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Aristotle's *Rhetoric*: Theory, Truth, and Metarhetoric

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> The just thing is to aim at nothing more in a speech than not
> to give pain or delight. For it is just that a case be fought
> with the facts themselves, so that everything else outside of
> proving them is superfluous. But nonetheless, as I have
> already said, extraneous things have great power on account
> of the worthlessness of the listener.
> —Aristotle, *Rhetoric* 3.1.1404a3-8

The revival of rhetoric in current discussions of literature and the
humanities is stimulating new interest in a text that has profoundly shaped ideas
about language and its uses in the West—Aristotle's *Rhetoric*. Although this
treatise has rarely lain fallow since its appearance in the fourth century B.C.,
recent developments have opened the way to a more probing consideration of
this first seminal effort to formulate rhetoric as a discipline with its own
principles of order. In particular, they have prompted scrutiny of the rationale
by which Aristotle establishes rhetoric as a *technê*, since it is precisely on the
basis of this conceptualization that our tradition has inherited some of the most
powerful yet problematic views about language.[1] Suspended between the
practice of oratory in the fifth-century *polis* and the Platonic critique of this
activity, the Aristotelian effort to institutionalize rhetoric within philosophy is
fraught with tensions. Some critics, accusing Aristotle of selling out to the
sophistry he begins by censuring, resolve these tensions into a failure.[2] Others
see in his treatise nothing less than a resolute commitment to a method outlined
in the *Phaedrus*, whereby words may be bound to knowledge and truth.[3] Both
approaches, though backed by eloquent supporters, tend to neutralize some of
the ambiguities that make the *Rhetoric* so rich a reflection on the intractabilities
of mastering the art of persuasion within a philosophical system. In particular,
they often bypass a fundamental inconsistency in the work about the status of
language as representation.

I do not take this inconsistency to be a flaw. It is a mark of the unPlatonic
insight into language developed by Aristotle despite his commitment to a
Platonic paradigm of *alêtheia*, according to which truth is a linguistic signifying
through thought of a primary, nonlinguistic essence. Though Aristotle's

essences are not Plato's forms, the paradigm of truth as representation exemplifies the Greek philosophical tradition and most of its [242]beneficiaries.[4] Thus Aristotle's explicit endorsement of the model in the introductory chapters of his *Rhetoric* is expected: he claims that the aim of rhetoric is to show the facts, "what is or is not, what has or has not happened." But the view of language as representation is undermined in the text by the rhetoric of Aristotle's argument as well as by his analyses of specific categories of rhetoric. At both levels, the unravelling of the traditional view shows language to be constitutive of and not merely subordinate to the matter or the facts of signification. Aristotle, of course, never explicitly advances this position. His programmatic ends prevent him from doing so. But the *Rhetoric* invites us to read its arguments in a way that reveals the power of language to engender the reality that it purportedly represents.[5] While we have come to regard this view of language as distinctly modern, it is deeply rooted in the earliest reflections on language in the West, and its suppression is largely the result of the Platonism that left its mark on Aristotle and the subsequent reading of his work.

<p style="text-align:center">* * * * *</p>

To theorize about rhetoric implies a particular attitude, which Aristotle first formalized and bequeathed to later commentators on the art of discourse. *Theôria* is the disciplined observation, at a certain intellectual distance, of a field whose subject matter the observer seeks to comprehend without desiring to change it in any way.[6] Because theoretical observation strives for objectivity through the suspension of personal desire and interest, the language of a theory of rhetoric seeks to distance itself from the language into which it inquires. From the beginning of Aristotle's treatise, we confront an unspoken but assumed difference between the discourse of the philosophical observer and the language of rhetorical persuasion, and in that difference the authority of the theorist resides. It is the fate of this authority in the *Rhetoric* that concerns us.

In a customary motion toward inclusiveness, Aristotle opens his treatise by noting what preceding composers of the "arts of words" have said. His initiation of rhetoric into the class of philosophically respectable objects is characterized by an antagonistic stance against popular teaching, whose misdirections are the targets of an exhibition. Such unveiling of falsehood typifies the philosophical investment in demonstrating the truth about the matter at hand by clearing the path of obstacles. One "makes a way" (ὁδοποιεῖν) for inquiry by grounding the *technê* in suitable principles.[7] As in the case of every Aristotelian science or art, these principles are determined by the nature of what is treated. If the ground rules of theory are to be suitable, they must rest upon the ontological status of the objects scrutinized. The place of *ta huparchonta*, "the underlying material," in the hierarchy of being is the ultimate ground of the theoretical ground, the *archai*. Considerations of propriety are foremost in this preliminary phase: what properly characterizes the matter as "being" determines what is properly said about it. Only by keeping one's view firmly fixed upon these considerations can the theorist

ensure that methodological expectations and questions are adequately framed. Here, in the first chapters of the *Rhetoric*, appear the paradigmatic institutionalizing gestures of Aristotelian science—the gestures that demarcate the theoretical field and that ensure the attainment of truth about it.

[243]Although these systematic remarks at the beginning of the *Rhetoric* are designed by Aristotle to introduce the conditions for theoretical truth in his own treatment, they precipitate a dilemma. What is unusual about rhetoric, like its counterpart dialectic, is that it concerns things that "belong to no definite science" (οὐδεμιᾶς ἐπιστήμης ἀφωρισμένης); its technical character does not concern any specific, delimited class of objects (οὐ περί τι γένος). Whereas each of the other *technai*, for example, medicine or geometry, can be instructive and persuasive about its "underlying material" (τὸ ὑποκείμενον), rhetoric and dialectic have no such ground.[8] They lack substance.

This lack should hinder the theoretical enterprise. For there can be no *technê* and no corollary criteria for theoretical truth without a proper ground. Plato had exposed this problem earlier in the *Gorgias* (449a-452e), where the question "what is rhetoric about?" never received an adequate answer from the great sophist, though it helped reveal the speciousness of rhetoric's standing vis-à-vis other arts. In the *Rhetoric*, these problems are mediated through Aristotle's rather discreet introduction of a subject matter for rhetoric and his gradual specification of a field that defines its limits. Rhetoric is said to be the faculty (δύναμις) of observing (ἰδεῖν, θεωρεῖν) the possibly persuasive (τὸ ἐνδεχόμενον πιθανόν) concerning anything at all (1355b10-11; 1355b32-35). This definition agrees with observations about *technê* in the *Nicomachean Ethics*: "Art produces not activity (ἐνέργεια) but a capacity (δύναμις) for activity" (1153a24-25). Properly speaking, rhetoric is not the "artificer of persuasion" as Gorgias claimed, but a faculty for discovering persuasive arguments.

While this definition provides a term or limit to rhetoric (the discerning of the possibly persuasive is the work of no other art), it is a strange limit. To state the problem simply: what is ἴδιον to rhetoric is that is has no ἴδια, or to translate roughly, what is proper to rhetoric is that it has no property. But Aristotle proceeds as if he has solved rather than raised this problem, and the reason he does so is that his definition relies upon a teleology and ontology that implicitly ascribe a subject matter to this *technê* whose area of operation is theoretically endless. Because "persuasive," as Aristotle points out, means "persuasive to someone" (1356b26-29), the *telos* of rhetoric is the audience. This teleology is integrally tied to the qualification of *pithanon* as *endechomenon*: the "possibly persuasive" concerns what admits of being two different ways (ἐνδέχεσθαι ἀμφοτέρως ἔχειν). The universal and necessary does not effect persuasion but commands assent.[9]

Thoroughly conditioned by a retrospective reading that already assumes a stable ontology and teleology, the institutionalizing definition of the rhetorical art assigns a *hupokeimonon* to this faculty that initially appears to have none. In being qualified as *endechomenon*, the subject matter becomes restricted to

what lies in the realm of human affairs, about which we may deliberate and be persuasive precisely because the material admits of being other than what it is. "We deliberate about things that seem to admit of being otherwise. About things that have been, will be, or are now unable to be other than what they are, no one who takes them to be thus deliberates. For there is no point to it" (1357a4-7). Rhetoric, according to the definition, consequently becomes the **[244]**study of language that concerns the conditional, not the absolute. Although truth in such a context is always merely probable, its attainability is still conceived according to a paradigm of representation, in which the disciplined discerning of what is already given is the first necessary step in producing a discourse that is both veridical and verifiable. A salient consequence of the attribution of property to rhetorical study is that Aristotle is able to handle the *technê* in much the same way that he does others. He can first demarcate three branches of oratory concerning human affairs—the deliberative, forensic, and epideictic—whose particular ends help classify a field that at first appears as no field at all.

But ironically, this dispensation of property leads to territorial disputes. Rhetoric, like a willful child, invades the assumed epistemic autonomy of the sciences (Plato complained repeatedly about such bad behavior), and this in turn generates efforts to discipline a field whose recalcitrance is marked by repeated transgressions. To appreciate this point, recall that Aristotle's philosophy aims at aligning the different *epistêmai* and *technai* with a hierarchy of language, which is specifically ontological in structure.[10] As noted, rhetoric is by definition concerned with persuasion and the realm of the contingent, whose position on the ladder of being is inferior. The objects of science, especially the highest sciences, metaphysics, physics, and mathematics, are the province of logic, which looks not to an audience with the aim of persuasion but to the subject matter with the aim of incontrovertible proof. Dialectic takes its material from common opinion, as rhetoric does, but unlike rhetoric it is more rigorous since it involves conversation between two trained partners rather than speechifying before a large audience. Notwithstanding these distinctions, Aristotle admits that even the axioms of science may be treated rhetorically; but then rhetoric ranges in areas where it is not proper and reconstitutes the objects of that field.[11] Though rhetoric may claim the objects of science as ἔνδοξα, as opinions generated by and subject to popular consensus, it has no right to do so. Its movement into *epistêmê* is a usurpation of natural boundaries determined by the ontology of objects.

If rhetoric subverts the hierarchy of being in an unseemly way, it also ventures into fields whose ontological level it cohabits, namely, politics, ethics, and the law. The affinity rhetoric has with these human arts gives way to conflict in Aristotle's scenario, since it always involves the *horos*, or "boundary," marking a separation between what is distinct but related. For example, at the beginning of the discussion of deliberative oratory in Book 1, Chapter 4, Aristotle comments:

> To enumerate accurately and to divide into types the things
> about which we ordinarily conduct business, and further,
> inasmuch as possible, to define them in accordance with
> truth, is a task we ought not pursue on the present occasion.
> For it does not belong to the rhetorical art, but to a more
> intelligent and more truthful branch of knowledge. As it
> stands now, rhetoric has been given far more than its proper
> subjects of inquiry.   (1359b2-8)

[245]To define truthfully the subjects of public business is not within the province of an adequately framed rhetoric, such as Aristotle is intent upon founding. Traditional rhetoric is suspect, since it has impinged too far upon *politikê*, the architectonic *epistêmê* of human action. In short, the objects belonging to political science—questions of ways and means, war and peace, national defence, imports and exports, legislation—do not belong to rhetoric, which loses its nature the more it preoccupies itself with such issues.

It is for this reason that the *idioi topoi*, or "special topics," which provide knowledge proper to each of the three classes of rhetoric, always hover on an indecipherable boundary between what is inside and outside rhetoric.

> The better one selects propositions suitable to a special
> topic, the more one unwittingly sets up a science different
> from dialectic and rhetoric. For should one come upon first
> principles that would no longer be dialectic or rhetoric, but
> the science to which the first principles belong.
>   (1358a23-29)

This formulation is revealing. The special topics are supposed to provide epistemological authority for arguing about the harmful and advantageous (in deliberative oratory), the virtuous and vicious (in epideictic oratory), and the just and the unjust (in forensic oratory). But their unstable position in the art fails to provide what is needed to determine where rhetoric ends and science begins. Inhabiting a liminal zone that should be a line of demarcation, the *idioi topoi* are on loan, as it were, to rhetoric. They belong properly to politics, ethics, and the law—higher, more solid *technai* that supposedly give substance to language and to the belated, impoverished art that studies language. That is why Cicero, who will later call these topics *loci*, imagines them as inhabiting a rich, teeming, abundant storehouse that provides *copia* to discourse, which would be empty babble otherwise.[12] The necessity yet the difficulty posed by the *idioi topoi* motivates Aristotle to state that the *koinoi topoi*, or "common topics," are more proper to rhetorical study: they are the modes of inferential logic that supply arguments equally applicable to questions of justice, natural science, and politics. But they are proper to rhetoric in a highly paradoxical sense, since they concern no underlying subject matter, which is precisely why they make no one wiser about any particular class of things. Significantly, the very linguistic categories to which Aristotle appeals in trying to set satisfactory limits to the *technê rhetorikê* are the ones that are universally applicable. Once

again, the effort to mark off language as an art stalls, since language will not behave according to the divisions of art.

In these passages, we find Aristotle settling property disputes early in the treatise by repeatedly adjusting the claim that the realm of human action overseen by politics and ethics forms the *hupokeimenon* of rhetoric. Rhetoric is a *dunamis tôn logôn*, a "capacity" for manipulating probable "arguments." The art of persuasive language, radically subordinated to the independent knowledge already claimed by the sciences, cannot properly concern itself with the property of these sciences. In contexts such as these, the formulation *technê tôn logôn* actually appears spurious, just as it had in Plato's *Gorgias*. But Aristotle hedges his bets. He claims that the study of *logoi* may form a *technê*, **[246]**though one that cannot be as intelligent or truthful as, say, political science. The hedging indicates difficulties in the project Aristotle launches, most of which stem from his own definition of terms. His argument for a rhetorical field, hierarchically subordinate to other philosophical disciplines, is necessitated by the unspoken imperative to maintain order in the general system of philosophy. Yet this system cannot effectively distribute rights to *logos*. By a reversal that Aristotle can hardly control, *logos* distributes rights to the system. It names, defines, and investigates philosophy, and it articulates a hegemony, which it supposedly merely serves as a sort of belated helper. Language cannot simply be contained as a field within philosophy because it is that through which philosophy engenders itself.

Consider this claim in light of the visual terms that inform the theorizing of rhetoric in Aristotle's text. The metaphorical act of seeing (*theôria*) reifies a space for philosophical spectacle. It is in terms of this space that the truth of the philosopher's discourse can emerge by pointing to an ontologically independent object—in this case, language, notably persuasive language. Such spatialization is apparent in Aristotle's figure of a road cleared of obstacles, leading to a defined area that is the proper object of the philosopher's gaze. *Methodos*, the Aristotelian metaphor for attending to the system, is etymologically drawn from this figure of the path, whose spatial form is related to *theôria* as a kind of sight. Method is the product of vision, of seeing what is present in a field. The metaphors of language not only constitute philosophy as an activity of reflection, of the outwardly directed gaze, but constitute what then becomes reflected, or mirrored, in the act of philosophical speculation.[13] Above all we should note that the differences between persuasive, dialectical, and logical language are the products of language. The circularity of this process in a discourse about discourse provides insight into the status of what the *technê rhetorikê* aspires to found: *logoi*. Betokened through optic metaphors, the object of the art is constituted by language, which it putatively merely represents.

* * * * *

I have deliberately highlighted "disciplinary fields" and "property rights" in the preceding discussion in order to make way for a detailed analysis of how Aristotle's discourse enacts strategies of adjudication that are also thematized in

the treatment of forensic oratory in Book 1, Chapter 1. Such a turn or fold, in which the metalanguage becomes implicated in the activities analyzed in the object language, is typical of the *Rhetoric*. In this case, the programmatic aims of the treatise, largely framed in terms of a critique of forensic oratory, are belied by the manipulation of a forensic metalanguage in Aristotle's own introductory remarks. The relationship between the *theôria* and *praxis* of rhetoric that emerges from an analysis of such discursive exchanges is far from homeostatic, since the contacts destroy the hierarchical superiority of the theoretical and again affirm what I have already tentatively proposed: the inevitably constitutive status of language, into which Aristotle himself seems to have increasing insight, the more he moves away from the polemical manoeuvrings of the opening chapters.

[247]But before passing to these later developments, let us examine the first chapter of the treatise more closely, with a view to understanding the dynamic between rhetorical theory, whose aims I have summarized, and rhetorical practice. The prominent position of forensic oratory and the scene of trial in the introduction is largely determined by its prominence in existing treatments of the art, whose composers Aristotle regards as misdirected.

> For proofs [πίστεις] form the only artistic element and everything else is an appendage. However, these writers say nothing about enthymemes, which are the body of proof, but mostly occupy themselves with extraneous matters. Hostility, pity, anger, and such emotions of the soul do not concern the essential matter but are with a view to the judge.
>
> (1354a13-18)

Because, as we have seen, Aristotle eventually specifies the audience, which he names with the terms *kritês* or *theôros*, as the *telos* of rhetoric, these initial remarks deserve critical scrutiny. For they assert a very different view of the proper end of rhetoric. The "judge" in a lawsuit (*dikastês*) becomes a model of the "judge" conceived more broadly as one to whom language is submitted for approval or dissent (*kritês*). To quote from a later passage that clarifies the metaphor: "He whom one must persuade is, to sum it up, the judge; it is all the same whether one is speaking against an actual opponent or against a thesis. For in the latter case it is necessary to use words and to overthrow the opposition, against which—as though it were a real opponent—one directs the speech" (1391b12-16). This model, however, is rejected in Book 1, Chapter 1 as inadequate for an art of rhetoric. Since the aim of speech-making is to represent the facts (*ta pragmata*), not to sway the listener, the *technê* should focus on subject matter rather than on audience. From this perspective, appeals to emotion are treated as extraneous because they are directed at the *dikastês*. Note that in these introductory comments, Aristotle moves freely between what is proper to a good speech and what is proper to a good art of speech. Or to put the point differently, he argues that because appeals to the emotions are beside the point in rhetorical practice, they ought not to be the focus of rhetorical theory.

In the tone of a knowledgeable judge reviewing the case at hand, Aristotle, the philosophical *theôros*, calls into question the reliability of the rhetorical *theôros*. While the terminological doubling would count for Aristotle as a potentially confusing homonymy, which could be clarified by dividing the word into its various senses, the overlap is noteworthy because the activity of judging common to both the theoretical and practical experiences turns out to involve some of the same difficulties. These will emerge as we proceed. By framing the *technê rhetorikê* in terms of a consideration for the *pragmata*, Aristotle is implicitly aligning rhetoric with the aims of the higher sciences and with the use of language supposedly proper to their treatment. For in scientific discourse, the linguistic formulation, as I have already said, is considered in relation to its subject matter, and the adequacy or truth of the statement is tested by reference to things. The judge does not fall out of consideration in this scenario. But the *dianoia* of a judging individual becomes the unproblematic **[248]**point of passage between things and statements; reflection is always a mirroring in such a view and consequently an undistorting medium. This point is borne out by a notable linguistic equation, which Richard McKeon has discussed in this way: "If discourse is used for the purposes of science and for the attainment of truth, the proposition is constructed to express a reason or an argument adequate to the form of the thing and all three—statement, reason, and form—may be signified by the same word, *logos*."[14] It is precisely such adequation that Aristotle holds out as the desideratum of rhetorical language, submitted to the controls of philosophy. He seeks to neutralize the activity of judging, by reducing it to the status of reflecting. The central importance attached by Aristotle to the enthymeme is intelligible within this context, for as the chief vehicle of rhetorical proof, it supposedly demonstrates the given facts without distorting them. While these facts are admittedly only probable, they stand in the same relation to rhetorical proof as the universal and necessary stands in relation to fully demonstrative logical proof. Thus the truth attained through the enthymeme is described by Aristotle as "like" ($\H{o}\mu o\iota o\nu$) the truth of the higher sciences, just as the framer of probable truth is presented as one skilled also in the more exact arts of dialectical and scientific demonstration.[15] The fuller argument of Chapter 1 extends these theoretical points into the practical realm.

Having admitted the problematic ways in which rhetoric has historically functioned in legal contexts and having advanced his claims for truth in rhetoric, Aristotle goes on to state that the aim to represent facts is protected and guaranteed in well-governed cities by the "laws," *nomoi*. The Areopagus, for example, forbids talk about nonessentials. Here is an exemplary model, in Aristotle's view, of a forensic forum, where law forbids speaking "beside the point" ($\H{e}\xi\omega\ \tau o\hat{v}\ \pi\rho\acute{a}\gamma\mu a\tau os$), and where the judge is thus insulated from the extraneous influence of emotions. Those who established *nomoi* to control discourse in this fashion, he says, legislated properly. For, he continues, a litigant has only to show that the *pragma* "is or is not, has or has not happened." To warp the judge by moving him to anger or envy or pity is akin

to warping a *kanôn*—a "rule" or "standard" of measurement. As for the discriminations of the judge himself (whether something is great or small, just or unjust), he must make them himself and not take them from those engaged in wrangling. Whatever the *nomothetês*, the "lawgiver," has not defined, the *kritês* must himself define without relying on the disputants (1354a24-1354b1). This is a basic rule of the rhetorical art.

But Aristotle does not stop with these admonitory proclamations about the securing of facts and objective judgments. He goes so far as to say that well-established laws ought, as much as possible, to define everything and leave as little as possible to those who judge. His reasons for investing such power in the laws are three: 1) to lay hold of one person or several who are sensible and capable of legislating and administering justice is easier than laying hold of many; 2) since laws come about from those engaged in examination a long time, whereas judgments (κρίσεις) are off-hand, it is difficult for those judging to render what is just and fitting; and 3) most importantly, the judgment of the lawgiver is not particular but prospective and general, whereas members of the **[249]**assembly or law-court make judgments about things that are present and specific. Influenced in particular circumstances by loving and hating, they are not able to discern the truth adequately. "It is therefore necessary," Aristotle sums up, "to make a judge preside as master over as few things as possible" (1354b2-13).

In this highly revealing introduction to his treatise, Aristotle adumbrates a crisis of judgment or perhaps better, "criticism," since that term preserves a telling ambiguity in the Greek *krisis*, from which it is derived. The word means judgment, discrimination, decision-making through separating out and dividing up; but also, dilemma, turning point, crisis. Having set out the programmatic aims of the rhetorical art by aligning it with the higher sciences, Aristotle proceeds to sketch a scenario that reveals the precariousness of attaining truth in the rhetorical sphere, that is in the realm where language is submitted to judgment. The discussion, characterized by a series of turning points from one site of truth to another, bespeaks anxiety about where to locate authority.

A person engaged in debate ought simply to point out (δεῖξαι) what the facts are. But the agonistic framework of disputation renders problematic the ascertainability of truth from the speakers themselves. Consequently, the *kritês* is substituted as a source of authoritative judgment, with the proviso added that this individual must not take cues about what the case really is from the litigants. The decision-making of the judge should be autonomous, dispassionate, and not embroiled in the interests of the contestants. To this extent, the rhetorical observer is modelled on the scientific *theôros*. But even this move to locate an authority for truth is vetoed by Aristotle, for there is no guarantee that the judge will not be warped by appeals to emotions. At this point in his discussion, Aristotle seeks to transfer the sanction for rhetorical truth to a province beyond the realm of rhetoric and beyond the judges presiding in rhetorical situations—to the law and the lawgiver. The gesture is telling. His effort to institutionalize rhetoric as a respectable *technê* that can

aim at truth is performed by grounding rhetorical performance in an extra-rhetorical, nonagonistic source of authority: the laws—product of the few rather than the many, conceived over time, with a view to the universal. To invest the authority of true judgments in *nomos*, as Aristotle does in this passage, is to imagine a *kanôn* that is ahistorical, oligarchical or autocratic, and philosophically respectable—in short, not determined by the interests of persuasion. In a series of telling displacements, the conditions for truth in rhetoric are ultimately positioned outside the democratic, agonistic contexts of language. The crisis of critical judgment is apparently truncated at the point where rhetoric defers to the sovereignty of *nomos*.

There are problems with the approach to rhetorical truth launched in Book 1, Chapter 1, one of which hinges on what Aristotle himself says about *nomos* elsewhere in the treatise and another of which derives from the status of Aristotle's own manipulations of language in the opening passages. That the concept of law implicated in this argument is rhetorically charged may be inferred from the utopian demarcation between the prudent, serene, non-ideological disinterestedness of the *nomothetês* and the inevitably distorted **[250]**interests of the *dikastês*. The historical, political, and economic factors involved in the *krisis* that engenders law are here silently foregone by Aristotle and attributed instead to the situation of rhetoric in the life of the *polis*—to specific uses of rhetoric that are particularized by individual interests. The same attitude is apparent in Book 6 of the *Nicomachean Ethics*, where Aristotle hierarchizes the activities of political science by ranking the art of legislation first in the field:

> There are two kinds of practical wisdom concerning the state. The one, which is the supreme and most com-prehensive form of wisdom, is the art of legislation. The other, which bears the name common to both kinds, is politics, and it is concerned with action and deliberation. For a decree is a matter for action, insofar as it is the last step of deliberation. That is why people say that only those who make decrees engage in politics, for they alone, like workmen, do things.   (1141b23-29)

"Doing politics" is less noble than legislating precisely because of its involvement in the particularities of decision-making and, hence, in rhetorical persuasion. Politics becomes dirty work the more it descends from the philosophically universal and ostensibly nonrhetorical contemplation of lawmaking. This scale of value, however, is highly suspect. That the construction of law is itself an act of judgment based on the very "distortions" that it is introduced in the *Rhetoric* to circumvent is apparent especially in Book 1, Chapter 15, where Aristotle discusses *nomos* among the five types of *atechnoi pisteis*. Here laws are treated as absolutely equivocal and subject to disputation in the form of *dissoi logoi*. In a chapter that has been the source of difficulty for commentators on the *Rhetoric*, the law appears not only as the product of competing values, but as itself subject to interpretation in contrary

ways.   What is engendered by *krisis* entails *krisis*—both in the sense of interpretive judgment and interpretive dilemma. For a theory of rhetoric geared toward grounding discourse in truth, the scandal of *nomos* is that it is no more a sanctuary of *alêtheia* than the rhetoric which defers to it for authority.

Moreover, the entire argument about *nomos* is framed through a rhetorical strategy of mounting pointedness, which is later called ἐποικοδόμησις, or "climax" (1365a16-21).   With emphatic insistence, Aristotle "first of all" (πρῶτον) criticizes the many; "next" (ἔπειτα) brushes aside interests of expediency; and finally, "most of all" (τὸ δὲ πάντων μέγιστον), dismisses the particulars of court cases in favor of the universals sought by lawgivers. Similarly, the process whereby he attempts to invest an object of questionable merit with respect through metaphors borrowed from a more highly valued field is described later in the *Rhetoric* as an especially effective strategy in predisposing the audience toward one's case. "If you wish to dress something up, take your metaphor from superior things of the same type" (1405a14-16). Deriving his own authority in these pronouncements from the dispensatory prerogatives of the archetypal figure of order, Aristotle behaves like the **[251]**lawgiver, instituting without apparent prejudice and with knowledge of universal principles.   But his discourse is pervaded by the practices of the forensic orator, a doer of dirty work.

The lawgiver, in short, is a judge and not a dispassionate one. Moreover, his "true" dispensations are linguistically constructed within specific contexts of persuasion, which is precisely why they cannot escape variabilities of interpretation, regardless of how much they are founded on universals rather than particulars. Despite the attempt to ascertain truth in rhetoric by appealing to what initially seems to be a nonrhetorical authority, that locus of influence turns out to be equally fraught with the crises of language. Once again, the ground, in this case *nomos*, is constituted by what it ostensibly supports. Thus the limit that Aristotle places upon the series of deferrals in Chapter 1 is no limit at all. Its ability to function as one is based on the authority of the master's voice, on a peremptory rhetorical stance that is itself linguistically constituted with a view to maintaining power, in particular, the power of truth. After all, what is a *technê*, in the Aristotelian sense, without that claim to power? But then again, what is that claim to power but an effort to persuade, which presents itself in the guise of scientific neutrality?

Through the discursive exchange whereby the theoretical lawgiver participates in the strategies of the practical lawgiver, not only does *theôria* reveal itself as a mode of *praxis*, but the *nomothetês* reveals himself as a *kritês*. Thus, as the art of rhetoric is constituted in a deployment of optic metaphors whose *praxis* is one of the topics of the *Rhetoric*, so too the authority of law is constituted in an act of judgment no less implicated in special interests than the *krisis* from which it is differentiated. In such slippages, truth appears within the "space" of a commonplace, a *topos*. It is rhetorically generated in terms of the opposition between *nomothetês* and *kritês*, which exemplifies Aristotle's first *koinos topos*—a line of proof based upon consideration of the opposite of the

thing in question. "It is necessary to observe whether that opposite has the opposite quality. If it has not, you refute the original proposition; if it has, you establish it. For example, temperance is good, for licentiousness is harmful" (1397a8-10). If appeals to the judge endanger truth because they play upon emotions, appeals to the lawgiver secure truth because they cannot play upon emotions (the lawgiver is removed from the scene of deliberation). But as we have seen, the argument is problematic, since the figure taken to be morally superior and normatively prior is a version of its supposedly weaker and inferior opposite.

The site of these reversals is language, the object undergoing philosophical scrutiny and supposedly subject to philosophical control. Such control, however, is belied in the intersection of discourses, which in principle are distinct. It is not enough to say that theoretical discourse borrows from its object discourse, rhetoric; it beholds itself and finds its conditions of possibility in its other. No language operates outside contexts of persuasion, which are always and ineluctably shaped by interests that constitute the facts. That is why theory and science never escape the limits of history. Aristotle's success in persuading us otherwise is itself impressive testimony of how well he maintains his authority by covering his rhetorical tracks.

[252]* * * * *

The implication of philosophical *theôria* in rhetorical *praxis* helps us discern gaps in the representational model of language embraced in the opening chapters of the *Rhetoric*. We may study this intersection from a somewhat different angle, one that allows us to approach more directly some of Aristotle's analyses of specific categories of discourse. In the first chapters of his treatise, as we have seen, Aristotle aims to determine the range and capabilities of rhetoric; he establishes what is possible and impossible for this art. His discussion includes remarks about what rhetoric actually has been in preceding accounts and what it will be within his more adequately framed art. Moreover, his entire approach is guided by an assumption about value—about the ontological worth of objects, their greatness or smallness, within a schema of being. To elucidate Aristotle's theoretical language in these terms is to reveal its involvement in the most basic level of rhetoric, which he labels the *koina*.

These elements of Aristotelian rhetorical theory have been ably elucidated by William Grimaldi, who points out that they have long been erroneously confused with the the *koinoi topoi*, the universally applicable patterns of inferential logic, of which Aristotle enumerates twenty-eight in Book 2.[16] As their name suggests, the *koina*, or "common things," are foundational of all discourse, and in the few places where Aristotle discusses them he lists three categories: 1) possible-impossible; 2) past-future; 3) great-small. Perhaps the best summary of their function occurs in the following passage:

> Since it is not possible for impossible things to be done or to
> have been done, and since things that have not been or will
> not be cannot have been done and will not be done, it is
> necessary that the deliberative, the forensic, and the

> epideictic speaker have propositions about the possible and impossible and on the question whether a thing has happened or has not, will be or will not. Moreover, since all in praising or blaming, in exhorting or dissuading, in accusing or defending, try to prove not only the things mentioned above, but also that the good or evil, the fair or the shameful, the just or the unjust is great or small, … it is clear that it will be necessary to have propositions about greatness and smallness and about more and less, both generally and in particular cases; for example, on the question which is the greater or less good, the greater or less injustice and justice, and so forth.   (l359a11-26)

As Grimaldi has remarked about this passage, people initiate the whole activity of rhetorical discussion only when there is question of a possible matter, past, present, future, which is of significance to them.[17] The *koina* perform the essential work of structuration necessary if there is to be artful discourse. Producing propositions that shape the subject for persuasion, their role is to bring about a body of material upon which the rhetorical art may work.

To read the *koina* in this way respects Aristotle's remarks about them. But it does not address an ambiguity about their ontological status. Labelled *protaseis* ("propositions"), the *koina* are often treated by Aristotle as **[253]***huparchonta*, as the "underlying facts" about which proofs are concerned. The equivocation should not be argued away. In discussions of the *koina*, the facts emerge as already constructed facts, as linguistically constituted *realia*. This is borne out, for example, in what Aristotle says about the second *koinon*, "what happened." Whether a thing has or has not happened must be examined in these ways. "First of all, if the less natural thing has happened, the more natural thing would have happened too." What is described here as "something that has happened" (τὸ γεγονός) is an inference *a fortiori*. And again:

> If a person was able to do something and wanted to do it, one could say he did it. For all having the power to do what they wish do it, since there is nothing standing in their way. Moreover, one may say a thing has happened if a person desired it and nothing prevented him; or if he had the power to do it and was angry; or if he had the power and felt passion, because people for the most part do what they desire, if they are able, the scoundrels through lack of self-control, the good because they desire what is fitting.
> (1392b18-24)

In such passages, the constructed rather than the given status of the facts is unmistakable, though it goes unremarked by Aristotle. This status is intimately associated in the examples with two characteristics of human actions. On the one hand, *praxeis* are assumed to be the result of desire, deliberation, emotion, and reasoning, which we cannot literally see but must construe, according to the science developed to deal with such matters—ethics. The inwardness of

motivations, their lack of availability as tangible evidence, demands that they be interpreted, and such interpretation determines "what happened." On the other hand, because both the mechanisms that produce actions and actions themselves are contingent—able to be otherwise—*praxeis* may be linguistically constituted and named in a number of ways, depending on how their probability is related to precedent, character, context, and so on. The passage tacitly confirms that "what happened" is not a simple pre-linguistic fact to which the *koina* look, but a construct ineluctably informed by language. As a version among other possibilities, it is not subject to a model of reflection or of scientific verifiability.

Another difficulty to consider in this context is the following: how is it that the *koina*, foundational of discourse generally, seem to derive from the *koinoi topoi*? To examine "whether a thing has happened" and to conclude that if the less natural thing has happened, the more natural would have, too, is to infer in the way described in the fourth *koinos topos* (1397b15ff.). Similarly, to say that something has happened because the agent was bound to act if the deed was possible, easy, desirable, and so on, is to reason in the way described in the twentieth *koinos topos* (1399b34-1400a7). The *koina* cannot be foundational of higher levels of discourse when they borrow from them. For this reason, to treat the *koinoi topoi* in the way commentators often do, as inferential patterns that structure a bare, ontologically discrete *hupokeimenon*, is to avoid recognizing how deeply implicated they are in the production and not the mere reflection of reality.

[254]If Aristotle's discussion of the *koina* raises questions about ontological priority, so does his treatment of the *entechnoi* and *atechnoi pisteis*. When he first introduces these two general categories of proof in Book 1, Chapter 2, he distinguishes between them in this way:

> Of the modes of persuasion some are "atechnic" and some are "entechnic." By atechnic proof I mean such things as have not been supplied by us but that have existed from the outset, for example, witnesses, evidence given under torture, written contracts, and so on. By entechnic proof I mean such things as we can ourselves construct through the methodology of rhetoric. Consequently, one must use the former but discover the latter.   (1355b35-1356a1)

According to this view, some proofs "are at hand" for the speaker ($\pi\rho o\ddot{\upsilon}\pi\hat{\eta}\rho\chi\epsilon\nu$), while others are created through the *methodos* of the art. Although the construction of rhetoric as a *technê* implies that the *entechnoi pisteis* are the appropriate focus of Aristotle's project, disagreement has surrounded the relative value of the two types of proof. The difficulty stems from comments in the introduction of the treatise, which specify, as we have seen, that the business of an artful speaker is to show the facts *tout court*, without emotional appeal. On this basis Edward Cope, equating the *atechnoi pisteis* with "direct proof" and *entechnoi pisteis* with "indirect proof," concludes:

> Aristotle holds that these indirect proofs, though necessary to the orator by reason of the deficiencies and infirmities of his audience…, and therefore not to be excluded from the theory or practice of rhetoric, yet are to be regarded as merely auxiliary and subordinate, standing in the same relation to the direct proofs as dress and personal ornaments to the body, serviceable but not essential.[18]

This view poses obvious problems. Realizing that such a reading devalues precisely the proofs subject to the methodology of rhetoric, Grimaldi takes issue with Cope's remarks: "Rhetoric can use atechnic proofs, but the object of its technical competence is the entechnic proofs the derivation and use of which it teaches."[19] The disagreement testifies to an ambiguity about the status of proofs in the treatise that is directly related to the vacillating attitudes displayed by Aristotle towards rhetoric as an art. Its function is sometimes conceived in terms of accuracy in representing subject matter and sometimes in terms of persuading an audience.

This scholarly debate is revealing, but it does not take stock of a significant aspect of the *atechnoi pisteis*. Supposedly available for use without artful design, these proofs are given; in Aristotle's scheme they exist outside the operations of the rhetorical *technê*, even though all of them, significantly, are linguistic in nature. Yet the detailed discussion in Book 1, Chapter 15 of the five types of nontechnical proof shows that they are hardly unmediated by the art of persuasion, at least as that art is presented in the *Rhetoric*. Their ontological status as *huparchonta* apparently unconstructed by *technê* is belied by Aristotle's treatment of them as potential evidence requiring interpretation and consideration *in utramque partem*. To approach them as if they provided **[255]**material from outside the art for use of the speaker to his best advantage is to downplay how considerations of advantage actually define the *pistis*— actually define, for example, whether a law is a law at all, a prescription with binding force. Aristotle's quotation in this chapter of Antigone's line about the unwritten law (part of an ongoing topic of debate about the play) is evidence that *nomos* is hardly a preexisting fact of which the speaker simply makes good use. The whole notion of law—its foundation, authority, claim on behavior, self-consistency—is rendered questionable by the passage from Sophocles' play, and Aristotle's citation reinscribes those questions in his own text. In short, the basis for distinction between atechnic and entechnic proof is highly suspect.   Language structures even the supposedly direct types of demonstration.

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To sum up, the construction of *ta hupokeimena* clearly depends upon the *telos* to which language is directed: the *krisis* or judgment of an audience. The one speaking must have a rough foreknowledge of the occasion of discourse, the character of the audience, and its emotional resonances in shaping the "possible or impossible," "the has-been or will-be," and "the greater or the less." Only thus can *logos* be probative and convincing. As Aristotle remarks

in Book 2, "The orator has to guess what his hearers' previous opinions are and what they happen to be, and then he must express these opinions in general propositions. This is one use of employing maxims, and there is another, better one: they give ethical character to our speeches" (1395b10-13). This holds good for the orator no less than it does for the philosopher who discourses about the method of the orator. As I have argued, there is no disinterested, ethically neutral *theôros*, since every *theôros* is also a *kritês*, whose evaluative judgments are in turn judged in an endless process of interpretation, of which my own is a part. The conditions of truth emerge in this circuit, which is not amenable to the classical model of representation. Aristotle's analyses of rhetorical categories such as the *koina* and the entechnic and atechnic proofs provide a remarkable understanding of this process, although commentary on the *Rhetoric* has tended to stifle the insight since it is so unAristotelian. But we can read Aristotle's text in a way that uses his investigations into language to challenge the objectivity of his method and the claims for truth that it attempts to secure. Such an approach would uncover the interests that bar Aristotle from testing his model of language as representation and that prevent his followers from reading against the grain of Aristotelian orthodoxies.

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NOTES

1. For recent discussions, see William Grimaldi, S.J., *Studies in the Philosophy of Aristotle's Rhetoric* (*Hermes Einzelschriften* 25, Wiesbaden 1972); Keith V. Erickson, ed., *Aristotle: The Classical Heritage of Rhetoric* (Metuchen, N. J. 1974); Samuel Ijsseling, *Rhetoric and Philosophy in Conflict: An Historical Survey* (The Hague 1976) 1-33; Roger Moss, "The Case for Sophistry," in Brian Vickers, ed., *Rhetoric Revalued*: **[256]***Papers from the International Society for the History of Rhetoric* (Binghamton, N. Y. 1982) 207-21; Richard A. Lanham, *Literacy and the Survival of Humanism* (New Haven 1983) 15-23; and Robert J. Connors *et al.*, eds., *Essays on Classical Rhetoric and Modern Discourse* (Carbondale, Ill. 1984).

2. See, for example, Whitney J. Oates, *Aristotle and the Problem of Value* (Princeton 1963) 333-51.

3. See, for example, Grimaldi (supra n. 1) 1-52.

4. For a recent treatment, see T. H. Irwin, "Aristotle's Concept of Signification," in Malcolm Schofield and Martha Nussbaum, eds., *Language and Logos: Studies in Ancient Greek Philosophy Presented to G. E. L . Owen* (Cambridge 1982) 241-66.

5. Martha Nussbaum, in "Saving Aristotle's Appearances," *Language and Logos* (supra n. 4) 267-93, argues against the traditional view that Aristotelian science conforms to a Baconian model of method, and emphasizes the pervasive linguistic factors in Aristotle's talk of *phainomena*. But she overstates the case against Owen's observation of ambiguity in the usage of *phainomena*, and she does not take up problems raised by the *Rhetoric*.

6. Aristotle differentiates *theôria* from the practical sciences aimed at action and the productive arts aimed at the creation of a product. (On these distinctions, see

Nicomachean Ethics, Book 6). But to engage in the science of politics or the art of poetics is different from developing a philosophically coherent account of them. To frame the conditions and terms of a *technê* is, in a broad sense, to theorize.

7. On the metaphor ὁδός in Aristotle's discussion, see William Grimaldi, S. J., *Aristotle*, *Rhetoric I: A Commentary* (New York 1980) 4-5, and *The Rhetoric of Aristotle*, ed. John Sandys with comm. by Edward Cope, 3 vols. (Cambridge 1877) I.4-5.

8. Aristotle, *Ars Rhetorica*, ed. Rudolf Kassel (Berlin 1976) 1354a3; 1355b26-39. All citations are from this edition of the *Rhetoric*, and all translations from Greek are my own. Other works of Aristotle are cited from *Nicomachean Ethics*, ed. J. Bywater (1894; repr. Oxford 1962); *Prior and Posterior Analytics*, ed. W. D. Ross (rev. ed. Oxford 1965); (for *Topics*) *Aristotelis Organon Graece*, ed. Theodore Waitz (1844-46; repr. Dubuque, Iowa 1962).

9. On these distinctions, see *Posterior Analytics* 1.1-2 and *Topics* 1.1.

10. See Richard McKeon, "Aristotle's Conception of Language and the Arts of Language," in R. S. Crane *et al.*, *Critics and Criticism: Ancient and Modern* (Chicago 1952) 176-231.

11. *Rhetoric* 1.2.21.1358a10-21. Also see the useful discussion by McKeon (supra n. 10) 209-13.

12. See Cicero, *De Oratore*, ed. A. S. Wilkins (2nd ed., Oxford 1888-92; repr. Amsterdam 1962), 2.30-31; 3.26-31.

13. For a recent critique of the philosophy of reflection, see Rodolphe Gasché, *The Tain of the Mirror: Derrida and the Philosophy of Reflection* (Cambridge, Mass. 1986).

14. McKeon (supra n. 10) 209.

15. On the enthymeme, see Grimaldi (supra n. 1) 53-103, and Lloyd Bitzer, "Aristotle's Enthymeme Revisited," in *Aristotle: The Classical Heritage* (supra n. 1) 141-55.

16. See Grimaldi (supra n. 7) 349-56.

17. Grimaldi (supra n. 7) 38.

18. Sandys-Cope (supra n. 7) I.29.

19. Grimaldi (supra n. 7) 38.