are two different ways of

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structuring reality. Arguments based on an association of succession involve the relationship between phenomena on the same level, such as cause and effect, while arguments based on an association of coexistence involve the relationship between phenomena on different levels, such as act and essence.

An example of an association of succession is the "pragmatic argument," which exemplifies argumentation relevant to consequences. Such an argument presumes that the value of an act can be determined by its consequences. To produce a good reason for an action using the pragmatic argument, a speaker would argue that the action will lead to good consequences. For example, a speaker might argue that capital punishment is desirable because it is successful as a deterrent to crime.

The second type of association based on the structure of reality involves associations of coexistence. These involve the relationships among phenomena on different levels, such as the relationship between a person and an act. The relationship between person and act is less direct than the relationship between cause and effect, which are on the same level. Associations of coexistence "are based on the link that unites a person and his actions. When generalized, this argument establishes the relation between the essence and the act."¹² Perelman calls the argument about person and act the "prototype case of such a liaison,"¹³ for these are ordinarily developed by claiming that a person can be judged by the quality of the acts the person commits. An argument claiming that President Nixon was an evil person because he committed evil deeds is such an argument.

Argument from authority is another association of coexistence that depends on the relationship between person and act. This argument claims that some proposition should be accepted because it is accepted by important and well-qualified people. For example, someone might claim that abortion is immoral because Ronald Reagan said it was so. According to Perelman, argument from authority is only acceptable in the absence of better types of arguments.

Arguments that Establish the Structure of Reality. Associations of succession and coexistence are arguments based on the structure of reality; the next categories include arguments that attempt to establish the structure of reality. These arguments fall into two broad types: (1) argumentation by example, illustration, and model; and (2) argumentation by analogy.

Argumentation by example consists of using examples to create a generalization. It presumes the existence of regularities among cases, and by presentation of several cases, a rhetor aims at convincing an audience of those regularities. For example, the argument that professors are absent minded

¹¹For an excellent discussion of quasi-logical argument, see Ray D. Dearin, "Perelman's 'Quasi-Logical Argument': A Critical Elaboration," in J. Robert Cox and Charles Arthur Willard, *Advances in Argumentation Theory* (Carbondale: Southern Illinois Press, 1982), pp. 78-94.

¹²Perelman, "The New Rhetoric," p. 293.

¹³Perelman, *The Realm of Rhetoric*, p. 90.

can be developed by showing an audience that Professor Powell constantly loses his keys, Professor Riley constantly misplaces her briefcase, and Professor Hollihan never can find a pen when he needs one. Aside from moving from a particular case to a general statement, argument from example can be used to move from particular cases to other particular cases. For example, a speaker would argue in this way when asserting that since capital punishment did not reduce the incidence of murder in Texas, it could not be expected to do so in Colorado.

While argumentation by example serves to establish a prediction or a rule, argumentation by illustration serves simply to illustrate that rule. Thus, illustration is used to clarify or make salient a rule that has been established through example. Perelman explains that the "transition from example to illustration occurs almost imperceptibly in cases in which a rule is justified before being illustrated. The first examples need to be generally accepted, since their role is to give the rule credibility; the others, once the rule is accepted, will in turn be supported by it."⁵⁶

Argumentation by model aims at presentation of a specific case to be imitated. If, for example, you make the argument that the qualities of a superior teacher are exemplified in Professor Davis, you are not establishing a generalization that all teachers are like Professor Davis; rather, you give the audience a model of a teacher that it profitably could imitate. Another example of argumentation by model concerns the ideal of legal precedent, which implies that previous court opinions are worth imitating. Argumentation by anti-model also can be used; such an argument consists of showing examples not to be imitated but to be avoided.

The second broad category of arguments designed to establish the structure of reality consists of argumentation by analogy and metaphor. An analogy is an argument that attempts to gain adherence about the relationship that exists in one pair (called the "theme" of the analogy) because of its similarity to the relationship that exists in another pair (called the "phoros" of the analogy). A metaphor, also important in argumentation, is a condensed analogy in which the theme and phoros are fused. In the phrase, "the lion charged," used in reference to a courageous warrior, we understand metaphorically that the "lion" actually is a "warrior." The metaphor is made explicit in the following analogy: "This warrior in relation to other people is as a lion in relation to other animals." Sometimes metaphorical expressions become so commonplace that we actually forget we are dealing with metaphors. The "foot" of a mountain or the "arm" of a chair both are metaphors that are so commonly used that we tend to forget they are metaphorical.⁵⁷

⁵⁶Perelman, *The Realm of Rhetoric*, p. 108.

⁵⁷Perelman, *The Realm of Rhetoric*, pp. 120-122.

Techniques of Dissociation

While quasi-logical arguments, arguments based on the structure of reality, and arguments that establish the structure of reality are created through liaison, other arguments are established by the process of dissociation. Perelman's development of argument by dissociation is important to his perspective on rhetoric since this type of argumentation is one that often was ignored in earlier perspectives. Argumentation by the process of dissociation occurs when one idea is split into two in order to avoid an incompatibility. When one is faced with an incompatibility caused by the belief that to take the life of another human is wrong and the simultaneous belief that abortion is acceptable, one uses argumentation to dissociate the concept of "life" into two concepts: "life in general" and "human life." In such an instance, "life in general" may be defined to include all organismic growth ranging from an amoeba to plant life to the life of an appendix, while "human life" is defined as consisting only of those life forms that possess certain qualities of humanity such as free will. With such a dissociation, the incompatibility described above can be avoided because abortion can be viewed as destroying "life in general" (in the same way one destroys life when picking a head of cabbage or removing an appendix from a human), rather than as destroying "human life."

Making an argument based on the process of dissociation consists of the presentation of philosophical pairs, a presentation that takes the form of what Perelman calls "term I" and "term II." Term I corresponds to appearance, while term II corresponds to reality. In the above example, "life in general" corresponds to term I and was dissociated from "human life" or term II. Thus, term II is understood only in comparison to term I and aims at "getting rid of the incompatibilities that may appear between different aspects of term I."⁵⁸

Perelman's chief contribution to rhetorical thought is his presentation of a coherent theory of argumentation. He claims that argumentation is different from demonstration and formal logic in that the former is more personal, and the latter is more impersonal. Argumentation requires an audience, and the aim of argumentation is to secure its adherence. In some cases, the audience is a particular one; in other cases, it is the universal audience. The universal audience, for all intents and purposes, is restricted to argumentation among philosophers, and in Perelman's schema constitutes the highest aim of argumentation.

In order to secure audience adherence, speakers start with points of agreement. Certain starting points such as facts, truths, and presumptions are relevant to the nature of the real, while other starting points such as values, hierarchies, and *loci* of the preferred concern the nature of the

⁵⁸Perelman, *The Realm of Rhetoric*, p. 127.

preferable. A rhetor, then, attempts to transfer the agreement accorded these starting points to a thesis that may be contingent or controversial. This is accomplished by attempting to influence the audience's choice of particular interpretations, establish presence, and secure communion with the audience.

Perelman then discusses a variety of techniques aimed at accomplishing these argumentative aims. Three techniques of argumentation—quasi-logical arguments, arguments based on the structure of reality, and arguments establishing the structure of reality—involve the creation of a bond or liaison between the starting points of argument and the speaker's thesis. The technique of dissociation involves dividing concepts that otherwise would produce a conclusion incompatible with the speaker's thesis.

Responses to Perelman

While many scholars find the work of Perelman useful for extending our ideas about rhetoric, others have found some of his ideas in need of improvement. The primary criticisms of Perelman's perspective have been aimed at his notion of the universal audience. Some have found this notion to be so ambiguous as to render it all but useless.⁵⁹ Johnstone has argued that Perelman's theory would be no worse if the notion of the universal audience (in fact, the entire notion of audience) were ignored completely: "All these ambiguities and perplexities in the concept of the *universal audience* make me wonder whether the concept is after all really necessary to the project that the authors of *The New Rhetoric* have undertaken. What would the book be like without it?"⁶⁰ Ray argues that the "universal audience follows in the philosophical tradition of Rousseau's and Diderot's general will and Kant's ethical theory, particularly Kant's emphasis on the categorical imperative.... The concept of the universal audience is open to many of the same criticisms leveled against the general will and the categorical imperative."⁶¹ Ray notes that the "Categorical Imperative" and the "General Will" are too formal to be useful in providing standards for ethical theory; likewise, the "universal audience is excessively formal and abstract—too formal and abstract to provide a standard for rhetorical theory."⁶²

⁵⁹See, for instance, Thomas H. Olbricht, rev. of *The Idea of Justice and the Problem of Argument*, by Chaïm Perelman, *Quarterly Journal of Speech*, 50 (October 1964), 323-24.

⁶⁰Henry W. Johnstone, Jr., "The Idea of a Universal Audience," in his *Validity and Rhetoric in Philosophical Argument: An Outlook in Transition* (University Park, Pa.: Dialogic Press of Man & World, 1978), p. 105.

⁶¹Ray, p. 361.

⁶²Ray, p. 372.

Perelman published an essay in the *Quarterly Journal of Speech* that was designed to respond to some of his critics. In that article, he defended his notion of the universal audience against criticisms such as those of Ray, claiming that Ray and others have misinterpreted his position. Perelman noted that a formalist point of view to which he was opposed "was described in *The New Rhetoric* in such a sufficiently convincing manner as to lead certain rhetorical readers to consider it as expressing my own ideas." He claims that Ray's criticisms "would certainly be justified if they were not a result of a false interpretation" of *The New Rhetoric*.⁶³

Despite these criticisms, the work of Perelman has been particularly influential to scholars interested in rhetorical thought. Many have been able to extend his work in ways that are consistent with the way that Perelman saw rhetoric. "I am happy to state that certain rhetoricians have been able to utilize and extend my works. I think of the texts that I know of Karl A. Wallace, of Louise A. Karon, and of J. Robert Cox, which have certainly enriched the theory of rhetoric. I am convinced that there are works of which I am unaware, but, above all, that there is a great deal more to do in this field."⁶⁴

⁶³Perelman, "Remembrances and Comments," pp. 190-91.

⁶⁴Perelman, "Remembrances and Comments," p. 195.