

The Intellectual and Cultural Origins of Chaim Perelman and Lucie Olbrechts-Tyteca's New Rhetoric Project

*Commentaries on and Translations
of Seven Foundational Articles,
1933-1958*

Michelle Bolduc and David A. Frank

The Intellectual and Cultural Origins of Chaïm Perelman and
Lucie Olbrechts-Tyteca's New Rhetoric Project

International Studies in the History of Rhetoric

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By

Michelle Bolduc
David A. Frank



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Introduction: Chaïm Perelman and Lucie Olbrechts-Tyteca's New Rhetoric Project (NRP)—“[T]he Single Most Important Event in Contemporary Rhetorical Theory”

Chaïm Perelman (1912–1984), a Belgian Jew, achieved global recognition as a scholar in the humanities. He was also celebrated for his leadership of the Jewish underground in Belgium during World War II, an experience central to the purpose of his scholarship, which was to redeem reason and civil society in the wake of war and genocide. After the war, Perelman alone, and in collaboration with Lucie Olbrechts-Tyteca (1926–1994), wrote more than 350 books, book chapters, and essays outlining a vision of rhetoric as an answer to the post-war “crisis of reason”.¹

Perelman, alone and with Olbrechts-Tyteca who joined him in 1946, sought to answer the question: How can humans reason about values and cultivate a moral civil society in the aftermath of the Holocaust, World War II, and the absence of absolutes? Their answer was to develop a new rhetoric, or what we term the New Rhetoric Project [NRP]. The NRP was initiated by Perelman in his 1933 article “De l'arbitraire dans la connaissance” [On the Arbitrary in Knowledge], crystallized by Perelman and Olbrechts-Tyteca in their 1958 magnum opus, *Le Traité de l'argumentation: La nouvelle rhétorique* [*The New Rhetoric: A Treatise on Argumentation*], and brought to a finale in their 1983 contribution to a special issue of a Swiss journal dedicated to reviewing the influence of Vilfredo Pareto in the study of argumentation and their work sixty years after his death.²

* James Crosswhite, *The Rhetoric of Reason: Writing and the Attractions of Argument*. (Madison, 1996), 35.

1 We have, both in collaboration and individually, studied the origins, trajectories, translations, and contributions of the NRP. For recent publications, see M. Bolduc, *Translation and the Rediscovery of Rhetoric*, Toronto Studies in Mediaeval and Early Modern Rhetoric 1 (Toronto, 2020); M. Bolduc, “From Association to Dissociation: The NRP’s Translatio of Gourmont”, *Philosophy & Rhetoric* 53.4 (2020) 400–416; D. A. Frank, “The Origins of and Possible Futures for Chaïm Perelman and Lucie Olbrechts-Tyteca’s Dissociation of Concepts”, *Philosophy & Rhetoric* 53.4 (2020) 385–399; M. Bolduc and D. A. Frank, “An Introduction to and Translation of Chaïm Perelman’s 1933 ‘De l'arbitraire dans la connaissance’ [On the Arbitrary in Knowledge]”, *Advances in the History of Rhetoric* 22.3 (2019) 232–275.

2 See our translation and commentary: Bolduc—Frank, “An Introduction to and Translation of Chaïm Perelman’s 1933 ‘De l'arbitraire dans la connaissance’ [On the Arbitrary in Knowledge]”; C. Perelman and L. Olbrechts-Tyteca, *La nouvelle rhétorique: Traité de l'argumentation*, 2 vols. (Paris, 1958); C. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on*

Sir Brian Vickers, in his historical survey of rhetoric and philosophy for the *Oxford Encyclopedia of Rhetoric*, states that the NRP is “one of the most influential modern formulations of rhetorical theory;” it is the only twentieth-century rhetoric mentioned in the entry.³ The University of Chicago’s Wayne Booth, in his *Rhetoric of Rhetoric*, writes that Perelman and Olbrechts-Tyteca, with the publication of the *Traité* (and its translation a decade later into English as *The New Rhetoric*), launched a “major revolution” with “an amazingly deep, rich, all-inclusive exploration of rhetorical resources, both from classical giants, especially Aristotle, Cicero, Quintilian, and from Renaissance anti-Cartesians on to 1969.”⁴ Relative to the other twentieth-century rhetorics of I. A. Richards, Kenneth Burke, and others, Booth found Perelman’s work (and that with Olbrechts-Tyteca) to be the “most complex effort to explore all the rhetorical resources for combating ‘absolutism’ and ‘Cartesian’ and ‘views of truth’.”⁵ James Crosswhite suggests that the New Rhetoric project is “the single most important event in contemporary rhetorical theory.”⁶ Many European philosophers, including Hans-Georg Gadamer,⁷ Paul Ricoeur,⁸ and Jacques Lacan,⁹ engaged with the NRP.

In our study of the NRP, we build on the insights that Christian Delacampagne made in his *A History of Philosophy in the Twentieth Century*.¹⁰ Delacampagne insists that the major philosophical movements in the twentieth century are products of history and culture. The material and cultural devastation left in the aftermath of World War I an intellectual crisis: reason had failed to prevent war, genocide, and the death of over 100 million people. European and Belgian

Argumentation, trans. J. Wilkinson and P. Weaver (Notre Dame, IN, 1969); C. Perelman and L. Olbrechts-Tyteca, “Pareto et l’argumentation”, *Uni-Laisanne* 37 (1983) 32–33. We will designate the 1958 French original as *Traité* and the 1969 English translation as *New Rhetoric* to capture the unrecognized importance of translation in rhetorical studies, an argument emphasized in Bolduc, *Translation and the Rediscovery of Rhetoric* 338–355.

3 B. Vickers, “Philosophy: Rhetoric and Philosophy”, in T. Sloan (ed.), *Oxford Encyclopedia of Rhetoric* (Oxford, 2001), 491.

4 W. C. Booth, *The Rhetoric of Rhetoric: The Quest for Effective Communication*, Blackwell manifestos (Oxford, 2004), 73.

5 Booth, *The Rhetoric of Rhetoric* 73.

6 J. Crosswhite, *The Rhetoric of Reason*, 35.

7 H.-G. Gadamer and R. E. Palmer, *The Gadamer Reader: A Bouquet of the Later Writings*, Topics in historical philosophy (Evanston, IL, 2007), 64, 246.

8 P. Ricoeur, “Rhetoric—Poetics—Hermeneutics”, in M. Meyer (ed.), *From Metaphysics to Rhetoric* (Dordrecht, Netherlands, 1989), 137–149.

9 J. Lacan, *Ecrits: The First Complete Edition in English*, trans. B. Fink, H. Fink, and R. Grigg (New York, 2006), 889–893.

10 C. Delacampagne, *A History of Philosophy in the Twentieth Century* (Baltimore, MD, 1999).

intellectuals responded to this crisis with a host of philosophical balms, including logical positivism, existentialism, phenomenology, and Marxism.

Central to this crisis was Perelman's status as a Jew and that of the Jewish people in Europe. Reason did not prevent the rise of eliminationist antisemitism and the Holocaust, leading Delacampagne to argue that it is "[p]recisely because it constitutes the ultimate scandal of reason, the Nazi genocide forces us today to consider the Jewish question as the "turning point in history".¹¹ Toward the end of creating a civil society anchored in reason, accepting of the value diversity representing pluralism, and the lived experience of European Jews, Perelman and Olbrechts-Tyteca established reason and justice as the polar stars of the NRP, a justice achieved through informal reason expressed through argumentation and rhetoric. The time period considered in this volume was dominated by the questions raised in philosophy by logical positivism and the threat to life posed by totalitarianism.

Those who founded logical positivism and empiricism held that they were "integral to the struggle against fascism" as they "represented Enlightenment values of reason and progress, sense against nonsense, truth against fiction".¹² Perelman's agenda, from the beginning, was to extend reason beyond the spheres of sense and truth to include values, a topic that logical positivism and empiricism of this period defined as the realm of the irrational, without meaning. As Edmonds writes,

Logical positivists held that in the end, there is nothing we can do to reconcile our disagreement, and there is nothing to be gained by my claiming that my values are true and yours false. We may simply have to live with our difference of opinion. ... It is perfectly legitimate for me to posit ethical judgments, so long as I acknowledge that they do not belong in the same category as empirical statements.¹³

We see Perelman struggling with these constraints. He agrees with and is committed to Enlightenment values of reason, but he resists the boundaries placed on reason by logical positivism. Values must be seen as reflections of reason, Perelman would later maintain, if fascism and totalitarianism are to be contained and defeated. Rhetoric and argumentation would, for Perelman, become the logic of ethical judgments.

11 Delacampagne, *A History of Philosophy* 173.

12 D. Edmonds, *The Murder of Professor Schlick: The Rise and Fall of The Vienna Circle* (Princeton, 2020), 30.

13 Edmonds, *The Murder of Professor Schlick* 335, 336.

Perelman, the budding philosopher, made an audacious debut at age 21 in 1933 when he confronts the problem of modality in his initial two scholarly articles.¹⁴ Modality in logic hosts claims of necessity and possibility, which can suggest that there are different modes and expressions of reason.¹⁵ In the tradition of logical positivism, modalism is either rejected completely, with reason limited to deduction and a logic of necessity, or severely restricted in its scope.¹⁶ In his earliest scholarship, Perelman embraces the coherence of logic, but he seeks its freedom from necessity and the arbitrary. However, during the decade of the 1930s, he nevertheless studies logic and reason within the worldview of those who subscribed to a version of positivism that embraces necessity and the arbitrary.

Over the course of Perelman's scholarly career, he would develop the modal logic of possibility and probability, which led him back to Aristotle, the father of Western logic. Aristotle had distinguished two forms of reason, analytic and dialectic, the former characterized by necessity and deduction, the latter by probability and rhetoric. The trajectory of Perelman's scholarship alone and with Olbrechts-Tyteca climaxes in the *Traité* with its goal of "breaking" with the Enlightenment's restrictive definition of reason, which limited it to the necessary, and effected a "rapprochement" between analytical and dialogical reasoning. As we will see, Perelman and Olbrechts-Tyteca also broke from their understanding of Aristotle's view of reason and rhetoric.

The NRP's take on justice, reason, and rhetoric remains an important influence on studies of law, ontology, epistemology, axiology, and argumentation, as well as in the humanities, social sciences, and natural sciences. John Rawls, in his *Theory of Justice*, cites Perelman's 1945 *De la justice*, which Perelman wrote while in hiding from the Nazis and leading the Belgian Jewish underground (Le Comité de défense des Juifs, or CDJ).¹⁷ Oxford's H. L. A. Hart celebrated Perelman's scholarship.¹⁸ More recently, the NRP is seen as influential in contemporary Arab, Korean, Spanish, and Israeli scholarship.¹⁹ Judges in Poland

14 S. Shieh, *Necessity Lost* (Oxford, 2019).

15 Shieh, *Necessity Lost*, 1.

16 Shieh, *Necessity Lost*.

17 J. Rawls, *A Theory of Justice* (Cambridge, MA, 2005), 58. C. Perelman, *De la justice* (Brussels, 1945). On Perelman's role as a leader in the underground, see Jean-Philippe Schreiber, *Chaïm Perelman et double fidélité*. Undated manuscript (Brussels).

18 H. L. A. Hart, "Introduction", in *The Idea of Justice and the Problem of Argument* (New York, 1963), vi–xi.

19 B. Derdar, "Arab Reception of the Theory of the New Rhetoric of C. Perelman and L. Olbrechts-Tyteca", *Journal of Arts and Social Sciences [JASS]* 10.1 (2019) 69–84; W. Park, "The New Rhetoric: Korean Transplantation and Its Problems", *수사학* 15 (2011) 65–87; M. D. Narváez, "La nueva retórica de Chaïm Perelman como teoría de la racionalidad

continue to cite the NRP in their legal rulings.²⁰ Scholars in the English-speaking world make use of the NRP to study law, political communication, math, and a host of topics across the spectrums of humanities, social sciences, and natural sciences.²¹

Between 1931 and 1947, Perelman set forth the questions at the center of the project, writing 50 articles and one book before Olbrechts-Tyteca joined him in 1947.²² In the period between 1947 and 1958, Perelman and Olbrechts-Tyteca wrote 15 articles and two books to develop the NRP.²³ Olbrechts-Tyteca would, after 1958, write two articles and one book, making use of the theories outlined in the NRP. Perelman would write over 200 articles and four books on his own between 1958 and his death in 1984 that defend, extend, and refine the themes of the NRP.

A vast number of the articles belonging to the NRP, which offer important and original insights on NRP's rhetorical theory, remain in French. Scholars and readers lacking access to the NRP's original French must rely on only four volumes containing essays of English translations: *The Idea of Justice and the Problem of Argument* (1963), *The New Rhetoric and the Humanities: Essays on Rhetoric and its Applications* (1979), *Justice, Law and Argument* (1980), and *The Realm of Rhetoric* (1982).²⁴ These volumes are foundational for

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- practica", *Eidos* 30 (2019) 104–130; R. Amossy, "À la croisée de l'analyse du discours et de l'argumentation rhétorique: Le cas d'Israël", *Essais Francophones* 6 (2019) 125–183.
- 20 G. Maroń, "References to Philosophers in the Polish Case Law", *Krytyka Prawa* 4 (2019) 281–298.
- 21 F. J. Mootz, "Rhetorical Knowledge in Legal Practice and Theory", *Southern California Interdisciplinary Law Journal* 6 (1998) 491–610; S. E. Cohen and D. A. Frank, "Jerusalem and the Riparian Simile", *Political Geography* 21.6 (2002); Manfred Kienpointner, "Rhetoric and Argumentation", in J. E. Richardson—J. Flowerdew (eds.) *The Routledge Handbook of Critical Discourse Studies*, (New York, 2017).
- 22 For a complete account of the NRP, see D. A. Frank and W. Driscoll, "A Bibliography of the New Rhetoric Project", *Philosophy and Rhetoric* 43.4 (2010) 449–466.
- 23 In his *Logique juridique: Nouvelle rhétorique*, Méthodes du droit (Paris: Dalloz, 1976), Perelman asserts that he and Olbrechts-Tyteca began working together in 1947, and that it was after two years that they realized that while there was not a logic of value judgments, what they were looking for was to be found in rhetoric (101). For an early bibliography of the NRP see, L. Olbrechts-Tyteca and E. Griffin-Collart, "Bibliographie de Chaïm Perelman", *Revue internationale de philosophie* 33. 127–128 (1979) 325–342; R. Grácio, "Bibliografia de Chaïm Perelman (cronológica)", *Caderno de filosofias* 5 (1992) 87–106; and more recently, D. A. Frank and W. Driscoll, "A Bibliography of the New Rhetoric Project", *Philosophy & Rhetoric* 43 (2010) 449–466.
- 24 C. Perelman, *The Idea of Justice and the Problem Of Argument*, International Library of Philosophy and Scientific Method (New York, 1963); C. Perelman, *The New Rhetoric and the Humanities: Essays On Rhetoric and its Applications*, Synthese library, (Dordrecht, 1979); C. Perelman, *The Realm of Rhetoric* (Notre Dame: University Press of Notre Dame,

scholars from wide-ranging disciplines, including rhetorical history, communication, philosophy, legal studies, religious studies, literary criticism, the history of ideas, mathematics, the history of science, women's studies, and history. However, these volumes contain only translations of articles written after 1958 and do not offer an account of the origins or beginnings of the NRP; furthermore, these volumes lack both commentaries and translator notes to explain difficult concepts and to clarify the specific sociohistorical and cultural context in which Perelman (and Olbrechts-Tyteca) were working, which would enrich the reading experience.

Some of the existing English translations of Perelman and Olbrechts-Tyteca's oeuvre are flawed, leading to misreadings and misleading interpretations of the NRP. Our translations and commentaries intend to fill a historical vacuum in the study of the NRP, making them accessible and readily available to the English-speaking reader. Even scholars with a command of French have not read the totality of the texts that make up the NRP, which prevents an appreciation of the diachronic development of its approach.

Our work answers criticisms of the NRP made by some modern critics who have not plumbed the intellectual and cultural depths of the NRP. Alan Gross and Ray Dearin note that "while there has been some useful exegesis in English, most of it merely perpetuates misunderstandings that stem from superficial acquaintance beyond recovery in dusty and largely unread periodical volumes".²⁵ Gross and Dearin are right; far too many commentaries by English-speaking readers of Perelman and Olbrechts-Tyteca betray and distort their analysis. Gross and Dearin are also right when they point to the articles Perelman and Olbrechts-Tyteca wrote offering explanations and embellishments of their central ideas that were not included in the *Traité* and that can be found in "unread periodical volumes".

Gross and Dearin are mistaken, however, when they write that there are but a "few articles" that could help illuminate the NRP.²⁶ Perelman and Olbrechts-Tyteca's *Traité* was the result of a ten-year collaboration, one that sought to set forth a system of argumentation designed to persuade embodied audiences. According to Perelman's daughter, Noemi Perelman Mattis, the final product was over 2,000 pages; the press required the collaborators to condense it to

1982); C. Perelman, *Justice, Law, and Argument: Essays on Moral and Legal Reasoning*, Synthèse Library v. 142, (Boston, Hingham, MA, 1980).

25 A. G. Gross and R. D. Dearin, *Chaim Perelman* (Albany, NY, 2003), ix.

26 Gross and Dearin, *Chaim Perelman*, ix.

734 pages.²⁷ The rather underdeveloped, elliptical writing in *Traité* may thus be due to space limitations. Concurrent with the 1958 publication of *Traité*, Perelman alone and with Olbrechts-Tyteca published articles on the relationship between thought and action (Perelman, “Rapports théoriques de la pensée et de l’action”), classical and romantic topoi in argument (Perelman and Olbrechts-Tyteca, “Classicisme et romantisme”), pragmatic argument (Perelman, “L’argument pragmatique”), and the role of time in argumentation (Perelman and Olbrechts-Tyteca, “De la temporalité comme caractère de l’argumentation”).

We have identified many articles that precede, appear alongside, and post-date the *Traité* that shed expository light on the NRP’s central concepts. We have dusted off Perelman and Olbrechts-Tyteca’s unread articles, translated them into English (several of them here for the first time), and have provided commentaries specially written for this volume that situate these articles in their historical contexts. Our studies of the NRP, which include its history and cultural context, should provide the English-speaking reader with a better understanding of the historical origins and intentions of the key terms and arguments in the NRP, which have, far too often, been misunderstood by those who have not had access to adequate English translations and to the rich, multilingual cultural and political environment of the NRP.

We have studied the Perelman and Olbrechts-Tyteca collaboration in depth, conducted exhaustive research in the Perelman archives at the Université Libre de Bruxelles [ULB], the United States Holocaust Museum, and engaged in extensive interviews with Perelman’s daughter, Noemi Perelman Mattis, and other contemporaries. We have also read the exchanges between Perelman and Hans Georg Gadamer, Richard McKeon, Norberto Bobbio, and many other prominent intellectuals contained in letters and philosophical society reports held in the archives, which have provided us with insight on the development of his thought.

Our archival research has allowed us to read first drafts of the articles that we have translated into English for the first time, lecture notes, and unpublished manuscripts. We have consulted the notebooks that Perelman kept between 1934 and 1948, which record the philosophical and rhetorical texts with which Perelman was engaged while at the early stages of his research on logic and rhetoric. These materials reveal the cultural and philosophical context in which the NRP was developed and provide the foundation for our translations and commentaries. We dedicate our commentaries and translations of the NRP to English-reading scholars and societies seeking to cultivate reason-based decision-making.

27 N. Mattis-Perelman, “Personal Interview”, interview by D. Frank, 4 April, 1994.

1 The Contribution of Translations and Commentaries on the NRP

Scholars from many disciplines and countries continue to turn to the NRP for insight on rhetorical theory and behavior. Our translations and commentaries of two of the NRP's keystone articles have been recently cited by two important scholars: James Crosswhite, *Deep Rhetoric: Philosophy, Reason, Violence, Justice, Wisdom* (Chicago, 2013) and Christopher Tindale, *The Philosophy of Argument and Audience Reception* (Cambridge, 2015).²⁸ Crosswhite draws heavily on our translation of and commentary on Perelman and Olbrechts-Tyteca's 1958 article on time in argumentation to develop the theme of his book.²⁹ Tindale makes use of our translation of Perelman's 1949 article on "regressive philosophy" in order to anchor his appropriation of Perelman's thought.³⁰ Our work in translating and commenting upon these early articles has also led to Bolduc's recent major work, *Translation and the Rediscovery of Rhetoric*.

We anticipate that scholars will welcome and draw from *The Intellectual and Cultural Origins of Perelman and Olbrechts-Tyteca's New Rhetoric Project*. We translate the most significant pieces of Perelman and Olbrechts-Tyteca's work that remain in French, providing them with necessary contextualizations; we also aim to correct misunderstandings that derive from mistranslations. In 2014, we received a major National Endowment for the Humanities (NEH) Grant that has allowed us to complete a contextually sensitive series of translations and commentaries on the work of Perelman and Olbrechts-Tyteca. The present volume, one product of the NEH, entitled "The Intellectual and Cultural Origins of Chaïm Perelman and Lucie Olbrechts-Tyteca's New Rhetoric Project: Commentaries on and Translations of Seven Foundational Articles, 1933–1958" ["Origins"] presents the initial phase of our project, featuring seven translations of and commentaries on articles published by Perelman alone and with Olbrechts-Tyteca between 1933 (Perelman's first article) and 1958 (the publication of Perelman and Olbrechts-Tyteca's *Traité*).

Readers of "Origins" will encounter here seven carefully selected translations and accompanying commentaries. They are intended to illuminate six touchstones in the NRP, offering readers insight into the development of the NRP and what these early writings offer to problems faced by contemporaries. These include:

28 J. Crosswhite, *Deep Rhetoric: Philosophy, Reason, Violence, Justice, Wisdom* (Chicago, 2013); C. W. Tindale, *The Philosophy of Argument and Audience Reception* (Cambridge, 2015).

29 Crosswhite, *Deep Rhetoric* 273–274.

30 Tindale, *The Philosophy of Argument and Audience Reception* 64–65.

1) The Intellectual Origins of the NRP: Toward a Logic of Values

Perelman, Chaïm “De l'arbitraire dans la connaissance”. *Archives de la Société Belge de Philosophie* 5:3 (1933) 5–44.

This is the first substantive article Perelman wrote in 1933, at age 21, displaying many of the key concepts that would come to populate the NRP. Perelman's agenda, from the beginning, was to find a logic of values, a logic that acknowledged the sociology of knowledge and the need for reason-based judgments.

2) The Cultural Origins of the NRP: The Jewish Question and *Double Fidélité*
Perelman, Chaïm. “Réflexions sur l'assimilation”. *La Tribune juive*. 31 July 1935.
Perelman, Chaïm. “La Question juive”. *Synthèse* 3 (1946) 47–63.

These two articles highlight the Jewish question and Perelman's response to it. Jews could be Belgian and Jewish, subscribing to *double fidélité*, Perelman argues, which thereby inverts the antisemitic slur of dual loyalty. This is an enactment of his philosophy of pluralism, one informing the NRP.

3) The Ontology and Philosophy of the New Rhetoric: Regression Toward Truth

Perelman, Chaïm. “Philosophies premières et philosophie régressive”. *Dialectica* 3:11 (1949) 175–191.

Written in the aftermath of World War II and as a full professor, this article outlines a mature version of Perelman's views of axiology, epistemology, and ontology. The target of Perelman's system is “regressive” knowledge, which is served by rhetoric, which he mentions briefly.

4) The Debut of the NRP: A Rapprochement between Logic and Rhetoric
Perelman, Chaïm, and Olbrechts-Tyteca. “Logique et rhétorique”. *Revue philosophique de la France et de l'étranger* 140:1–3 (1950) 1–35.

This article, which is the first Perelman/Olbrechts-Tyteca collaboration, is the blueprint for the *Traité-New Rhetoric*. The article outlines a realignment and rapprochement of rhetoric and logic, placing them in equal relationship.

5) The Role of Reason in the NRP: Eternal or Temporal
Perelman, Chaïm. “Raison éternelle, raison historique”. *L'homme et l'histoire. Actes du 6^e Congrès des Sociétés de philosophie de langue française*. Paris, 1952: 346–354.

Perelman, in search of a logic of values, sought to extend reason into the realm of the temporal, which philosophers had limited to the eternal. This contribution, which is the first citation in the *Traité-New Rhetoric*, explains this new vision of reason.

6) Time in Argument: Dissociating Values

Perelman, Chaïm and Lucie Olbrechts-Tyteca. “De la temporalité comme caractère de l'argumentation”. *Archivio di Filosofia* 2 (1958) 115–133.

In this article, included in an Italian journal that had dedicated a special issue to the topic of time, Perelman and Olbrechts-Tyteca develop the difference between formal and informal logic. The difference is the role that time plays in both logics and the need to dissociate and reorganize values with argumentation based on this exigence.

These six touchstones will help historians of rhetoric gain a better understanding of the NRP's birth and intellectual trajectories (touchstone one). Scholars of rhetoric, philosophy, and Jewish studies will hear the Jewish voice in the NRP and how it affects the interpretation of the NRP's stance on pluralism and reason (touchstone two). Scholars of rhetorical theory, the history of ideas, and philosophy will find Perelman's essay on first and regressive philosophies to be an enlightening reframing of the relationship between rhetoric and philosophy. Perelman's study precedes and complements the work of European scholars newly available to English-speaking audiences on ancient rhetoric, particularly the epideictic (touchstone three).³¹

Scholars who have drawn from the NRP in their research should leave the translation of and commentary on Perelman and Olbrechts-Tyteca's debut essay on their New Rhetoric with a much better understanding of the history and intent of their project to bring logic and rhetoric back into alignment (touchstone four). These same scholars should find Perelman's essay on reason and rhetoric illuminating, helping them to avoid misinterpretations of the NRP's take on logic (touchstone five). In addition, Perelman and Olbrechts-Tyteca's essay on temporality in argument offers scholars, irrespective of discipline, a surprisingly relevant and philosophical analysis of time, one that both explains the underlying philosophical intent of the NRP and a framework scholars can use to critique rhetorical behavior (touchstone six).

2 Translation in/and the New Rhetoric Project

English and North American scholars with a command of French understood the striking breakthroughs made by Perelman and Olbrechts-Tyteca and the importance of translating their work into English. Richard McKeon, who served as dean of the humanities division at the University of Chicago, recommended the translation and publication of what would become Perelman and

³¹ See L. Pernot, *Epideictic Rhetoric: Questioning the Stakes of Ancient Praise*, Ashley and Peter Larkin Series in Greek and Roman Culture (Austin, TX, 2015).

Olbrechts-Tyteca's first article to appear in English in 1951.³² A. J. Ayer, one of the most important analytical philosophers of the twentieth century, translated Perelman's critique of pragmatism in 1959.³³ The University of Notre Dame's Otto Bird was one of the translators of Perelman's "*The New Rhetoric: A Theory of Practical Reasoning*", published in the *Great Ideas Today* series by *Encyclopedia Britannica*.³⁴ John Wilkinson, who had finished a translation of Jacques Ellul's *La technique: L'enjeu du siècle (The Technological Society)* in 1964, turned to the task of translating the *Traité* into English.³⁵ A professor of philosophy at the University of California at Santa Barbara, and a fellow in the UCSB's Center for the Study of Democratic Institutions, Wilkinson collaborated with Purcell Weaver, known for his translations of Edmond Bordeaux's *Cosmos, Man and Society: A Paneubiotic Synthesis*, to move the *Traité* into English.³⁶

Michael Leff called the Wilkinson and Weaver's 1969 English translation of the *Traité* a "bombshell", a work that affected the trajectory of the humanities in North America.³⁷ Scholarly audiences have found Wilkinson and Weaver's English translation of the *Traité* complex and challenging. As Gross and Dearin have observed, "*The New Rhetoric* [the English translation of the *Traité*] is difficult to read, a task made even more difficult for North American audiences because virtually all its examples and illustrations are from a literature in a foreign language".³⁸ Wilkinson and Weaver do not provide commentary to elucidate these numerous references.

Further, as Richard Graff and Wendy Winn have pointed out, "even today many aspects of Perelman's work remain enigmatic".³⁹ Near the end of his life, Perelman himself lamented in a 1984 article that much of his work remained inaccessible and misunderstood by non-Francophone, and specifically American, rhetoricians; nearly 40 years later, this situation has scarcely changed.⁴⁰

32 C. Perelman and L. Olbrechts-Tyteca, "Act and Person in Argument", *Ethics* 61.4 (1951) 251–269.

33 C. Perelman, "Pragmatic Arguments", *Philosophy* 34:128 (1959) 18–27.

34 C. Perelman, "The New Rhetoric: A Theory of Practical Reasoning", in R. M. Hutchins—M. J. Adler (eds.), *Great Ideas Today* (Chicago, 1970).

35 J. Ellul, *The Technological Society* (New York, 1964).

36 E. B. Székely, *Cosmos, Man and Society* (San Diego, CA, 1973).

37 M. Leff, "Recherches américaines sur les lieux", in C. Plantin—D. Alexandre (eds.), *Lieux communs, topoi, stéréotypes, clichés* (Paris, 1994), 510.

38 Gross and Dearin, *Chaim Perelman*, ix.

39 W. Winn and R. Graff, "'Presencing Communion' in Chaim Perelman's New Rhetoric", *Philosophy and Rhetoric* 39.1 (2006) 45.

40 C. Perelman, "The New Rhetoric and the Rhetoricians: Remembrances and Comments", *Quarterly Journal of Speech* 70 (1984) 188–96.

His daughter, Noemi Perelman Mattis, has told us that the 734-page *Traité* is a 'succinct' version of the NRP.⁴¹ The pages culled from the original 2,000-page manuscript seem to be the basis for two of the articles that appear in this volume. Indeed, several key ideas in the *Traité-New Rhetoric* that appear enigmatic or provoke misunderstanding are more fully developed in the articles we have translated. Wilkinson and Weaver's 1969 English translation of the *Traité* lacks an annotated commentary making reference to Perelman and Olbrechts-Tyteca's writings between 1931 and 1983. This left readers without competency in French with a weak grasp on many of the NRP's key ideas.

One idea that is as critical to the NRP as it is frequently misunderstood is that of the universal audience. In an article published the year of his death, Perelman pointed out how such scholars as James W. Ray and Laura S. Ede misunderstood the conception of the universal audience in the *Traité*, which is due, as we have discovered, to a mistranslation in Wilkinson and Weaver's translation of a key passage concerning the universal audience.⁴² Readers with knowledge of Perelman and Olbrechts-Tyteca's 1950 article, "Logique et rhétorique", which discusses the universal audience, would immediately understand that something was amiss in Wilkinson and Weaver's translation.⁴³ Translating these pre-1958 articles will provide scholars in English with a better development and embellishment of the key concepts of the NRP, leading to a more refined understanding of the project's presuppositions.

One might argue that scholars of rhetoric and the humanities should not have to read in translation. However, the reality of language learning for graduate degrees in rhetoric and the humanities generally demonstrates the opposite: Foreign language competency is not considered critical to the study of rhetoric, and the products of our doctoral programs in rhetoric are frequently at a beginning level of foreign-language competency. Making the assumption that doctoral students—the future professors of rhetoric and other humanities disciplines—will be able to read these articles in the French original, whose subject matter and stylistics are complex, is idealistic at best. This volume is destined for those scholars who are not well versed in French; moreover, it is also intended for undergraduate students and their teachers in many different

41 N. Mattis-Perelman, "Personal Interview", interview by D. Frank, 4 April, 1994.

42 J. W. Ray, "Perelman's Universal Audience", *Quarterly Journal of Speech* 64 (1978) 361–375; L. S. Ede, "Rhetoric vs. Philosophy: The Role of the Universal Audience in Chaïm Perelman's *The New Rhetoric*", *Central States Speech Journal* 32 (1981) 118–125. Perelman, "The New Rhetoric and Rhetoricians, Remembrances and Comments", *Quarterly Journal of Speech* 70 (1984) 190–193.

43 C. Perelman and L. Olbrechts-Tyteca, "Logique et rhétorique", *Revue philosophique de la France et de l'étranger* 140 (1950) 1–35.

fields. The demand for English translations of the NRP is not only felt in rhetoric and communication, for the NRP is finding its way into the citations of social and natural scientists, as these and other scholars transcend disciplinary boundaries.

Salazar has noted that “most of current French writing in rhetoric and philosophy, or philosophy and rhetoric, is unavailable in English”.⁴⁴ In the case of the NRP, this need for English translations of articles associated with the project was felt as early as 1963, when the first of four collections of NRP articles appeared in English. Despite the publication of these collections in English, misunderstandings of the key ideas of the NRP were common enough for Perelman himself to point them out. The translation of key articles that witness the origins and development of the NRP in this volume may respond to a particularly Anglo-American scholarly demand; furthermore, it is also a thematic well established in Perelman and Olbrechts-Tyteca’s methodology. That is, as one of us has argued elsewhere, translation is an important feature of the New Rhetoric Project and was of specific interest to its authors.⁴⁵

Few scholars of rhetoric at the time, or today, would imagine that Perelman and Olbrechts-Tyteca were active as translators: Perelman was a logician and philosopher, and Olbrechts-Tyteca had a background in statistics and sociology.⁴⁶ Translation was nevertheless an important facet of their scholarly work. It may be that Perelman’s and Olbrechts-Tyteca’s sensitivity to issues of translation was a natural outcome of their multilingual background and their European—specifically, Belgian—context. Perelman, who was born in Poland and emigrated to Belgium as a teenager, spoke numerous languages, including Polish, Yiddish, French, Flemish, German, Italian, and English.⁴⁷ We know that Olbrechts-Tyteca read widely in French, German, Italian, and Spanish, and unlike in the *Traité*, she chose to quote directly from foreign sources in the original in her *Comique du discours*.⁴⁸

In any case, both Perelman and Olbrechts-Tyteca were very involved in the translation of the works of the NRP. Perelman’s correspondence shows him

44 Philippe-Joseph Salazar, “Postface”, *Philosophy and Rhetoric* 42 (2010) 426.

45 Bolduc, *Translation and the Rediscovery of Rhetoric* 267–269.

46 See Lucie Olbrechts-Tyteca, “Rencontre avec la rhétorique”, *Logique et analyse* 3 (1963) 3; Perelman, letter to Ray Dearin 28 November 1969, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 21.4.

47 Noemi Perelman Mattis, “Chaim Perelman: A Life Well Lived”, in *The Promise of Reason: Studies in The New Rhetoric*, ed. John T. Gage (Carbondale, IL, 2011), 9–10.

48 Lucie Olbrechts-Tyteca, *Le comique du discours*, Sociologie générale et philosophie sociale, (Brussels, 1974).

actively seeking to have translations made of his work into numerous languages, including German, Italian, English, Flemish, Japanese, Romanian, and Hebrew. Even one of the very last letters Perelman wrote, some five days before his death, was to Masashi Miwa, in hope that his “Logique juridique” would appear in Japanese.⁴⁹ Perelman not only corresponded directly with his translators, offering to be a resource for their practice of translating his work, but he also actively assessed the quality of their translations (see Perelman, letters to Schick; Mayer [October]; Richtscheid; Krawietz).⁵⁰ He even corrected the translations of his works, particularly those in German, Italian, and English; in a letter to Norberto Bobbio, for example, we find Perelman suggesting how to translate into Italian a particularly difficult French term.⁵¹ Olbrechts-Tyteca’s role in translation was much more hands-on: on at least one occasion, she served as a translator from Italian for Perelman.⁵² She also ensured the quality of the Italian translation of their *Traité*, of which Perelman describes her as the primary reader and editor (Perelman, letter to Mayer [December]).⁵³ Translation was thus at the forefront of their efforts to disseminate their new rhetoric.

While translation is an integral, if unacknowledged, facet of philosophical activity in general, it was for Perelman a matter of the utmost importance, and he publicly raised the issue of the importance of the translation of philosophy for the discipline at the report on the Commission of Translators, given at the General Assembly of the International Institute of Philosophy held in L’Aquila, Italy in September 1964.⁵⁴ Translation was even a feature of Perelman’s pedagogy at the ULB: in 1965 Perelman proposed replacing courses focusing on the

49 Perelman, letter to Masashi Miwa, 17 January 1984 Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 24.6.

50 See Perelman’s letters to Carla Schick, 12 April 1961, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 14.5; to Maria Mayer, 23 October 1963, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 14.5; to Werner Krawietz, 27 January 1982, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 23.9; to Hans Richtscheid, 1966, 28 April, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 14.3.

51 Perelman letter to Norberto Bobbio, 10 December 1958, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 14.5.

52 Perelman letter to Paolo Facchi, 19 October 1960, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 34.1.

53 Perelman letter to Maria Mayer, 20 December 1963, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 14.5.

54 Report on the Commission of Translators, 1964 (September). General Assembly of the Institut international de philosophie. L’Aquila, Italy, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 8.3.

translation of Greek and Latin authors with courses exploring the translation of Greek and Latin philosophical terms.⁵⁵

Translation also served to foster intellectual bonds with other scholars, as is witnessed by A. J. Ayer's personal investment in the translation and publication of Perelman's *The Idea of Justice and the Problem of Arguments*. Perelman's intellectual allies—A. J. Ayer, Norberto Bobbio, and Richard McKeon, among others—played a very active role in the translation of his works. Even Henry Johnstone, who eventually repudiated Perelman, translated Perelman's "Rhétorique et philosophie", which appeared in English before its publication in French.⁵⁶

The topos of *translatio* also figures prominently in the NRP. The Latin etymological source for the word "translation" in English, *translatio*, describes a transfer, especially of learning, in space and time. It is key to understanding the origins of the NRP in Perelman and Olbrechts-Tyteca's rhetorical 'turn.' *Translatio* is particularly effective for describing how Perelman and Olbrechts-Tyteca come to envisage rhetoric as a means of providing a logic of value judgments.⁵⁷ That is, in retrospective accounts of their turn to rhetoric, Perelman and Olbrechts-Tyteca alike name Jean Paulhan's translation of Brunetto Latini's translation/adaptation of Cicero's *De inventione* as instrumental in their rhetorical turn.⁵⁸

As Bolduc has written elsewhere, both Olbrechts-Tyteca and Perelman tell the story of how their reading led them to trace in reverse order the transfer of knowledge from classical philosophers (Cicero and Aristotle), to a medieval notary and author (Brunetto Latini), to a contemporary literary critic (Jean Paulhan). In their retrospective accounts of how they discovered rhetoric, they establish a modern version of the medieval trope of *translatio studii et imperii*, the complex notion referring to the transfer of the classical learning and power of Athens and Rome to Paris. In other words, Olbrechts-Tyteca and Perelman describe Perelman and Olbrechts-Tyteca's stories of the origins of their work emphasize how translation—both in theory and in practical application—allowed them, through Latini's and Paulhan's studies and translations of rhetoric, to rediscover rhetoric.⁵⁹

55 Perelman, letter to Charles Delvoe, 2 February 1965, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 35.1.

56 Chaim Perelman, "Rhetoric and Philosophy", *Philosophy & Rhetoric* 1 (1968): 15–24; Charles Perelman, "Rhétorique et philosophie", *Les Études philosophiques* 1 (1969) 19–27.

57 See Bolduc, *Translation and the Rediscovery of Rhetoric* 1–4.

58 L. Olbrechts-Tyteca, "Rencontre avec la rhétorique", *Logique et analyse* 3 (1963) 5–6; C. Perelman, *The New Rhetoric and the Humanities*, 9.

59 Bolduc, *Translation and the Rediscovery of Rhetoric* 3–4.

3 Guiding Principles of Translation

We would like to set out here some of the principles guiding our edition and translation.

First, we observe the notions of accuracy, adequacy, appropriateness, consistency, and explicitness that underlie the overarching principle of reliability espoused by the MLA Guidelines for Editors of Scholars Editions. Second, we adhere to the best practices of translation as detailed not only in ISO 17100:2015 but also in the Code of Ethics of the American Translator's Association [ATA], the Code of Professional Conduct of the Chartered Institute of Linguists [CIOL], and the Charter of the International Federation of Translators [FIT].

Translation, the aim of which is frequently supposed to be a clear, unambiguous rendering of ideas from one language to another, is confronted here, as in philosophy generally, with the enigmatic nature of its philosophical subject matter.⁶⁰

Further complicating our translation activity is the fact that the articles we include here span a nearly 30-year period in which Perelman develops not only his ideas but also his scholarly ethos, which is manifest in his style of writing. The earliest article here, "De l'arbitraire dans la connaissance", shows Perelman as a young 21-year-old scholar, his style indirect and his ideas at times oblique, a reflection of how a youthful Perelman is still working out a way to chart a new path that diverges from that of his mentors. From the elliptical prose of "De l'arbitraire", Perelman quickly establishes his scholarly voice. In his later writings, then, his style follows that of a standard academic model, in which he systematically develops his ideas and relies upon the convention of an abstract, neutral voice.

Perelman's style of writing changes not only over time, but also in response to a particular article's subject matter and the context in which it was composed. When writing about philosophical questions, Perelman adopts a decidedly analytical methodology (and this, even as he refashions the very principles of analytical philosophy). He uses the language and processes of formal logical analysis (and especially deduction), his sentences often marked by a plethora of secondary clauses and the use of the impersonal, passive voice. On the other hand, when he writes in collaboration with Olbrechts-Tyteca, we find a disciplinary expansion beyond philosophy: in addition to references to philosophers such as Aristotle and Kant, references to literary authors and quotations in the original language are common.

60 J. Réé, "The Translation of Philosophy", *New Literary History* 32. 2 (2001) 227.

For topics that hold personal resonance—assimilation and the Jewish question—Perelman's style of writing is particularly striking, revealing a literary and poetic style filled with undisguised emotion. Our translations here aim to retain the linguistic and affective valences of Perelman's style of writing. We have also chosen to retain the original French titles of the articles translated here in our references to them in the commentaries, so as to remind the reader not only of our translational practice, but also of the linguistic and cultural alterity of the originals. For this same reason, in our notes to the translations, we endeavor to provide the most likely French sources of Perelman's and Perelman and Olbrechts-Tyteca's references, even when his citations are incomplete. Even if this means that we must speculate based on our knowledge of the most significant editions available in the years immediately preceding the publication of the article in question, we aim to remind the reader that Perelman and Olbrechts-Tyteca were not reading in English (or at least, only at times). By not smoothing over this alterity, or the gaps, of the originals, our translation takes to heart the notion that the principal work of philosophers and translators alike is the search for meaning.⁶¹

We also recognize that any translation is fundamentally interpretive: George Steiner has cautioned translators not to forget that Aristotle's *hermenia*, or a discourse that signifies because it interprets, is inherent to translation.⁶² As translators, we aim not to do away entirely with the ambiguity of the NRP, but rather to provide readers with a scholarly apparatus for making better sense of the ideas proposed in these articles. As a result, we provide explanatory interpretive material both in brackets (especially terms in the original French) and in translators' notes, which appear in italics as a part of the footnotes to distinguish them from the original footnotes. We add translators' notes even to translations of articles previously published without notes ("Philosophies premières et philosophie régressive"; "De la temporalité comme caractère de l'argumentation"), although to a lesser extent than to the initial translation presented here, "De l'arbitraire". These notes intend to elucidate the meaning of Perelman's ideas and the intellectual context in which they should be read, serving as a gloss to Perelman's writing. They effect Kwame Anthony Appiah's practice of "thick translation", which prescribes providing readers of the target text with the cultural (and here, philosophical and intellectual) information

61 L. Foran, "Introduction. What is the Relation between Translation and Philosophy?", in L. Foran (ed.), *Translation and Philosophy* (Oxford, 2012), 2.

62 G. Steiner, "The Hermeneutic Motion", in L. Venuti (ed.), *The Translation Studies Reader* (London, 2000), 197.

necessary for “a thick and situated understanding” of the NRP.⁶³ Please be aware that we have chosen to fill out Perelman’s own footnotes, which are often abbreviated in form, and have made any necessary corrections to them.

The commentaries and translations we offer here are meant to excavate the intellectual origins and chart the trajectories of the NRP. Our goal is to nest the translations in commentaries that help explain the problems Perelman alone and then in collaboration with Olbrechts-Tyteca faced and addressed. We seek to give cultural texture to the ideas they set forth as they are responses to the twentieth-century crisis of reason and the Jewish question.

We hope that our translation of these key articles on the origin and development of the NRP will lead to the reader engaging more fully with the deeply philosophical questions they set forth.

The authors gratefully acknowledge both the National Endowment of the Humanities Scholarly Editions and Translations program, which supported us in our research on and translation of several of these articles, and the libraries of the Université libre de Bruxelles—Bibliothèques, which has placed scanned versions of some of the original articles in the public domain.

63 K. A. Appiah, “Thick Translation”, in L. Venuti (ed.), *The Translation Studies Reader* (New York, 2004), 400.

The Intellectual Origins of the New Rhetoric Project: Toward a Logic of Values

Chaim Perelman was only 21 years old when he secured a subvention from the Université libre de Bruxelles to publish his 1933 “De l’arbitraire dans la connaissance” [On the Arbitrary in Knowledge], which was published by the Maurice Lamertin publishing house based in Brussels.¹ “De l’arbitraire” follows Perelman’s brief 6-page article on “Le statut social des jugements de vérité” [The Social Status of Truth Judgments], which appeared in a 1933 issue of *Revue de l’Institut de Sociologie Solvay* and which we consider as an initial formulation of “De l’arbitraire.”² Harvard’s T. H. Costello’s 1934 review of Perelman’s article in the *Journal of Philosophy* asserts that Perelman had not developed his postulates, “nor has he succeeded in expounding them very well.”³ Yet for a Harvard professor to offer a review—even one that was negative—in one of the premier philosophy journals of a young Belgian student’s overview on reason and logic suggests that the article was noteworthy and that it had earned attention in philosophical circles. Other, present-day scholars, more appreciative of Perelman’s work, place “De l’arbitraire” in the context of Perelman’s fifty-two-year body of scholarship. We believe that this article offers the reader insight into the evolution of his thought.

The article is also prescient, anticipating Quine and the collapse of the fact/value dichotomy, and beyond Quine, the intellectual roots of Perelman and Olbrechts-Tyteca’s New Rhetoric Project. Many of the issues and concepts Perelman introduces and populates in this 1933 article are fleshed out by 1958 in the *Traité*.⁴ At the outset of “De l’arbitraire”, Perelman announces his theme: the putative opposition between reality judgments and value judgments

1 This chapter is based on M. K. Bolduc, and D. A. Frank’s “An Introduction to and Translation of Chaim Perelman’s 1933 ‘De l’arbitraire dans la connaissance’ [On the Arbitrary in Knowledge]”. *Advances in the History of Rhetoric* 22. 3 (2019) 232–275.

2 C. Perelman, “Le statut social des jugements de vérité”, *Revue de l’Institut de Sociologie* 1 (1933) 17–23.

3 T. H. Costello, “Review of Perelman’s ‘De l’arbitraire dans la connaissance’”, *Journal of Philosophy* 36 (1934) 613.

4 C. Perelman and L. Olbrechts-Tyteca, *La nouvelle rhétorique: Traité de l’argumentation* (Paris, 1958); C. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. J. Wilkinson and P. Weaver (Notre Dame, IN, 1969).

accepted by most philosophers, and especially by those in the nineteenth century. This opposition rested on the claim that reality judgments (later truth judgments) are necessary, and value judgments are arbitrary. In the first section, Perelman shows that reality judgments and truth judgments ultimately hinge on the arbitrary. He demonstrates this through an analysis of several patterns of reasoning: deduction; induction; inductive reasoning in science, classical logic, and law; and finally, reasoning by analogy and by appeals to authority. He concludes that all methods of verification are in some sense arbitrary: all judgments are value judgments; all truth claims presuppose the arbitrary.

In the second section, Perelman examines the subject-object problem and the problem of error. The subject-object correspondence—that the perception of an object corresponds to our cognition of it—depends on the arbitrary assumption that all people over time share the same perception. At this point, Perelman returns to the idea of necessity, and concludes, drawing on the work of Eugène Dupréel, that what is necessary is what appears to be necessary. Perelman acknowledges that it is part of our human nature (part of what he calls “universal reason”) to posit some universal “truths” as necessary. However, universal reason is not posited as necessary on logical grounds but on psychological grounds; that is, human nature requires that we all posit the existence of universal rules. Perelman places himself with those who consider truth claims as “rational” and thus “explicable by something other than itself,”⁵ but points out that this something is “logically precarious”, not logically necessary. Perelman considers the problem of error in the context of pragmatism. For pragmatists, what is true becomes so as it is shown to be useful to the person(s) who believes it. This makes “truth” “an individual affair”. If Perelman agrees with the pragmatists that truth cannot be logically necessary in absolute terms, he nevertheless argues that it cannot be individual or private as it can be for pragmatists. “Truth” is grounded in a relative necessity, which is constituted by arbitrary but accepted rules. All statements accepted as true—including moral rules as well as rules set forth as means of verification—depend on a conformity to group-shared assumptions. Therefore, as Perelman writes, “in order to communicate [truth], we must take someone else’s point of view”. As a consequence, and it is here that Perelman concludes, it follows that “tolerance between groups, all of which are established by means of value judgments, is the most immediate practical consequence of our theory”.

“De l’arbitraire” is an audacious attempt by the very young Perelman to seek a rapprochement between logical positivism and sociology, one that sought to identify the roles played by logic, rationality, and reason in social life. In

5 All quotations here from “De l’arbitraire” may be found in our translation, below.

this article, Perelman both embraces and confronts the positions taken by the main proponents of logical positivism, who dominated philosophical thought in the time period in which Perelman wrote the article.

Logical positivists aimed at developing a system of science that could escape the province of the social, which they viewed as the source of irrational, emotive, and metaphysical impulses undermining rationality. In this article, Perelman takes an “intermediate position” to bring reason into alignment with the social world. In developing this realignment, he focuses on the questions of the arbitrary, necessary, and absolute in judgments of truth and value. Perelman maintains that all modes of reasoning and judgments of truth and value must at some point rely on arbitrary and necessary premises. The arbitrary and the necessary, however, need not be absolute; they can be modified through experience and an appreciation of the social contexts that produce human understanding. All groups, Perelman concludes, use value judgments that may be necessary but not absolute to define themselves and others: “It is the arbitrary that is the soul of a group; it is because of this very arbitrariness that there are multiple groups: the arbitrary leads to pluralism”.

“De l'arbitraire” and Perelman’s scholarship of the 1930s have been in the main neglected by historians of rhetoric, although there is scholarship on Perelman’s intellectual trajectory offered by French (Guillaume Vannier) and Italian (Laetitia Gianformaggio) scholars that captures some of the nuances we identify here.⁶ This neglect was encouraged by Perelman himself: he rarely cited articles from this period as he matured as a scholar, and in his histories of his intellectual trajectory, he would either begin with his first postwar book, *On Justice*, eliding the 1930s, or quickly dismiss his work of the 1930s as that of a logical positivist in despair about the possibility of reasoning about values. Indeed, Perelman later reported that after having finished his book on justice in 1945, he could not see how value judgments “could have any foundation or justification” in logic or reason.⁷

During this period, Perelman labeled himself both a logical empiricist and a logical positivist. Logical empiricism/positivism was in part a response to the horrors of World War I, which positivists believed were the result of Hegelian German idealism, impulses, and uncontrolled passions. Perelman had been a student of the leading logicians at the center of the empiricist positivist

6 G. Vannier, *Argumentation et droit: Introduction à la nouvelle rhétorique de Perelman* (Paris, 2001); L. Gianformaggio, “La tolérance libérale dans la pensée de Chaim Perelman”, in G. Haarscher (ed.), *Chaim Perelman et la pensée contemporaine* (Brussels, 1993), 643–661.

7 C. Perelman, *The New Rhetoric and the Humanities: Essays On Rhetoric and its Applications* (Dordrecht, 1979), 8.

movement of the 1930s: Gottlob Frege, Kurt Gödel, and Alfred Tarski. His 1938 dissertation focused on Frege's system of mathematical logic;⁸ he contested Gödel's proof in a 1936 article that created some controversy,⁹ and he was Tarski's student for a year in Poland.¹⁰

In the brutal aftermath of World War I, prominent scientists and philosophers concluded that “cultures were incapable of the necessary reform and renewal because people were in effect enslaved by unscientific, metaphysical ways of thinking”.¹¹ Logical empiricism identified mathematical logic and experience as the appropriate sources of reasoning, rejected metaphysical thinking, and endorsed the fact/value dichotomy.¹² Values were deemed “meaningless” because they lacked an anchor in reason or logic. While working from within the assumptions of logical positivism and empiricism (or in Uebel and Richard's terms, “neopositivism”¹³), Perelman, beginning with his first article in 1931, sought to challenge the assumption that values were, by nature, meaningless and beyond the pale of reason.

Scholars of the trajectories of Perelman's thought often miss the diachronic consistency in his scholarship that targeted, from the beginning of his intellectual journey, a rapprochement between reason and values, rationality and the empirical world. Carlin Romano, in his positive review of Perelman's philosophy, writes that Perelman's “early training and writings screamed ‘logical empiricist’—another of those ‘we can't argue about values’ types influenced by A. J. Ayer and the Vienna Circle”.¹⁴ Gross and Dearin, in the most complete survey of Perelman's intellectual trajectories in English, *Chaim Perelman*, concur with Romano and observe,

8 Perelman wrote a brief PhD dissertation on Frege in Polish under the supervision of Tadeusz Kotarbiński, which was published as C. Perelman, “Metafizyka Fregego” [Frege's metaphysics], *Kwartalnik Filozoficzny* 14 (1937) 119–142. See J. Woleński, “The reception of Frege in Poland”, *History and Philosophy of Logic* 25.1 (2004) 47.

9 See C. Perelman, “L'antinomie de M. Godel”, *Bulletin de l'Académie royale de Belgique (Classe des sciences)* 6 (1936) 730–736.

10 J-P Schreiber, *Chaim Perelman et double fidélité*, undated manuscript (Brussels).

11 R. Creath, “Logical Empiricism” (2011), <https://plato.stanford.edu/entries/logical-empiricism/>.

12 H. Putnam, *The Collapse of the Fact/value Dichotomy and Other Essays* (Cambridge, MA, 2002).

13 T. E. Uebel and A. W. Richardson, *The Cambridge Companion to Logical Empiricism*, Cambridge Companions to Philosophy (Cambridge, 2007), 1.

14 C. Romano, “Rhetorically Speaking: Chaim Perelman Rediscovered Western Philosophy”, *Village Voice*, May 17, 1983, 47.

[f]or the most part, Perelman's writings at the end of the 1930s remained strongly anchored in the intellectual currents of that era: Cartesian rationalism, logical positivism, and empiricism. His analysis of several logical paradoxes and antinomies in law had shaken his faith in these doctrines, but his attachments to the orthodoxy of his age had not been completely severed.¹⁵

Very few scholars seem to have read Perelman's pre-1947 scholarship, and it is clear, based on our translations and commentaries, that Romano is no exception. But even those scholars who have read this pre-1947 work, including Gross and Dearin, do not detect the effort to create a rapprochement between logical positivism and sociology in his scholarship of the 1930s.

We do not hear Perelman "screaming" in celebration of logical empiricism in our reading of the fourteen articles and doctoral dissertation that he wrote during the 1930s. The volume and tenor of his scholarly voice is in the main carefully modulated: he strongly endorses the value of reason and finds worth in logical empiricism, while interrogating the assumptions undergirding the doctrine and straining against the intellectual currents of his era in order to expand the range of reason to include values. The Université libre de Bruxelles has now archived Perelman's writings and notebooks, and our extensive review of the materials in the archives and a close reading of Perelman's articles published prior to 1947 suggest that Perelman's postwar turn to rhetoric was more of a progression than a conversion, despite how he and others portray his "rhetorical turn".

Perelman did not so much reject logical empiricism as broaden its reach; moreover, he remained loyal to the central premise of logical empiricism—the commitment to reason and logic. Our work may be seen as complementing that of such scholars as Guillaume Vannier and Laetitia Gianformaggio. Vannier identifies two phases in Perelman's response to positivism: the criticism of particular dimensions of logical positivism (tied to the Vienna Circle, and Grzegorzczuk's irrational emotivism) prior to 1945, and the criticism of all forms of positivism *tout court* thereafter. Gianformaggio, on the other hand, identifies four phases in Perelman's philosophy—the pluralist (1933–1945), the emotivist (1946–1948), the dialectical (1948–1950), and the rhetorical (1950 forwards) (429–50). In contrast, we see, beginning with "De l'arbitraire", a dominant diachronic pattern in Perelman's response to the problem of logical

15 A. G. Gross and R. D. Dearin, *Chaim Perelman*, SUNY Series, Rhetoric in the Modern Era (Albany, NY, 2003), 2.

positivism and rationality, which is distinguished by his effort to construct a link between reason and the social world.

Perelman's writings in the 1930s document his efforts both to understand and to critique the doctrines of his time. These early intellectual journeys allowed him to navigate between and among the major dominant schools of thought, beginning with his mentors Marcel Barzin, the mathematician, and Eugène Dupréel, the sociologist. His studies with the major Polish scholars of logic and his dissertation on the German mathematician Frege also allowed him to command the language of mathematics and the tools of logical positivism and empiricism.

Throughout this period, it is clear he remained true to the agenda he had outlined in his 1931 inaugural article, in which he argues for a logic of values, advancing that social groups could coexist in a spirit of tolerance, and that reason could, if properly defined and understood, inform human action. His criticism of logical positivism was never cast as a rejection of its commitment to reason; rather, he saw the logical positivists as unduly limiting reason to the realms of mathematics and geometry. The criticism was meant to justify the expansion of reason into the realms of values and action. "De l'arbitraire" constitutes the 1933 launch of Perelman's attempt to yoke reason to the social world, an effort that unfolds into a complete vision in Perelman and Olbrechts-Tyteca 1958 *Traité*.

At the time of publishing "De l'arbitraire", Perelman had already published three articles: "Esquisse d'une logistique des valeurs" [Outline of a Logistics of Values] (1931); "À propos de la philosophie de M. Dupréel" [On Dupréel's Philosophy] (1932); and a brief article "Le statut social de jugements de vérité" [The Social Status of Truth Judgments] (1933).¹⁶ In his 1931 article "Esquisse d'une logistique des valeurs", Perelman establishes his scholarly agenda, describes his quest for a logic of values, and establishes a research program targeting the fact/value dichotomy, which was accepted as an article of faith by many within the logical positivist movement.¹⁷ Two years later, Perelman follows this agenda with two articles. In the very brief "Statut social de jugements de vérité", which he explicitly identifies in a note to "De l'arbitraire" as the latter's foundation, Perelman briefly outlines how the social adherence to

16 C. Perelman, "Esquisse d'une logistique des valeurs", *Revue de l'Université de Bruxelles* 3–4 (1931) 486–496; C. Perelman, "À propos de la philosophie de M. Dupréel", *Revue de l'Université de Bruxelles* 3 (1932) 385–399; C. Perelman, "Le statut social des jugements de vérité", *Revue de l'Institut de Sociologie* 1 (1933) 17–23.

17 Perelman's daughter notes rightly that her father outlines the blueprint of his subsequent scholarly career in this article. N. Perelman Mattis, "Personal Interview", by David Frank (4 April, 1994).

any particular value judgment functions as an underlying precondition for a judgment to be considered factual.¹⁸ In “De l’arbitraire”, he expands on this notion, elaborating a framework for a logic of values and offering a vocabulary for dissociating the fact/value paradigm that would later find its way into the architecture of the NRP.

One foundational anchor of Perelman’s effort to bring reason into contact with the social world can be found in the thinking and writings of his mentor, Eugène Dupréel. Dupréel (1879–1967) taught at ULB from 1906–1949 and advocated value pluralism. In a 1932 article on Dupréel’s philosophy, Perelman uses Dupréel’s theory of consolidation to discuss absolute versus relative values.¹⁹ Although Perelman would later criticize Dupréel for failing not only to recognize the need for persuasion and argument but also to secure means for reasoning about values, he readily acknowledged that Dupréel had developed a powerful sociological theory of pluralism and the reasonable.²⁰ Dupréel’s thought was an important presence not only in “De l’arbitraire”, but in twentieth-century European philosophy generally. The *Biographical Dictionary of Twentieth-Century Philosophers* summarizes Dupréel’s philosophy by describing its four major principles:

- (1) Values and concepts are defined by and “related to their contraries”.
- (2) Values are “multiple and in tension”.
- (3) Philosophy offers reason to help mediate the tension between and among values.
- (4) Modern societies sponsor value pluralism in which there is continuous “moral tension, conflict, debate, and accommodation. ...”

Unsurprisingly, Dupréel had little sympathy for political systems which propose universally valid value systems.²¹ Perelman’s “De l’arbitraire” reflects Dupréel’s significant influence. In a footnote to “De l’arbitraire”, Perelman describes Dupréel as having made an “indelible” imprint on him; he also declares that his ideas were tightly “interwoven” with Dupréel’s philosophy.

While Perelman acknowledges both of his mentors in “De l’arbitraire” (Barzin would serve as Perelman’s dissertation advisor; see also Perelman’s 1961 tribute to Barzin²²), in this article he celebrates Dupréel, citing from Dupréel’s *De la nécessité* [On Necessity] (1928), “Convention et Raison” [Agreement

18 Perelman, “Le statut social des jugements de vérité”.

19 Perelman, “À propos de la philosophie de M. Dupréel”, 391.

20 See Perelman, “L’originalité de la pensée d’Eugène Dupréel”, 70.

21 S. C. Brown, D. Collinson, and R. Wilkinson, *Biographical Dictionary of Twentieth-Century Philosophers*, Routledge reference, (London, 1996), 206.

22 C. Perelman, “Le philosophe Marcel Barzin”, *Le Flambeau* 3–4 (1961) 171–176.

and Reason] (1925), *Traité de morale* [Treatise on Morality] (1932), and *Le Renoncement* [Renunciation] (1929–1930), as well as Dupréel's unpublished course on metaphysics, for which as a student he had taken careful notes.²³ In “De l'arbitraire”, Perelman engages directly with Dupréel's thinking on values and pluralism, which he adopts and transforms. Perelman explicitly quotes in “De l'arbitraire” from Dupréel's “Convention et raison” (“In order to debate, we must be in agreement about something”). He also observes in a footnote to this article that the “idea of reality [as developed in the article] as a social construction comes from Dupréel's unpublished ‘Course on Metaphysics.’” His ideas on the psychological nature of necessity, Perelman points out, derive from Dupréel's *De la nécessité*.

Careful attention to Perelman's language also reveals important implicit allusions to Dupréel. His description of how adopting one particular metaphysic's definition in the search of a definition of reality would limit the generality—the *généralité nécessaire*—of the definition originally sought, for example, acknowledges the influence of Dupréel's *De la nécessité*. Perelman will later state in his 1968 article “À propos d'Eugène Dupréel” that he had developed his notion of the *accord des esprits*—the meeting of minds—from Dupréel.²⁴ Perelman draws from Dupréel's thought in order to position the human community, rather than an abstract conceptualization of reason and logic, as the foundation of judgment. Unlike those within the logical positivist movement who sought to reduce knowledge to mathematical and deductive principles, placing questions of ontology and epistemology outside the reach of the human audience, Perelman asserts in “De l'arbitraire” that “an object exists only through the agreement of several people and through the possibility of such an agreement”.

Perelman's elaboration of Dupréel's thought in “De l'arbitraire” functions as a common thread underlying the major topics Perelman introduces here: the interrogation of what comes to be known as the fact/value dichotomy; the development of a nonformal expression of reason; the use of dissociation; and the implications of these for social tolerance. And yet these topics are not mere embellishments of Dupréel's thought. Perelman will later criticize Dupréel for simply settling for the conclusion that values are multiple without setting forth a means to deal with value disagreement, despite his

23 E. Dupréel, *De la nécessité* (Bruxelles, 1928); E. Dupréel, “Convention et raison”, *Revue de Métaphysique et de Morale* 32. 3 (1925) 283–310; E. Dupréel, *Traité de morale*, 2 vols. (Brussels, 1932); E. Dupréel, “Le renoncement”, *Archives de la Société Belge de Philosophie* 2. 2 (1930) 1–36. See C. Perelman, “À propos de la philosophie de M. Dupréel”, 390–391.

24 C. Perelman, “À propos d'Eugène Dupréel”, 236.

many discussions of persuasion, common sense, a meeting of minds, and the reasonable.²⁵ To prepare the reader for the translation that follows this commentary, we highlight four themes developed in “De l’arbitraire”:

1 The Interrogation and Collapse of the Fact/Value Dichotomy

Perelman uses “De l’arbitraire” to question what is best known as the fact/value dichotomy. Hilary Putnam, in the definitive book on the subject, writes that “the fact/value dichotomy (‘is’ versus ‘ought’) and the analytic/synthetic dichotomy (‘matters of fact’ versus ‘relations of ideas’), was foundational for classical empiricism as well as for its twentieth-century heir, logical positivism.”²⁶ Putnam’s book chronicles the history of this dichotomy, which he suggests “collapsed in the face of criticisms by Quine and others early in the second half of the twentieth century.”²⁷ Quine offered his critique in 1951; Perelman, influenced by Dupréel, produced a dissociation (a creative and new pairing of values) of this pair in the early 1930s. However, it is important to note that in this early article, Perelman does not use the language of “fact/value”, as readers of our translation will note. Although Perelman continues to maintain a careful distinction between the real and truth,²⁸ he will later engage explicitly with the lexicon of facts versus values as described by Putnam. Perelman and Olbrechts-Tyteca devote significant attention in the *Traité* in sections 17, 18, 19 to the relationship between and among facts, values, and truth.

In “De l’arbitraire” Perelman puts into play three types of judgments: reality judgments, truth judgments, and value judgments. Perelman follows Dupréel and the sociological impulse (and even anticipates Dupréel’s work on values) in order to define value judgments, but he quickly jettisons reality judgments for truth judgments as a means of defining them, declaring, “Judgments of reality could be considered as those that bear on reality, but what is reality? Every metaphysics will respond differently. ... Yet for us a broad agreement is essential”. He then asserts that truth judgments are a better means of defining value judgments—truth judgments are, he says, “easy ... to define”—but carefully points out that “truth judgments can ... be just as false as they are true, but

25 C. Perelman, “L’originalité de la pensée d’Eugène Dupréel (à l’occasion du centenaire de sa naissance)”, *Bulletins de l’Académie royale des sciences, des lettres et des beaux-arts de Belgique* 65.3-4 (1979) 70-71.

26 Putnam, *The Collapse of the Fact/Value Dichotomy* 9.

27 Putnam, *The Collapse of the Fact/Value Dichotomy* 61.

28 See, for example, C. Perelman, “La méthode dialectique et le rôle de l’interlocuteur dans le dialogue”, *Revue de métaphysique et de morale* 60.1 (1955) 28.

it is necessary that they be demonstrated as such". In fact, we might say that Perelman ties truth (and truth judgments) to their verification, which is core to this article, and which will lead to Perelman's concern with the justification of value judgments.

To understand Perelman's use of truth judgments and reality judgments, and his oscillation from the latter to the former, we must recall the intellectual context in which he is writing and to which he responds in "De l'arbitraire". His definition of "reality judgment" derives from the Dupréelian sociological context (itself originating in Durkheim) in which this work originates; however, with "truth judgment", Perelman explicitly addresses logicians and philosophers. That is, unlike Dupréel, Perelman here addresses philosophers rather than sociologists;²⁹ his use of examples from the hard sciences (chemistry) and his insistence on verification move the subject of this article away from sociology into the field of analytical philosophy.

Our translation here maintains Perelman's original formulation, distinguishing these three types of judgment as a means of insisting on the important nuances of his thought. Our decision to preserve the specific characteristics of Perelman's types of judgment also drives our endeavor to sustain the distinctions he makes among different kinds of facts in our translation that follows. Perelman separates sense-data—the immediate objects of the senses, of sensory awareness as described by William James and later refined by Bertrand Russell—from facts by using the synonymous terms *le donné* and *les données* in opposition to *faits* [facts], which are tied to the construction of truth and, by extension, to truth judgments.³⁰ This distinction is important to maintain, for Perelman also characterizes in this 1933 article sense-data as confused notions, which he later develops as an explicit alternative to Descartes' "clear and distinct ideas" developed in Perelman and Olbrechts-Tyteca's "Use and Abuse of Confused Notions".³¹ The idea of a confused notion will serve as the foundation for Perelman's first book on justice.³² Furthermore, Perelman will later describe agreements [*accords*], which form premises available to the orator, as *données* upon which future arguments will be based, and thereby highlight that adherence is the aim of argumentation.³³

29 C. W. Tindale, "Ways of Being Reasonable: Perelman and the Philosophers", *Philosophy and Rhetoric* 43. 4 (2010) 337–361.

30 See William James's 1897 "The Sentiment of Rationality", originally published in *Mind*, and reprinted in A. Castell (ed.), *Essays on Pragmatism* (New York, 1948), 3–36; B. Russell, *The Problems of Philosophy* (Oxford, 1912).

31 C. Perelman, "The Use and Abuse of Confused Notions", *Et Cetera* 36 (1979) 313–24.

32 C. Perelman, *The Idea of Justice and the Problem of Argument* (New York, 1963).

33 Perelman and Olbrechts-Tyteca, *Traité* §15–43.

2 The Emergence of a Nonformal Expression of Reason

In “De l’arbitraire”, we also see Perelman’s initial efforts to challenge the restrictions placed on reason by formal logic. From the beginning of his intellectual explorations, Perelman sought to expand the range of reason. He would write in 1979 that “the claim has even been made that all nonformal reasoning, to the extent that it cannot be formalized, no longer belongs to logic. This conception of reason leads to a genuine impoverishment of logic as well as to a narrow conception of reason”.³⁴ In “De l’arbitraire”, we see this broadening of logic not only as a general theme but also in Perelman’s rather idiosyncratic use of such positivist terms as *expérience* and *expérimenter*. Here, these terms fall between their usual meanings, so that they mean, respectively, both “experiment” and “experience”, and “to conduct an experiment” and “to experience”. In our translation, we try to capture the fluidity of Perelman’s thought by not choosing one meaning over the other, but by using that which best fits the specific context; “De l’arbitraire” is, after all, Perelman’s initial effort to argue for a more nuanced and supple definition of reason that is tied to the human experience of values and the search for how to reason about them.

Perelman’s early critique of Descartes and of Kant in this article serves as a springboard to reflections on the arbitrary, which he distinguishes from necessity. “To posit universality is to assert its necessity”, Perelman writes. “Yet Kant, as well as Descartes, cannot posit it except by means of an arbitrary judgment”. In contrast to Descartes and Kant, he contends that logic and reason cannot be absolute, as they must begin somewhere or fall prey to the problem of infinite regress. Quoting Dupréel, Perelman writes, “All truth presupposes the arbitrary. In order to debate or to seek agreement on truth judgments, something arbitrary must have been accepted beforehand”. Perelman not only points out the role of the arbitrary in determining truths and knowledge, but also asserts that the method of verification or the rules used to assess facts or values result from an arbitrary choice. Furthermore, he signals that the arbitrary and the necessary—in the guise of a relative necessity rather than an absolute necessity—are both operative in agreement.

Perelman dissociates the concept of necessity in “De l’arbitraire”, suggesting that the arbitrary differs from absolute necessity because the latter is immutable, beyond the reach of time and debate. Truth may depend on certain rules that are logically arbitrary, he argues, but these are not necessary, and we are therefore not required to accept them. Perelman hints in this article at the “regressive philosophy” he will later develop in opposition to the First Philosophy of Aristotle and the ancient Greeks (which held to timeless truths),

34 Perelman, *The New Rhetoric and the Humanities*, vii.

which is the focus of his 1949 article “Philosophies premières et philosophie régressive”.³⁵ A regressive philosophy assumes some arbitrary points in any philosophy, but it continues to test these points through a rational dialogue that uncovers and interrogates the underlying claims that serve as justification for them.

There are three additional descriptions and modifications of formal logic offered in this 1933 article that become significant in the NRP: deduction, induction, and analogy. Perelman begins by confronting deduction as formal logic’s preferred means of verification, pointing out that deduction is not simply arbitrary but also sterile as it prevents the development of reasoning. He then posits induction and analogy as more fruitful means of verification. Concerning induction, Perelman writes in “De l’arbitraire”, “Fundamentally, it constitutes the most fruitful aspect of every syllogism [...] it is the basis of a syllogism’s fecundity”. Here, Perelman identifies the crucial role played by experience in syllogistic reasoning, which then has the capacity to challenge the major premise making up a deduction. It is through induction that a minor premise creates a major premise in a syllogism.

In addition to induction, Perelman underscored the value of analogy and wrote favorably about its use in history and jurisprudence. As Perelman observes here, “[t]he importance of analogy is extraordinary. It is not only used in history and law, but also constantly in social life”. The fact that “social life” was the essential component of analogy had led some logical positivists to declare the analogy as “unacceptably metaphysical”.³⁶ Perelman acknowledges some of the weaknesses of the analogy, but he still holds that it can offer insight into judgments. Analogies are based on human experience, which Perelman held could inform and help to determine values.

Forty-six years later, Perelman would again assert, as he had intimated in 1933, that “[t]he argument from analogy is extremely important in nonformal reasoning”.³⁷ Harold Zyskind, an astute critic of the NRP, detected the importance of analogy and juxtaposition in the NRP. “The form of inference”, Zyskind observes, “of the new rhetoric gives it its specific character. ... The form of inference is neither deductive nor inductive, but comparative.”³⁸ As we see in this 1933 article, and which is expressed in stronger terms in Perelman’s later work,

35 See our translation here, as well as in D. A. Frank and M. K. Bolduc, “Chaïm Perelman’s ‘First Philosophies and Regressive Philosophy’, Commentary and Translation”, *Philosophy and Rhetoric* 16 (2003) 177–207.

36 A. Quinton, “Ayer’s Place in the History of Philosophy”, *Royal Institute of Philosophy Supplements* 30 (1991) 39.

37 Perelman, *The New Rhetoric and the Humanities* 22.

38 H. Zyskind, “Introduction”, in *The New Rhetoric and the Humanities* xvi.

both alone and in collaboration with Olbrechts-Tyteca, the specific inferential character of the NRP is comparative, often expressed in analogous reasoning, which many in the logical positivist movement denied was legitimate.

3 The Notion of Dissociation

“De l’arbitraire” presents for the first time Perelman’s use of dissociation as a technique.³⁹ In “De l’arbitraire”, Perelman finds himself faced with two seemingly mutually exclusive systems of judgments, those dealing with reality/truth and the other dealing with values. Rather than accept the “value-reality/truth” pair as an immutable antimony, he discusses a possible “dissociation” of the two into a third type that would “surpass” the original pair. We find in this 1933 article the clear precursors to the *Traité*’s “philosophical pairs” and to Perelman and Olbrechts-Tyteca’s exposition of dissociation, which Olbrechts-Tyteca declared the most novel contribution of their *magnum opus*.⁴⁰ If Perelman only gestures at the principle of dissociation here, he and Olbrechts-Tyteca will thoroughly develop it in the third section of the *Traité*, describing it as a mode of argumentative reason, rooting their development of the concept in the works of John Locke, Rémy de Gourmont, and Kenneth Burke.⁴¹ Dissociation may also derive from Dupréel’s notion of agreement; as Perelman describes, it permits a new order of values to be established within a social order.⁴²

As Perelman understands it, dissociation allows for the creative problem solving needed when those who must make judgments are faced with antinomies. Perelman identifies a judgment that is neither fact nor value, and asserts that this “strange ‘third’ [*tiers*] category of judgment would by its presence alone have dissociated the value-reality pair”. Further, he dissociates truth from a judgment of truth. As he writes in “De l’arbitraire”,

any judgment, which asserts that a given proposition is a judgment of truth or a value judgment, can be considered as a value judgment. ... As a result, in our conception, truth judgments can indeed become value judgments ...; conversely, any value judgment can become a judgment of

39 For a history of dissociation and Perelman’s use of the notion, see D. A. Frank, “The Origins of and Possible Futures for Chaïm Perelman and Lucie Olbrechts-Tyteca’s Dissociation of Concepts”, *Philosophy & Rhetoric* 53. 4 (2020) 385–399.

40 L. Olbrechts-Tyteca, “Les couples philosophiques: Une nouvelle approche”, *Revue internationale de philosophie* 33 (1979) 81–82.

41 Perelman and Olbrechts-Tyteca, *The New Rhetoric*, 411.

42 Perelman, *The New Rhetoric and the Humanities* 65–66.

truth the moment that one adopts a means of verification with which its truth or falsity can be demonstrated.

In “De l’arbitraire”, Perelman also presents a line of reasoning that anticipates and prepares for his and Olbrechts-Tyteca’s later reframing of the law of non-contradiction with the notions of incompatibility and dissociation:

we must anticipate the possibility of reaching contradictory conclusions demonstrated by different means of verification, all of which we accept. Unwilling to reject the principle of contradiction, we will be obliged either to limit the scope of certain of our means of verification in a way that the contradiction disappears or to hierarchize our means of verification so that we can discern which of the means is preferable in the case of a conflict.

This explanation anticipates and mirrors Perelman and Olbrechts-Tyteca’s notion of incompatibility presented in the *Traité*, which allows those involved in argument to avoid the perils of contradiction (either A or B) by engaging in dissociative procedures designed to retain both A and B as reasonable.⁴³

4 Social Tolerance: Moving toward the New Rhetoric

In “De l’arbitraire”, Perelman describes a rhetorically inflected sense of social truth:

when it is a matter of convincing other people of a proposition’s truth, we must put ourselves in their place, and take their point of view; we must demonstrate what we assert with their own methods of verification. A means of verification that my interlocutors do not accept does not in any way help me to convince them.

We note here how Perelman affirms social truths, that those who seek audiences to accept propositions of truth must adapt to and use the methods of verifications endorsed and accepted by these audiences. Perelman identifies empathy, persuasion, and the need to verify claims (the mark of reason) as essential. This paragraph reveals, in an undeveloped form, a sensitivity to argumentative truths, persuasion, audiences, and what would become Perelman and Olbrechts-Tyteca’s take on epideictic rhetoric.

⁴³ Perelman and Olbrechts-Tyteca, *Traité* §46.

One can see in “De l’arbitraire” (and in other writings of the 1930s, including his 1939 reworking of Nietzsche’s morality, “La morale des forts et la morale des faibles” [The Morality of the Strong and the Morality of the Weak]),⁴⁴ Perelman’s efforts to move beyond logical positivism to a vision of reason that could inculcate and sponsor value pluralism; it is here that we also observe Perelman working to legitimize the status of the European Jew. Perelman fully understood the threat he and other Belgian Jews faced with the rising tides of antisemitism. In his 1931 article in which he formulates a logistics of values, Perelman explicitly mentions the Dreyfus affair, which was at the time a shorthand reference to antisemitism, as an indication of the need for multiple values.⁴⁵

In “De l’arbitraire”, Perelman makes a pointed, implicit reference to the Dreyfus affair via an oblique proverbial saying (“the truth is not to be found in the depths of a well”), which evokes the late nineteenth-century image depicted in the painting *La Vérité sortant d’un puits* [Truth coming out of the well] by Édouard Debat-Ponsan (1898). This painting, held at the Musée d’Orsay in Paris, has as an alternative title “La Vérité (affaire Dreyfus)”. This painting suggests by means of allegory that the truth of antisemitism’s role in the conviction of Dreyfus would be exposed, and Perelman’s gesture to it is significant.

As one reads Perelman’s scholarship in the 1930s and understands that he was active in Zionist affairs, that he emerged as a leader of Belgian Jews, and that his wife was a prominent figure in the Zionist leadership of the era, the motivation for his search for a logic of values, one that would allow for value pluralism, comes into focus. If he could as a scholar help to create a system of reason that would give birth to a logic that allowed for multiple and coexisting values, then the status of the Jew in Europe would be better secured. This aspiration of the “tolerance between groups” becomes the polar star of the NRP and of the *Traité*. The interrogation of reason and the outlines of a system of rhetorical argumentation Perelman sets forth in “De l’arbitraire” were designed to create a spirit of tolerance based on ontological and epistemological pluralism, and the concepts he offers in this 1933 article will populate Perelman and Olbrechts-Tyteca’s NRP. Perelman concludes the article by declaring that the “tolerance between groups, all of which are established by means of value judgments, is the most immediate practical consequence of our theory”.

44 C. Perelman, “La morale des forts et la morale des faibles”, *Le Flambeau* (1939) 183–192.

45 Perelman, “Esquisse d’une logistique des valeurs”.

Translation and Commentary

Perelman, Chaim “De l'arbitraire dans la connaissance”. *Archives de la Société Belge de Philosophie* 5:3 (1933) 5–44

Since the end of the nineteenth century and the success of pragmatism, that philosophy of action, the notion of value has become one of the most common in philosophical vocabulary.

Many new approaches to metaphysics consider the pair “value-reality” as fundamental.¹

This distinction was soon introduced into logic, where the notion of value judgment was opposed to reality judgment. But the question of whether all judgments entered into one of these two categories was not asked. Confident in this metaphysician's distinction, it was implicitly held that any judgment affirmed either a value or a reality. If not, the entire construction would have undergone an irreversible shock. The existence of a judgment that was neither a judgment of value nor a judgment of reality would have made apparent the imprecise nature, if not the inadequacy, of a theory unable to explain it. This strange “third” [*tiers*] category of judgment would by its presence alone have dissociated the value-reality pair; it would have demanded as a principle of explanation more fundamental notions that would have allowed us to explain all the terms at hand; the opposition “value-reality” would have been surpassed and reduced to something more general. In this way, the very hypothesis of a third judgment that is neither a judgment of value nor of reality destroys all the relevance of this distinction, which draws its very fecundity from its claim to universality.

Yet logically there are only two correct ways to show that a certain genus [*genre*] contains only two species [*espèce*]: by defining the two species and showing that the species, thus defined, depletes the genus completely, or by defining positively only a single species, considering the second as the genus minus the first species.² It is precisely these two methods that are possible for defining value and reality judgments within the category of judgments.

1 *TN*: Although Perelman will identify Goblot in this article as his primary source for the distinction of value and reality judgments, he alludes here to Dupréel's sociological vision of the reality judgment, which itself derives from Emile Durkheim's definition of reality judgments as existing objects (*Jugements* 437) that are opposed to value judgments (*Sociologie*). See E. Durkheim, “*Jugements de valeur et jugements de réalité*”, *Revue de Métaphysique et de Morale* 19 (1911) 437–453; Durkheim, *Sociologie et philosophie* (Paris, 1967).

2 *TN*: Perelman uses here the language of taxonomic classification, which may be associated with his interest in natural law. See F. J. Mootz III, “Perelman's theory of argumentation and

The first method is obviously more elegant, but it contains a difficulty: the obligation to show that there is no other judgment than those judgments which have just been defined. By doing away with this obligation, one commits a sophism known as the sophism of double definition. If one holds that within a genus A, there are only the two species, M and N, one arbitrarily posits that the positive definition of N is identical to the negative definition “species of A that is not M”. In the cases with which we are concerned here, it is presupposed that what is defined as a value judgment corresponds to any judgment that is not a judgment of reality.

It may be believed that this troubling conclusion (the importance of which is clearly seen) can be avoided by setting the two species alongside each other without defining either one; it may be thought that readers will thus sidestep [the problem] quite well. But if an author may benefit somewhat from this way of proceeding, its lack of rigor will have the same consequences, since readers, in reading and in trying to understand—and thus in defining the fundamental terms—, will themselves make the logical error of defining the same term twice. They will comprehend this with greater difficulty than if they had been gently led by an informed philosopher.

If readers are cautious and remain on guard, however, they will make use of the second method in order to define two opposing terms; this method, because of its simplicity, does not assume any implicit postulates. If the readers are limited to “value or reality judgments”, they will define one of these terms positively, reserving for the second a negative definition.

Which term must be defined in positive terms? Because this is not important logically, reasons that are practical will serve as a guide, and the term which will be chosen will be that for which it will be the easiest to find a precise definition, and on which the broadest agreement can be reached.

Goblot defined judgments of reality as those that are not value judgments.³ This approach was correct, and by using the second method of definition, he did not commit any errors of logic. However, because he did not base his argument on a positive definition, he unfortunately removed all value from the negative definition. In fact, Goblot speaks of value judgments without defining them. Should value judgments be considered as judgments which bear

natural law”, *Philosophy & Rhetoric* 43. 4 (2010) 383–402. Perelman will later co-author with Paul Forières the entry on “Natural Law” in the 1968 *Dictionary of the History of Ideas*, stressing the necessity to define it in relation to its environment. P. Forières and C. Perelman, “Natural law and natural rights”, in P. P. Wiener (ed.), *Dictionary of the History of Ideas* (New York, 1973), 13–27.

3 E. Goblot, *La logique des jugements de valeur: Théorie et applications* (Paris, 1927), 3.

on values? This only pushes aside the difficulty.⁴ It is precisely because the term “value” is used so often that this notion of value has been defined in every which way, and choosing between these multiple definitions presupposes a philosophical attitude that is far too determined for someone who wants to construct a general logic of value judgments.

The same type of difficulty confronts the person who wants to define judgments of reality in positive terms. Judgments of reality could be considered as those that bear on reality, but what is reality? Every metaphysics will respond differently to this question. To adopt the definition of any one of them is to limit the generality [*la généralité nécessaire*] of the definition originally sought. Yet, for us a broad agreement is essential.

We have tried to resolve this difficulty by opposing value judgments not to reality judgments but to truth judgments, which will be easy for us to define. This slight modification will lead us to insist on the special nature of value judgments—that they are arbitrary—as opposed to truth judgments, which are necessary.⁵

We define truth judgments—and this is the fundamental element of the problem—as those whose truth or falsity we can demonstrate. Truth judgments can therefore be just as false as they are true, but they must be demonstrated as such. A simple assertion is not enough: we assert value judgments, which are nevertheless defined as judgments that are not truth judgments.

Every truth judgment must be verified [*vérifié*] or demonstrated. Yet, to demonstrate a judgment, certain rules called means of verification must be employed. We must be engaged in the investigation and in the analysis of these rules.

The most commonly used means of verification is deduction.⁶ Verification of a deduction is secured through extension and comprehension. In respect to extension, to deduce is to assert about one member of a class what has been asserted about all the members of the class. All of modern logic assumes the

4 TN: The answer that Perelman provides here—“This only pushes aside the difficulty”—will reoccur in his 1938 dissertation on Frege when he describes the contradiction at the heart of idealism (and more specifically, in the idea of the ‘moi’ subject as the bearer of representations). That is, Perelman points out that for Frege, if the subject is not a representation, idealism must jettison its founding tenet; however, if the subject is a representation, it must be the representation of a being [*être*], and as a result, the problem still remains. C. Perelman, “*Étude sur Frege (thèse doctorale non-publiée)*” (Université de Bruxelles, 1938), 226.

5 TN: Perelman is referring here to the demonstrability of truth judgments.

6 TN: See Tarski’s 1933 Polish “*The Concept of Truth in Formalized Languages*”, which can be found in English translation (deriving from a 1935 German translation which contains an added post-script) in A. Tarski, “*The Concept of Truth in Formalized Languages*”, trans. J. H. Woodger, in J. Corcoran (ed.), *Logic, Semantics, Metamathematics*, 2nd ed. (Indianapolis, IN, 1983), 152–278.

validity of deduction by making use of variables and of the principle of the substitution of variables. Logical construction makes use of this principle in order to assert given propositions that have been postulated based on general propositions.

In respect to comprehension, to deduce is to assert from a subject, a predicate P, when all its predicates, including P, have been asserted from it. We can bring this mode of deduction back to the preceding mode by placing ourselves in the point of view of the predicate: by deducing, we assert of one predicate what we have asserted of all the predicates, that they are inherent to a given subject.

Deduction is an application of the principle “what is true for all is true for each”; this principle is very generally accepted, but it is not fecund: it can never teach us what we do not know. The assertion that sensory experience is a means of verification has another significance entirely: it is indeed experience that allows us to penetrate the real; deduction cannot suffice.

However, experience alone cannot allow us to verify a judgment. Indeed, we understand by means of judgment the statement [*énoncé*]⁷ of a relationship between the terms. In this way, every judgment presupposes a symbolism, a language whose fundamental operation consists in establishing a correspondence between the sign and the designated [*désigné*]⁸. We establish this correspondence by means of deduction.

Let us take the simplest proposition possible: “Paul is writing”. In order to verify this proposition, sensory experience is totally inadequate, despite all appearances. Indeed, it is enough to point out that someone who doesn’t know the language in which it is written cannot verify it; it will also be extremely difficult to teach a primitive man the distinction between “Paul is writing” and “Paul is drawing”. To verify this proposition, the sense of sight is not enough.

The verification presupposes the definition of the two terms “Paul” and “to write”. It seems to me that these definitions are not essential, and we do not know of a method of verification with which we may verify them. We will say that these definitions—like all definitions, for that matter—are arbitrary: since they are not truth judgments, they must be value judgments. The verification of the proposition “Paul is writing” presupposes first two definitions, two value judgments, that will constitute that major premise of a syllogism; the minor premise of this syllogism will be verified by sensory experience (I see

7 TN: Perelman use of ‘*énoncé*’ recalls the linguistic basis of some of the early work on judgments, especially that of Tarski (following, of course, Aristotle).

8 TN: Perelman uses the term ‘*désigné*’ in contrast to Saussure’s sign, ‘*signifiant*’ [signifier] and ‘*signifié*’ [signified], which may indicate a certain amount of agency and choice.

that the person designated by the name Paul is drawing letters), and whose conclusion “Paul is writing” will be obtained from these premises. It is obviously possible to go even further and say that it is not by simple experience alone that we observe that “the person designated by the name of Paul is drawing letters”. And this would be right. But we would have wanted to point out only one direction that may be taken, without hoping to arrive at a conclusion.

For that matter, it is pointless to want to arrive at a conclusion.⁹ To do so is to admit that we can go no further in reasoning, that we will make no progress. The truth is not to be found in the depths of a well; it descends there with the light, and if the depths are not illuminated, they remain somber and unfathomable.¹⁰ The truth is perhaps in that which we already know; it is certainly not in what we do not know, as long as we do not know. Ignorance implies only the arbitrary, since a truth judgment is that which we can verify. In reasoning about the real, we place ourselves straight away within the datum [*le donné*] that we are trying to progressively clarify; we take the most complicated rather than the simplest route.¹¹ Since the datum [*le donné*] is a confused notion, the goal of our [faculty of] knowledge [*connaissance*]¹² is to unravel it as much as possible, but knowledge never manages to render it completely clear. We see examples of this in language and in law.

Induction is a much more common means of verification than may be believed. Not only is it the tool characteristic of scientific thought, but it is also indispensable to common sense. Fundamentally, it constitutes the most fruitful aspect of every syllogism. In a sense, it operates in the inverse manner to deduction. It is based on the assertion of the existence, proven by experiment [*expérience*], of a being [*être*] E possessing the properties A, B, C, D ... K, and on the fact that there has not been found a being possessing the properties A, B, C, D that does not also possess the property K. Induction consists of asserting that any being possessing the properties A, B, C, D is identified with the being

9 *TN: That is, to go beyond the limits of a deduction.*

10 *TN: If the notion that truth is hidden and can only be found at the bottom of a dark well derives from Democritus, this proverbial phrase also refers obliquely to Debat-Ponsan's well-known painting (*La Vérité sortant d'un puits/La Vérité (affaire Dreyfus)* [1898]).*

11 This proposition and the spirit [esprit] from which we consider it have been borrowed from Dupréel. If the fundamental idea of this article is due to this need of logic that Professor Barzin has been able to make present to our minds, every informed reader will note how much this idea is tightly interwoven in Dupréel's philosophy, whose imprint on me is indelible. Although many of his ideas seem personal—so much are they incorporated into my own thought—it is my duty to mark out the passages in which I have only followed or elaborated my teacher's thought.

12 *TN: Perelman's use of 'connaissance' here points to his conception of it as a kind of specific disciplinary knowledge tied to philosophy.*

E, which possesses additionally the property K. Induction is in this sense the transition from the part to the whole, the assertion that a set of tested [*expérimentées*] properties is tied to certain other properties.

Let us note in passing just how weak the foundations of induction are. Induction is based on the assertion of the presence of one phenomenon and the absence of another. This assertion, which is thought to be sustained by experience alone, is reinforced, however, by the very attitude of scholars knowledgeable about science [*savants*] who believe in the permanence either of the beings [*êtres*] they study or of their evolution. This attitude, quite noteworthy in common sense [*sens commun*]¹³, becomes in science the belief in the existence of universal laws. And it seems that this may be the only productive attitude for science, whose next goal is to foresee the future by explaining the past, something that it can only do by transferring something permanent. And this belief in the permanence of what exists, that is, of what has been tested, inevitably bears on the belief in the permanence of what does not exist, that is to say, of what has not been tested.

This is the weakness of induction, for it is not clear that what has not yet been tested does not exist. All induction is at the mercy of the greater precision of our tools and methods of research.

We have said that induction is the basis of a syllogism's fecundity. We will attempt to prove this by means of a few examples, such as the following syllogism: the atomic weight of chlorine is 35.46; this gas is chlorine, and so its atomic weight is 35.46. In order for the major premise to be accepted without any restrictions, it cannot be a simple experimental datum [*donnée*]; for this, one would have had to weigh all the chlorine in the universe, which is clearly impossible. It would indeed be a matter not only of weighing extraordinary quantities of chlorine wherever it is found as an element, but also of weighing it continually and unceasingly in order to be certain that its weight has not changed over time.

Chemists have resolved this question in a much simpler way. They consider that any pure substance is defined by its physical constants, that is, by its measurable properties that are by definition identical in every part of a homogeneous substance. They thus define chlorine as a pure substance possessing a set of physical constants A, B, C, D ..., including that of having 35.46 as an atomic weight. The major premise derives, then, from the very definition of chlorine by means of deduction.

13 *TN: Although elsewhere Perelman uses Latin, here he is careful to use the vernacular form of the 'sensus communis', the 'sens commun'. Perelman later ties common sense to the reasonable in *The New Rhetoric and the Humanities: Essays on Rhetoric and Its Applications* (Dordrecht, 1979), 118.*

Let us now consider the minor premise: it asserts that a gaseous sample is chlorine. This observation can be considered as the conclusion of a syllogism whose major premise would be formulated by the definition of chlorine and whose minor premise would be formulated by a judgment verified by experiment and by confirming that the sample at hand possesses all the physical constants of this substance. But in this case the utility of the syllogism for asserting that the sample studied has an atomic weight of 35.46 is not felt; this fact [*fait*] does not need to be deduced, since it has been verified by experiment.

In reality, for the syllogism to be useful, the minor premise must be verified by induction. It is in having tested the properties A, B, C, D, etc. of the substance in question rather than its atomic weight that one asserts by means of induction that this substance is chlorine. Whereas in deduction, since the major premise reminds us that chlorine has an atomic weight of 35.46, we can say the same of the sample which we determine to be chlorine. The syllogism thus has no purpose [*raison d'être*] if the minor premise has not been obtained by induction. We were thus justified in saying that induction explains the fecundity of this mode of reasoning.¹⁴ Before moving to the examination of other syllogisms that would allow us to study the various modes of this operation, we will pause at an interesting point, which is that of scientific definitions.

Let us suppose that someone who has just concluded that the sample's atomic weight is 35.46 weighs it, and the scale shows that it weighs 37. This result could be interpreted in various ways: Chemists could say that the method used to calculate the atomic weight of chlorine includes an error rate of 5% or that this error is due to carelessness. They will obviously have to accept this latter possibility if, in reweighing again by the same method, they obtain a more probable result. Chemists could assume that the substance which was weighed is not necessarily pure chlorine, either because of the method used for obtaining it or because of the faulty application of this method. In any case, this means that the substance under study does not correspond to the chemical definition of chlorine. Something more interesting: Chemists could assert that the sample under study is purer than those that have been known up to that point or that the methods used to obtain it are more precise and that the definition of chlorine should be modified by substituting the new atomic weight for the old one. This will mean declaring one definition false. But we

¹⁴ *TN: Perelman here smuggles into the syllogism the expectation that experience captured with induction, rather than the formal and abstract structure of the syllogism, is the source of the syllogism's strength.*

had thought that definitions were arbitrary, and now we want to make truth judgments of them!

In fact, a chemical definition is more than a definition. What is arbitrary here is the name that is used to designate a substance possessing certain physical constants; however, this substance exists. By asserting that the atomic weight of chlorine is 37 and not 35.46, one asserts the existence of one substance and denies the existence of another because of the assumption that the difference is due to the person conducting the experiment and not to the samples studied. The last hypothesis that chemists might make is that the difference is not due to the scientist, but to the substance under study, which could have all the proprieties of the previous chlorine but a different atomic weight. In the end, it is a matter of another substance which must be distinguished from the first. If chemists speak of two forms, of two isotopes of chlorine, it is because they believe that common chemical proprieties allow us to see these two substances as only two species of the same genus. But someone like Jean Perrin, who is especially interested in the physical proprieties of matter, will give them a different name; he thus proposes the name “hydrum” for the isotope of hydrogen that has an atomic weight of 2.¹⁵

The classical syllogism that we will take as a second example differs little from the first: all men are mortal; Socrates is a man, and thus Socrates is mortal. The major premise again falls under the definition of the word “man”, because a human being [*être*] who is not mortal will be considered as a god or at least as a demigod, and never as a man. The minor premise has been again verified by induction, for reasons analogous to those noted above. If we replace “Socrates” by the name of a man who is still alive, we will see that it is quite impossible to verify this proposition in any other way. Indeed, to say of a man that he is mortal is to say that he will die; it is to accord to him a property that is in the end only in potentiality [*en puissance*], and which we cannot verify before it comes to pass in actuality [*en acte*].¹⁶ It is through the intermediary of such an assertion of a property of potentiality that the induction of coexisting properties shifts to the induction of successive phenomena, which is the [type of] induction that gives rise to most scientific laws.

If we say that the speed of the diffusion of gases is inversely proportional to the [square] root of their density, in the end we only define the gases by a

15 J. Perrin, “Possibilité d’émission de particules neutres de masse intrinsèque nulle dans les radioactivités β ”, *Comptes Rendus des Séances de l’Académie des Sciences* 197 (1933) 1625.

16 TN: Perelman gestures here at Aristotle’s distinction between potentiality [*dunamis*] and actuality [*entelecheia* or *energeia*] made in book 9 of the *Metaphysics*. Aristotle, *Metaphysics*, trans. L. M. Castelli, 1st ed. Clarendon Aristotle series (Oxford, 2018).

property that is common to all of them. The best proof of this is that it is this very property which has allowed the construction of a kinetic theory applicable to all gases. Let us suppose that a gas does not follow this law and that this divergence cannot be explained in any other way: we will need to limit the significance of the law and say that it applies only to gases that are called “regular”. This will lead to the modification of the definition of the term “gas”, and regular gases will be considered as one type [*espèce*] among others, possessing in addition the property of conforming to the law concerning the speed of diffusion.

This same argument is used in such qualitative sciences as law. The fundamental operation here consists of an induction: in describing a legal case [*espèce juridique*], other properties are ascribed to it—in accordance with the properties that we are testing, and by using these elements of definition that constitute laws—from which can later be deduced from this description. And it is here that we quickly grasp what is common to all these laws: they are only definitions; their analytical nature is the very foundation of their universality. Their fecundity derives from the fact that they were based on experience [*expérience*], from which the elements of the definition have been drawn.

If we study something having the properties A, B, C, D and we give it a name, we will be able to assert—without any error—that anything bearing this name will have the properties A, B, C, D. This is the simplest manner by which to solve the serious problem of the foundation of the universality of laws. We have shown above how the modification of a law is nothing other than the modification of a definition; the term that is defined is said to exist. To conclude, let us note that scientific induction is this very same induction that is used in syllogisms. If logicians were not immediately aware of this, it was because in reasoning about symbols they did not insist upon the manner in which each proposition had been verified. In using examples which are caught up in the real,¹⁷ it may be seen how in every syllogism the major premise derives from a definition, whereas the minor premise has been verified by means of induction, which allows, moreover, the syllogism to be an interesting and fertile means of reasoning.

Analogy is a more controversial means of verification than other types, but we have recourse to it much more often than we might think. Indeed, it provides a useful means of conceptualizing something that we cannot test [*expérimenter*]. It is by analogy that we can reason about a fourth term, which is truly undetermined, when three terms are given as data [*trois termes étant donnés*]. The

17 *TN: That is, examples which have not been artificially abstracted from the messiness of reality.*

fourth term is a state of awareness [*état de conscience*¹⁸] of someone other than us; that is, a phenomenon that is not for us an intuitive, self-evident data [*une donnée immédiate*]. When we reason about a phenomenon that we can test, we use facts [*faits*] that we know directly: these are the data [*données*] derived from our senses and our interior experience. We know our actions and our frames of mind [*états d'âme*]; we also know others' actions. If we have understood how our inner state reacts to certain actions and influences others, we reason by analogy by assuming that similar actions will hold similar sway over others' state of awareness. We grant this awareness to others by analogy when their behavior is similar to ours.

At first glance, it may be tempting to think that induction is at stake here: we perceive from the point of view of others' expressions that we have only ever perceived in ourselves when we were aware of them; these expressions [of other people] must thus be accompanied by [their] awareness [of them] as well. This means of reasoning is set apart from induction on an important point: we believe that we can test any induced property sooner or later; however, it is impossible to test someone else's frame of mind [*état d'âme*]. There is no clear path from induction to analogy, as may be believed, since the latter becomes more and more vague, less and less precise. Every time we speak of induction, we are talking about the possibility of experience, which is the case for analogy. As Bergson says, "It is literally impossible for you to prove, either by experience or by reasoning, that I, who am speaking to you at this moment, am a conscious being. I may be an ingeniously constructed natural automaton, going, coming, discussing; the very words I am speaking to affirm that I am conscious may be pronounced unconsciously".¹⁹ If the foundations of reasoning by analogy are weak, a fact [*fait*] deduced by analogy can, however, be modified, corrected, amended; it is therefore not exactly arbitrary.

A frame of mind [*état d'âme*] is constructed based on how it is expressed; this construction will be better developed with better knowledge of its expressions. But in order for a truth concerning a specific frame of mind [*état d'âme*] to be established, in order for an agreement to be made, it must be assumed that all the human beings [*êtres*] that are declared to be analogous have similar feelings when they carry out specific actions; however, this is not demonstrable because we cannot know sentiments other than our own. This similarity

18 TN: Perelman's use of "*état de conscience*" refers to the set of phenomena that exists simultaneously in the consciousness at a particular moment in time, the succession of which represents the subject's brain activity; it also reveals how Perelman engages directly with contemporary thinking on psychology that places it in terms of philosophy and logic.

19 H. Bergson, *L'énergie spirituelle* (Paris, 1919), 9.

[*identité*], this permanent feature of human psychology, could only be postulated. This is, for that matter, the fundamental postulate of historical criticism.

To derive others' frames of mind [*états d'âme*] from their actions requires, in addition to knowledge of these actions, a faculty of imagination that brings the historian closer to the novelist. Indeed, it is not enough to put ourselves in the place of the other person who is under study, under examination, to imagine what we would feel in acting in such a way; we must imagine ourselves living in another time, in another context, educated differently, with a different background. This is much more difficult. In the end, we must create another character based on the data [*données*] we have at hand. We cannot be ignorant of the influence [*valeur personnelle*] that the historian²⁰ will have on the reconstruction of the past in making the past come to life in the present.

Reasoning by analogy occurs very frequently in law, and here too it is a matter of reconstructing a frame of mind [*état d'âme*], of seeking what is called the "spirit [*esprit*] of the law".²¹ In fact, it is the "spirit" of lawmakers, their intentions and their goal, that must be reconstructed, according to the [legal] acts they have left us, acts that are equivalent to those which allow us to judge our peers' sentiments. But the role of the imagination is much less important here than it is in history²² because what matters is not so much the lawmaker's potentially antiquated intention, but the social utility of a specific law, that is to say, the goal that it would serve if it were promulgated today. In seeking the spirit of the law, we put ourselves in the place of the lawmaker, all the while maintaining current social conditions. We will obviously try to understand the lawmaker's intentions so as not to fall into too much of the arbitrary, but we will not limit ourselves rigidly to these intentions.²³ Judges will modify what they believe to be useful to modify. Whence the important role of jurisprudence whose goal is admittedly to reconstruct based on the past, that is to say, the lawmaker's intentions, but in modifying it [the spirit of the law] after a

20 TN: Perelman's description of the historian's "*valeur personnelle*" recalls Aristotle's definition of *ethos* in his *Rhetoric*. Aristotle, *On Rhetoric: A Theory of Civic Discourse*, trans. George A. Kennedy (Oxford, 2007), 1356a 2,3.

21 TN: Perelman's gesture here at "*l'esprit des lois*" is an invocation of Montesquieu's 1748 work of the same name, which insists on a system of law adapted to the cultural and natural features of the land in which it is in force. Montesquieu, *De l'esprit des lois*, 2 vols. (Geneva, 1748).

22 TN: Perelman is alluding here to the historian who brings history to life by means of his imagination.

23 TN: That is, "we will obviously try to understand the lawmaker's intentions so as not to arbitrarily create interpretations that serve our own interests, but we will not refuse to acknowledge the social utility of the interpretations".

confrontation with the present.²⁴ The importance of analogy is extraordinary. It is not only used in history and law, but it is also constantly used in social life.

What's more, without it, it would be difficult to distinguish the exterior from the interior world. We may often distinguish internal from external experience, believing that the latter has greater precision, that only it can become a scientific object. But this distinction, which is believed to be fundamental, rests only upon analogy. When we speak of the reality of the exterior world, we do not always realize that this reality does not depend on us alone. What is a vision, a dream, an illusion, if not a thing that we alone see? A vision that everyone could see would resemble, strangely enough, reality. Our understanding of the real is certainly the belief that others, in putting themselves in our place, would perceive the same things we do.²⁵ And this "same thing": we call it "thing" and it is thus independent of us, precisely because it makes an impression on another person in the same way that it does on us.

What is exterior can be perceived by others; what is subjective cannot be perceived by others; an object exists only through the agreement of several people and through the possibility of such an agreement.²⁶ Now, and this is the important point, such an agreement presupposes reasoning by analogy; it assumes that others, in putting themselves in our place, will perceive as we do something that we can perceive only indirectly. Knowing only their actions and their words, we must by means of analogy reach a conclusion about individual psychological phenomena [*fait de conscience*²⁷]. What we have developed above is sufficient indication of the importance of analogy.

24 TN: That is, "a proper application of jurisprudence would seek to reconstruct the past in order to understand the intent of those who made the laws, but would modify the spirit of the law when the interpretations of the law makers are confronted with contemporary issues facing the judge".

25 TN: Cournot explains the human tendency to attribute to animals' psychological characteristics as one of analogy. See A. A. Cournot, *Essai sur les fondements de nos connaissances et sur les caractères de la critique philosophique*, 2 vols. (Paris, 1851), 288.

26 This idea of reality as a social construction comes to us from Dupréel's unpublished *Cours de métaphysique* [Course on Metaphysics].

27 TN: Perelman's evocation of a "fait de conscience" here may derive from Cournot's chapter on the scientific nature of psychology (section 371) from his *Essai*, where he discusses philosophers who make claim to scientific demonstration, founding their philosophical systems on psychology, and in turn, psychology on observation. These philosophers, relates Cournot, distinguish between the observation via the senses (of phenomena from the outside world, of humans in their corporeal nature) and interior observation (the attentive contemplation of individual contingent psychological phenomena—the *faits de conscience*—that occur in consciousness, and which are immediately known to us by means of the consciousness we have of them) (312–313). Perelman will later take notes on Cournot's work in his carnet

The fact remains that this mode of reasoning contains a fundamental difficulty: when can it be said that the acts that we perceive are analogous to our own? The very notion of analogy is obscure and imprecise. In saying that one fact [*fait*] is analogous to another very often sets forth an arbitrary judgment, which is added to that [judgment] by which analogy has been declared as a valid means of verification. Note too that this judgment can have some significance, for it is based on this that consciousness [*une conscience*]²⁸ or a soul will be granted to other creatures. It would be enough to believe that animals cry in an analogous fashion to ours to reject the Cartesian theory of animal machines. It would be enough to see no analogy between the actions of a man and that of a social group to reject as abstruse any notion of a collective soul.

If we seek to verify a legal judgment, we are confronted with difficulties similar to those encountered when we wish to define a term. Is it true that in Belgium a young man cannot be married until he is fully eighteen years old? Yes, I will be told, for it is affirmed by article 144 of the Napoleonic Code. You must then prove to me that this Civil Code is in effect in Belgium. It will be shown that it came into effect in 1807. By whom, I will ask? Did this person have the legal right to institute such a code in Belgium? I will receive answers, but I will continue to ask questions. There will be a moment when no answers will be forthcoming, but I can always continue to ask questions. In fact, in order for certain legal propositions to be considered as true, and thus as verifiable, we must place ourselves within the law and its conventions. Certain propositions will be accepted, which we will not attempt to demonstrate (and if we were to try, we would be faced with the inextricable difficulties raised by the question of the relationship between law [*droit*]²⁹ and the State). Every legal system, just as every language, operates from arbitrary data [*données*], conventions, and value judgments.

Among the methods of verification, we think it useful to admit those that are established by specific conventions. Someone who believes that everything that she or he reads in the Bible or in Aristotle is true accepts the text of the Bible or Aristotle as a means of verification. It could be objected that these means of verification are, in the end, only indirect; that they are based on the exalted idea we have of the authors of the Bible's, or Aristotle's, authority

21 which he kept in 1940–1941 (Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 89 12).

28 TN: Perelman's use of *conscience* here is in line with Aristotle's notion of human sentience.

29 TN: Perelman's use of '*droit*' here rather than '*loi*' means that he evokes the whole of the judicial system rather than a specific manifestation (i.e., law) of it.

[*compétence*];³⁰ that we believe them because we consider them more capable than we are of finding the truth.

But it matters little why we grant them our belief. As soon as we accept that everything that they say is true because it is they who say so, we do not need to verify their authority at every moment in the matter at hand (for this would mean proving their assertions by another means); we employ the argument of authority that assumes that we do not exercise the most direct means of verification. By considering the text of the Bible or of Aristotle as relating truth, we grant to them the value of being means of verification.

In this regard, an important question can be posed: are means of verification necessary or arbitrary? Are they judgments of value or judgments of truth? Let us lay out the problem in all its generality. Consider a proposition P: to say that P is a judgment of truth is to assert that it can be verified. This is where it will be necessary to draw a distinction: the preceding proposition can mean that P is a value judgment for Paul who is speaking, or that it is a judgment of truth for everyone. In the first case, in saying that P is a judgment of truth for Paul, a truth judgment—that is to say a demonstrable verification—is still asserted. Indeed, Paul can or cannot verify P; if he can, the proposition is true; if he cannot, the proposition is false, but in each case there is a truth judgment, a judgment that is not arbitrary. The same reasoning could be used for the judgment by which Paul asserts that P constitutes for him a value judgment.

In the second case, by asserting that P is for everyone a truth judgment, one claims that everyone admits a process of verification by which one could demonstrate it: the necessity of a means of verification is basically affirmed. Similarly, when one says that P is for everyone a value judgment, one asserts that no one accepts a means of verification with which we could demonstrate this.

Are these assertions arbitrary, or not? Can they be demonstrated, or not? To answer these questions, let us ask ourselves what it means to assert that means of verification are necessary.³¹ It means that the judgment “a specific means of verification is valid” is a true judgment for everyone, and thus verifiable by everyone. And yet this can only be verified by another means of verification accepted by everyone, a necessary means of verification that would be again verifiable, by everyone, by a third means of verification, etc., ad infinitum. We see that the assertion of a means of verification as necessary would compel us either to keep climbing a ladder with no end or to stop at a means of verification declared to be arbitrary. If one is tied to the idea of always climbing higher on the ladder of reasoning, the necessity of a means of verification is tied to

30 TN: Perelman's use of '*compétence*' here recalls the legal language of authority and jurisdiction.

31 TN: That is, "let us ask ourselves what it means to assert that judgments require verification".

the necessity of the means that precedes it, etc.; that is, a justified necessity will never be reached.

Let us imagine the other possibility: declaring a given means of verification to be arbitrary; that is, considering that the judgment, which asserts the validity of this means of verification, to be a value judgment. If it is a value judgment, it is logically possible not to admit it; if we do not admit it, the means of verification demonstrated by it becomes in turn a value judgment because it is no longer verifiable. It would thus be permissible to reject it, and to reject all the judgments that follow. By admitting that a single means of verification, the one at which we had stopped, is arbitrary, we remove all absolute necessity, and thus all universality, from an assertion that declares the validity of any one of the means of verification whatsoever. But if we are free to reject an arbitrary judgment, nothing prevents us from admitting it, and it is thus logically possible that everyone may accept a given means of verification. We thus cannot demonstrate the truth of a judgment that asserts the necessity of a specific means of verification, nor can we a priori demonstrate its falsity; we can only do so in making an appeal to experience, that is, to a given means of verification. Yet, as it is not necessary to agree to this means of verification, we can, at the conclusion of this long argument, concede that any judgment that is used to claim the particular universal validity of a given means of verification is arbitrary—an unverifiable judgment, a value judgment.

This leads directly to the notion that any judgment that asserts that a given proposition is a judgment of truth or a value judgment can be considered as a value judgment. Indeed, in order for it to be possible to demonstrate that P is a judgment of truth, it must be shown that everyone accepts the means of verification by which it is demonstrated. Yet, as we have seen, this cannot be demonstrated. In the same way, it cannot be demonstrated in a necessary way that there is someone who does not accept a specific means of verification. To say that P is a judgment of truth is thus an arbitrary judgment, a value judgment. By this it is equally arbitrary to assert that P is not a judgment of truth, that it is a value judgment.

In this way we reach the conclusion that it is just as arbitrary to assert a universal necessity as it is to assert a universal arbitrary. And this is understandable. We mean by arbitrary that which is not necessary. When the limits of the necessary are not definitively defined, we cannot require that the limits of the arbitrary be circumscribed once and for all. It can be concluded from the above that speaking of the universal necessity or arbitrariness of a given means of verification lacks rigor. But if we delve deeper into the mechanism of verification, we see that the arbitrary is at the basis of verification in general. We have in fact seen the dilemma posed by the search for a statute

[*statut*] of judgments asserting the validity of a means of verification when this search continually begins anew or when it stops at a means of verification that is judged to be arbitrary. If the first possibility theoretically forbids us from asserting that a given means of verification cannot be demonstrated, it expressly asserts that there is at least one means of verification (unless there is an infinite number) that we will not demonstrate. It is this means that will be arbitrary. If we call an indemonstrable means of verification the basis of verification, we can say that there is always at least such a basis and, in this sense, verification in general is arbitrary at a foundational level. As a result, in our conception, truth judgments can indeed become value judgments, if a means of verification with which the value judgments had been verified is not accepted; conversely, any value judgment can become a judgment of truth the moment that a means of verification is adopted with which its truth or falsity can be demonstrated. By accepting a means of verification, the number of value judgments is increased. Yet it is not absolutely necessary that a given means of verification be accepted, and thus that a judgment be verified. All truth presupposes the arbitrary. In order to debate or to seek agreement on truth judgments, something arbitrary must have been accepted beforehand. There is nothing more accurate than the well-known expression: "In order to debate, we must be in agreement about something".³²

The above pages probably contain an assertion that could seem to many people audacious. We consider definitions as value judgments: they are indeed arbitrary. But, someone could answer us, if definitions are not truth judgments, they nevertheless should not constitute value judgments; they may not be judgments at all. In order for this objection to be justified, it must either be proven that a judgment does not constitute the statement of a relationship between terms, or our definition of judgment must be rejected. Now this seems to us a thorny enterprise, and it falls to the person who wishes to take it up to show its utility.

Indeed, our opinion is further strengthened by modern axiomatic data [*données*]. This, following [David] Hilbert, considers an axiomatic system as a set of a definition of terms called "undefinable", that is to say that we cannot define them in an explicit fashion by a nominal definition. Axioms would in the end only constitute definitions, the only way to define the fundamental terms of a deductive system. Definition by postulate is in this way opposed to nominal definition: if the operation occurs in a different manner, it nevertheless serves the same goal, and it may not be obvious why someone should take

32 For this line of thinking, see Eugène Dupréel, "Convention et raison", *Revue de Métaphysique et de Morale* 32. 3 (1925) 283–310.

exception to considering definitions as judgments, when no one contested the claim that judgments are a property of axioms.

Establishing this parallel between axioms and definitions also allows us to respond to those who are astonished that we consider axioms to be value judgments, when we consider the propositions deduced from them to be truth judgments. They will tell us that any proposition can be chosen to serve as an axiom, since in a deductive system axioms and propositions are interchangeable; they will not see why we should consider axioms and the propositions that are deduced from them as having a different status. We will respond to this by saying that the case is the same for nominal definitions and for the analytical judgments that we deduce from them. The proposition “man is mortal” in the end is only deduced from the definition of the term “man”, which is a truth judgment, whereas the definition is a value judgment. It is the same in a deductive system in which an axiom, as unverifiable, is logically arbitrary, and propositions, as demonstrable, are truth judgments.

Even those who consider axioms to be intuitions, which are accepted because they are self-evident, consider these axioms (from the perspective of verification) as different from deduced propositions. If deduced propositions have been demonstrated through deduction from axioms, the axioms have only been demonstrated by intuition. It suffices to reject intuition as a means of verification in order for the arbitrary nature of notions to be obvious, and yet the same is not true of propositions of the deductive system.

To avoid any confusion, it would be useful to insist on the relationship between what is generally considered to be true and what we call truth judgments. All that is ordinarily called true does not constitute a truth judgment; we have just seen this for axioms. It is the same for any truth that is considered indemonstrable. In the end, truths are only truths because we want them to be, and axioms are more akin to definition than to observation. All that is not demonstrable is not logically necessary: being arbitrary, an assertion constitutes a value judgment. On the other hand, truth judgments go beyond the realm of truth: indeed, they can make false statements, that is, statements whose falsity we can demonstrate. Now the assertion of the falsity of a false proposition constitutes a true statement because of the principle of double negation, itself deduced from the principle of the excluded middle [*tiers*]. This principle constitutes in fact a proposition resulting from a certain definition of the concepts of equality and of negation, which is joined to the Aristotelian logic of the concept. These are all arbitrary things, but we accept them, and it is because we accept them that it is indispensable, in order to remain coherent, to grant the same degree of necessity to false judgments as to true judgments, for the principle of double negation allows us to move easily from one to the

other. This is the reason why we call both false and true propositions truth judgments: we grant them the same degree of necessity.

The same reason that prompted us to admit the principle of the excluded middle [*tiers*] leads us to admit the principle of contradiction. Now that we have admitted it, we must anticipate the possibility of reaching contradictory conclusions demonstrated by different means of verification, all of which we accept. Unwilling to reject the principle of contradiction, we will be obliged either to limit the scope of certain of our means of verification in a way that the contradiction disappears or to hierarchize our means of verification so that we can discern which of the means is preferable in the case of a conflict.

So as not to name the well-known conflicts between experimental data [*données expérimentales*] and arguments of authority, let us note that this rule [of limiting the range of the methods of verification or placing them in a hierarchy] finds most of its applications in law, where propositions frequently can be demonstrated by means of various procedures of verification. Yet, in the case of conflict [between the various means of verification], it is easy to see that any preference given to one over the other can be only made through arbitrarily accepted value judgments. It will be pointed out that our attitude assumes adherence to certain definitions, to certain conventions, to certain value judgments. This in itself shows that our theory is not at all necessary, since nothing is necessary in an absolute sense. We strive only for a necessity that is termed internal, that which is a necessity following the admission of certain arbitrary rules; it seems to me that this necessity has now been attained.

The rigor of our deductions will not, however, prevent errors in the application of our theory. This is essentially an attempt to classify judgments and, as such, it cannot exclude the shortcomings of every classification. A classification is nothing other than a tool; we must know how to use it; the more that we are in the habit of handling it, the more efficient it will be. I have distinguished between truth judgments and value judgments. Now some may accept that a specific judgment is a truth judgment, whereas they do not accept the means of verification that would allow it to be demonstrated; the contrary is not impossible either. But what matters is that it is possible for someone [*une conscience*³³] to determine the methods of verification that he accepts, since the number of these rules is not infinite. If it were infinite, someone [*une conscience*] might never know, but rules of which we are unaware are akin to being nonexistent; they are not accepted. Yet a judgment of truth must be demonstrated by accepted means of verification.

33 *TN: Recall that Perelman's notion of conscience means here that the person is endowed with consciousness.*

II

By solving the problem of truth and the arbitrary, the theory that we have set forth above will allow us to resolve several fundamental problems in the history of philosophy; in particular, the problem of the relationship of subject and object, and the problem of error.

The problem of the relationship of subject and object has provoked inextricable difficulties in every philosophy. And if we are going to run through the various solutions that have been given for these, we do so less in order to provide a history of these solutions than to illuminate several angles from which this problem can be posed. We are thus less concerned with seeking historical fidelity than a logical and precise approach that will allow us to clearly see the flaws and also the advantages of the recommended solutions.

In any empirical philosophy, the subject-object relationship is considered especially from the point of view of the object. According to such a theory, our knowledge is formed exclusively by exterior input. Everything comes from sensation; this strikes our faculty of perception, which resembles a blank sheet whose properties are such that they permit sensations to be imprinted on them. The truth is only a correspondence between the object and the mark it leaves on our mind [*esprit*]. Of what does this correspondence consist? It is difficult to say. But [the principle of] correspondence requires that the mark left by the perceived object always be the same in order for us to be able to speak of truth. Yet, this is only possible when the subject never changes, and when the matter that has been permeated by the sensation [i.e., the object] undergoes no variation.

In a word, this empiricism presupposes that the knowing subject is comparable to a blank sheet not only at the beginning but also over the course of its existence. It cannot evolve, for in being modified it would influence and even change perception in such a way that the knowledge that would be obtained could no longer be called true. Empiricism's subject should not get in the way of perception; it should be like soft wax, which is what everyone has already said, and yet even this is too much. The subject would be something malleable, impressionable without making an impression, and, in fact, without any agency. These expectations of the subject can be boldly qualified as contradictory.

Faith placed in the fecundity of the empirical explanation has probably suggested to certain neorealist modernists their particular conception of intuition.³⁴ They have found the empiricist theory of the relationship between

34 Cf. G. Frege, *Blätter für Deutsche Philosophie; Zeitschrift der Deutschen Philosophischen Gesellschaft* (Berlin, 1918), 58–77.

subject and object to be so lucid that they have not hesitated to apply it when the object was imperceptible and when it could not be known by means of sensation. In order to explain the manner in which ideas can be known, they have considered them to be the reflection of certain essences, created based on the model of things.

Just as our knowledge of things is only the reflection of the things themselves, our knowledge of ideas is only a reflection of their essence. An essence makes an impression on us as a thing, but instead of impressing us via the senses, it directly strikes a faculty of our mind [*esprit*]³⁵—intuition. And if we wonder of what this intuition consists, we will see that is nothing other than a tabula rasa even more mysterious than empirical intuition because it is endowed with a special faculty of being able to obtain for us self-evident fact [*une évidence*], a self-evident fact that goes far beyond sensory evidence and that boasts of being absolute.

These two empiricist conceptions of perception and cognition [*intellection*] assert the absolute reality of the object. The subject is here reduced to an entirely passive role; it must intervene as little as possible. If it is real, nothing is said about it, however. If it is manifest by means of its own attributes, it only creates confusion and error. Classical rationalism differs less than we would think from the empiricism that I have just described. Before Descartes, the essential difference was in the fact that “universal reason” was used in place of the tabula rasa. Knowledge consisted of an exterior object imposing itself on an impersonal reason. Here, as in empiricism, the personal subject did not intervene in the development of truth; its influence was only observed in error.

Empiricism and any rationalism of this type hardly differ in their aspirations; they set forth something that is complementary to the object and identical in everyone. For some, it is a tabula rasa without any properties, and it is easy to consider it as universal; for others, it is universal reason, whose properties they do not assert. In this way, truth is explained by the correspondence [*identité*] of the object and the universality of a same subject. All humans are endowed with reason; it is by this that they are human; it is this impersonal faculty that renders them equal. Each person can assert his or her individual personality only in being mistaken; this error is explained by that which is personal—the intervention of the senses and of memory.

It is with Descartes that rationalism began to move away from empiricism to draw closer to critique, a doctrine that highlights the place of the subject in the development of knowledge. Descartes' novelty was to observe that

35 *TN: That Perelman uses here the term esprit suggests that he is not limiting it to an intellectual faculty.*

matter and souls are reciprocally inscrutable substances. Our thought cannot be influenced by the corporeal [*étendue*]; the relationship comprised of exterior object/impersonal reason must thus be overturned. Our knowledge of the noncorporeal [*étendu*] cannot come from the corporeal [*étendue*]; the idea of the corporeal [*étendue*] and of its modifications is an internal criterion of our reason.³⁶ Reason, empty in its prior conception, has been filled with ideas. This is the fundamental divergence between rationalism and empiricism, the essential difference between Descartes and Locke.

Descartes' internalism continues to be tied to an origin that is exterior to reason; critique, on the other hand, assimilated internalism, making it an integral part of reason. It is by means of these ideas that reason knows; any knowledge implies the necessary application to perceptible data [*données*] of different categories. Knowledge is thus no longer the simple trace which objects imprint on the subject. The subject now plays an active role in knowledge; one agrees to grant it properties that influence perception. A critique of knowledge will become necessary in order to discover the part played by the object and subject in knowledge, since the object appears altered to our understanding.

This conception leads to a modification of the relation called truth; it is no longer a correspondence between the object and the idea that we have of it. The object as such is unknown to us; we only ever know the object as it appears in the subject, that is, the idea that we have of the object. Truth will be obtained by an internal critic, through the coherence of different ideas of a same object. It could be at first believed that this criterion of coherence, established by idealism, draws its value from the principle of contradiction, but this is far from sufficient. If it allows us to assert that there is an incompatibility between A and non-A, it leaves us mystified when it is a matter of seeing if the ideas A and B can be affirmed simultaneously for the same object without incoherence. In order for this to be possible, we must express B according to A or A according to B, and this requires particular rules as well as arbitrary means of verification and definitions.

36 *TN: Perelman's use of 'étendue' [corporeal] versus the 'étendu' [noncorporeal], evokes the question of the Cartesian definition of substance, first considered by Descartes as dual—the separation of the body (which occupies space) [the 'étendue'] from the spirit (and which occupies the space of the intellect) [the 'non-étendue']. However, the contrast Perelman makes in this article is not Descartes' 'étendue' versus the 'non-étendue' but rather the 'étendue' in opposition to the 'étendu' (the term 'étendu' does not derive from Descartes at all). According to the *Trésor de la langue française*, 'étendu' is an illegitimate translation of 'iné-tendu' [or 'non-étendue'], used by Henri Bergson; Perelman's use of 'étendu' may thus reveal Bergson's influence.*

In these various conceptions of knowledge, there is an idea whose importance has never diminished and whose role has increased with time: the idea of necessity.³⁷ This idea, as Dupréel has masterfully shown, has only ever been defined as a negative property. In the end it coincides with the sentiment of the impossible. It is thus of a psychological nature; what is necessary is what appears to us to be necessary. Now, any relationship in and of itself has nothing that compels our affirmation to the exclusion of other relationships; to claim so would be to endow it with force.³⁸ And it is useful to insist on the fact that necessity bears an extralogical element. A truth is not absolutely necessary because it has been demonstrated; indeed, its necessity will depend on the necessity of the means of verification, which are a last resort and logically arbitrary.

In fact, the idea of necessity derives directly from reality in itself; necessity is only a tracing of reality. In the same way that any reality is imposed on the sphere of being [*être*], any necessary truth is imposed on the sphere of knowledge [*connaître*]. To believe in a reality in and of itself is to set forth at the same time the absolute necessity of a judgment, which asserts such a reality. The necessary judgment is imposed as reality; if reality exists in itself, that is to say independently of the knowing subject, the necessity with which it is asserted is absolute. The subject has only to yield to the feeling of self-evidence that it experiences.

This assertion of the thing in itself, postulated by the idea of necessity, implies at the same time an element common to all perceiving beings; indeed, they must all recognize the compelling presence of this reality that is imposed upon them. They will thus share in the common faculty that can be called universal. The notion of universal reason is nothing other than this faculty. This universality is not tested [*expérimentée*], nor can it be. A universality never derives from experience [*expérience*] because we cannot conceive of a particular experience allowing us to assert truths independent of space and time. It is impossible to observe a universality; it can only be posited.³⁹ This is one of

37 See E. Dupréel, "De la nécessité", *Archives de la Société Belge de Philosophie* 1 (1928) 1–40.

38 Dupréel, "De la nécessité" 29.

39 I. Kant, *Critique de la raison pure*, trans. P. Mesnard (Paris, 1932), 41. "Experience teaches us, to be sure, that something is constituted thus and so, but not that it could not be otherwise. First, then, if a proposition is thought along with its necessity, it is an a priori judgment; if it is, moreover, also not derived from any proposition except one that in turn is valid as a necessary proposition, then it is absolutely a priori. Second: Experience never gives its judgments true or strict but only assumed and comparative universality (through induction), so properly it must be said: as far as we have yet perceived, there is no exception to this or that rule. Thus if a judgment is thought in strict universality, i.e., in such a way that no exception at all is allowed to be possible, then it is not derived from

the fundamental conditions of Kantianism, and it is so much so an essential characteristic of criticism that it can be easily deduced from it.

To posit universality is to assert its necessity. Yet Kant, as well as Descartes, cannot posit it except by means of an arbitrary judgment; seeking the reasons for any necessity always leads back to the arbitrary.

To arbitrarily assert the existence of an absolute necessity is as much to assert its nonexistence. Whence the need for applying Lequier's famous alternative.⁴⁰ He was wrong to use it for the problem of liberty and determinism, but this problem is not so fundamental that we cannot arbitrarily exercise our [faculty of] choice. Scholars will not accept the arbitrary, for they are already located within a system of postulates that they cannot refute. Nor will moralists be able to accept this freedom: they are determined to admit free will through their moral system.⁴¹ It is only in placing ourselves on the formal level of necessity and of the arbitrary that we can choose. And here we are in agreement with Lequier. We arbitrarily set forth the arbitrary as the basis of every necessity. As we believe that we have already shown, there is no logical necessity that certain truths must be universally accepted or that particular means of verification must be universally recognized as valid.

Are there extralogical reasons for asserting such a universality? It will be worthwhile to examine this problem. To assume that there are universal rules that every person must accept is to assume that these rules are a part of human "nature;" it is to admit the existence of a nature that imposes such rules. This naturalism places the person who asserts it first and foremost in the obligation of asserting a thing in and of itself. A [human] nature is indeed something that is asserted independently of the knowing subject and that is developed according to necessary rules. As a result, this naturalism is incompatible with our viewpoint, the fundamental consequence of which is the negation of every being in and of itself. Let us move beyond this and place ourselves in the

experience, but is rather valid absolutely a priori". If we are in agreement with Kant that experience cannot furnish us with a strict universality, we have tried to show above, contrary to Kant, the analytical character of any universality set forth in such a way. *TN: The English translation of Perelman's original reference to Kant derives from I. Kant, Critique of Pure Reason, ed. P. Guyer and A. W. Wood, trans. P. Guyer and A. W. Wood, The Cambridge Edition of the Works of Immanuel Kant, (Cambridge, 1998), 137.*

40 "I can assert or deny one or the other (liberty, necessity) only by means of one or the other". J. Lequier, L. Dugas, and C. Renouvier, *La recherche d'une première vérité* (Paris, 1924), 135.

41 For this line of thinking, see E. Dupréel, *Traité de morale* §451–61 (Brussels, 1932), T. II p. 521. *TN: Perelman will later describe himself as a philosopher and moralist. See his letter to Friedrich Kambartel 18 August 1970. Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 037.1.*

opposing camp. Having set forth a [human] nature, with all that follows, how could our opponents demonstrate the universality of this nature? They could only set it forth as only a universality can be set forth, but they will boast of never having been contradicted by experience. Let us note, however, that this is inevitable. As soon as they observe a rule that is not accepted by someone, they will declare it to be not necessary, and they will declare the rules that have been asserted (whose number they will have progressively decreased) to be all the more universal. It is well known today that it is not experience which will determine a priori truths for supporters and their adversaries. Let us suppose that we manage to find two people who do not affirm the validity of any rules they hold in common. In this case, one will not be convinced by experience; however, one of the two will be declared mad, and excluded from the debate.

We should not believe, then, that experience may rattle the naturalists' thesis (and I mean by this those who wish to deduce properties of a [human] nature that they have themselves posited). This thesis also cannot demonstrate the opponents' thesis, for if they admit the arbitrariness of all rules and of all means of verification, naturalists will always declare that what matters are rules common to all (there are always some among reasonable people) and which result from their human nature. On the other hand, we have seen that the assertion of a universality of nature, which would demonstrate one person's thesis and destroy that of another, is arbitrary. We are thus also permitted to contest its necessity, even to place ourselves in the naturalists' point of view. No one will blame us then for a certain skepticism, which is essentially the negation of every nature and of every absolute necessity.

The skeptic is essentially someone who believes that a truth is not imposed from without by itself. Skeptics accept some truth like other truths, but accept it for reasons that are not purely logical and that they know to be arbitrary. Perhaps they have sought, more than others, to understand, to grasp, and to explain the nature of truth. Yet one thing can only be explained by means of another, different thing.⁴² To conceive of knowledge as absolute and final is to consider it inexplicable, and it is a profound delusion to believe that explanatory virtues reside in the fact that they are inexplicable and thus obscure.⁴³

This is the illusion of every absolutist theory, of all those who posit an absolutely final term, of all those who are as one in believing that they see clearly, when they are one only in obscurity and ignorance. Any attempt to explain, if not in vain, debases the absolute as it would debase a concrete substance. An absolute or a substance can only be explained "per se". If such an explanation

42 Cf. E. Dupréel's *Cours de métaphysique* [Course on Metaphysics].

43 Cf. E. Dupréel, *De la nécessité* (Brussels, 1928), Chapter v, "Les deux inconnus".

may have meaning—and this we may doubt—to comprehend a substance or an absolute would signify that the term to be explained would be identified with a sort of intuition. But it is the intuition that becomes, then, the absolute, the inexplicable, and the explained term is no longer “per se”.

But hardly any progress has been made, for it is other inseparable and indivisible terms—intuition, nature, or reason—that are posited as the atoms of our knowledge. In the end, these are only words, limits [*arrêts*]⁴⁴ to our knowledge, which we would like to render clear by treating them as self-evident. Self-evident fact [*évidence*] is only the perception of something inexplicable beyond which our knowledge stops and gives in. To posit an atom of knowledge is to say not only that we do not know, but that we will never know. An absolute is such an atom, but science cannot admit anything indivisible; it cannot recognize definitive limits, for it assumes that it is always capable of backtracking. It knows that there will always remain something to explain, but this something will become something else because of the progress of science. To posit an absolute is to say that no further progress can be made, and conversely, as soon as one says this, one posits a term that is absolute because it is irreducible, and that will have the same character no matter the name given to it.

Any stance on the problem of truth is confronted with the following alternative: either it is considered as an irreducible and incomprehensible (and thus irrational) datum [*donnée*], or it is considered rational, and thus explicable by something other than itself, by something that is logically precarious, by something which by its very nature precedes every logical necessity.

The explanation that we have given concerning truth judgments places us among those who accept this latter position. And the principal consequence that ensues is another conception of the problem of error. For absolutists, knowledge is constituted by a relationship between the subject and the object in which truth would come from the object and the subject's error. In defining their position in this way, we recall the analysis that we have given above which excludes from the subject all that is found to be universal in it: reason, intuition, etc. These universal faculties in reality only constitute what is objective in the subject; they are not the cause of error. According to absolutists, error derives only from what is personal in the subject, and most of all, from the senses. Error is explained, then, by what is subjective in perception, memory, and by what is subjective in knowledge and in the association of ideas.

But if a certain—admittedly harmful—influence in the development of knowledge is attributed to the subject, do we not see that any theory of

44 *TN: Perelman uses 'arrêts' here, which suggests that the acquisition of knowledge ceases in this context.*

knowledge based on the subject-object relationship is doomed to fail?⁴⁵ For isn't it necessary to prove that the subject does not intervene in our understanding of self-evident fact [*évidence*], which is the sole criterion of truth? And if self-evident fact can mislead us, isn't it necessary to seek another criterion of truth?

The problem of error also destroys a theory that is opposed to truth: that of the pragmatists. For them, if we remain within the strict logic of their reasoning, a proposition is true when it is useful to him who asserts it, when he succeeds in making use of it. We thus understand James's declaration: "The truth of an idea is not a stagnant property inherent in it. Truth happens to an idea. It becomes true, is made true by events."⁴⁶ For James, the truth of a proposition is dependent on the external. On this point, we are in agreement with him: we cause it to depend on the means that we have to verify it. But unlike the pragmatists, we do not believe that truth is an individual affair. We are able to distinguish the utility of some knowledge, of its truth, for a given individual. There are useful errors and harmful truths. How could we be misled if the truth varied according to our liking? Our position here is intermediate, falling between that of the pragmatists and the substantialists. For substantialists, truth depends on nothing; it is necessary. For pragmatists, truth depends on every individual; it has no degree of necessity. For us, truth depends on certain rules that are logically arbitrary, but which constitute the foundation of all necessity. For some, agreement is necessary; for others, agreement can only be made based on interest: it varies accordingly, and contains nothing that is determinative. For us, the rules of agreement are arbitrary but are necessary for the consequences that ensue.

These rules are not necessary; being indemonstrable, they are arbitrary. We accept them; we are not required to do so. We yield to them for reasons of utility or of efficacy; we admit them by means of value judgments, whose arbitrary nature excludes truth. And it is for this that we are pragmatists, but our pragmatism does not reject all necessity; it limits itself to denying an absolute necessity. A relative necessity is the foundation of every truth. There are necessities relative to arbitrary rules that are accepted. Every scientific collaboration, and every joint effort of thought in general, is based on the admission of the same rules, of the same means of verification. This point of view explains error with the same ease with which immorality is explained with reference to morality. There are moralists who believe in an absolute good, who consider immorality

45 TN: *That is, "do we not see that any theory of knowledge in which the object is the exclusive source of knowledge is doomed to fail?"*

46 W. James, *Le pragmatisme* (Paris, 1920), 201.

as the fact of transgressing a moral rule. It matters little if we accept it: we are supposed to accept it, because there is an absolute good, and the same morality is applied to all human beings. This is also the point of view of those who believe in the existence of an absolute truth: you are in error because you deny this truth that you are obliged to admit.

We are more tolerant, and we know how to distinguish the immoral from the amoral. The cannibal who follows the rules of his group is not immoral because he transgresses our rules. He is only amoral in respect to the rule that forbids eating human beings, since in order to transgress a rule, one must accept it, at least implicitly. To be immoral is to transgress a rule to which we adhere.

In the same way, to be in error or to be mistaken is to place ourselves in contradiction with a means of verification to which we adhere. I am mistaken if I deny the existence of God while admitting the Bible as a means of verification. If I reject the validity of this means, I am not in error. Any assertion is not either true or false: it can be arbitrary. And it is arbitrary when we assert a proposition that is not a truth judgment, whose truth or falsity we cannot demonstrate by means of accepted methods of verification. The rapprochement that we have just made between error and immorality suggests that profound analogies can exist between moral rules and the rules we set forth as the means of verification. And indeed, what characterizes these two types of rules is that they are both arbitrarily set forth by means of a value judgment. These rules are arbitrary, and it is through this that they both constitute the center of a social group's unity [*ralliement*⁴⁷].

A group will never be formed in order to assert an uncontested proposition.⁴⁸ In asserting that two plus two is equal to four, one does not differentiate among those who admit arithmetic's means of verification. They are not differentiated and separated out from others; they do not form a group apart. To form a group is to agree on an arbitrary proposition or set of propositions. It is the arbitrary that is the soul of a group; it is because of this very arbitrariness that there are multiple groups: the arbitrary leads to pluralism.⁴⁹

It is the social role of moral rules and of the means of verification that explains all the analogies that can be observed between morality and truth. Morality and truth are presented in three different forms: the belief in a universal good corresponds to the belief in an absolute truth; the ideal of a specific good finds

47 TN: Perelman's use of the term '*ralliement*,' which we translate here as 'unity,' suggests a bringing together and an accord; it is tied etymologically to the English term "rallying".

48 Cf. Dupréel, "Le Renoncement", *Archives de la Société Belge de Philosophie* 2: 2 (1930) 35.

49 TN: Implicit here is the idea that multiple groups necessarily hold different sets of propositions.

a parallel in the belief in a human truth; the theory of individual good or the morality of a strictly personal inspiration corresponds exactly to pragmatism, to the theory of individual truth. The problems of the theory of knowledge, like those of morality, seem to us to be most easily explained through the consideration of the relationships between and among multiple groups.

However, we should be aware of the fundamental difference between morality and truth: their goals are indeed entirely different. A moral rule has value in itself; by asserting it, we place ourselves on a level that is all the more lofty as it is inaccessible. A moral rule confers distinction upon us: this is what allows us to differentiate ourselves from others. A moral rule is made for us, not for others; our adherence is enough for it. The social role for a moral rule is to allow the constitution of a group of action.

A rule that will allow us to assert true propositions does not have the same social function. A truth is characterized by the fact that we want it to be transmissible. We say a proposition is true when we want others to adhere to it as well. A contemplative group is constituted around a truth; the tendency is for a truth to become universal. And vice versa, for that matter: to pursue the ideal of unification in a single group is to believe in the absolute truth of the assertion upon which the group is based. The members of such a group believe in a universal truth that they are charged with disseminating, but their belief is only an ideal, and what easily proves its arbitrary nature is that a group is formed in order to defend it.

The social goal of the truth explains in practical terms why there are far fewer means of verification than moral rules. Indeed, when it is a matter of convincing other people of a proposition's truth, we must put ourselves in their place, and take their point of view; we must demonstrate what we assert with their own methods of verification. A means of verification that my interlocutors do not accept does not in any way help me to convince them. The value of a means of verification derives from the fact that it is held in common, and the more that a means of verification is commonly held, the more valuable it is. One will be thus less tempted to invent new means of verification than new forms of a moral ideal, because if the latter are of more value by their quality, the former are of more value by the quantity of their adherents.

What characterizes truth is that in order to communicate it, we must take someone else's point of view. Science and religion are essentially different because of this: if science attempts to forever diminish the arbitrariness of its assertions, religion does not moderate arbitrariness at all, but rather demands that you place yourself in a certain position where you may accept its specific value judgments. Despite all its pretensions of universality, religion will serve as the ideology for groups to act only if we accept its means of verification and

we are convinced as a consequence. If science comes to us, religion, on the other hand, compels us to come to it.⁵⁰ This establishes the difference between a group of action and a group of contemplation,⁵¹ a difference that even goes beyond the distinction between open and closed groups, since both are here open groups.

To conclude, we summarize once again our position, which is an intermediate position [on the questions of necessity and the absolute]. There is a category of minds [*esprits*] for whom everything is necessary; every judgment, in their mind, is true or false; there are no value judgments. Value is confused with perfection, which is another name for reality. The universe constitutes a unique order; ordinalism goes hand in hand with monism.⁵² For others, all is value; there is only a dynamic; everything here is force or the struggle of forces. There is nothing stable, no formalism, no necessary truth. Pluralism is tied to the negation of every ordinalism.

As for us, we assert following Dupréel the existence of arbitrary rules, and thus of a plurality of possible orders. To admit a means of verification is necessarily to admit all that can be deduced from it; every truth depends upon a value judgment, but there are value judgments that give rise to truths. Every necessity depends upon an arbitrary assertion: in denying absolute necessity, we do not, however, abolish all necessity. In the same way that every moral act assumes a rule to which one adheres and that, as such, cannot be described as moral, every true assertion assumes an arbitrary rule, which thus cannot be described as true. Morality and truth are found not in rules, but in the application of these rules. This is why passion can play a role when it is a matter of the foundation of arbitrary rules, but the debate that aims at an agreement on truths, following an agreement on the means of reaching it, will seek to place itself within the field of the necessary. The tolerance between groups, all of which are established by means of value judgments, is the most immediate practical consequence of our theory. For that matter, our theory implies strict necessity within a group, which is expressed by a perfectly legitimate use of notions of truth and error.

50 TN: That is, "If science persuades us of its truths, religion, on the other hand, compels us to accept its ideologies".

51 TN: Perelman here seems to characterize a group of contemplation as one that is dedicated to thinking and knowledge; nevertheless, he stresses the traditional opposition of the *vita activa* and the *vita contemplativa*. See D. A. Frank and M. Bolduc, "From *vita contemplativa* to *vita activa*: Chaïm Perelman and Lucie Olbrechts-Tyteca's Rhetorical Turn", *Advances in the History of Rhetoric* 7 (2004) 65–86.

52 TN: Perelman here may be evoking Pareto's work on choice theory in economics. See his later article, in collaboration with Lucie Olbrechts-Tyteca, on Pareto: L. Olbrechts-Tyteca and C. Perelman, "Pareto et l'argumentation", *Uni-Laisanne* 37 (1983) 32–33.

The Cultural Origins of the New Rhetoric Project: The Jewish Question and *Double Fidélité*

That Perelman was a Jew, born in Poland, who faced antisemitism and the Nazis, plays no role in most scholarly writings on Perelman's theory of argumentation or in appropriations of Perelman and Olbrechts-Tyteca's New Rhetoric Project.¹ However, Perelman's intentions for his scholarship are made clear in the penultimate sentence of "De l'arbitraire dans la connaissance". The "most immediate practical consequence" of his writings, Perelman concludes this article, "is to seek tolerance between groups ... by means of value judgments".² Perelman's status as a Jew in prewar Belgium explains why he sought this practical consequence, which offered an answer to the "Jewish question".

Perelman had become a naturalized Belgian citizen in 1936, a privilege few Jews at that time had, and he and his family had received a relatively warm reception from non-Jewish Belgians. The Université libre de Bruxelles, and especially his mentors there, Eugène Dupréel and Marcel Barzin, recognized his brilliance and provided him significant support.³ In the mid-1930s, Perelman was simultaneously working on his dissertation on Gottlob Frege and publishing articles in *La Tribune juive*. The young Perelman was enacting the doctrine of *double fidélité* as a Jew faithful to both Belgium and Judaism.⁴

In his published work, Perelman does not provide a definition of *double fidélité*. For this, we must turn to his correspondence. In his homage to Perelman given 8 February 1984, the Viscount and former Prime Minister of Belgium, Gaston Eyskens, recounts how Perelman had described his idea of double fidelity in a letter he had written to Eyskens only several days before his death. As Eyskens recounts, Perelman wrote that double fidelity had imposed upon

1 Perelman's parents named him Henio at birth. He often signed his articles "Ch." rather than "Chaïm", even in his articles published in *La Tribune juive*, which led three editors of articles he wrote to unfold Ch. into the name Charles, as Ch. was a common abbreviation for Charles in French.

2 See our translation of "De l'arbitraire dans la connaissance", above.

3 In a letter written 2 September 1970 to Antonio Pieretti, Perelman insists that he be considered a Belgian rather than Polish philosopher. Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 037.1.

4 This is the theme of Schreiber's unpublished biography, *Chaïm Perelman et la double fidélité*, and Willy Bok's eulogy, "Chaïm Perelman ou la double fidélité", *La pensée et les hommes, Revue mensuelle de philosophie et de morale laïques* 28 (1984–1985) 71–76.

him a double duty: towards Belgium, which had so generously welcomed him and afforded him the possibility of an intellectual development in an ambience of freedom and tolerance, and towards Israel, where he had his roots, and which had provided him the foundation of his morality.⁵ Professor Willy Bok, who cites Perelman's definition expressed in this same letter to Eyskens, will later compare him to Emmanuel Levinas.⁶

Perelman lived through the Holocaust, the formation of Israel, and the Israeli-Palestinian conflict. His thinking on the Jewish question, assimilation, and *double fidélité* evolves, as Bolduc has demonstrated.⁷ And yet, Perelman, as a secular Jew, maintained throughout his life a stable commitment to Belgium and to Zionism both. This commitment is marked by a dissociation of the idea of Judaism, as Perelman separates the religious aspects of Judaism from the secular. As early as 1932, Perelman suggests that Theodore Herzl's idea of Zionism was uniquely, solely national, in which religious questions had no role to play, whence Jean-Philippe Schreiber's description of Perelman's view of Judaism as one of duality, marked by opposing tendencies: that of the religious versus the national.⁸ Similarly, in 1958, Perelman's answer to Ben Gurion's query about how to determine Jewish identity emphasized a similar separation of the national from the religious.⁹ Perelman's conception of Judaism was thus that of a hybrid social group, divided by the imperatives of nation versus religion. Willy Bok views Perelman's 1932 description of certain Jews, atheistic

5 Perelman wrote, "Elle [la doctrine de la double fidélité] m'a dicté un double devoir: envers la Belgique qui m'a généreusement accueilli et qui m'a offert les possibilités d'un développement intellectuel, dans une ambiance de liberté et de tolérance, et envers Israël d'où viennent mes racines qui m'ont fourni le fondement de ma morale" [It {the doctrine of double fidelity} decreed that I have a double duty : toward Belgium, which generously welcomed me and offered me the possibility of intellectual development in an atmosphere of freedom and support, and toward the Israel of my roots, which gave me the founding principles of my morals]. Cited in G. Eyskens, "Hommage posthume au Baron Chaïm Perelman, à l'occasion de son anoblissement par S. M. le Roi, Palais des Académies, 8 February 1984" (pp. 2–3), in Fela and Chaïm Perelman papers (2006.432), United States Holocaust Memorial Museum, Washington DC, USA. Series 18: Condolences.

6 Bok, "Chaïm Perelman ou la double fidélité" 71.

7 M. Bolduc, "The New Rhetoric Project as a Response to Anti-Semitism: Chaïm Perelman's Reflections on Assimilation", *Journal of Communication & Religion* 39. 2 (2016) 32–35.

8 Schreiber, "Chaïm Perelman ou la double fidélité" 13.

9 C. Perelman, "Dear Mr. Prime Minister 10 January 1958", in Eliezer Ben-Rafael, *Jewish Identities: Fifty Intellectuals Answer Ben Gurion* (Leiden, 2002), 290–292. Janice Fernheimer reads Perelman's response to Ben Gurion as an example of dissociation, in "Black Jewish Identity Conflict: A Divided Universal Audience and the Impact of Dissociative Disruption", *Rhetoric Society Quarterly* 39.1 (Winter 2009) 55.

but nonetheless profoundly attached to the Jewish social group, as emblematic of Perelman's lifelong commitment to Judaism.¹⁰

Even as a "political Zionist", Perelman chose to remain in Belgium after the war, working in support of Israel: through the World Zionist Organization (Perelman also served as president of its Action Committee); Keren Hayessod, which gathered funds for Israel, of which Perelman served as president and member of the central committee; with Fela, the Action Committee for Israel [Comité d'Action pour Israël]; and the Belgian Friends of the Hebrew University of Jerusalem [Amis Belges de l'Université Hébraïque de Jérusalem], of which Perelman was one of the founders.¹¹ However, even as a Zionist, Perelman resisted the Zionist federation and Zionist political parties in the diaspora.¹² He was opposed, for example, to a "Zionization" of the Holocaust, which saw the state of Israel as the clearest response to antisemitism.¹³ In an interview following the Yom Kippur War (1973), Perelman even described Zionism as an obstacle for aid to Israel.¹⁴

Perelman remained throughout his life most active in Jewish associations in Belgium: academic (including the Martin Buber Institute of Jewish Studies [Institut Universitaire d'études du Judaïsme Martin Buber] at the Université libre de Bruxelles, of which he was president in 1972, and the National Center of Jewish Advanced Studies [Centre National des Hautes Etudes Juives], of which he was a member of the board of directors), as well as social and cultural (including the Center of Jewish Social Work [Centrale d'Œuvres sociales juives]; Menorah, which promoted Jewish culture in the diaspora and of which he was founder; and Friends of Jewish Youth [Les Amis de la Jeunesse Juive], serving as its president between 1959–1963).

Perelman's work on behalf of Belgian Jews extended internationally, and he served as the Belgian representative to the European Permanent Conference of Jewish Community Services [Conférence permanente de Services communautaires juifs d'Europe]. Perelman was also very active in preserving the memory of the Jewish Resistance in Belgium as an active member of the Association of the Committee for the Defense of Jews [Amicale du Comité de Défense des Juifs] and of a committee bearing homage to the actions of Belgian Jews

10 Bok, "Chaïm Perelman ou la double fidélité", 73–74, referring to Perelman, "À propos de la philosophie de M. Dupréel", *Revue de l'Université de Bruxelles* 37:3 (1932) 399.

11 See Schreiber, "Chaïm Perelman ou la double fidélité", 13.

12 Dimitry Shumsky's portraits of major figures of Zionism explores the evolution of the philosophy of Zionism, and reveals that Zionism after the war was that of a nation-state for Jews alone. See *Beyond the Nation-State: The Zionist Political Imagination from Pinsker to Ben-Gurion* (New Haven, CT, 2018).

13 C. Massange and J.-P. Schreiber, "La communauté juive organisée face à l'engagement pro-palestinien (1973–1982)", *Les Cahiers de la Mémoire Contemporaine* 13 (2018) 177.

14 Perelman's remarks were made in an interview held 16 November 1973, as cited in Schreiber, "Chaïm Perelman ou la double fidélité", 59–60.

particularly, but not only, during the war [Comité d’Hommage des Juifs de Belgique]; this committee also documents Perelman’s Zionist activities in Belgium between 1963–1977.

When Perelman died in 1984, it was his 1935 “Réflexions sur l’assimilation” that was republished as an illustration of his intellectual engagement with Judaism; this article also formed the basis of the eulogy given of Perelman by Professor Willy Bok, director of the National Center of Jewish Studies in Brussels.¹⁵ “Réflexions sur l’assimilation” lays the cornerstone for Perelman’s answer to the Jewish question and the problem of assimilation, issues about which he had been reading and researching in 1935–1936, and more intensively in 1939.¹⁶ Here, Perelman identifies two forms of assimilation: the first using a forced universalism to erase ethnic or group identity; the second allowing membership in a cosmopolitan humanity to coexist with membership in more local, ethnically rooted social groups. Perelman makes a threefold plea: that Belgian Jews should be true to and celebrate their Jewish heritage; that they should not submit to a doctrine of assimilation demanding an obliteration of their Jewish identity; that it is possible to be faithful to the Belgian nation and to Judaism—in short, a *double fidélité*, which is not explicitly identified as such.¹⁷

Perelman’s style in “Réflexions sur l’assimilation” is particularly emotive, a rarity in his writing, attesting to the passion with which he approaches the subject. The sentence structure, particularly in the fourth and sixth paragraphs, is succinct to the point of being jarring, and as such, manifests the urgency of the situation. His use of the infinitive form of the verb to begin nearly every sentence in the fourth, sixth, and seventh paragraphs, which we have rendered here as participles, generalizes the dilemma experienced by all European Jews at the time, regardless of their social class or religious belief. Although he uses the impersonal *on* [one] throughout (except for the first sentence, which recalls the detached language he uses most frequently in his writings), we have chosen to use the second person throughout as a way of illustrating just how this article makes a personal appeal—in a Jewish periodical—for a Jewish-inflected assimilation, and for Jews to be proud of and actively engaged in upholding specifically Jewish values.

15 C. Perelman, “Réflexions sur l’assimilation”, *La Tribune Juive* (Brussels), 31 July 1935, 51–52.

16 In his 1932 article “À propos de la philosophie de M. Dupréel” (398), Perelman applies Eugène Dupréel’s theory of consolidation to the development of contemporary Judaism, marked first by assimilation (after 1789) and subsequently by antisemitism (after 1880).

17 Perelman will continue to contest assimilation, as witnessed in his meditations on the difficulties faced by Jewish youth growing up in Belgium in “Face à la jeunesse juive de la diaspora”, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 48.2.

Whereas “Réflexions sur l’assimilation” portrays the chilling dilemma of Jews living in the increasingly antisemitic climate of the 1930s, his 1946 “The Jewish Question” is a lengthy academic discussion of Jewish history and assimilation beginning with the Israelites in the seventh century BCE and which concludes in the present of Perelman’s writing.¹⁸ Published in the journal *Synthèse*, founded in 1900 by Henri Berr and well-known for its interdisciplinary bridging of history, philosophy, and sociology, “The Jewish Question” follows a sociological and historical approach to present a diachronic study of Jewish people.

Perelman had already taken up the question of the scholarship of the Jewish question much earlier, in his “Une conception sociologique de la question juive”, published in *La Tribune juive* in July 1935, five months before “Réflexions sur l’assimilation”. “Une conception sociologique” is a critical response to Fritz Bernstein’s 1935 *Over Joodsche Problematiek*, a work on which Perelman had taken notes between May 1935 and April 1936.¹⁹ As Perelman indicates, Bernstein proposes an approach informed by social psychology. “Une conception sociologique” begins by explicitly unveiling how antisemitism compels Jews to wrangle with the Jewish question.²⁰ Perelman sketches out Bernstein’s theory of group competition as the basis of antisemitism: antisemitism is the persecution of the Jews because they form a minority group, an experience that is never-ending because Jews are, no matter where they live, foreigners, strangers. Perelman’s response to this particular point is indicative of how he formulates the notion of double fidelity: he responds by insisting that Jews are legally citizens to the same extent of any other citizen.²¹ As much as Perelman finds Bernstein’s work enlightening, he nevertheless takes issue with Bernstein’s inductive method, which he considers too abstract, and concludes

18 C. Perelman, “La question juive”, *Synthèses* (1945) 47–63.

19 Carnet 5, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 43. Fritz Bernstein was a German-Jewish émigré to the Netherlands, and a leader of the Dutch Zionist movement. In his *Over Joodsche Problematiek* (Arnhem, 1935), he described (at 21) the ambivalent relations between Dutch Jewry and the newly arrived Jewish refugees from Germany in the 1930s. See also D. Michman, “Migration versus ‘Species Hollandia Judaica’: The Role of Migration in the Nineteenth and Twentieth Centuries in Preserving Ties Between Dutch and World Jewry”, *Studia Rosenthaliana* 23 (Fall 1989) 70–71. Bernstein had published in 1926 *Der Anti-semitismus als Gruppenerscheinung: Versuch einer Soziologie des Judenhasses* (Berlin, 1926) (published in English under his Hebrew name Peretz Bernstein, as *Jew-Hate as a Sociological Problem* [New York, 1951]), which argued that antisemitism is an expression of the frustration of a majority group taken out on a minority group, and thus an example of group enmity.

20 C. Perelman, “Une conception sociologique de la question juive”, *La Tribune juive* (31 July 1935) 51–52.

21 Unlike Perelman, Bernstein left his adoptive home of the Netherlands, emigrating to what we know now as Israel in 1936.

by calling for a study of the real experience of antisemitism, country by country. Perelman's 1935 "Une conception sociologique" thus sets the ground for his 1946 article on the Jewish question.

The Jewish question remained at the forefront of his intellectual reflection in the late 1930s and early 1940s, as Perelman was working on his book-length study of justice and simultaneously participating in the Jewish Resistance (Perelman helped found the Committee for the Defense of Jews (CDJ) in July 1942 in his home, and served as the committee's co-chair). In the early summer of 1939, Perelman took notes on several important works on the history of the Jewish people and Judaism written in both German and French (here, presented in the order in which Perelman took notes): Alfred Loisy's *La religion d'Israël* (1901); Aldophe Lods's *Israël, Des origines au milieu du VIII^e siècle* (1930) and *Les prophètes d'Israël et les débuts du judaïsme* (1935); Rudolph Kittel's *Geschichte des Volk. Israël* (1909); Gustav Hölscher's *Geschichte der israelitischen und jüdischen Religion* (1922); and Antonin Causse's *Du groupe ethnique à la communauté religieuse. Le problème sociologique de la religion d'Israël* (1937).²²

"The Jewish Question" is notable for the extensive attention it pays to the origins and evolution of antisemitism, especially from the late nineteenth century, and to the Zionist current of thought which proposed a Jewish homeland as a response. It is especially detailed in its description of antisemitism as political propaganda in the late nineteenth and early twentieth centuries, in its portrayal of the waves of Jewish emigration from 1882 onward, in its account of the English policies that rendered emigration to Palestine possible in 1917 but nearly impossible after 1939, and finally, in its depiction of the tragic situation in particular of Polish Jews at the end of World War II.

Although a frequent speaker at the Cercle Universitaire Juif, the Union Sioniste, and the Foyer Israélite, Perelman was not considered an expert on the Jewish question before the war.²³ And in fact, "The Jewish Question" may be considered as problematic for two reasons. First, the vision he presents of the origins of antisemitism in the competition between groups ignores the deep-rooted and racial nature of antisemitism. Schreiber believes that the young Perelman may not have read the German economist and sociologist Werner Sombart's chilling warning, made in 1911, that Jews should not consider

22 Carnet 15, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 43.

23 Schreiber, "Chaïm Perelman ou la double fidélité", 20–21.

the Jewish question as simply political.²⁴ And second, modern-day readers of “The Jewish Question” may find Perelman’s portrayal of interwar Palestine as a “profoundly backward country” in which the land was “neglected or cultivated in the most primitive ways”, given the Israeli-Palestinian situation at present, deeply disturbing. The Palestinian Arabs were displaced by European Jews, creating a tragedy for 800,000 refugees.²⁵

“The Jewish Question” is nonetheless a particularly key article in the NRP, a witness to how Perelman, a secular Jew, grappled intellectually with both the dangers of Jewish assimilation and annihilation. Perelman would later solve his own Jewish question—the dilemma of being equally Belgian and Jewish—by means of the concept of double fidelity. However, underlying the seeming detachment of expression of “The Jewish Question” lies Perelman’s very real and personal experience of antisemitism: having witnessed firsthand the ghetto benches while studying at the University of Warsaw in 1936 and being forced to resign from his position at the ULB in late 1940.²⁶ During the war, Perelman was also arrested and then released by the German police in 1942, and spent a year in hiding, from August 1943 to the liberation of Belgium in August 1944, first in Brussels, and then in Malines [known in Flemish as Mechelen].²⁷ Perelman was also present at the liberation of the camp of Malines, 4 September 1944.²⁸

24 See W. Sombart, *The Jews and Modern Capitalism*, trans. M. Epstein (New York, 1913), 184–185. Sombart’s work first appeared as W. Sombart, *Die Juden und das Wirtschaftsleben* (Leipzig, 1911). Sombart, in responding to Max Weber’s 1904–1905 *Die protestantische Ethik und der Geist des Kapitalismus*, proposed the Jews at the origins of modern international capitalism. See M. Weber, *The Protestant Ethic and the Spirit of Capitalism: With Other Writings on the Rise of the West*, trans. S. Kalberg, 4th ed. (New York—Oxford, 2009).

25 R. Khalidi, *Palestinian Identity* (New York, 1997).

26 Will Bok recounts how Perelman was supported by Professor Tadeusz Kotarbinski in his refusal to sit in the ghetto bench in 1936 while studying under him. Bok, “Chaim Perelman ou la double fidélité”, 74. Among the anti-Jewish ordinances enacted in late 1940 was the interdiction of any Jew to engage in any public profession, including teaching. From 1942, Perelman worked for the German-sponsored Association of Jews in Belgium [AJB] while simultaneously taking part in the Jewish Resistance as a part of the Committee for the Defense of the Jews [CDJ].

27 See the posthumous “Notice sur Chaim Perelman” produced by the Académie Royale de Belgique, 81.

28 In his letter to Lucien Steinberg (whose work he is correcting) 12 May 1970, Perelman recalls the speech he gave at the liberation of the camp, surrounded by the prisoners and other members of the CDJ, in which the existence of the CDJ was made public. Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 037.1.

The final words suspend the academic tenor of the rest of the article, and place before the reader a harrowing scene of despairing Jews, survivors of the camps, trying to reach Palestine in small boats and hunted by the British Royal Navy. The elliptical ending intends to stress the countless number of these small boats, evoking a visual scene in a rhetoric worthy of Cicero's speeches. Moreover, it also gestures at Perelman's own engagement in the Aliyah Bet movement: in July 1946, Perelman and his wife Fela organized a boat for the immigration of Jews to Palestine, which was illegal at the time.²⁹

The poignancy of Perelman's passionate conclusion in "The Jewish Question" may be understood when read through the lens of Fela's writings. In her collection of short stories entitled *Dans le ventre de la baleine* [In the Belly of the Whale], published in 1947, she depicts the plight of Belgian Jews during the Occupation.³⁰ Tracked by the Gestapo, and facing poverty and hunger, her characters dream of Palestine as a place of justice and common purpose (see, for example, the short story, "Il est difficile d'être un cas" 27), and even as an earthly paradise, where, unlike in Belgium, there is abundant sun, rain only when desired, and orchards of orange trees ("Comment un village wallon devient sioniste" 151–153).³¹

The style of the conclusion of the 1946 "The Jewish Question" points the attentive reader back to Perelman's 1935 articles on the Jewish question and assimilation and as a result, allows us to better understand, under the abstract and academic tenor of most of his writing, the very real imperatives underlying Perelman's scholarship.

29 See D. Mikhman, *Belgium and the Holocaust: Jews, Belgians, Germans* (Jerusalem, 1998), 527. See also M. Paldiel, *Saving One's Own: Jewish Rescuers during the Holocaust* (Lincoln, NE, 2017), 273–274.

30 F. Perelman, *Dans le ventre de la baleine* (Brussels, 1947).

31 Her title, *Dans le ventre de la baleine*, is a clear reference to the Biblical Book of Jonah. See D. A. Frank, "A Traumatic Reading of Twentieth-Century Rhetorical Theory: The Belgian Holocaust, Malines, Perelman, and De Man", *Quarterly Journal of Speech* 93 (2007) 308–343.

Translation and Commentary

Chaim Perelman, "Réflexions sur l'assimilation". *La Tribune juive* 12 (31 July 1935) 51–52

We distinguish several types of assimilation, which are essentially different in their motivation and aim.

You may wish to assimilate because of others and also for yourself. But first and foremost, because of others.

You may wish to please others; you may also wish to escape them.

Pleasing others and, to this end, being as others wish you to be. Changing, because what you are is unpleasant. Trying to achieve the ideal that others form of you, internalizing that ideal. Unfortunately, others will modify what they hold as ideal; furthermore, there are different kinds of people, and each person will create a different ideal for you to meet. Being malleable, polymorphous. Being everything and nothing. And never assimilating: aspiring only to realize what is unrealizable. In fact, assimilating means being much more powerful than Descartes' God, whose will [*volonté*] was actualized instantly, because it means that you must simultaneously actualize several wills, which are frequently in contradiction. You must also take into account the person who will at the same time reproach you for being too flexible.

And in the end, you will be obliged to abandon your fantasy of assimilation when you are asked—so as not to be unpleasant—not so much to be one person or another, but rather to no longer to exist at all, disappearing in order to please.

Assimilating because of others in order to escape them. Not being distinctive, so as not to stand out. Being anonymous in the surrounding crowd. Losing your individuality to become a member of a group, and to blend into it. Wanting to unite groups around you, so as not to be exposed to conflicts. Being a follower of any doctrine, of any ideal which allows you to disappear, in order to disappear. Living incognito and, if this is impossible, showing a false passport. Eternally hunted, trembling at the sound of your own name. And, finally, being discovered, accused of treason, of using false papers. Being vomited out like an insidious poison, yes poison, because you are insidious. Must a decent, honest man hide himself so much?

You assimilate in order to live a better life: by leaving behind or by accentuating one's personality; by abandoning or by enhancing what you have that is specifically Jewish.

The first possibility [abandonment] derives from ignorance or a flawed value judgment. You can, in fact, be unaware of Judaism, of its influence on your

character; as a result, you may not take into account the role that it played and it continues to play or its contributions to human civilization.

You can also deny Judaism's value, believe it dead or dying, see in it nothing that is productive or nothing of which it is worth being attached.

However, even if you ignore or disdain Jewish ideology and other spiritual values, you remain Jewish by yet another aspect of our character: the social aspect, which does not concern ideas but rather groups. Would someone who wishes to assimilate, leaving by the wayside all that is Jewish in him, want to be a part of a Jewish group emptied of all ideological substance and clearly of less worth? Would he want to go through his whole life carrying the crushing burden of the hereditary and indelible imperfection of belonging to a despised group? He will instead do everything he can to get out of this group, and thus have to act like those who wish to assimilate because of others—to please them and, above all, to escape them.

The second form of assimilation is that which broadens and develops, which allows a whole Jew to live also as a whole man. Limited by definition, this form of assimilation can only be applied to those values allowed by Judaism, those which can be adopted without betraying your own Jewish values. These must be known, studied, valued, and exalted: by affirming the value of Jewish culture, of Jewish ideology, of the contribution of Jews to humanity; and by affirming your belonging to the group of Jews, proudly, gloriously, by upholding Jewish honor—in which the worth of the Jewish group is reflected in each of its members.¹

¹ *TN: Unlike the sentences of the rest of the article, this concluding sentence is lengthy, employing a bipartite construction of secondary clauses. More important, it provides an apex to the article as a whole, and manifests this sense of culmination by its very structure of intensification. Its use of infinitive verbs (connaître, étudier, apprécier, exalter, rendered here as past participles) and of adverbs tied to a sense of majesty and greatness (fièrement, glorieusement) builds to a crescendo, stylistically and emotionally.*

Translation and Commentary

Chaim Perelman, "La Question juive". *Synthèse* 3 (1946) 47–63

To understand a problem, it is necessary to know the facts, and only history can provide us the facts of a political problem as complex as that known as the "Jewish question". Needless to say, it is not our intention to replace the study of a current problem with a historical account; however, in order to understand contemporary events, it is essential to sketch out at least certain features of Jewish history, without which our understanding of the present will remain imperfect.¹

The person who takes up the study of the Jewish problem for the first time cannot help but find the fate of the Jews strange: having been scattered for nearly two thousand years among the peoples of Earth, they did not assimilate with their neighbors and disappear, leaving no other traces of their past than footprints covered in desert sands. So many empires, so many peoples, so many civilizations have disappeared over the course of the last five thousand years that it is only due to fantastic coincidence and the patient work of archeologists that we sometimes have knowledge of their existence. Even peoples as close to the Jews as the ten tribes that formed the kingdom of Israel have vanished as if swallowed up by their neighbors, while their destiny had been for so long tied, and then parallel, to that of the tribes of the South. In fact, the kingdoms of Israel and of Judah (which had been created by the partition of the State of Solomon) were both destroyed by their powerful neighbors to the North, the kingdom of Israel by the Assyrians in 722 BCE, and of Judah by the Babylonians in 586 BCE. In both cases, the same deportation measures were applied to all the elites, and apparently included the whole urban population. Whereas the tribes of Israel provide an excellent example of a minority population assimilating into the surrounding populace, the exiles of Judah carefully preserved their own character.

During the Persian destruction of the Babylonian Empire, many of them returned to Palestine to reconstruct a new State there. Those who stayed in exile were effective in supporting their brothers who experienced a political renaissance thanks to Cyrus.²

1 *TN: This evocation of the present prepares the reader intellectually, but not emotionally, for the rupture of academic style in the poignant conclusion.*

2 *TN: Perelman's reference to Cyrus the Great, King of Persia, acknowledges the important role Cyrus played in Jewish history, and may also indicate Perelman's own keen awareness of the precarious contemporary situation of fellow Jews. Cyrus is mentioned in the prophecies in the Books of Ezra and Daniel as destined to rebuild the temple and restore the exilic community; in history*

How can we explain the differing behavior of the Jews and the Israelites? It seems that the only valid explanation lies in the action of the prophets, who completely transformed the Jewish religion. Until the eighth century BC, this religion was a henotheism: it affirmed the existence of a single tribal god, Yahweh, tied to the Jewish people and to its territory; his power was manifest by the power of his worshippers. This belief, however, did not in any way exclude the notion that other tribes also had their own god, one that was perhaps less powerful and less prestigious, but one that played for his worshippers the same role as did Yahweh for his worshippers. Each tribal god was like a flag—a symbol of the grandeur and the power of his tribe.

The destruction of the kingdom of Israel had naturally led the exiles to abandon their local god: it was natural for them to acknowledge the superiority of the national god of Assur where they lived. But Israel's decline inevitably led to a revolution in the minds of those who were concerned by religious and national problems in the kingdom of Judah. Was it necessary to accept the defeat of Yahweh and his subordination to the god of Assur? Certain politicians of Judah, and especially those within the entourage of the king, were ready to resign themselves to this possibility, but the prophets found another solution. They disassociated the grandeur of Yahweh from the power of his people: if they suffered a national catastrophe, it was that they had disobeyed the commandments of their god by transgressing rules which, for certain prophets, were of a purely ritual nature and, for others, of a particularly moral nature.³ Yahweh avenged himself, and he cruelly punished those who had turned away from him; in his anger, he used foreign tribes as his instruments. The weakness of Israel did not lead to the decline of Yahweh; in fact, it testified to his ever greater power, which extended to many other peoples beyond those who recognized him as their god. Over two centuries of successive expansions, this theory of the prophets prompted an evolution of religious thought from henotheism to monotheism, from the belief in a tribal god to the affirmation of a sole God, creator and master of the universe. During the exile of Babylon, it was understood that the worship of Yahweh could be practiced outside the borders of the Holy Land. There was still the hope that obedience to the divine commandments would appease the anger of Yahweh, and that he would once again make use of another foreign prince, but this time to allow

*he was known for his religious clemency toward Babylonian and Jewish religions alike, for having both restored temples (Babylonian and Jewish), and having allowed exiles to return (in particular to Judah). See R. N. Frye's 1962 *The Heritage of Persia* (Repr. Costa Mesa, CA, 2004); E. Bickerman, "The Edict of Cyrus I", *Journal of Biblical Literature* 65 (1946) 249–275.*

3 TN: Perelman's use of the verb "dissocier" here is significant, as it manifests his reflections on how dissociation takes place in the world of belief.

the reconstruction of the kingdom of Judah. This prophetic project carried out by Cyrus only made the trust grow in Yahweh, proclaimed as a unique and all-powerful God.

The renaissance of the State of Judah on theocratic bases, followed by a final editing of the Pentateuch in the fifth century BC, provided Judaism its definitive character, in which nation and religion were intimately blended, which would continue for centuries. When the political existence of Jews was destroyed for the second time after the destruction of the second temple in 70 AD, the Jewish religion, thoroughly infused with nationalism, maintained the unity of Judaism. Almost all the religious feasts commemorated events of the national past, and the words of the prophets imploring divine mercy for the rebuilding of the destroyed State can still be found in many prayers.

We know that Christianity, born within one of the numerous sects of Judaism, was for many years in Rome confused with Judaism in a shared persecution. We know how, especially because of St. Paul, apostle to the Gentiles, Christianity separated from its Jewish origins. It abandoned rites that characterized Judaism, transformed the meaning of numerous feasts, and incorporated all sorts of Greek influences, so that it became a universal, catholic religion, preserving of its historical origins only the respect for the Holy Land and the Old Testament. And it insisted especially on the moral and universal elements that it found in the great prophets of the Old Testament, and removed the nationalist sentiments that mark so profoundly all their writings.

Over the course of their later development, Judaism and Christianity both sought to sharply separate what differentiated them. Christianity, reinforced by the ideas of the Greek philosophers, insisted upon universalism. Judaism insisted upon the national aspect of its religion, from which it tried to banish any Hellenistic influence. If such an opposition frequently deteriorates into hostility, it is normal in the life of groups, and particularly in groups of the same type that cannot have members in common. If we do not wish our group to merge with another, we are very much obligated to accentuate the differences between them.⁴ Insofar as we attach value to that element which typifies our own group, we must inevitably disparage that which opposes a neighboring group to ours. While primitive Christianity, in remembrance of the Holy Family and the twelve apostles, granted a privileged place to the Jews, later Christianity identified the Jews as responsible for the sufferings and death of Jesus, and considered all Jews who remained faithful to the belief of their ancestors as more or less complicit in it. Having become a State religion, Christianity extended its power so that the Jews would be kept legally inferior,

4 TN: *This statement encapsulates Perelman's sociological explanation of the origins of antisemitism.*

and made efforts to forbid them to proselytize, which only accentuated the closed character of the Jewish religion. Throughout the Middle Ages, which was in the West dominated by the Catholic Church, the Jews lived in the interstices, if not in the margins, of Christian society.⁵ In the Muslim world, which comprised not only the Near East and all the North Africa but also a large part of the South of Europe, and especially Spain, they occupied a similar position, although one that was better on several levels. The separation of the Western world into two blocs, the Christian bloc and the Muslim bloc, also separated Judaism in two parts that are even today rather distinct one from the other, the Jews termed 'from Spain' [Sephardi] and the Jews 'from Germany' [Ashkenazi].

Denied a place in the landed economy of feudal society, the Jews very naturally dedicated themselves to commerce and especially to international commerce. Given the primitive means of transportation available during the period, this commerce could only involve such rare materials as spices, perfumes, jewelry, fabrics and precious metals; this commerce of luxury goods was complemented by artisans who worked with these precious materials.

Unable to constitute a military aristocracy, it was natural that the Jews did not hold in great esteem men who were distinguished in the handling of arms; their aristocracy was based on secular as well as religious knowledge. This explains their passion for intellectual professions.

They devoted themselves not only to the study of Judaic law (the Talmud), but also to philosophy, astronomy, geography, and especially to medicine. We know that before the Crusades, Jews constituted one of the rare links that united the Christian world with the Muslim world, and that they, especially those Jews from Provence, played an essential role in the transmission of Greek thought—and especially the writings of Aristotle—to the Christian West.⁶

From a legal point of view, the Jews had a special status. They were under the protection of kings and princes, to whom they paid high fees in exchange for this protection. While the central power most often protected them, Jews were nonetheless exposed to the hostility of the surrounding population, who saw them not only as foreigners, but especially as infidels, about whom were propagated the most extraordinary legends. Every misfortune that went beyond the usual was attributed to them. Life in the ghettos, which separated them from the rest of the population, by the very fact of this separation also protected them. Let us point out that until the end of the tenth century, life for Jews was relatively peaceful; however, the period of Christian imperialism marked by

5 *TN: Here we see Perelman's recognition of the theological origins of anti-Judaism.*

6 *TN: It is important to note that Perelman does not demonize Christianity or Islam, nor does he adopt the dystopic view of Jewish history.*

the Crusades was fatal for them. If it were necessary to undertake a war against the unbelievers, it was indeed normal to begin with those who were close at hand. Almost every Crusade began by the massacre of the Jewish populations in the towns through which the crusaders passed. In Jewish communities, the crusaders' approach understandably caused terror.

It was at this time that the great exodus of the Jews toward the countries of Eastern Europe began. These were less-developed countries, where far-sighted monarchs considered the absence of urban centers as a weakness. Very significant emigrations occurring during the years 1096, 1147, and especially 1348 (the year of the Black Plague, during which the Jews were killed on the pretext that they had poisoned the wells so as to propagate the plague) cleared the Jews 'from Germany' from nearly all of western Europe. They were received very cordially by the kings of Poland, who granted them special status.

We leave to historians the task of untangling to what extent the anti-Jewish persecutions of this period were caused by religious hatred and to what extent they were an outcome of the desire of the urban bourgeois, for whom this was a period of growth, to get rid of threatening competitors. Whatever the cause, Judaism's center of gravity was displaced to Eastern Europe. The Jews 'from Spain' lived in peace until the end of the fifteenth century, but the infamous Spanish Inquisition dealt a mortal blow to the most prosperous Jewish community in the world. Thousands of Jews converted to Catholicism, thousands perished at the stake or drowned in the sea; those who were able to escape settled chiefly in Turkey and in Italy, and especially in the Netherlands, where they contributed substantially to its prosperity.

In feudal society, where social classes were distinct, each with its own mode of life, having a different legal situation, the Jews were a middle class people par excellence, as distinct from the knightly aristocracy as they were from the peasant population tied to the land. Before the development of towns (and of persecutions), for a Jew to convert to Catholicism would have meant leaving a society that provided a means of living and falling into nothingness, for he would have been able to enter Christian society only by becoming part of a religious congregation. During the early Middle Ages⁷, a Jew could only essentially withdraw from his community and convert by becoming a monk. The development of cities [*Communes*] in Western Europe⁸ coincided with a time of terrible persecutions; in Eastern Europe, where Jews emigrated in masses, they found the conditions of the Western Early Middle Ages, so that it was almost impossible for a Jew to leave his community without losing his place

⁷ TN: *That is, broadly speaking, from the 5th to 10th centuries.*

⁸ TN: *i.e., during the High Middle Ages of the 11th–13th centuries.*

in society or entering the monastic orders. Under these conditions, it is not surprising to find that over the course of the Middle Ages, the Jews, devoted to the practices of their religion, speaking their own language, wearing special clothes, kept to themselves, mixing very little with the surrounding population, always more or less distrustful and hostile. In an extremely divided society, with its classes that were more or less closed and legally differentiated, where political power was reserved for a small minority, the Jews formed one specific category among many others. Each group had its own rights, its own liberties or privileges, and it was necessary to demonstrate possession of them in order to be able to claim them; in short, judicial inequality characterized the Ancient Regime.⁹

We know that in the three centuries that preceded the French Revolution the structure of feudal society collapsed; we know that the development of the bourgeoisie went hand in hand with the strengthening of centralized power and the assault on all privileges. Rationalism, the philosophy of the growing bourgeoisie, propagated the concept that every human being was endowed with reason, and by this fact, enjoyed a specific dignity that guaranteed a set of natural rights allowing him to play an active role in society. This egalitarian and universalist notion was later reinforced by utilitarianism and economic liberalism; the latter made free competition the basis of social progress, which was supposed to lead to the greatest happiness for the greatest number. Any privilege favoring a particular group to the detriment of the general good had to be eliminated; it was even necessary to consider eliminating any group that came between individuals and the State, which served as the guarantor of liberties for all. These liberties would no longer need to be demonstrated, but would be presumed, unless they were limited by explicit measures, for one should have the right to do anything that has not been expressly forbidden. As a result of this ideology, which was that of the French Revolution, all inhabitants of the State became free citizens with equal rights.

The French Revolution constitutes a turning point in the history of Judaism; its repercussions were profound. Indeed, if on one hand the very logic of the revolutionary system demanded the emancipation of the Jews, on the other hand, their recognition as citizens equal in rights required them to submit to common law, to renounce the specific laws of their community, and to distinguish themselves from their fellow citizens only by their religion, the exercise of which was assured by virtue of the freedom of religion.

9 *TN: The term 'ancien régime' refers to the political and social situation in France before the Revolution of 1789.*

Jews in France were afforded a new status at the time of Napoleon. The Jewish community, whose members were united by ties as numerous as they were complex because of their ancient history, was no longer to consider itself as a purely religious community. As a result of law, the Jews became citizens of the Israelite religion; no longer was there anything that separated them from the rest of their fellow citizens.¹⁰

This new concept, which spread gradually, revolutionized Judaism. Most countries granted civil and political equality to the Jews only much later: some did so after the Revolution of 1848; others, especially those of Eastern Europe, granted it ever in only a purely nominal way. More important, this period was the first in Christian society to accept—not as an exception but as a general rule—the rights of Jews, as equal citizens before the law, to participate in the economic, political, and social life of the State where they lived. This situation allowed them to develop economic activities even more freely as, one by one, the various impediments, which in the past had limited the development of personal initiative, were overcome under the effect of liberal doctrines. We find Jews playing an important role in finance and international commerce; they participated in the development of all the new industrial fields produced by the new scientific and social techniques, which furnished the nineteenth century its reputation. Further, the Jews' access to western culture enlarged their intellectual horizon. Not only did they play a leading role in mathematical and natural sciences, but they were among the most dynamic theoreticians in the social and economic sciences. Jews were the most enthusiastic defenders of all the democratic, liberal, egalitarian, universalist, and rationalist ideals—all these new ideas that we traditionally attach to the ideology of the French Revolution and that are so intimately tied to a belief in the unlimited progress of humanity. For that matter, this entire current of ideas went hand in hand with an ideology of Jewish assimilation—at any cost—within the surrounding population. Rationalist and universalist concepts had naturally led the Jews to eliminate (as far as possible) all that differentiated them from the majority of their fellow citizens. Some sought to reform the Jewish religion so as to bring it closer to Christian faiths; others cut ties with the Jewish religion entirely. There were those who carried this desire of assimilation to the point of conversion; others sought to marry non-Jewish women so as to firmly mark their rupture with Judaism. Even more, to accentuate this rupture, some did not hesitate to join the opposite camp of the vast majority of intellectual Jews—that of clerics, conservatives, and nationalists, who essentially represented the interests

10 *TN: Perelman here constructs an Israelite identity.*

of the Church, the army, and property owners and, in general, the rural population in which the Jews formed only a tiny minority.

For the second time in its history, the Jewish community was threatened with extinction as a distinct group. We have seen that, during the collapse of the kingdom of Judah, the ideology developed by the prophets—the belief in a single and all-powerful God—provided the cement that had united, in exile and later after the destruction of the temple, the Jews who found consolation for their military weakness in a sense of spiritual superiority. It was the idea that they were the trustees of the only true religion that allowed them to defy pagan peoples for centuries; it was the belief in God and in the holy books that allowed them to endure Christian persecutions for centuries. But just as rationalism and the liberalism had destroyed the structure of the Ancient Regime, in the first half of the nineteenth century it also broke apart the frameworks of Jewish society. Perhaps a complete and lasting triumph of the individualist notions of the French Revolution might have achieved that which neither the force of arms nor the fear of persecutions had not been able to accomplish—to assimilate the Jews and cause them to disappear as a distinct group.¹¹ Two factors, however, prevented this evolution toward complete assimilation: on one hand, the counteroffensive of conservative, protectionist, and nationalist forces that became very violent at the end of the nineteenth century; and on the other hand, the fact that the improvement of the legal situation of the Jews, as we have already noted, had not been simultaneous in Eastern Europe and in Western Europe.

It seems, in fact, that these liberal ideas culminated around 1880.¹² From then on, antisemitism was used as an effective weapon of political propaganda serving conservative interests in Germany, Austria-Hungary, France, and Russia. The Jews constituted an ideal target for conservatives not only because some Jews played a role in liberal politics, but especially because, by exploiting antisemitic sentiments for political ends, conservatives were able to identify the adversaries of the parties on the right either as Jews or as under the influence of the Jews. Among the slogans of political propaganda, that of international Jewish capitalism preceded that of Judeo-Marxism by several years.

The use of antisemitism as a political weapon presupposes the existence of anti-Jewish sentiments in the general population that it was necessary to

11 TN: Notice how Perelman gestures here at his 1935 “*Réflexions sur l’assimilation*”.

12 TN: The term “antisemitism” is attributed to Wilhelm Marr, a German journalist, in his best-selling *Der Sieg des Judentums über das Germanentum* [*The victory of the Jews over the Germans*] Repr. (Norderstedt, 2016) in 1879, which firmly suggested that the “Jewish Problem” was racial rather than religious in nature. See W. I. Brustein, *Roots of Hate: Anti-Semitism in Europe before the Holocaust* (Cambridge, 2003), 130–131.

develop and amplify. And this leads us to devote some attention to the problem of antisemitism.

For a very long time, this problem provided material not for a theoretical study, but rather for passionate debates, either attacking the Jews or defending them. Instead of understanding a phenomenon—the hatred of Jews—a guilty party was sought; the antisemitics and the Jews both accused each other of moral and intellectual perversity. Explanations of a psychological, and especially sociological, nature shed much light on this question.

In fact, antisemitism is only one particular case of a very widespread phenomenon: the opposition of groups. It is a distinctive feature of any social group, whatever it may be, to object to other groups, especially those that are of the same type. We have pointed to the particular case of the opposition of Christianity to Judaism, but this phenomenon appears frequently not only among religious groups, but also among national, professional, sporting groups, etc.¹³ To be opposed to others is a means of self-assertion. A claim may even be made that such an opposition, as long as it does not surpass certain limits, can create a healthy rivalry propitious for the emergence of the highest values. It is natural for each group to extol its own values while seeking to contest those claimed by competing groups. Furthermore, the preference for the values of one's group will be matched by the preference for other members of the same group, who will be considered as superior to members of rival groups. A certain number of qualities will be granted *a priori* to each member of one's own group. If experience refutes our assertions, we will get around this by asserting that to every rule there are exceptions. The same assertion will allow us to consider as exceptional any member of an opposing group whose merit we are compelled to acknowledge. For that matter, this is one of the principal functions of collective attributes ascribed not to individuals but to groups: to provide "reasons" that justify emotional attitudes. This rationalization, moreover, goes generally hand in hand with a ranking of qualities that we believe should be attributed to our own group and denied to the opposing group. This opposition of groups generally plays out in a similar fashion within groups: any newcomer to a group is considered, if not as inferior, at least as suspect, and must merit by his behavior the confidence that would be spontaneously granted to the members already within the group.

For centuries, everywhere they lived the Jews were minorities, different from the majority of the population from a religious and social point of view,

13 *TN: Compare with Peretz Bernstein, whose 1951 prologue calls his own 1926 account of anti-Semitism as naïve. See P. F. Bernstein, Jew-Hate as a Sociological Problem, trans. D. Saraph (New York, 1951).*

and often even from other points of view. Unlike other minorities, they did not have a military force, and could not count on a foreign force for their protection. Indeed, the Jews lived for centuries at the mercy of the majority that surrounded them, and to whose sentiments of tolerance they had to appeal in order to survive. The legal emancipation of Jews in Western Europe, which had strongly increased their political influence, had also caused additional tension with certain groups that considered themselves as representatives of the majority. We see why clerical, conservative, and nationalist propaganda was able to endeavor to discredit secular, liberal, and democratic ideals by identifying them with an international Jewry. Supported by a pseudoscientific construction, racist ideology put the concluding touches on the arsenal of political antisemitism as we know it.

If antisemitism in Western Europe before the First World War had been expressed principally politically and socially, in Russia, after the assassination of Alexander II in 1881, it was openly encouraged—if not organized—by the czarist government, and degenerated into persecutions and pogroms. Instead of reforms, the leaders of Russia found it more expedient to grant to its people a different kind of satisfaction by allowing them to persecute a defenseless minority. This policy caused, after more than five centuries, a new exodus. A great migration of Jews, seeking better conditions of existence, went this time from the East toward the West; this migration increased progressively. Between 1881 and 1914, more than three million Jews emigrated to the United States, to South America, and to Western Europe. This flood of numerous Jewish emigrants, bringing with them their customs, their ways of thinking, and the language of their countries of origin, strongly reinforced the Jewish communities of Western Europe, but also fueled antisemitic propaganda.

In the countries of Eastern Europe, and especially in Poland, the Jews lived in dense communities, comprising up to 90% of the residents of certain towns. Subjected to legal restrictions, faced with discriminations of every kind, they lived for the most part almost isolated from the rest of the population, speaking their own language, Yiddish, even wearing special clothes, deliberately ignoring every other culture than the Judaic culture. They felt utterly different from the rest of the population and constituted a national minority that was very distinct. The development of nationalist ideas, in the name of which they were attacked, had repercussions on the ideals of this minority itself. Over the course of their history, the dream of constituting a people had likely never been abandoned by the Jews. But whereas in Western Europe liberal ideas had favored a strong current of assimilation, in Eastern Europe they were surrounded by hostility, which contributed to bringing to life the ideal of having a nation, the spirit of which runs through Jewish religious writings.

For Jewish intellectuals, having been influenced by modern culture, arose the idea of recreating in Palestine a Jewish State that would solve the anomalous situation of the Jews in the world. It would give them a political and social structure that would make them less vulnerable; it would give them a status that would allow them to be no longer dependent upon the tolerance of the majority population among which they lived. Zionism became a key idea. In 1882, it sparked an initial Jewish emigration in Palestine. Instigated by Doctor Herzl, a Hungarian Jew who was very assimilated but who had been strongly shaken by the antisemitic turmoil provoked by the Dreyfus affair (Herzl was at the time a correspondent in Paris of a large Viennese newspaper), Zionism became a political reality. The Zionists, whose position was reinforced by anti-semitic excesses, found their incessant efforts soon crowned with success. In order to gain Jewish sympathy, and especially in the United States, still neutral at that time, the British government in 1917 promised to support the creation of a National Jewish Homeland in Palestine. This promise, known officially under the name of the Balfour Declaration, was later integrated as one of its conditions in the Mandate for Palestine granted to Great Britain in 1922.

After the destruction of czarism and the carving up of Russia following the first World War, Eastern Europe was reconstructed under the aegis of the victorious Allies, and the Jews thought that the wave of democratic ideas current throughout the world at the time would bring an improvement to their lot. In almost all the countries of Central and Eastern Europe, they obtained the status of national minority under the protection of the League of Nations. They enjoyed everywhere a complete equality under the law, but this equality was purely fictive. The tide of nationalist ideas rapidly destroyed any hope that could have been nurtured for an improvement of the situation of Jews in Eastern Europe. They were treated everywhere as foreigners except in Czechoslovakia, which was the only democratic nation in western terms.

The status of national minority, which had fostered so many illusions, gave the nationalist majority an additional reason to hate the Jewish population. The discrimination against the Jews had at that time essentially economic consequences: not only were all jobs forbidden to them, but progressively their ability to practice professional occupations [*professions libérales*] was restricted, and the tax system was used as a weapon of economic annihilation. A new stream of emigration developed from Poland, Romania, and Hungary.¹⁴ But, this time, the doors of the United States were closed as a result of unemployment and economic crises. With its 27,000 square kilometers, Palestine

14 *TN: Here Perelman evokes his own history of emigration and that of his family.*

became the principal country for Jewish immigration: nearly 400,000 people immigrated here between the two wars.

This was not a simple immigration meant to provide individuals with better conditions of life. It was a matter of creating a vigorous social and political organism—a human community that might eventually be self-sufficient—in a desert, in a profoundly backward country.

Supported by an ideology that strengthened (by means of the prestige and vigor of great nationalist currents) a deep-rooted Jewish tradition, driven by the hopes for a free and dignified life, a people comprised of intellectuals, of bourgeois, of artisans, of city-dwellers, without the least support from public authorities, began to construct a social organism, in which agricultural colonization, in the harshest of conditions, had to constitute an essential part. A modern economy was built on lands that were neglected or cultivated in the most primitive ways.¹⁵ The Jewish population created its own settlements, its towns and villages; it developed the most important industry of the Near East; it built by its own hands all that constitutes its present patrimony. It organized in Palestine a center of modern life, with its powerful unionized institutions, with its network of schools and medical centers, with its University, founded in 1925, which constitutes at present, from cultural, scientific, and technological points of view, the most brilliant intellectual center of the Near and Middle East.

It may have been feared that this Jewish colonization occurred to the detriment of the Arab population but, in fact, the difficulties were not of an economic nature. The Arab population of Palestine doubled in thirty years, surpassing 1,100,000 people. The population increase was especially felt in mixed regions inhabited by the Arabs and the Jews. Mortality fell from 30 to 20 per thousand; Arab workers' wage rates increased considerably, and tripled those of workers in Egypt or in Iraq. The increase in budgetary revenues allowed the administration to improve the standard of living of the Arab population and even to reimburse a share of the Ottoman debt it had contracted before the war. And if we observe that Transjordan, which was separated from Palestine in 1922, continues—with its 50,000 square kilometers and its 350,000 inhabitants—to lead a primitive life, largely dependent upon Great Britain, we can accept the idea that the Jews contributed to the improvement of the Palestinian Arabs' lot.¹⁶

15 *TN: This statement reflects Perelman's acceptance of the Zionist narrative a people for a land for a land without a people, but as we know, the Palestinians were already present there.*

16 *TN: We would now recognize such a statement as Zionist propaganda.*

If there were difficulties, they were especially of a political and social nature. On one hand, in part under the influence of English propaganda, nationalism spread throughout the Arab world. We know that economic benefits, no matter their importance, may not count in nationalistic sentiments. On the other hand, the development of a modern community, with its trade unions, its democratic and representative institutions, was bound to introduce an element of trouble into a semifeudal society, as is still the case in almost all of the Near East, where to date a few great families monopolize all political power.

It was thus these political and social reasons that incited radicals among the Palestinian Arabs, under the direction of the Grand Mufti of Jerusalem, to oppose the creation of a National Jewish Homeland in Palestine. Three times—in 1921, in 1929, and in 1936—they roused grave unrest that led to the death of several hundred people. The British authorities then authorized Jewish settlements to provide for their own protection. When in 1936 unrest provoked by Axis agents seriously threatened public order, Captain Wingate, who later became famous in the campaign of Burma [Myanmar], reorganized the Haganah, the military force of the Jewish community of Palestine, which succeeded in quelling the unrest. Until the somber days of El Alamein, the Haganah, armed by the English, constituted the only group on which the Allies could count in all of the Near East.

English policy has always consisted of calming unrest by making concessions to the Arabs. In 1922, Transjordan was separated from Palestine and established as an independent state. In 1930, the Simpson report proposed a halt to Jewish colonization. Finally, the Peel report, published in 1937, divided Palestine, establishing two independent states and a mixed zone in the region of Jerusalem under international control.¹⁷ This project, which received the backing of the British government, was declared unachievable in 1938, because it was thought that an Arab state created in this way would not be viable and could not be self-sufficient.

While the new Palestine was being built, the World was watching, passively, the development of events unique in History. In Germany, a party had come to power in 1933 that galvanized the German people by using a weapon which it would use without any scruples and with the greatest effectiveness—racist antisemitism. By creating the “myth of the 20th century”, Hitlerism succeeded in uniting the different classes of the German people in an opposition to

17 *TN: Recall that in her recollection of their rhetorical turn, Lucie Olbrechts-Tyteca notes that they had read Richard Crossman's speech in delivered in the House of Commons on 1 July 1946 relative to English policy in Palestine. "Rencontre avec la rhétorique", Logique et analyse 3 (1963) 5.*

600,000 people lost among a population of 65 million. Not only did antisemitism allow the Hitlerians to increase their numbers, but it also provided them the possibility of legally despoiling an entire population, which they obliged, moreover, to emigrate in order to escape death. This [forced emigration] thrust the responsibility for several hundreds of thousands of persons without resources on democratic governments, and especially on Jews throughout the world, and this during a period of crisis. Further, antisemitism was used in the foreign policy of the Third Reich as an instrument permitting the crystallization of movements favorable to Hitlerism worldwide.

In Palestine, Axis agents developed an anti-Zionist and anti-English movement that seemed dangerous for the government of Chamberlain, faced as it was with the threat of war emerging on the horizon. After the failure of the partition, when events in Germany, Austria, and Czechoslovakia considerably increased the number of Jews seeking a National Homeland, the British government—knowing that it could always count on the Jews' support in any future conflict and seeking to appease the Arabs—promulgated in 1939 the White Paper, which virtually canceled the Balfour Declaration. Its fundamental provisions included: limiting the region where the Jews could freely acquire lands to 5% of Palestine, and the number of certificates granted to the Jews for the subsequent five years to 75,000; and making all later immigration depend upon the consent of the Arab population.

Not only did the entirety of the Labour opposition rise up with vehemence against this repudiation of a solemn commitment, but M. Churchill had the harshest words for the government for its capitulation that accepted a new Munich in the Near East. The Permanent Mandates Commission of the League of Nations, responsible for the oversight of mandates, forcefully criticized this new policy, which was clearly contrary to the spirit and the letter of the Charter that had entrusted the Mandate for Palestine to Great Britain.

For millions of persecuted peoples, the stipulations of the White Paper closed access to the only territory where they were welcomed. A number of boats filled with refugees were chased from the shores of the land that had been granted to them as a National Homeland.

However, from the moment of the declaration of war, the Jewish community of Palestine quieted its resentment and rose up, as one, to England's side. British experts were unanimous in recognizing the precious aid they brought to the Allies' cause, whereas the attitude of the Arabs was rather ambiguous, not to mention worrisome.

We know how in the first two years of the war, the invasion of almost all of Europe left more than half of the Jews of the entire World to Hitler's mercy.

We know how a minutely detailed plan of extermination caused one of the great tragedies of History—the methodical annihilation of nearly ten million Jews, having been first stripped of their possessions. This was accompanied by a cruel and cleverly orchestrated antisemitic campaign portraying the Jews, who they were going to destroy mercilessly, as having diabolical traits.

The defeat of Germany and the rout of Hitlerism did not put an end to all of its victims' sufferings. Around one hundred thousand Jews from Poland, Hungary, Czechoslovakia, and Austria who had been saved from a certain death in the extermination camps by the Allied advance decided not to return. These countries, where the inhabitants had stripped them bare, denounced them, and turned them over to the enemy, had become only a cemetery of their past. In any case, in these countries they would live in an atmosphere of hatred such that their nerves were no longer capable of enduring. Indeed, some who had returned to Poland, or to Czechoslovakia, quickly returned to the camps. A Jew was no longer sure of his life except in large cities. If he wanted to regain possession of the goods that he had entrusted to a neighbor, if he wanted to recover his business, he was advised to abstain from such action by a letter threatening in short order a fatal outcome. Very quickly afterwards, moreover, the great majority of the 80,000 Jews saved in Poland, followed by most of those who had returned from Russia, took to the road toward the territories occupied by the Allies. It was especially in Poland that the situation became tragic. The Polish tradition of antisemitism, exacerbated by Hitlerian propaganda, was unleashed, not only for material gain, but especially to serve as an instrument in the political struggle against the contemporary Polish government. In fact, they wanted to portray the government not only as pro-Russian and communist but especially as Jewish, which would clearly suffice to put an end entirely to its popularity. They wanted it to be compromised by obliging it to take up the defense of the Jews. In order to thwart this maneuver and to do away with the Jewish question in Poland, the Government found one effective solution, which consisted of making the emigration of the Jews from Poland easy. But where were they to go?

Tens of thousands of Jews were welcomed into the American zone of Germany, in Austria, Bohemia, and especially in Italy, whose welcome was especially cordial; others arrived in France or in Belgium; thousands were welcomed by Sweden. Nowhere did they find permanent status. Whether they lived in the camps of the UNRRA [United Nations Relief and Rehabilitation Administration], or whether they found private lodging and were supported by the assistance of the American Joint Distribution Committee, American Judaism's aid organization, they remained in a provisional situation.

The only country that was ready to offer them definitive asylum was Palestine, but the measures of the White Paper of 1939 granted entry to only some tens of thousands of persons. Was this situation going to continue?

Unlike the Conservative party still in power, the Labour party took the Zionist cause to heart. At the [London, February 1945] World Trade Union Conference, with the support of Soviet delegates, it passed a resolution in favor of the National Jewish Homeland. And soon every one of its leaders in the electoral campaign that followed affirmed that one of the essential points of the Labour platform was the creation of a Jewish state in Palestine, as much to avoid in the future the reoccurrence of events as tragic as those provoked by Hitlerism as to compensate the Jewish community in Palestine for its great contribution to the war effort.

When Labour obtained a crushing majority in the elections of [July] 1945, the Zionists were jubilant, and all Jews hoped that the unhappy life of their coreligionists in the camps would end shortly. But they became disenchanted very quickly. British Labour, finding themselves under violent attack by the U.S.S.R., had only one thing in mind: to reinforce the strategic positions of the British Empire. But Palestine—situated at an essential and strategic point in the Near East, where the pipeline that supplied the British navy (which could serve as protection for the Canal of Suez when the British troops would evacuate Egypt) of the Eastern Mediterranean at Haifa was located—is hemmed in by the mass of Arab countries. If it is true that Arab countries are still very backwards,¹⁸ that they are incapable of resisting even a small modern army, that they are divided among themselves, they are nonetheless thirty million inhabitants occupying immense territories where the precious reserves of oil are located. In comparison, the 700,000 Jews of Palestine appear rather few.

Knowing that it was faced with an adversary that would not hesitate to use any trump card against it, the British government did not want to upset the Arab world. On the other hand, it was difficult for it to repudiate from one day to the next a policy that it had advocated for such a long time. A single solution remained: to hedge in order to gain time.

In the meantime, the victims of Nazism had to remain in the camps. Neither for them, nor for the Jews of Palestine, nor for the Zionists from all over the world, was the wait easy. Was the policy of the White Paper going to live on? How could we believe that Palestine could provide Jews with a national Homeland if the homeless victims of the Hitlerian persecution were not allowed to go there?

18 *TN: We would now recognize such a statement as Zionist propaganda.*

The whole Jewish community of Palestine decided to fight for free immigration to Palestine and for the abolition of the White Paper. This fight took the most diverse forms, from political opposition to terrorism. The latter represents the form of resistance of fanatics, who believe that Great Britain understands only a single argument, that of force. However, the most violent form of resistance consists of the clandestine immigration of Jews to Palestine. From every camp in Europe, across every border, thousands of refugees flow toward the banks of the Promised Land. They have nothing left to lose, and Palestine constitutes their only hope. The English have mobilized a large part of their navy to chase these small boats that bring desperate Jews from all over to the country of their ancestors. The boats are confiscated, the people are sent to camps in Cyprus, but the flood continues....

The Ontology and Philosophy of the New Rhetoric: Regression toward Truth

Commencing in 1947 and culminating in 1958 with the publication of the *Traité*, Perelman and Lucie Olbrechts-Tyteca sought, discovered, and developed a philosophical system designed to be a rapprochement between dialectic (reason and logic) and rhetoric (the art of adapting arguments to audiences). “Philosophies premières” sets forth the philosophical blueprint for Perelman and Lucie Olbrechts-Tyteca’s New Rhetoric Project [NRP]; further, as it marks Perelman’s turn to rhetoric, this article is an extraordinarily important work in the history of twentieth-century rhetoric.¹

The Occupation of Belgium and the Holocaust make no explicit appearance in Perelman’s 1949 article, “Philosophies premières et philosophie régressive” [First Philosophies and Regressive Philosophy].² Nevertheless, underlying this landmark article are Perelman’s experience of the war and his concern with the most pressing philosophical questions that arose in its wake. For Perelman, the primary intellectual exigencies of the postwar period were the interrelated crises of justice, philosophical reasoning, and responsibility, crises of reason to which “Philosophies premières” offers prescient answers.

Perelman’s experience during the war had brought him face to face with totalitarianism. After the war, Perelman and his wife set about the task of reconstructing Belgian society and assisting European Jews to find their way to Palestine/Israel. To help create the conditions for cultural rapprochement, he celebrated the actions of the Queen and the Cardinal of Belgium, both of whom he believed worked to save Belgian Jews.³ In fact, the postwar reconstruction

1 This article reflects Perelman’s thinking and research he had conducted since 1931. Given that this article outlines the philosophical vision of the NRP, it further clarifies the roles Perelman and Olbrechts-Tyteca played in the collaboration on it.

2 Our commentary and translation of this article was originally published in *Philosophy & Rhetoric* in 2003. Both are here revised, as we situate this article in the evolution of Perelman’s thought that leads to his magnum opus with Olbrechts-Tyteca, the *Traité*. We thank the editors of *Philosophy and Rhetoric* for permission to reprint this commentary and translation. In addition, we thank the editor of *Dialectica* for permission to translate Perelman’s article. Noemi Perelman Mattis’s help was invaluable as she assisted with the translation and provided us with critical insights into the work of her father.

3 N. Perelman Mattis, “Chaïm Perelman: A Life Well Lived”, in J. T. Gage (ed.), *The Promise of Reason: Studies in the New Rhetoric*, ed. (Carbondale, IL, 2011), 17.

of Belgium plays a clear role in Perelman's development of a regressive philosophy. For instance, Perelman's contemporaries, such as André Lermينياux and the former Prime Minister Paul van Zeeland, view this period of reconstruction as offering an occasion for positive re-creation.⁴ When the war ended, Perelman returned to his teaching post in the winter of 1945. Perelman had finished *De la justice* while in hiding from the Nazis.⁵ He later noted that this "study was finished in August 1944, having been written during the worst excesses of National Socialism. It was nevertheless published with its reluctant conclusion, and in conformity with the rigorous methodology of logical positivism".⁶ That reluctant conclusion, one that he worked through between 1944 and 1948, was that justice had no basis in reason. At this point, Perelman concluded in favor of logical positivism, holding that scientific knowledge is the only kind of factual knowledge and that other doctrines are to be rejected as meaningless.

Two other conclusions attended his commitment to logical positivism in the immediate aftermath of the war. First, he made a clear distinction between the *vita activa* and *vita contemplativa*, agreeing with the Enlightenment philosophers that the domain of philosophy was the latter. Perelman taught a course on logic during the first semester of his return to the Université libre de Bruxelles. A notebook in the Perelman Archives, labeled "1944–1945", contains a narrative outline of his view of logic. In the first paragraph of the notebook, he wrote, "philosophy deals with matters of contemplation, not action".⁷

A second conclusion followed: because philosophy and reason were limited to "matters of contemplation", there could be no reasonable or rational basis for action. Yet this conclusion was troubling for Perelman. In a Convocation speech delivered to his students on October 8, 1949, Perelman ruminated on the consequences of this limitation: "the theoretical crisis that tormented your elders during the period between the wars ... resulted from the limitations of

4 In a short essay published by the *Société belge d'études et d'expansion* in October 1945, Paul van Zeeland highlights Belgian energy in the creation of an economically prosperous state. Lermينياux, writing of the renewal of various aspects of Belgian society, goes so far as to see the possibility of the creation of a utopia. The various essays in a more recent collection, *Les reconstructions en Europe 1945–1949*, also attest to the association of renewal with the idea of reconstruction. See P. van Zeeland, "Conclusions: De l'économie de guerre à l'économie de paix", in *La Belgique au lendemain de la guerre* (Liège, 1945); see also D. Barjot, R. Baudou, and D. Voldman, eds., *Les reconstructions en Europe 1945–1949* (Brussels, 1997).

5 C. Perelman, *De la justice* (Brussels: Office de publicité, 1945).

6 C. Perelman, "My Intellectual Itinerary". Address delivered to the Hebrew University Faculty, Hebrew University, 1980. Hebrew University Archives.

7 C. Perelman, *Logique 1944–1945* (Notebook), Brussels, Belgium: Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP.

the scientific method to scientific problems, leaving us without rules of action, without conviction that one could honestly accept outside of science itself".⁸ Because there were no rules of action, Perelman suggested, there was no positive doctrine developed to oppose fascism, allowing many to "degenerate into cynicism" and indifference, marking a significant failure of responsibility and conscience during the war.

Perelman struggled with his conclusion that justice and value judgments were arbitrary, the limitation of philosophical reason to contemplation, and with the failure of many to act responsibly before and during World War II. His trajectory from logical positivism to rhetoric is a result of his evolving view that many philosophers held a severely limited and truncated vision of reason. This struggle is apparent in the conference proceedings (1947 and 1949) and articles that constitute the prelude to the *Traité*, particularly those published in the 1940s and his collaborative article with Olbrechts-Tyteca of 1950.⁹ These publications chart his search for a method of securing justice and making value judgments, a philosophy of action, and a project that could extend reason into matters of responsibility. But it is in "Philosophies premières" that Perelman first mentions rhetoric as an answer to the crises of justice, philosophical reason, and responsibility.

"Philosophies premières" also adumbrates how Perelman and Olbrechts-Tyteca's NRP charts a third way between logical positivism and radical relativism. For one, Perelman anticipates in "Philosophies premières" the problems of radical postmodernity. Perelman joined many postwar theorists, including Horkheimer and Adorno, in the resistance to the reign of a disembodied

8 C. Perelman, "Le libre examen, hier et aujourd'hui", *Revue de l'Université de Bruxelles* 2.1 (1949) 46–47. Our translation.

9 C. Perelman, "Les deux problèmes de la liberté humaine", in *Library of the xth International Congress of Philosophy* (Amsterdam, 1948), 217–219; C. Perelman, "Participation aux entretiens de Lund (1947) sur la nature des problèmes en philosophie", in *Publications de l'Institut International de Philosophie*, ed. Raymond Bayer (Paris, 1949); C. Perelman, "La question juive", *Synthèses* (1945) 47–63; C. Perelman, "Fragments pour la théorie de la connaissance de M. E. Dupréel", *Dialectica* 1.4 (1947) 354–366 and *Dialectica* 2.1 (1948) 63–77; C. Perelman, "Morale et libre examen", *Les Cahiers du Libre Examen* 7 (1947) 3–6; C. Perelman, "De la méthode analytique en philosophie", *Revue philosophique* 137 (1947) 34–46; C. Perelman, "Logique et dialectique" *Dialectica* 2 (1948) 126–130; C. Perelman, "Problemen uit de Moraalphilosophie", *Débat* 2 (1948) 72–86; C. Perelman, "Le problème du bon choix", *Revue de l'Institut de Sociologie* 3 (1948) 383–398; C. Perelman, "Vérité contre démocratie" *Cahiers du libre examen* 5 (1948) 7–14; C. Perelman, "Liberté et raisonnement", *Actes du IV^e congrès des sociétés de philosophie de langue française* (Neuchâtel, 1949), 271–75; C. Perelman, "Philosophies premières et philosophie régressive", *Dialectica* 3, 3 (1949) 175–191; C. Perelman and L. Olbrechts-Tyteca, "Logique et rhétorique", *Revue philosophique de la France et de l'étranger* 140. 1–3 (1950) 1–35.

Enlightenment rationality.¹⁰ However, Perelman identified what Habermas would later call the “performative contradiction” in the conclusion that radical skepticism was the only alternative to Enlightenment rationality.¹¹ “Philosophies premières” remains a strikingly elegant attempt to foil what Foucault has called the “Enlightenment blackmail of reason”, the assumption held by logical positivists and radical skeptics that if reason does not yield absolute and eternal Enlightenment knowledge, there can be no knowledge.¹²

In “Philosophies premières”, Perelman also responds directly to Sartre’s 1943 *Être et le néant* [*Being and Nothingness*] by exposing the failure of radical skeptics to see that they had been held hostage by Enlightenment blackmail in accepting the Enlightenment criterion for truth, rejecting it, and then making skepticism an absolute.¹³ Indeed, “Philosophies premières” navigates from this performative contradiction to chart a third way between Enlightenment rationality and radical skepticism with an approach that he labels regressive philosophy.

Regressive philosophy, Perelman argues, provides the human community with a mode of philosophical reasoning located between the extremes of Enlightenment rationality and radical skepticism. In this space between extremes, Perelman identifies contingent truths and values dependent on a rhetorical mode of reasoning, one making moral judgments possible. But Perelman does not respond only to the dichotomy of seventeenth- and eighteenth-century notions of rationality versus modern skepticism in this article; he also offers here a powerful critique of Aristotelian first philosophies.

We might think that Perelman and the NRP are “Aristotelian” or “Classical”. After all, in their respective accounts of the history of the NRP, both Olbrechts-Tyteca and Perelman detail their intellectual voyage from logical positivism to rhetoric, which brings them, via the steppingstones that are Brunetto Latini and Jean Paulhan, to Aristotle’s rhetoric and, for Perelman in particular, the entire Greco-Latin tradition of rhetoric and topics.¹⁴ Seeking a foothold for a

10 M. Horkheimer and T. W. Adorno, *Dialect of Enlightenment*, trans. J. Cumming (New York, 1972).

11 J. Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. F. Lawrence, Studies in Contemporary German Social Thought (Cambridge, MA, 1987), 119.

12 M. Foucault, “What is Enlightenment?”, in P. Rabinow (ed.), *The Foucault Reader* (New York, 1984), 41–42.

13 J.-P. Sartre, *L’être et le néant. Essai d’ontologie phénoménologique* (Paris, 1943).

14 See L. Olbrechts-Tyteca, “Rencontre avec la rhétorique”, *Logique et analyse* 3 (1963) 5–6. C. Perelman, *L’empire rhétorique: rhétorique et argumentation* (Paris, 1977), 9; C. Perelman, “Old and New Rhetoric”, in J. L. Golden and J. J. Pilotta (eds.) *Practical Reasoning in Human Affairs: Studies in Honor of Chaim Perelman* (Dordrecht, 1988), 2–3; C. Perelman, “La naissance de la nouvelle rhétorique”, in *Ars rhetorica antica e nuova* (Genova, 1983), 14. See also

new and expanded sense of reason in values and sources shared by the authors and the audience, Perelman details that Aristotle was “considered by everyone the father of modern logic”, and thereby invokes Aristotle as a source of authority for valorizing rhetoric.¹⁵

However, Perelman also distinguishes Aristotelian logic from the regressive philosophy that is the new rhetoric by establishing the antimony of “first philosophies” and “regressive philosophy”, which in turn demonstrates how Perelman positions Aristotle as adhering to the Classical definition of truth and the use of dialectic in finding immutable knowledge. In a later exchange with Stanley Rosen, Perelman noted that what he called “the classical tradition, starting with Plato and Aristotle, continues with St. Augustine, St. Thomas [Aquinas], Duns Scotus, Descartes, Leibniz, and Spinoza and is carried on by empiricism and logical positivism, as it is represented by early Wittgenstein of the *Tractatus Logico-Philosophicus*”.¹⁶ Perelman continued:

[T]he tradition I call classical assigns but little importance, as far as achieving science and contemplation goes, either to practice or to the historical and situated aspects of knowledge. This viewpoint is held in common by Plato and Aristotle, as well as by thinkers such as Descartes. The tradition I call classical includes all those who believe that by means of self-evidence, intuitions either rational or empirical-or supernatural revelation, the human being is capable of acquiring knowledge of immutable and eternal truths, which are the perfect and imperfectible reflexion of an objective reality.¹⁷

The classical tradition, Perelman noted, was not open to truths that were fluid, partial, and in contradiction. In “Philosophies premières”, Perelman rescues rhetoric by detaching it from Aristotle’s metaphysics. Perelman appropriates Aristotle’s rhetoric as the expression of regressive philosophy, doing so to check the reach of first philosophies. Perelman would eventually argue that Aristotle did not have much regard for rhetoric, and that Aristotle saw

Bolduc, *Translation and the Rediscovery of Rhetoric*; Bolduc, “Translation in the History of the Birth of the New Rhetoric”, in A. Kukulka-Wojtasik—E. Starurski—M. Dobrowolska de Tejerina (eds.) *Translatio et Histoire des idées: Idées, langue déterminants / Translatio and the History of Ideas*, Idea, language, politics (Berlin, 2018), 165–72. Perelman would later acknowledge the influence of Jewish thought and argumentation.

15 C. Perelman, *The New Rhetoric and the Humanities: Essays on Rhetoric and Its Applications* (Dordrecht, 1979), 56.

16 C. Perelman, “Reply to Stanley H. Rosen”, *Inquiry* 2 (1959) 86.

17 Perelman, “Reply to Stanley H. Rosen”, 86.

rhetoric as a tool of persuading ignorant audiences, unable to follow complex apodictic reasoning.¹⁸

To develop an alternative to first philosophies, Perelman drew from the work of Ferdinand Gonseth and his mentor at Université libre de Bruxelles, Eugene Dupréel; both are cited in “Philosophies premières”. Perelman’s rhetoric required a philosophical grounding, which was provided by the “open philosophy” of Gonseth and by Dupréel’s axiology and sociology. In retrospect, Gonseth and Dupréel were much more influential than Aristotle in provoking Perelman’s rhetorical turn. Perelman and Gonseth met in 1947 and remained lifelong friends.¹⁹ A Swiss professor of mathematics, Gonseth was the editor of *Dialectica*, the journal that published “Philosophies premières”. Gonseth advanced an alternative to first philosophy that emphasized experience in time rather than eternal knowledge as central to the philosophical enterprise. Gonseth held that theory and experience are intertwined, that reason should yield to the lessons of experience. Experience, according to Gonseth, could only be understood and theorized with dialectic, which consists of four principles (wholeness, duality, openness to revision, and responsibility), discussed in “Philosophies premières”.²⁰

Perelman equates “open philosophies” with “regressive philosophy” and called on the writing of Eugene Dupréel to establish an epistemology for a regressive philosophy. Dupréel, whose work Perelman summarized in a two-part article published over two issues of *Dialectica*, argued that there are limits to human knowledge, and that the history of abandoned knowledge claims reveals the power of new experience to challenge received wisdom.²¹ With Gonseth and Dupréel, Perelman established the parameters of his rhetorical turn. As one reads “Philosophies premières”, then, the immediate intellectual network within which Perelman operated as well as his originality becomes apparent.

If Perelman first mentions rhetoric as an answer to the crises of justice, philosophical reason, and responsibility in “Philosophies premières”, it is in this article that he provides a metaphysical foundation for rhetoric, a grounding that is not absolute but firm enough to base contingent truths. In so

18 C. Perelman and L. Olbrechts-Tyteca, *Traité de l'argumentation: La nouvelle rhétorique* (Paris, 1958), 9; *The New Rhetoric: A Treatise on Argumentation*, trans. J. Wilkinson and P. Weaver (Notre Dame, IN, 1969), 7.

19 Perelman, *The New Rhetoric and the Humanities*, 101–02.

20 F. Gonseth, “Mon itinéraire philosophique”, *Revue internationale de philosophie* (1970) 398–433.

21 C. Perelman, “Fragments pour la théorie de la connaissance de M. E. Dupréel”, *Dialectica* 1.4 (1947) 354–366 and *Dialectica* 2.1 (1948) 63–77.

doing, it identifies and avoids the performance contradiction that plagues post-Enlightenment thought. “Philosophies premières” navigates between the absolutes of first philosophies and radical skepticism by identifying contingent truths, those strong enough to warrant temporally restricted knowledge, but open to further modification and change. Knowledge need not be timeless and eternal, nor is understanding impossible. With regressive philosophy and rhetoric, it is possible to move beyond the demands of certainty and the pitfalls of aporia to arrive at contingent but reasonable judgments. Once liberated from the performance contradiction of post-Enlightenment thought, questions of values, justice, and action could be judged in the light of a regressive philosophy, one that sought progress, learned from mistakes and errors, and improved in time.

Anticipating Perelman and Olbrechts-Tyteca’s 1958 article, “De la temporalité comme caractère de l’argumentation”, “Philosophies premières” deploys the idea of temporality to distinguish first philosophies from regressive philosophy. While first philosophies focus on eternal principles, thereby marking one moment in time—generally from the past—as original, the source of its present-day principles, a regressive philosophy does not privilege any one particular moment:

[The proponents] of regressive philosophy situate the present in a historical becoming, of which they do not believe themselves capable of privileging any moment by removing it a priori from all evolution. They challenge Aristotle’s principle that calls for an absolutely first term to any regressive series.²²

“Philosophies premières” provides a framework for a philosophical reason that allows for justice and the life of action. The four principles Perelman borrows from Gonsseth (wholeness, duality, openness to revision, and responsibility) and the careful juxtaposition of first and regressive philosophies provide tentative answers to the intellectual crises Perelman confronted in the postwar setting. Rhetoric was the answer, although rhetoric makes but a brief appearance in the article. To develop this answer, Perelman establishes in “Philosophies premières” a metaphysical basis for dialogue and rhetoric:

Regressive philosophy does not seek utopian perfection, rather, it aspires to problem solving through constant deliberation and human interaction—carried out by a society of free minds interacting with each other that accounts for the advantages and disadvantages of the positions human take as they deliberate in the context of lived experience.

22 All quotations from “Philosophies premières” may be found in our translation, below.

It is this step from a regressive metaphysic/philosophy to the free minds interacting, to rhetoric, which is important in the history of rhetoric. Perelman turned to rhetoric out of a concern for metaphysics. Rhetoric ensures for Perelman both the freedom of minds to interact and the responsibility for judgments in the field of action. With the following words from “Philosophies premières”, Perelman announces his rhetorical turn for the first time, rooting his view of the ancient discipline in responsibility:

Only rhetoric, and not logic, allows the understanding of putting the principle of responsibility into play. In formal logic, a demonstration is either convincing or it is not, and the liberty of the thinker is outside of it. However, the arguments that one employs in rhetoric influence thought, but never force his agreement. The thinker commits himself by making a decision. His competence, sincerity, integrity, in a word, his responsibility are at stake. It is this practical aspect, this almost moral aspect of philosophical activity that allows the rejection of a purely negative skepticism. The skeptic rejects every absolute criterion, but believes that it is impossible for him to decide since he lacks such a criterion, just as in first philosophies. But he forgets that in the domain of action, not to choose is still making a choice, and that one runs even greater risks by abstaining than by acting. Dogmatism and skepticism are both opposed to the principle of responsibility, because they both search for a criterion that would make the choice necessary, and would eliminate the liberty of the thinker. It is precisely the principle of responsibility that, by affirming the personal commitment of the thinker in philosophical activity, constitutes the only valuable refutation of negative skepticism.

This is a critical passage in that it juxtaposes rhetorical logic with the two alternatives, brilliantly illustrating how formal logic and radical skepticism are both victims of Enlightenment blackmail in assuming that knowledge must be absolute, thereby absolving both of responsibility for their theses. Rhetorical logic requires commitment and responsibility because it provides the guide for human action. In this vision, rhetoric serves as the bridge between the *vita contemplativa* and the *vita activa*, thereby holding accountable those who advocate values that become the touchstones for action, and thus affecting as well the welfare of local and universal audiences.²³

23 See D. A. Frank and M. Bolduc, “From *vita contemplativa* to *vita activa*: Chaim Perelman and Lucie Olbrechts-Tyteca’s Rhetorical Turn”, *Advances in the History of Rhetoric* 7 (2004) 65–86.

“Philosophies premières” received a rejoinder, in German, from Swiss philosopher Michel Bernays (1950), to which Perelman responded (1952).²⁴ Bernays wrote that Perelman had misinterpreted Gonseth and, foreshadowing complaints made by critics of the NRP, argued that Perelman had failed in “Philosophies premières” to adequately account for the real, the necessary, and the absolute. Perelman, also foreshadowing his response to the critics of the New Rhetoric, argued that regressive philosophy would learn from the mistakes made by first philosophies, modify the rules of knowledge based on experience, and would focus on an unforeseeable future rather than explained past.

24 M. Bernays, “Zur methodischen Diskussion (Bemerkungen zu Herrn Perelmans Erörterung ‘Philosophies premières et philosophie régressive’)”, *Dialectica* 4.1 (1950) 43–45; C. Perelman, “Réponse à M. Bernays”, *Dialectica* 6.1 (1952) 92–95.

Translation and Commentary

Chaim Perelman, "Philosophies premières et philosophie régressive". *Dialectica* 3:11 (1949) 175–191

As a crystal reconstitutes itself from one of its particles, all philosophy creates itself from the idea of an open dialectic, and carries, in itself, the same dialectical character.¹

FERDINAND GONSETH

A number of metaphysicians, including Bergson and Heidegger, consider metaphysics the only knowledge of consequence and use the word to refer to their own philosophies. But a large number of eminent metaphysicians, among them Descartes, Spinoza, Kant, Fichte, and Hegel, had only disdain for metaphysics and used the word to discredit the philosophy of their adversaries. D'Alembert once noted that those referred to as metaphysicians had little regard for one another. "I have no doubt", he added, "that this title will soon be an insult to our great minds, just as the name sophist which, although it meant wise, was debased in Greece by those who bore it and rejected by the true philosophers".²

The preceding remarks should, I think, convince the few who would still doubt it that declaring oneself an adversary of metaphysics does not mean that one does not do metaphysics. On the contrary, the very fact of opposing a certain conception of metaphysics presupposes that one advocates another conception of metaphysics; this needs to be made explicit, if it is only implicit. In a very interesting study, Mr. Everett W. Hall has recently analyzed the metaphysical assumptions of four types of positivism (Mach, Comte, Watson, Carnap).³ Even without this analysis the conclusion is predictable; he who is opposed to a certain manner of treating a problem remains himself within the same problematic. Indeed, such oppositions produce a continuous expansion and dialogue about the meaning of the word "metaphysics". This happens

1 F. Gonth, "Considérations finales", *Dialectica* (1948) 223. *TN*: Perelman does not include this citation in the original article.

2 See A. Lalande, *Vocabulaire technique et critique de la philosophie* 5th ed (Paris, 1947), 602–604. *TN*: Perelman's page numbers are incorrect; this quotation appears at p. 620. Lalande is quoting from Jean le Rond d'Alembert's 1759 "Discours Préliminaire de l'Encyclopédie", in D. Diderot and J. d'Alembert, *Encyclopédie ou Dictionnaire raisonné des sciences, des arts, et des métiers* (Stuttgart, 1966) 1: xxviii.

3 E. W. Hall, "Metaphysics", in D. D. Runes (ed.), *Twentieth-Century Philosophy: Living Schools of Thought* (New York, 1947), 145–194.

not through an automatic and necessary dialectic, but through the dialectic directed by the philosopher's concerns. The first metaphysicians set forth a particular philosophy of being [*être*]; those opposed advocated a different philosophy of being. By expanding its meaning, Aristotle gave metaphysics its first dialectical movement and identified it as the study of being as being and ontology. Kantian criticism treats dogmatic metaphysics with disdain, and shows that all theories of being must be preceded by a theory of knowledge: the first principles of philosophy would be those of epistemology and not those of ontology. Since Kant, and for more than a century, metaphysical debates would be about the primacy of ontology or epistemology, and the opposition to their variants, realism and idealism. Then, at the end of the nineteenth century, the debate broadened. Under the influence of pragmatism, the philosophy of values, and Bergsonism, a strong current of philosophical thinking developed, which integrated the theory of knowledge into a general theory of action. It proclaimed the primacy of a philosophy of action, philosophy of life, and philosophy of values. It is within a metaphysics broadened by these various developments that different conceptions of metaphysics will struggle to establish the primacy of their principles. But, despite their differences, all of these metaphysics can be considered first philosophies.

Aristotle wrote a treatise on first philosophy, the first to be called several centuries after his death a metaphysics. First philosophies refer to any metaphysics that purports to determine first principles such as the fundamentals of being (ontology), of knowledge (epistemology), or of action (axiology). First philosophies position first principles as absolute and that they underlie all philosophical questions. The word "first" informs the argumentation used to establish the primacy of first philosophies. A principle is first when it comes before all others in a temporal, logical, epistemological or ontological order; but any insistence on this point serves only to emphasize its primacy or axiological pre-eminence. That which is first or basic, that which precedes or presupposes all the rest, is also first in order of importance.

As systematic metaphysics, first philosophies establish an interdependence among ontology, epistemology, and axiology. The course taken by first philosophies is determined by a starting point constituted by a necessary reality, a self-evident concept, or an absolute value before which one can only yield. Hence, this type of metaphysics relies on irreducible criteria as the legitimating authority, which in turn provides the foundation on which we can construct a progressive philosophy. The history of thought shows us that first philosophies struggle constantly against each other, each setting forth its own principles, its own criteria that it considers as necessary or evident, without regard to the possible legitimacy of principles established by other first philosophies. Each

first philosophy constitutes a threat for the others. What results is a merciless struggle of these doctrines of first philosophy; all are incapable of finding a common language or common criteria. In this struggle, each first philosophy by its very existence challenges all those that it opposes; each manages to avoid being bothered by other systems simply by disqualifying them altogether. History reveals that the most violent attacks against “metaphysics” were almost always waged by metaphysicians who could not accept the “ultimate criteria” or the “self-evident intuition” of their adversaries, without having to also accept the fundamental propositions of their systems.

When an “open philosophy” conflicts with metaphysics, it does so unlike a first philosophy struggling against another first philosophy; instead, it offers itself as a metaphysics which contrasts with every first philosophy. I will call such a metaphysics regressive philosophy. An analysis of the characteristics specific to every first philosophy and a description of regressive philosophy will permit us to better understand the latter and will give us the opportunity to make clear the broad meaning that this new approach gives to the word “metaphysics”, allowing it to encompass both first philosophies and regressive philosophy.

Rarely does a first philosophy begin directly, as in the *Ethics* of Spinoza, with the affirmation of its first principles, of what it considers as necessary, evident, or immediate, by explicitly establishing its starting points.⁴ The method of first philosophy usually begins with an expression of doubt and a critical examination of different possible starting points that it dismisses as insufficient. It is in this way that Descartes first digs out the sand of misleading opinions before reaching the bedrock of the first truth: he makes use of what we could call the regressive method in order to continue, on the basis of an unfaltering foundation, the progressive development of his metaphysics.⁵ But it is important not to confuse *regressive method* and *regressive philosophy*, because regressive philosophy differs from every first philosophy in the different status accorded to the propositions that lead to the use of the regressive method. Regressive philosophy, like first philosophy, also allows for interruptions, axioms, and starting points, which result from a regressive analysis. But the two ways of

4 TN: *The influence of Spinoza on Perelman has not yet to date been sufficiently elaborated, but Spinoza's Ethics provides examples of philosophical pairs in C. Perelman and L. Olbrechts-Tyteca, Traité de l'argumentation: La nouvelle rhétorique (Paris, 1958), 563, 591; The New Rhetoric: A Treatise on Argumentation, trans. J. Wilkinson and P. Weaver (Notre Dame, IN, 1969), 421, 446.*

5 TN: *Perelman will later explore the metaphors used by philosophers, including Descartes, to indicate their conception of philosophy. See C. Perelman, "Analogie et métaphore en science, poésie et philosophie", Revue internationale de philosophie 23. 87 (1969) 5-7.*

philosophizing differ in the weight given to the ontological, epistemological, or axiological status of these starting points. First philosophies consider them as fundamental, and seek to find a criterion of necessity, of self-evidence, or of immediacy that justifies in absolute terms the first truth that one establishes as the basis of the system. Regressive philosophy considers its axioms, its criteria, and its rules as resulting from a factual situation, and it gives them a validity measured by verifiable facts.

We will return to explore at length this distinction, but for now we may keep the idea that the common object of first philosophies and regressive philosophy is the study of the status of fundamental propositions concerning being, knowledge, and action; metaphysics, in this now broadened sense, concerns itself not with first truths, but with the examination of the status of principles, whether or not one considers them first truths.

Suppose that a first philosophy speaks of the same facts or the same problems as regressive philosophy, suppose that it leads to the recognition of the fundamental characteristic of a same set of propositions; the differences between the two will be revealed when it concerns what one means by fundamental.

First philosophy considers as fundamental the absolute first, that which is presupposed by everything that is not fundamental, not only in fact, but also in law. But which law are we talking about? It is a law prior to every positivistic law. Similarly, in first philosophy, when one refers to the demands of reason, it is in the name of a concept of reason that is not empirical, but absolutist. And when one speaks of logical necessities, it is prior to any positivistic idea of logic.

While what is fundamental in a regressive philosophy is relative to the facts that philosophy has systematized, and is considered only as a fact (more important maybe than to others, but always contingent), in first philosophies, the thinker bases his judgment on an intuition or a self-evident fact, thus on a psychological fact, in order to affirm the universal, unconditional, and even absolute validity granted the contents of this intuition or of this self-evident fact. In common language, metaphysics is used pejoratively to describe this transcendence beyond experience and concrete conditions of verification. This transcendence [of concrete conditions of verification] results from analogical reasoning, whereby the fundamental propositions of first philosophies are established just like derived propositions by relating them to something anterior that is no longer just another proposition, but an intuition or a self-evident fact, and to which one grants (for the purpose at hand) the value of an absolute criterion. Regressive philosophy, on the other hand, will consider these fundamental propositions, within the system, as joined to their consequences.

This claim of the absolute, which cannot be justified either by basing it on the consequences of principles (which are contingent facts) nor by granting the evidence the fragile status of a psychological fact, compels any builder of

a first philosophy to develop [*concevoir*] in a similar manner a theory of being and a theory of knowledge. A first philosophy is always, by definition, in search of definitive and perfect elements that will provide an invariable and eternal basis for a metaphysical system. If it is a theory of first being, this being will be necessary, thus eternal; unconditional, thus substantial and absolute; atomic, thus simple. It will be a theory of the perfect being, the ultimate foundation of all reality. If its basis is provided by the theory of knowledge, one will begin searching for a first truth, self-evident and immediate, intuitive or rational, with a clarity that forces adherence. Or perhaps, finally, one will begin looking for an absolute and intrinsic value, an eternal norm of all human conduct. Let us immediately remark that the primacy granted to that which constitutes the starting point of the system, and which will make of it a realism, an idealism or a pragmatism (in the broadest sense of the word), will influence the whole development of a first philosophy, because each theory of being will be completed by a correlative epistemology and axiology, and vice versa. In order to complete the ontology, one will need to conceive of a privileged knowledge that is capable of knowing the first being, whose perfection will be the ultimate norm of all that is worthy.

Epistemology will determine the nature of the privileged reality and the absolute value, which may be known by our first truths. Axiology will provide the characteristics that will distinguish reality from appearance, and true knowledge from that which is not. Finally, whether one begins with being, knowledge, or value, each first philosophy will have to make a complete voyage from a stable, definitive, perfect starting point. The idea of perfection, of something completed, invariable, will be the defining characteristic of all first philosophies.

That which is considered as perfect and complete is, by definition, non-perfectible, independent of every subsequent experience, of every new discovery, of every new method, of every comparison with others' opinions, of every discussion with other men. That which is perfect and no longer open to correction is independent of every subsequent fact. Truths, once established, are forever. These considerations allow us to understand how first philosophies have always been both individual and universal. They cannot coexist with knowledge that is socially constructed, but instead begin with the self-evident facts of a single mind [*esprit*] that are then declared to be universally valid. First philosophies have neglected the historically conditioned aspect of knowledge, insisting that eternal truths were their only responsibility.

Similarly, reason in first philosophies is a temporary instrument designed to achieve eternal knowledge; reason is modeled by thinking that conforms to the requirements [*problématique*] of a first philosophy.

Once in possession of certain absolute truths about which men cannot agree, the great difficulty faced by first philosophies is to explain the manner in which disagreement can appear in the domain of knowledge or that of action, and how the relative can be derived from the absolute, the imperfect from the perfect, the real from the apparent, disorder from order. It is scandalous for every first philosophy to see men oppose self-evident facts, to see men prefer error to truth, appearance to reality, evil to good, unhappiness to happiness, sin to virtue. In the search of an ultimate foundation for necessary agreement, first philosophers are at pains to explain the existence of disagreement, error, and sin. To do so, they will have to introduce a second element, a sort of obstacle, an antivalue, a devil, which would allow them in turn to explain all deviation from the eminent order. Such obstacles and antivalues will be expressed in the following manner: the subjective opposed to the objective, imagination to reason, pleasure to duty, matter to spirit, and so on. The initial monism, transformed in a dualism, will explain both the world of necessary being and that of beings with freedom and responsibility by tempering, through the influence of the antivalue, the hold of absolute values on human beings. The introduction of this dualism will produce juxtapositions of law and norm, necessity and responsible choice, and will reserve a decisive, but perfectly inexplicable place for human liberty. In fact, if the logic of first philosophies lends itself to a progressive development starting from first truths, if it allows, if need be, the introduction of the cursed universe of the antivalue as a complement of an ideal world, the relations between these two universes, their contingency and their evolution (which, strictly speaking, constitute the world of history) remain perfectly incomprehensible, unless we construct alongside the first philosophy (on which we had based all hope) a regressive philosophy that we will associate with the first philosophy only by a sleight of hand.⁶

The disrepute of metaphysics, conceived of as first philosophy, is explained by two different reasons. One has especially surprised laypeople, all those who know metaphysics from the outside, and the other has especially influenced specialists of philosophy. What impressed men of science was the inability, which metaphysicians proved, to come to agreement on what should be considered as self-evident and necessary. First philosophies thus provided the spectacle of a plurality of opposed dogmatisms that contrasted strangely with the unified concept of a common knowledge, which constitutes the scientific ideal. What importance was it necessary to grant to these disputed facts, to these necessities rejected by men who seem sincere and normal? Scientists from different disciplines who were involved in metaphysical debates had

⁶ TN: NB that Perelman uses here the impersonal form 'on' rather than 'nous'.

the impression that they were faced with people living in different universes, which contributed, moreover, to the sense of unreality caused by the metaphysical constructions. On the other hand, specialists of philosophy took the role of critics within a particular philosophical system in the assessment of first philosophies. They criticized first philosophies especially for their inability to construct a coherent system that, once its principles have been established, takes into account the whole given of experience. In fact, it is not enough to disqualify anything that does not agree with the principles of a first philosophy by treating it as appearance, error, sin, or nonsense; one still needs to justify the existence of this appearance and of this error, of this sin or of this nonsense.

Those opposed to every first philosophy are the antimetaphysical philosophers, those who in the history of philosophy are commonly treated as relativists and skeptics. The point of view of the latter is purely negative: they place themselves in opposition to first philosophies, they deny the existence of every absolute, of every unconditional, of every first principle. But negation still does not constitute a philosophy: it is necessary to provide the reasons for this negation. They showed themselves to be sullied by the same defects as the first philosophies, the object of skeptical criticism, since very often, their reasons also assume the validity of first and unconditional principles that are, moreover, not explicit. For any antiabsolutism or any antidogmatism to be taken seriously, it must endeavor to remove the metaphysical affirmations at the basis of the critique. A similar provisional opposition to every first philosophy, if it does not wish to fall under its own critique, can consist only of a regressive philosophy.

Regressive philosophy opposes the status given by first philosophies to necessary being, to the first truth, and to the absolute value. Whereas for first philosophies, the acquisition of indisputable starting points provides a base for a series of subsequent deductions, for regressive philosophy it will be a matter of only a provisional limit to its investigations, a limit that is a landmark but not a light.⁷ The value of these principles is not determined by some self-evident fact or some privileged intuition, but by the consequences that one can draw from them and that are none other than the facts that serve as a concrete starting point to all philosophical research. Whether it is a matter of a scientific problem or a psychological "concern", philosophy always begins by certain pieces of information which one can analyze, refine, purify, disqualify, or justify, but which one must take into account. Instead of being illuminated

⁷ See C. Perelman, "Fragments pour la théorie de la connaissance de M. E. Dupréel", *Dialectica* 5 (1948) 66–77, especially 63–64. *TN*: The first half of this article appeared in *Dialectica* 1.4 (1947) 354–366.

by some intuition that precedes the facts and that is independent of them, the fundamental principles of regressive philosophy are, instead, clarified by facts and their consequences. Within a domain that is more or less limited by knowledge, each philosopher is free to start with different facts and to introduce a certain coherence or a certain systematic spirit that does not need to encompass the totality of knowledge. But insofar as different philosophers live in the same universe and find themselves in the presence of the same type of facts, they must be able to incorporate them in their system of thought, be able to compare their ideas with those of their colleagues, and acknowledge and appreciate the differences of opinion that they perceive.

At the basis of regressive philosophy, we find again more or less, in a different perspective and coordination, Gonseth's four principles of dialectic.⁸

The *principle of wholeness* [*intégralité*] presents a doubled consequence, which obligates the proponent of regressive philosophy to take into account the totality of experience that appears to him and to integrate this experience in such a way as to create an intimate interdependence between the facts from which he starts and the principles that must explain them. It is because of the principle of wholeness that only a regressive philosophy, which is less a completed and perfect system than an understanding that implies the incomplete and unfinished character of every philosophical construction, which is always capable of new developments and new corrections, can oppose the plurality of first philosophies. Proponents of a regressive philosophy are capable of mutual understanding, of discussion, of comparing their points of view and of adapting them. Discussion constitutes an essential element for the development of their thought, which is, in principle, open thought. Their disagreements are destined to be reduced, and, in this, resemble disagreements between scholars; in fact, a rectification in their system does not constitute a renunciation or a betrayal in regard to their principles, but on the contrary, the proof of loyalty to these principles.

In fact, while the principle of wholeness affirms the systematic character of every philosophy whose ideal is that of the unification of the totality of knowledge, its eternally incomplete character is implied by the *principle of duality*. This principle affirms that a system of thought, whatever it may be, never

8 See *Dialectica* 6, 123–124. *TN*: Perelman's reference appears erroneous. It is in his "Considérations finales", which appeared in *Dialectica* 2.2 (1948) 215–223 (at 221), that Ferdinand Gonseth alludes to his four principles. In the reprint of this article, Perelman adds the following references to this footnote: See also the remarks made by Bernays: "Zur Methodischen Diskussion (Bemerkungen zu Herrn Perelmans Erörterung 'Philosophies premières et philosophie régressive')", *Dialectica* 4.1 (1950) 43–45, and our response in Perelman, "Réponse à M. Bernays", *Dialectica* 6.1 (1952). 92–95.

constitutes a complete, perfect system that would take into account all future experience, which has become superfluous and lacking in meaning. The rejection of this principle would affirm the possibility of constituting a complete and perfect system of knowledge within a single mind, which would exempt it from subsequent research as well as from new experience. Indeed, new experience would only be able to enter into the known schemas if there were a way to eliminate from the universe all unpredictability, all contingency, and thus all liberty, which give meaning to time and history. One even wonders what sense the distinction between being and thought would have in such a system. One sees right away that this system would be strange and inconceivable, incapable of maintaining its coherence.

The union of the principle of wholeness with that of duality constitutes the essential character of regressive philosophy: the other principles consequently follow from this.⁹ The first of these consequences, the principle of *revisability*, affirms that no proposition of a regressive philosophy is safe a priori from revision. Holding principles and propositions safe from rectification would place them outside the principle of revisability. As the principle of duality sets forth the imperfection of the system—that it must always be able to be adapted to new experiences—the rejection of the principle of revisability would be an a priori declaration that certain propositions would remain forever sheltered from modifications of their wording and their significance, even if subsequent changes might affect the other elements of the system.

Such propositions, once established, remarkable for their simplicity, their clarity, their self-evident fact, in a word, for their perfection, would introduce within regressive philosophy all the characteristic traits of a first philosophy. The fact of accepting propositions beyond the reach of review would only be possible if one adopted and used the criterion of perfection. Acceptance of perfect propositions, beyond change, would introduce, at the heart of a regressive philosophy that one wants to be both coherent and adaptable to the unforeseen, a problem that would provoke its disintegration.

Let us immediately remark that the affirmation of this principle of revisability affirms only the possibility of revising certain affirmations if pressing reasons appear to do so. Only new facts that did not correspond to the accepted system could prompt the revision of certain of its elements. And even so, a choice will almost always determine the elements of the system to be modified. The adaptation to a new situation will be the work of a man who

9 *TN*: In a letter (28 July 1967), Perelman clarified to Luigi Mariani that first philosophies elude the effects of the principle of duality, so that meaning and truth cannot be modified by any future experience. Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 24.2.

will have considered the different possibilities that present themselves, and he will have made a judgment to make the revision, having understood the cause of and taking responsibility for the revision. This is the meaning of the *principle of responsibility*, which makes the informed decision of the researcher crucial in the development of a system of thought. To cite M. Gonthier, “a dialectic”—and regressive philosophy is one of them—“is neither automatic nor arbitrary; it is gained by a man conscious of his effort and his responsibility, by a man conscious of his commitment to the real and of his ultimate liberty of judgment”.¹⁰

The principle of responsibility introduces the human and moral element into scientific and philosophical work. It is man, as a last authority, who is the judge of his decision, and other men, his collaborators and adversaries, who judge both this decision and the man who chose it.

To have some moral or even simply human value, this decision cannot be a necessary choice. Where there is necessity, there is neither choice nor merit; moreover, in such conditions a machine could favorably replace human judgment.¹¹ In fact, when the action has been determined once and for all, when the principles of revisability and of responsibility cannot be invoked because one has dismissed the effects of the principle of duality, machines could be constructed that would accomplish, without hesitation, the work that a man would not be able to do as rapidly and as impeccably. But, on the other hand, the decision of the researcher is never arbitrary. Man does not find himself faced with nothingness when he has to choose, and his decisions are not absurd. What influences his decision, like that of others, are arguments whose values he must himself assess. When he must adapt his system to new facts that create conflict in his mind, the researcher must invent possible modifications of his concepts, and choose that which appears most appropriate. If he desires to obtain the agreement of his peers, he would need, moreover, to justify this choice and to show the reasons for which it seemed preferable to him.

Here we see at work a form of argumentation already examined by Aristotle, which is nothing other than the rhetoric of the ancients, this logic that treats

10 F. Gonthier, “L’idée de dialectique aux entretiens de Zurich”, *Dialectica* 1 (1947) 36.

11 *TN*: In a postwar address he gave to ULB students, Perelman illustrates the search for a guide to action with references to the Occupation. Perelman, “Le libre examen, hier et aujourd’hui”. *Revue de l’Université de Bruxelles* 2, n.s. (1) 39–50. Perelman had taken notes on free will in *Carnet 7* (begun in 1937), where he is most interested in a reference made to Aristotle’s *Nicomachean Ethics*; in 1946–1947 he takes notes on works dealing with free will by Saint Augustine, St. Anselm, Erasmus and Schopenhauer in *carnet 33* (begun 20 January 1946, finished 9 April 1948), and by Fonsegrive, in *Carnet 28* (begun 7 May 1946, finished 12 June 1946). *Carnets 7 and 33* are in Brussels, *Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 12*; *carnet 28* in *BE.ULB-ARCH/89PP 43*.

not the true, but the preferable, and which one might consider as the logic of value judgments, if this latter notion were not so confused.

Only rhetoric, and not logic, allows us to understand how the principle of responsibility is put into play. In formal logic, a demonstration is either convincing or it is not, and the liberty of the thinker is outside of it. However, the arguments that one employs in rhetoric influence thought, but they never oblige his agreement. The thinker commits himself by making a decision.

His competence, sincerity, integrity, in a word, his responsibility are at stake. When it is a matter of problems concerning foundations (and all philosophical problems are tied herein), the researcher is like a judge who has to judge equitably. We may wonder if, after having sought for centuries the model of philosophical thought in mathematics and in the exact sciences,¹² we might not instead compare it to that of lawyers, who sometimes have to develop a new law and sometimes have to apply an existing law to concrete situations.

It is this practical aspect, this almost moral aspect of philosophical activity that allows the rejection of a purely negative skepticism. The skeptic rejects every absolute criterion, but believes that it is impossible for him to decide since he lacks such a criterion, just as in first philosophies. But he forgets that in the domain of action, not to choose is still making a choice, and that one runs even greater risks by abstaining than by acting.

Dogmatism and skepticism are both opposed to the principle of responsibility, because they both search for a criterion that would make the choice necessary, and that would eliminate the liberty of the thinker. And yet it is precisely the principle of responsibility that, by affirming the personal commitment of the thinker in philosophical activity, constitutes the only valuable refutation of negative skepticism.

The philosopher chooses his approach; his choice is free, but reasoned. What he is—his temperament, his background, his milieu, all his knowledge and his value judgments—influence his choices as a thinker and explain his philosophy. This explanation is never entirely complete, however, because his choice is never entirely necessary.

In sum, regressive philosophy affirms that, at the moment the philosopher begins his deliberation, he does not start from nothing, but from a set of facts, which he does not consider as necessary nor absolute nor definitive but as sufficiently sure to allow him to establish his deliberation. He considers these facts as fragmentary, and he does not believe that the notions that help him to express them are perfectly clear nor fully developed. In a way these

12 TN: With the term "sciences exactes", Perelman is thinking of a combination of such natural sciences as chemistry and physics, as well as formal sciences of geometry and calculus.

facts are already associated in his thought; progress in their systematization will allow him to develop the principles of his knowledge and to better understand, describe, and classify the elements of his experience. This experience is never complete; new facts can always provoke a questioning of the notions and principles of the initial [*primitive*] theory, the revision of which could lead to a better understanding of the earlier [*ancien*] facts. This revision, this adaptation, will not be done automatically, but will be the work of the thinker who is responsible for his actions and who commits himself by means of his decisions. This is why, moreover, he will question principles that are already accepted only if he believes that he has sufficient reasons for doing so.

The proponent of regressive philosophy will reject the very idea of a preliminary condition to his philosophy, holding that no doctrine *must* precede it or *must* be developed first. How does this rejection of a precondition influence his view of knowledge? If this precondition means the search for an absolute, first principle that would be anterior to his own principles, and which he denies as being absolute and first, his rejection of these first principles does not mean that he will follow a path that leads to endless regression, without sense or direction. If one asks him [i.e., the proponent of regressive philosophy] to revise his principles by contrasting them with pertinent facts, which introduce an element the system has not considered and will need to incorporate, he will rejoice at the possibility that his thought will be enriched. If the regression must permit a certain elucidation or the elimination of an incoherence or a disagreement, the regressive philosopher can reestablish coherence or agreement on new foundations that he will keep until a new fact modifies the situation. Indeed, some reason, some problem to solve, some difficulty to eliminate is necessary so that he takes the trouble to modify his prior position.

The regressive philosopher will use regression in an analogous way when one proposes that he examine “the implicit philosophy” of his system. If he feels it necessary, he will always be ready to revise his principles, all the while knowing that this revision of declared principles into implicit principles is neither necessary, nor automatic, nor definitive. Further, once they have been formulated, he could try to formulate their implicit principles on the condition that this research is of some interest. In fact, he cannot answer the proponent of a first philosophy with a response such as “I’ll go this far, but no farther;” he cannot refuse to understand his adversary by arguing from a self-evident fact that would be removed from discussion. But he can refuse to accept that the implicit principles, once brought out, constitute the definitive and ultimate foundation of his philosophy, and a fortiori of every philosophy.

Before finishing with this description of regressive philosophy, let us note that it has its own problems and difficulties that match those of any first philosophy.

First of all, the principle of wholeness presupposes that one accepts certain logical rules that give the system its structure and make it a coherent and connected whole. Are these principles not themselves first truths, definitive and absolute, so that instead of being subjected to the system, they govern it? Should the principle of contradiction, for example, not be considered as protected from all subsequent revision? This objection, which seems telling, could be, for that matter, directed against the other principles of the system, and especially against the principle of wholeness itself.

Let us try to respond.

Any attempt to affirm principles of universal validity in the past could only succeed by admitting their formal expression, which is thus perfectly reconcilable with variations of object or field. The [formal] principle of contradiction demonstrates that the logical product of a proposition and its negation depends, for its interpretation and its application, on the meaning that we give to the words "proposition", "truth", and "falsity". There is agreement on the meaning of such universal principles of thought in formal expression, which may not exist when they are applied to concrete cases. Which declarations constitute propositions? When may a proposition be considered as true or false? We know that these problems are very much discussed in philosophical thought. For that matter, let us note in passing that, as in ethics, the affirmation of values and universal principles is possible only by giving them a purely formal structure.¹³ Similarly, regressive philosophy can only affirm the principle of wholeness by not definitively determining precise and permanent rules for systematic and coherent thought. The second problem regressive philosophy faces is assigning new meanings to the traditional distinctions of philosophical thought. First philosophies fail to justify the passage of a first term to the second of such oppositions as the necessary and the contingent, the absolute and the relative, the real and the apparent, law and fact, and so on. Regressive philosophy finds itself before the opposite problem: its domain is the contingent, the relative, the apparent, and the factual [i.e., that of fact, *fait*]. It succeeds in justifying man and his liberty, the temporal and the historic but, to take into account the totality of experience, it must make a place in its conception for the normative, the real, the absolute, and the necessary. Unless it succeeds at this, it will have failed like every monism. By eliminating the opposition of matter and spirit, it will not have the means to distinguish the phenomena called material from the phenomena said to be spiritual within its materialist or spiritual system. We are not compelled to believe that regressive philosophy must necessarily derive law from fact, or appearance from reality.

13 Cf. C. Perelman, "De la méthode analytique en philosophie", *Revue philosophique* 137 (1947) 34-46.

On the contrary, we are accustomed to invoking law only when fact is opposed, to talking about reality only by disqualifying an appearance. If law differs from fact, it also constitutes a fact, although of another type than that to which it is opposed. The affirmation of a norm constitutes a fact, although of a completely different nature than the fact of its transgression, and does not derive from it at all. Describing the rules of the real is not the simple repetition of the means that allow us to recognize the apparent, either. This will be one of the tasks of regressive philosophy: to take these traditional oppositions into account by making them relative, by making them compatible with its principles, by associating them with the whole of its doctrine, but nevertheless without making them disappear as if they were only phantasms of a metaphysical imagination.

What results from the preceding remarks is that the four principles of wholeness, of duality, of revisability, and of responsibility that characterize regressive philosophy have still not yet resolved all difficulties. At the heart of regressive philosophy are important problems whose solution seems, moreover, neither unique nor definitive.

Does the comparison of first philosophies and regressive philosophy reveal the incontestable superiority of the latter? An affirmative response would be in contradiction with the principles of this philosophy as well as with the facts themselves, because no one doubts that, even after reading this article, a number of philosophers will continue to affirm a first philosophy. Each of these two types of philosophy presents advantages and disadvantages; each extrapolates in its own way, and the adherence to one or the other is the result of a choice.

The proponents of a first philosophy base their argumentation on the existence of certain principles accepted both by them and by their interlocutors, and lacking anything else, they will search for these principles even in the theory of their adversaries. Their goal will be to transform this agreement of fact to an agreement of law, to make it a necessary agreement derived from a universal truth, and from which they may infer criteria for first truths. The proponents of regressive philosophy begin their argumentation on the historical fact that there are principles that had earned universal acceptance that then had to be abandoned, or whose significance had to be limited. They also point to the experience of scientific thought and its evolution to situate the principles that form the contemporary basis of our knowledge. The followers of a first philosophy transform current principles into eternal principles. Those of regressive philosophy situate the present in a historical becoming, of which they do not believe themselves capable of privileging any moment by removing it a priori from all evolution. They challenge Aristotle's principle that calls for an absolute first term to any regressive series. The two attitudes take the experience of

the past into account, but draw from it different conclusions for the future. The first philosopher holds that new experience will not lead to a modification of certain principles, which have resisted all prior assaults. Regressive philosophy points out that many principles have had to be abandoned, and that we can make no principle permanent unless we are certain that a new experience (in the broadest meaning of the word) will never call it into question.¹⁴ First philosophy searches for perfect knowledge, necessary or absolute; its ideal consists of finding some evident truth before which men can only yield, to which they can only adhere. Its ideal of liberty defines itself as the consent to being or to absolute order. Regressive philosophy accepts only an imperfect and always perfectible knowledge. It delights not in an ideal of perfection but in an ideal of progress. Regressive philosophy does not seek utopian perfection; rather, it aspires to eliminate the difficulties that arise through constant deliberation and human interaction carried out by a society of free minds interacting with each other that accounts for the advantages and disadvantages of the positions humans take as they deliberate in the context of lived experience. In principle, the follower of a first philosophy finds himself without any guide, in complete arbitrariness, in absolute doubt, before finding the principle that engages him and removes the need for his initiative. When he has given his adherence to certain principles, their consequences require following a strict logic in accordance with what he will call “the demands of reason”. This rigidity, that makes the thought of these philosophers oscillate between skepticism and dogmatism, complete arbitrariness and inescapable necessity, does not appear in regressive philosophy where the man who decides is never completely confused or completely subjected to a necessary order. He always has reasons for acting, but these reasons do not ever entirely control him; he keeps his power of judgment. If he admits the existence of logical laws within a given system, his choice of a same system is guided by the much more supple rules of rhetoric, that is to say of the nonrestrictive logic of the preferable.

For that matter, this contrast of attitude is reflected in the theories of knowledge of first philosophies and of regressive philosophy. First philosophies are in search of simple, self-evident, rational, absolute elements, of necessary categories of the mind. Regressive philosophy understands the imperfect and incomplete character of all knowledge, of imprecision, of the equivocal, and of the confusion of notions, which can never be declared definitively clarified, whose meaning cannot be considered as absolutely invariable or fixed, independently of the problematic in which they appear. It [regressive philosophy] opposes

14 Perelman, “Fragments pour la théorie de la connaissance de M. E. Dupréel”, 65.

progressive knowledge to perfect knowledge; it opposes dialectical knowledge to dogmatic knowledge. For every first philosophy, on the other hand, a crisis of foundations constitutes a defeat: the obligation of admitting that one was deceived by an apparent fact or by a fallacious necessity. However, after having made the indispensable ablations and modifications, the first philosopher will once again be able to hold onto a fundamental kernel, so much more solid because it was able to resist this latest assault. For regressive philosophy, every crisis of foundation constitutes a confirmation, a deepening of thought about which it can only rejoice. If first philosophies flourish during periods of stability and well-being, when one is satisfied with drawing consequences from accepted principles whether in the scientific or political, economic or legal domain, regressive philosophy characterizes periods of upheaval, of crisis, of instability in all domains.

The needs of stability are those that normally prevail in human thought. Man likes to believe that the principles of his thought and action are unshakable, that he will always be able to make a foundation of these principles, that he does not have to constantly worry about their solidity. Every social organization is founded on this principle of conservation, the human form of the principle of inertia, that explains the habits of individuals and groups, and the moral and religious needs of men reinforce even more their thirst for certainty and dogmatism. This is the reason why most contemporary thinkers have sought to reconcile concepts born of regressive philosophy with those of first philosophy. For some, natural knowledge can only be imperfect and regressive, but to this inferior knowledge one must contrast a supernatural revelation that would permit the acquisition of definitive truths. For others, a certain domain of knowledge, that of the material and the spatial, would arise from regressive philosophy, whereas one could count on absolute truths in the domain of the spiritual. For others still, only certain privileged facts (the atomic facts of Wittgenstein or the formal declarations of certain Neopositivists) would be definitive, all the rest being revisable. Finally, for the proponents of a Hegelian dialectic, a certain law of the phenomena's development would be the only permanent truth. All of these variants, and others still, consist in the limitation of the principles of wholeness and duality and consequently all regressive philosophy to a part of our experience. But, if the four dialectical principles allow for the characterization of regressive philosophy, are we not going to paralyze them by wanting to limit their application to one part of the field of thought? Are we not going to subordinate them to other principles that will determine the character of the proposed compromise? These principles will have to set the relationships between the domain of knowledge subjected to

regressive philosophy and that which escapes its jurisdiction; it will be necessary to elevate a barrier between these two domains that, by the force of things, will be taken from regressive philosophy. The history of post-Kantian philosophy prompts us to believe that such an attempt to separate definitively two domains of thought is destined to fail. But a proponent of regressive philosophy is held to a certain modesty in his affirmations: the future does not belong to him, his thought remains open to unforeseen [*imprévisible*] experience.

The Debut of the New Rhetoric Project: A Rapprochement between Logic and Rhetoric

“The last third of the twentieth century”, Gerard Hauser writes, was marked by “a flurry of intellectual work aimed at theorizing rhetoric in new terms”.¹ The year 1958 was key in this flurry, with five major works appearing on a rhetorically inflected philosophy and theory of argumentation: Hannah Arendt’s *The Human Condition* (on the relationship between the *vita contemplativa* and *vita activa*); Michael Polanyi’s *Personal Knowledge* (on the role of tacit knowledge, emotion, and commitment in science); Stephen Toulmin’s *Uses of Argument* (on the use of argument in nonformal contexts); Walter Ong’s *Ramus, Method, and the Decay of Dialogue: From the Art of Discourse to the Art of Reason* (on the history of the separation of rhetoric and logic); and Chaïm Perelman and Lucie Olbrechts-Tyteca’s *Traité de l’argumentation: La nouvelle rhétorique* [*The New Rhetoric*] (on a rapprochement of rhetoric and logic). These books mark a “rhetorical turn” in twentieth-century thought.

Of the five, Perelman and Olbrechts-Tyteca’s work had the greatest influence on rhetorical theory in the twentieth century. Indeed, we believe the post-World War II rhetorical turn is best codified in the *Traité* as it responds to the postwar crisis of reason with a rhetorical system designed to extend reason into the *vita activa*, grant the role of tacit knowledge and commitment in knowledge, display the importance of argumentation as a counterpart to formal logic, and bridge the separation Ramus made between rhetoric and logic.² Perelman and Olbrechts-Tyteca were among a host of thinkers who sought to redress the failure of reason to address questions of ethics and the world of the living.

Perelman and Olbrechts-Tyteca’s first collaborative publication, “Logique et rhétorique” published in 1950, presents the blueprint for their 1958 *Traité*, and, in its introductory pages, outlines many of its key ideas. It treats conviction and persuasion, different kinds of audiences, including the universal audience, the relationship between the rhetor and the audience based on a meeting of

1 G. A. Hauser, “Henry W. Johnstone, Jr.: Reviving the Dialogue of Philosophy and Rhetoric”, *Review of Communication* 1.1 (2001) 1. For an elaboration of this theme, see D. A. Frank, “1958 and the Rhetorical Turn in the Twentieth Century.” *Review of Communication* 11 (2011) 239–52.

2 D. A. Frank and M. Bolduc, “From *vita contemplativa* to *vita activa*: Chaïm Perelman and Lucie Olbrechts-Tyteca’s Rhetorical Turn”, *Advances in the History of Rhetoric* 7 (2004) 65–86; D. A. Frank, “A Traumatic Reading of Twentieth-Century Rhetorical Theory: The Belgian Holocaust, Malines, Perelman, and de Man”, *Quarterly Journal of Speech* 93.3 (2007) 308–343.

minds, logic versus rhetoric, and the dissociation between act and person. This article provides a more in-depth treatment of these subjects, especially as concerns logic and rhetoric, than what appears in the *Traité*.

In 1970, Perelman directed an Italian reader wondering about logic and rhetoric to this article rather than to the *Traité*.³ “Logique et rhétorique” aims at a rapprochement between reason and rhetoric, distilling the distinction they later make in the *Traité* between the uses of argument in propaganda and in education, and thus highlighting, as in the *Traité*, the importance of the audience’s freedom to adhere.⁴ In this article, they also acknowledge rhetorical argumentation’s proximity to social psychology. This article provides the first step in Perelman and Olbrechts-Tyteca’s revolutionary turn to rhetoric, the “revelation” which both describe, albeit retrospectively, as triggered by their reading of Jean Paulhan’s *Les Fleurs de Tarbes, ou la Terreur dans les lettres* [*The Flowers of Tarbes, or Terror in Literature*], in which they found, in an appendix, Paulhan’s modern French translation of the thirteenth-century French translation by Brunetto Latini of Cicero’s *De inventione*.⁵ Throughout the article, Perelman and Olbrechts-Tyteca characterize their work as original and ground-breaking. For example, although they point to the influence of Aristotle’s *Rhetoric*, they highlight exactly how their conception of rhetoric differs, particularly in its idea of the epideictic.

The difference between Aristotle’s rhetoric and the New Rhetoric Project [NRP] has been lost on modern readers. Perelman and Olbrechts-Tyteca would not agree with contemporary critics who would declare their rhetoric neo-Aristotelian. They do, of course, enlist Aristotle and his *Rhetoric* as a witness to give their primarily Western audience a foothold or precedent in lifting rhetoric up as a notion with philosophical importance. Aristotle did value rhetoric in his philosophical constellation. Perelman and others did, correctly, detect some equivocating in Aristotle’s take on the ancient art, which they use to set their new rhetoric apart from classical rhetoric. But Perelman and Olbrechts-Tyteca did not see their rhetoric as Aristotelian or neo-Aristotelian.

3 See Perelman’s letter to M. G. de Sandrini Cristofaro, 14 April 1970, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 21.1. In this letter, Perelman leaves off mention of Olbrechts-Tyteca, presenting “Logique et rhétorique” as his work alone.

4 C. Perelman and L. Olbrechts-Tyteca, “Logique et rhétorique”, *Revue philosophique de la France et de l’étranger* 140 (1950) 1–35.

5 See L. Olbrechts-Tyteca, “Rencontre avec la rhétorique”, *Logique et analyse* 3 (1963) 5–6; C. Perelman, *L’empire rhétorique: Rhétorique et argumentation* (Paris, 2002), 9; Perelman, “Old and New Rhetoric”, in J. L. Golden and J. J. Pilotta (eds.), *Practical Reasoning in Human Affairs: Studies in Honor of Chaïm Perelman* (Dordrecht, 1986), 2–3; Perelman, “La naissance de la nouvelle rhétorique”, in *Ars rhetorica antica e nuova* (Genova, 1983), 14. Bolduc provides an in-depth analysis of this turn in *Translation and the Rediscovery of Rhetoric*.

Nor would they agree with Peter Goodrich that

the term ‘New Rhetoric’ is something of a misnomer, its now conventional referent being the work of Chaim Perelman, the theory of argumentation and of practical philosophy, the theory of the old rhetoric partially revived, partially rewritten. Certainly there is little to be gleaned from it by way of positive theoretical novelty; its contribution in this respect is no greater than that of reiterating, with certain reformulations, the familiar problematic and categories of classical Aristotelian rhetoric.⁶

“Logique et rhétorique” outlines Perelman and Olbrechts-Tyteca’s blueprint for the new rhetoric, and anticipates Goodrich’s objection by indirectly criticizing Aristotle and the classical traditions understanding of rhetoric.⁷

Looking back, Perelman’s 1949 article on regressive philosophy had explicitly rejected the classical tradition’s “first philosophy” and its reliance on deductive reasoning, which, Perelman held, was the essential characteristic of classical thought.⁸ In “Logique et rhétorique”, Perelman and Olbrechts-Tyteca’s canvas of informal and nonformal examples of reason helped them expand the definition of reason beyond those of Aristotle and Plato.⁹ They not only provided a critique of the ancient treatment of the epideictic, which they saw as being limited to the mere ceremonial in this tradition, but more importantly linked the epideictic to action in the world. Further, Perelman and Olbrechts-Tyteca suggested that while Aristotle did see the value of rhetoric, he saw it as a vehicle for the less intelligent.¹⁰

“Logique et rhétorique” is also an important marker of Olbrechts-Tyteca’s influence on the NRP. Olbrechts-Tyteca had joined Perelman in his search for reason in the *vita activa* sometime in 1947; they published together seven articles and two books, chiefly between the years 1950–1958, with a final co-authored article appearing in 1983. We have described the NRP as a collaboration, demonstrating that Perelman’s contribution focused on human reasoning; Olbrechts-Tyteca had a strong command of European literature and would, in

6 P. Goodrich, *Legal Discourse: Studies in Linguistics, Rhetoric and Legal Analysis* (London, 1987), 111.

7 Perelman and Olbrechts-Tyteca, “Logique et rhétorique”.

8 See our commentary on and translation of “Philosophies premières et philosophie régressive”, above.

9 Perelman and Olbrechts-Tyteca, “Logique et rhétorique”.

10 C. Perelman and L. Olbrechts-Tyteca, *Traité de l’argumentation: La nouvelle rhétorique* (Paris, 1958), 5; *The New Rhetoric: A Treatise on Argumentation*, trans. J. Wilkinson and P. Weaver (Notre Dame, IN, 1969), 11, FN 10.

her own work, feature the human laughing.¹¹ Our account of their collaboration offers what we believe is the best answer to those who seek to know who did what in the NRP. We are fortunate that Michel Meyer, who witnessed the Perelman-Olbrechts-Tyteca's collaboration, endorses our account.¹²

In a May 27, 1969 letter to Ray Dearin, Perelman described their collaboration in this manner: "Mrs. Olbrechts-Tyteca, who is no philosopher but who studied sociology and literature, [wrote] the *Treatise* together with me, most of the sections having been re-written by both of us".¹³ Yet, in a letter written in 1973 to Letizia Gianformaggio on 2 August 1973, Perelman declares that the *Traité* was his composition, based on an earlier composition made by Olbrechts-Tyteca.¹⁴ Warnick considers Olbrechts-Tyteca's contributions as those of "analyst and conceptualizer;" she may have thus been instrumental for the analysis of argumentative structure.¹⁵ She also was key for gathering examples of argumentation on notecards, as Perelman's daughter has pointed out, drawing from literary sources; these examples were critical for the development of the new rhetoric's focus on nonformal reasoning.¹⁶ We believe that Olbrechts-Tyteca's most significant contribution was in the development of the notion of philosophical pairs, critical to the concept of dissociation, and in elaborating the idea of the comic as inherently rhetorical.

As a blueprint for the *Traité*, "Logique et rhétorique" situates their project in the 1950s European and American constellation of domains of knowledge. They position their analysis within and between logic and psychology. Perelman, beginning with his inaugural article in 1933, had sought to align the social with logic and reason—he and Olbrechts-Tyteca set forth this aspiration in the first pages of "Logique et rhétorique". The intent of the project is to expand the range of reason and logic to include social psychology.

We pause to note that in "Logique et rhétorique", Perelman and Olbrechts-Tyteca make clear the goal of the project by placing it in italics that they seek to "*study of the means of argumentation, other than those that arise from formal logic, which allow theses to obtain, or increase, the support of other people*

11 D. A. Frank, and M. Bolduc, "Lucie Olbrechts-Tyteca's New Rhetoric," *Quarterly Journal of Speech* 96. 2 (2010) 141–163.

12 M. Meyer, *What Is Rhetoric?* (Oxford, 2017), 32, FN 39.

13 See Perelman's letter to Ray Dearin, 27 May 1969, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 21.4.

14 See Perelman's letter to Letizia Gianformaggio, 2 August 1973, Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 22.5.

15 B. Warnick, "Lucie Olbrechts-Tyteca's Contribution to the New Rhetoric," in M. M. Wertheimer (ed.), *Listening to Their Voices: The Rhetorical Activities of Historical Women* (Columbia, SC, 1997), 71, 82–83.

16 N. Perelman Mattis, interview with David Frank, Eugene, OR, May 15, 2008.

to whom they are submitted".¹⁷ While their project did include an encyclopedia of the various means of argumentation, their intent was to display a neglected form of reason. In so doing, in the *Traité* they would situate their collaboration in time. Again writing in italics, Perelman and Olbrechts-Tyteca argued that their treatise "constitutes a *break with a concept of reason and reasoning due to Descartes* which has set its mark on Western philosophy in the last three centuries".¹⁸ Descartes serves as the foil of Perelman and Olbrechts-Tyteca's new rhetoric because they believed he sponsored a solipsistic view of reason, that it is only when the individual, in solitary confinement, protected from the polluting influences of the social, deliberates that true knowledge can result.

Perelman and Olbrechts-Tyteca make clear their concern with the relationship between reason and social knowledge, or in our translation, the "social real". Social experience, as opposed to that of the individual, is mediated and refracted through a community. Facts, as interpreted by the individual, may seem immaculate. Once the notion of "fact" enters the social realm it will invite interpretations that will differ. These differences, Perelman and Olbrechts-Tyteca maintain, will lead to social disagreement, producing argument.

The process and products of argumentation between and among humans, they maintain, reveal an expression of reason and a form of knowledge. Francis Mootz III, who has carefully studied the works of Perelman and Olbrechts-Tyteca, as well as those of Gadamer and other prominent twentieth-century philosophers and rhetoricians, has crystallized this line of thinking with his research on "rhetorical knowledge".¹⁹ Rhetorical knowledge results from the use of nonformal reason and takes the form of proofs that have gained acceptance by an audience. The key point Perelman and Olbrechts-Tyteca make, which ran counter to the tenets of analytic philosophy of their time, is that rhetorical knowledge is based on a species of logic and proof that shares key characteristics of formal logic but that also has its own signature. Perelman and Olbrechts-Tyteca introduce the vocabulary of the NRP here in "Logique et rhétorique", including the following six key terms that we will briefly define in order to prepare the reader for reading our translation.

17 Perelman and Olbrechts-Tyteca, "Logique et rhétorique", 1.

18 Perelman and Olbrechts-Tyteca, *Traité de l'argumentation; The New Rhetoric* 1.

19 F. J. Mootz III, *Rhetorical Knowledge in Legal Practice and Critical Legal Theory* (Tuscaloosa, AL, 2006).

1 Adherence

The term “adherence” is foundational to their project. Adherence constitutes their effort to join logic to social psychology. The term is rich with ethical and philosophical importance because it suggests that rhetorical knowledge is a function of persuasion. Persuasion offers a choice to the audience targeted for persuasion. Adherence inspires images of an object attached to a surface with glue. As an analogy, it serves to explain reasoning as a process of association rather than command. An audience’s commitment to a fact or value is as strong as the associational glue yoking the commitment to the fact or value. That glue can be strengthened or weakened with the reasons offered by the speaker.

2 Conviction—Persuasion

Perelman and Olbrechts-Tyteca aspired to move reason into human time and action. They translated this aspiration into a reformulation of the conviction-persuasion relationship. Conviction, in the tradition, reflected a commitment of the mind after working through the steps of logic. Persuasion, which in Western culture smacked of artifice, insincerity, and shallow reasoning, was suspect. Perelman and Olbrechts-Tyteca embraced a view of the human being that included the capacities of reason, emotion, and things that might not be captured by the syllogism or the deduction. Reason, broadened to include informal and nonformal proofs, they argued, should justify action, which conviction may not inspire. Rhetoric’s intervention in the human time and culture is expressed through reasoned persuasion designed to inspire action. This was not Aristotle or Kant’s vision of persuasion.

3 An Encyclopedia of Argument Specimens

The bulk of the *Traité* is devoted to a survey of various species and expressions of argument. Perelman and Olbrechts-Tyteca justify this survey in “Logique et rhétorique” and link it directly to the goal of the NRP: to put on display the vast and deep number of arguments in use by humans. Some readers miss this intent and see their catalog of arguments as unrelated to an underlying philosophy. That philosophy is explained in more depth in “Logique et rhétorique” than in the *Traité*—the many expressions of argument they capture demonstrate that reason is essentially pluralistic, that it can’t be reduced to deduction or any one mode of reasoning.

4 A New Rhetoric

Perelman and Olbrechts-Tyteca explain why they returned to the rhetorical tradition, both rescuing rhetoric from its demotion to logic and lodging it in contemporary philosophy. Rhetoric, as Perelman would later explain, had been exiled by philosophy to the realm of expression and tropes, as instigated by Peter Ramus in the sixteenth century. Logic was viewed as the opposite of rhetoric. Once reason was broadened to include arguments made in human time and expressions of logic quite different than the syllogism and deduction, then rhetoric, Perelman and Olbrechts-Tyteca suggested, should be placed on par with logic.

5 The Epideictic

Perelman and Olbrechts-Tyteca reject Aristotle's and the classical tradition of rhetoric's restriction of the epideictic to things ceremonial. In the wake of their experience with the collapse of Europe and the rise of Hitler, they sought in the epideictic the values necessary to ward off the temptations of fascism. Here, as we explained in the section on Judaism in the new rhetoric, Perelman had faith in the Western values produced by the Enlightenment. Toward these ends, Perelman viewed the rhetoric and actions of Hitler as a betrayal of these values. The epideictic should serve, Perelman and Olbrechts-Tyteca argue, to secure these values against the onslaught of totalitarianism and irrationalism.

6 Universal Audience

Unlike many of the ancients, Perelman and Olbrechts-Tyteca did not privilege the universal, nor did they dismiss it, as have many postmodern philosophers. In the realm of the *NRP*, the universal is an ideal that is open to debate and argument, and it must be justified. However, the universal has a rightful, if not a ruling, place in the house of reason and rationality. The authors are clear that the "universal audience is never real; it never exists in reality. ... It is, rather, an ideal, a product of the author's imagination".²⁰ Those who argue can, and often should, aspire to persuade an audience that demands the best reasoning possible. This audience and all audiences are, as they explain in the *Traité-New Rhetoric*, social constructions of those who seek to persuade. The values held by the

²⁰ See our translation of this passage from "Logique et rhétorique", below.

universal audience vary in time and place, but it does, as Perelman explains in our translation that follows “Logique et rhétorique” on eternal reason, serve as rhetoric’s answer to Kant’s categorical imperative. Perelman did see a role played by universal reason in human affairs, although one justified by argumentative reason, not by the power of fiat assumed by formal logic.

7 Dissociation and Incompatibilities

Perelman and Olbrechts-Tyteca sought to redefine the meaning of reason and logic that had held sway in the Western culture. They targeted the so-called laws of logic that philosophers had obeyed for centuries. They nested the law of noncontradiction in a philosophy of pluralism and held it was possible for opposites to coexist. Rather than demanding that tension defining antinomies should be resolved with one of the two beliefs or values in contraction yielding to the other, the system of reason and logic in the new rhetoric system can host conflicting values, allowing them to coexist. Rather than framing the conflict between two values that both might have worth as an immutable “contradiction” they define the conflict as an “incompatibility”, one that can be worked out over time. The other approach, which calls for creativity, is dissociation in which the two values in conflict are reframed and even recreated in service to a philosophy of pluralism and pragmatism.

Perelman and Olbrechts-Tyteca of course introduce other terms in “Logique et rhétorique” that take up residence in the *Traité*, which we have not defined here; however, the terms we have considered here are foundational and constitute the keywords of the NRP. This essay, their first collaboration, maps the trajectories of their thinking midway through the construction of the *Traité* and gives readers insights into the origins of their thinking. The commentary on “Raison éternelle” that follows, on the role of time in reason, will extend and refine the analysis found in “Logique et rhétorique”.

Translation and Commentary

Chaim Perelman, and Lucie Olbrechts-Tyteca. "Logique et rhétorique". *Revue philosophique de la France et de l'étranger* 140: 1–3 (1950) 1–35

The observations that we present here are, we hope, but the introduction to a work that seems to us important enough to warrant our entire attention. These observations are not developed within the framework of an already existing and markedly distinct discipline whose problems and methods are traditionally defined. In this regard, there is nothing scholastic [*scolaire*] about them.¹ We may situate them within logic and psychology. Their object would be the *study of the means of argumentation, other than those that arise from formal logic, which allow theses to obtain, or increase, the support of other people to whom they are submitted.*

We say: to obtain and increase adherence. Actually, adherence is more or less intense; it has degrees. Even an accepted thesis may not prevail against other theses that are in conflict with it, if the force of adherence is insufficient. To every change in this intensity will correspond a new hierarchization of value judgments in the individual's conscience.

It is immediately obvious that our study could include as a particular case the person who deliberates alone. This could even be considered fundamental. From the point of view from which we consider our work, however, this case seems to present even greater difficulties than the case of an argumentation with others. Our work should thus benefit more from analyses that deal with the latter, which it may in turn clarify.

The object of our investigation did not appear to us initially with the clarity—which is, in any case, relative—that we will try to give it here. We were convinced of the existence of a very large and not very well explored domain that deserved patient and systematic study. We were simultaneously concerned with delimiting and defining it and, from this, beginning our investigations. It seemed to us that pursuing concurrently this tripartite approach corresponded best to our aims.

Our driving concern had been that of the logician grappling with the social real. In addition, our research was, and remains, focused on the adherence obtained by means of argumentation. This is why we will deliberately exclude

¹ TN: The translation of "*scolaire*" here as "scholastic" rather than "academic" reflects its status as a pejorative adjective for ideas lacking originality, and reveals its tie to their reference, below, to Dill Scott's criticism of adherence being compelled by syllogisms. Perelman and Olbrechts-Tyteca's use of "*scolaire*" thus unveils their departure from well-trodden paths of formal logic.

an entire group of processes that allow adherence to be obtained, but which do not use argumentation in the proper sense of the term.

First, we will exclude the call to experience—external or internal. There is probably nothing more effective than being able to say to another person: “Look, and you will see” or “observe your own reactions, and you will know” [*observe-toi et tu ressentiras*²]. We do not consider this to be argumentation at all. But simple experience will oftentimes be judged as insufficient as a means of proof: an interlocutor will reject it, and from then on, it will be a question of whether the perception in question should be accepted or not as fact. An argumentation that concerns how experience is interpreted will come into play; the methods used to convince an adversary clearly fall within our field of study. This will be the case whenever the merchant claims that a diamond is white when the buyer sees a yellowish hue reflects, whenever the psychiatrist offers objections to his patient’s hallucinations, whenever the philosopher explains his reasons for refusing the notion that appearance may be objective.

The criterion for what constitutes fact will not be established, then, once and for all. We will not adopt a rigid separation between what is for understanding [*l’entendement*]³ a given, and that which derives from understanding, as did Kant. We will consider the subject’s contribution as variable, as potentially being the object of an ongoing, in-depth examination as the philosophical critique becomes more refined or as the results of scientific research require a particular domain or a whole set of knowledge to be revised. For us, the distinction between fact and interpretation will result, then, from observation: its criterion will be the inadequate agreement between the interlocutors and the discussion that will follow.

There are other methods for gaining adherence that will also be excluded from our study: those that, as we say, are from direct action—a caress or a slap, for example. But as soon as we reason about the slap or the caress, as soon as they are promised or called again to mind, we find ourselves in the presence of argumentative processes arising from our investigations.

The system [*l’ensemble*] that we would like to study could in all probability be the object of psychological research, since these argumentations aim to cultivate a particular state of awareness, a certain intensity of adherence. But we are concerned chiefly with comprehending its logical aspect, broadly defined:

2 TN: The verb used here by Perelman and Olbrechts-Tyteca, ‘ressentir,’ is tied to the perception of sensation, and is thus tied to an awareness of a subjective state of mind. In this, they reject Cartesian methods of knowing.

3 TN: ‘Entendement,’ translated here as ‘understanding,’ is meant to be understood as a faculty of the mind.

which means are used as means of proof in order to obtain this state of awareness. In this, our goal differs from the goal that a psychology attached to the same phenomena would try to reach.

A classical distinction would set the means used to convince against the means used to persuade: whereas the first, considered rational, addresses [the faculty of] understanding, the second, considered irrational, addresses the will.

For those who are chiefly concerned with results, to persuade is more than to convince: persuasion would add to conviction the necessary force that alone will lead to action. If we open the Spanish encyclopedia, it tells us that to convince is only the first step; the essential is to persuade, that is, to stir the soul so that the listener will act in accordance with the conviction that has been communicated to him.⁴ Think especially of American authors who have endeavored to give advice, often judicious, on the art of influencing the public or of how to win over buyers.

Dill Scott will tell us that adherence should not be compelled by a syllogism that acts like the threat of a gun. "Any man will sign a note for a thousand dollars if a revolver is held against his head, and he is threatened with death unless he signs. The law, however, will not hold him for the payment of the note, on the ground that it was signed under duress. A man convinced by the sheer force of logic is likely to avoid the very action which would seem to be the only natural result of the conviction thus secured".⁵ For these authors, contemporary psychology has shown that man, contrary to the traditional view, is not a logical being, but rather one of suggestion.⁶

On the other hand, for anyone raised in a tradition that prefers the rational to the irrational, that prefers the call to reason to the call to will, the distinction between convincing and persuading will also be essential, but it will be the means, not the results, that will be valued, and conviction will take precedence.

Listen to Pascal:

No one is ignorant that there are two avenues by which opinions are received into the soul, which are its two principal powers: the understanding and the will. The more natural is that of the understanding, for we should never consent to any but demonstrated truths; but the more common, though the one contrary to nature, is that of the will. ... This

4 See S. A. Espasa-Calpe, "Oratoria", in *Enciclopedia universal ilustrada europeo-americana. Suplemento anual* (Madrid, 1934), 43-75.

5 W. D. Scott, *Influencing Men in Business. The Psychology of Argument and Suggestion* (New York, 1916), 31. *TN: Perelman and Olbrechts-Tyteca included in this footnote the French translation of the quotation for this English text, revealing their active practice of translation.*

6 Scott, *Influencing Men in Business*, 45-46.

way is base, ignoble, and irrelevant: every one therefore disavows it. Each one professes to believe and even to love nothing but what he knows to be worthy of belief and love.⁷

Listen also to Kant:

Taking something to be true is an occurrence in our understanding that may rest on objective grounds, but that also demands subjective causes in the mind of him who judges. If it is valid for everyone merely as long as he has reason, then its ground is objectively sufficient, and in that case taking something to be true is called conviction. If it has its ground only in the particular constitution of the subject, then it is called persuasion.

Persuasion is a mere semblance, since the ground of the judgment, which lies solely in the subject, is held to be objective. Hence such a judgment also has only private validity, and this taking something to be true cannot be communicated.⁸

I cannot assert anything, i.e., pronounce it to be a judgment necessarily valid for everyone, except that which produces conviction. I can preserve persuasion for myself if I please to do so, but cannot and should not want to make it valid beyond myself.⁹

Kant opposes conviction, objectivity, science, and reason to persuasion, subjectivity, opinion, suggestion, and appearance. For him, conviction is unquestionably superior to persuasion; it alone can be communicated. Nevertheless, if we consider the individual in isolation, persuasion adds something to conviction in the sense that it has a more complete hold on him.

For rationalists, conviction is thus superior; from this point of view, Pascal can be considered as a rationalist. But, for Pascal, as for Kant for that matter, there was a difficulty: the place that should be given to religious knowledge, which they did not believe could fall within the domain of understanding. Pascal had to somewhat modify his disdain of persuasion:

7 Pascal, "De l'art de persuader", in J. Chevalier (ed.), *Oeuvres complètes* [1936], Bibliothèque de la Pléiade 34 (Paris, 1954), 592–602. *TN*: "De l'art de persuader" is section two of *De l'esprit géométrique*. Note that Perelman and Olbrechts-Tyteca are using the original 1936 edition. English translation from "The Art of Persuasion," trans. O. W. Wight, in C. W. Eliot (ed.) *Blaise Pascal* (1623–1662). *Minor Works, The Harvard Classics*, vol. 48 (New York: P. F., 1910), 406.

8 Kant, *Critique de la raison pure*, trad. A. Tremesaygues et B. Pacaud (Paris, 1927), 634. *TN*: English translation from *I. Kant, Critique of Pure Reason*, trans. and ed. P. Guyer and A. W. Wood (Cambridge, 1998), 684–685.

9 Kant, *Critique de la raison pure* 635. *TN*: See Kant, *Critique of Pure Reason* 685.

I do not speak here of divine truths, which I shall take care not to comprise under the art of persuasion, because they are infinitely superior to nature: God alone can place them in the soul and in such a way as it pleases him. I know that he has desired that they should enter from the heart into the mind, and not from the mind into the heart, to humiliate that proud power of reasoning.¹⁰

We say that Pascal softens his disdain for persuasion.

It could be argued that he does nothing of the sort, and, on the contrary, that he emphasizes persuasion by explicitly excluding from it divine truths. The intervention of grace is nothing less than a serious breach of the hierarchy of conviction-persuasion, which we also find in Kant, for the same reason.¹¹

Both the rationalist believer and the unbelieving rationalist are confronted by an analogous difficulty: value judgments and norms in the domain of education, where it appears impossible to make an appeal only to purely rational means of proof. Other means of proof than these must as a result be accepted.

The fact remains, however, that for all rationalists, certain processes of action are unworthy of a man who respects his peers, and they should not be used, although they frequently are. Of these, the most effective may be automated action [*action sur 'l'automate'*], which, as Pascal says¹², leads [*entraîne*] the mind of a man without him being aware of it.¹³

10 Pascal, "De l'art de persuader", 592. *TN*: In English, see Pascal, "The Art of Persuasion" trans. O. W. Wight, p. 406.

11 *TN*: Although not explicit, we see here an initial evocation of a dissociation used on a philosophical pair, which we believe also points to the important influence of Olbrechts-Tyteca.

12 Pascal, *Pensées* 470 (195) in J. Chevalier (ed.), *Oeuvres complètes* [1936], Bibliothèque de la Pléiade 34 (Paris, 1954), 1219–1220. *TN*: In the edition by Léon Brunschvicg, to which Perelman and Olbrechts-Tyteca also refer, see *Pensées* 252, in L. Brunschvicg (ed.), *Pensées et opuscules*, (Paris, 1922), 449–450. Note that Perelman and Olbrechts-Tyteca are using the original 1936 edition; the page numbers above have been corrected for the above editions. For the English, see *The Thoughts of Blaise Pascal* 252 (Garden City, NY, 1901), 92.

13 *TN*: This evocation of automatic, unthinking action recalls *l'écriture automatique*, used in psychology and psychoanalysis as well as literature as a means of self-induced dissociation. As Bolduc has written elsewhere, Pierre Janet used automatic writing experiments to deduce that psychological dissociation was a response to trauma [see "Les actes inconscients et le dédoublement de la personnalité pendant le somnambulisme provoqué", *Revue philosophique* 22 (1886) 586–588]; Freud also used automatic writing as a tool in his psychoanalytic treatments. Automatic writing was adopted later by French writers Hippolyte Taine [De l'intelligence 6th ed. [Paris, 1892] 1.16–17] and André Breton [Manifeste du surréalisme, in *Oeuvres complètes*, ed. Marguerite Bonnet, 4 vols (Paris, 1924/1999), 1. 331–333] as a means of free literary invention. See Michelle Bolduc, "From Association to Dissociation: The NRP's *Translatio of Gourmont*", *Philosophy & Rhetoric* 53. 4 (2020) 400–416; *Translation and the Rediscovery of Rhetoric* 331, n. 168.

Common sense (as the philosophical tradition) thus imposes some distinction between conviction and persuasion that is equivalent to the difference between reasoning and suggestion. But can we be satisfied with this distinction? To clarify the opposition between conviction and persuasion would require us to determine the means of proof that we consider to be convincing; we would qualify the others as means of persuasion, regardless of the logical apparatus attributed to them.

Consequently, if we are very rigorous as to the nature of the proof, we will enlarge the field of suggestion to unexpected proportions. This is what happens to the Dutch author Stokvis who, in a recent and well-documented study dedicated to the psychology of suggestion and of autosuggestion,¹⁴ is led to tie all nonscientific argumentation to suggestion. This is what also happens in a lot of works on propaganda in which the emotional, suggestive aspect of the phenomenon is thought of as essential, and is alone taken into consideration.

Every deliberation in an assembly—every plea in a court of law, every political or religious discourse, and most philosophical lectures—would be in the end only a matter of suggestion, the realm of which would extend to anything that cannot be based on either experience or formal reasoning.

On the other hand, if we are not very demanding as to the nature of the proof, we will end up characterizing as “logical” a series of arguments that do not at all respond to the conditions that logicians today consider as governing their discipline. This is what supporters of other disciplines often do. The American legal expert Cardozo,¹⁵ for example—capable of perceiving the unstable side of law and the role that ambiguity plays in its concepts—would say that “deductive logic” applies to certain categories of legal reasoning.¹⁶ It would seem for him that legal innovations alone bring about extralogical arguments, whereas reasoning based on traditional interpretation would be logical. Many legal scholars use the term “logical”, then, in a broad and imprecise sense. However, this extension of the domain of logic is no longer compatible with the concepts of modern logic. Rather than making the part played by suggestion too large, it makes of logic something that present-day logicians are no longer inclined to accept.

14 B. B. Stokvis, *Psychologie der suggestie en autosuggestie; een significsch-psychologische uiteenzetting voor psychologen en artsen* (Lochem, 1947).

15 B. N. Cardozo, *The Paradoxes of Legal Science* (New York, 1928) 8, 67.

16 *TN: This example gestures at what will become for Perelman, from the mid-1950s, a long-lasting interest in the kind of argumentation used in judicial contexts. With Henri Buch and Paul Foriers, Perelman will found the Centre of Philosophy in Law [Centre de Philosophie du Droit (CPD)] at the Université libre de Bruxelles in 1967.*

This examination prompts us to conclude that the opposition conviction/persuasion cannot suffice when we go beyond the framework of a narrow rationalism, and that what we are investigating are the diverse means of obtaining adherence. We find, then, that this adherence is obtained by various methods of proof, which cannot be reduced either to the means used in formal logic or to simple suggestion.

In fact, the development of modern logic occurred when logicians began to analyze mathematicians' way of reasoning in order to study the processes of reasoning.¹⁷ The current conception of logic results from an analysis of the reasoning used in the formal and mathematical sciences, which implies that all argumentation that is not used in mathematical sciences does not appear in formal logic either.

If this analysis of formal sciences has been so productive, couldn't a similar analysis in the domains of philosophy, law, politics, and all the social sciences be undertaken? Wouldn't this as a result prevent the argumentation used in these sciences from being assimilated to the phenomena of suggestion, which generally implies some mistrust, or from being assimilated to logic, which in its current form must necessarily repudiate this type of reasoning?

Couldn't we take texts traditionally considered to be models of argumentation in the disciplines of social sciences, and through experiment extricate from them the methods of reasoning that we consider to be convincing? The conclusions at which these accounts arrive admittedly do not have the same restrictive force as mathematical conclusions; however, must we say for this reason that they have no restrictive force or that there is no way to distinguish the value of the arguments used in a good or a bad discourse, in a first-rate philosophical treatise or a beginner's essay? And couldn't we systemize such observations?

Having undertaken this analysis of argumentation in a certain number of works, especially philosophical, and in certain discourses of our contemporaries, we realized, over the course of our work, that the processes that we had found were in large part those of Aristotle's *Rhetoric*. In any case, his concerns, strangely enough, came close to ours.

17 *TN: We may count Perelman, at the beginning of his career, as among these logicians investigating math to better understand reasoning, and in particular, how mathematical reason deals with logical paradoxes. Perelman's early articles on antimonies and paradox manifest his interest in mathematical reasoning. See, in particular, "L'antinomie de M. Gödel", Bulletin de l'académie royale de Belgique (Classe des sciences) 6 (1936) 730-736; "Les paradoxes de la logique", *Mind* 45.178 (1936) 204-208; and "Une solution des paradoxes de la logique et ses conséquences pour la conception de l'infini", in *Congrès Descartes: 1x^e Congrès international de philosophie (Paris, 1937)*, 6. 206-10.*

This was for us both a surprise and a revelation.¹⁸ In effect, the word “rhetoric” has completely disappeared from philosophical vocabulary. It is not to be found in Lalande’s *Vocabulaire philosophique*,¹⁹ although many terms that are only indirectly related to philosophy or are nearly out of use are duly presented. In all domains, the term “rhetoric” evokes suspicion and is generally met with some contempt.²⁰ In essays full of witty eloquence, Pío Baroja finds no other more adequate antithesis to describe the Humorism that he so appreciates than Rhetoric, ornamental and fixed.²¹

There has been no lack of treatises on Rhetoric in the last one hundred years, but their authors believe that they must apologize in their preface for having dedicated their efforts to such an unworthy subject; they do not always hide that there is no reason to treat Rhetoric other than as a subject matter in the classroom. Rhetoric seems to survive because it has been protected by university rules.²² For that matter, most often these authors do not truly understand the object of their work; many of them combine without rhyme or reason the study of syllogism with the study of figures of style. This is not to say that these authors are all lacking in taste, culture, or intelligence; however, the object of their analyses seems to elude their grasp.

One of the last authors who may have brought something constructive to rhetoric, the English Archbishop Whately, writing in 1828, felt equally obliged to present apologies to his audience. But we should reflect on his words, for as we shall see, they provide encouragement for us to persevere in our undertaking. This is how Whately expresses himself in the Introduction to his *Elements of Rhetoric*:

18 TN: Both Olbrechts-Tyteca and Perelman will remark on their discovery of rhetoric as a revelation in their retrospective accounts of their turn to rhetoric. See, for example, Perelman’s remarks written in his 1977 prologue to *L’empire rhétorique: Rhétorique et argumentation* (Paris, 2002), 9; this prologue has only recently been translated into English: See B.D. Scott, *The Rhetoricity of Philosophical Practice: On the Rhetorical Audience in Perelman and Ricoeur after the Badiou-Cassin Debate* (Ph.D. dissertation, KU Leuven, 2023), 345–352. On the (non-) translation of this prologue, see Bolduc, “Absence and Presence: Translators and Prefaces”, in J. Bouse-Beier—H. Furukawa—L. Fisher (eds.), *The Palgrave Handbook of Literary Translation*, (London, 2018), 351–75.

19 A. Lalande, *Vocabulaire technique et critique de la philosophie*, 5th ed (Paris, 1947).

20 TN: In his posthumously published “*Pierre de la Ramée et le déclin de la rhétorique*”, *Argumentation* 5 (1991) 347–356, Perelman ascribes to sixteenth-century logician Petrus Ramus the origin of the decline of rhetoric.

21 P. Baroja, *La caverna del Humorismo* (Madrid, 1919), 50, 87, 111, 137, 201, 280.

22 E. Magne, *La rhétorique au XIX^e siècle*, (Paris, 1838), Préface, p. 5: “In the *Journal of Public Instruction* one said, in 1836, that rhetoric, without the official protection of university rules, would be today dead in France”. TN: *Our translation*.

The title of “Rhetoric” I have thought it best on the whole to retain, as being that which the article in the *Encyclopaedia*²³ is designed; though it is in some respects open to objection. Besides that, it is rather the more commonly employed in reference to public speaking alone, it is also apt to suggest to many minds an associated idea of empty declamation, or of dishonest artifice.

The subject indeed stands but perhaps but a few degrees above logic in popular estimation; the one being generally regarded by the vulgar as the art of bewildering the learned by frivolous subtleties; the other, that of deluding the multitude by spurious falsehood.²⁴

And yet we know how logic has developed in the last one hundred years by ceasing to be a repetition of old formulas, and how it has become one of the liveliest fields of philosophical thought.

Don’t we have the right to hope that we may also succeed in reconstructing rhetoric and in making it interesting by using the same method for the study of rhetoric that has succeeded in logic—the experimental method?²⁵ We explain below why we are justified in believing that the present state of philosophical research, and the new notions that they have allowed to develop, are particularly conducive for this work.

Let us return for an instant to Aristotle, whose *Rhetoric*, as we have said, comes very close to our questions [*problèmes*].

Although Aristotle is concerned with reasoning of the true, and especially the necessary in the *Analytics*, he tells us that the function [*ergon*] of rhetoric “is concerned with the sort of things we debate and for which we do not have [other] arts and among such listeners as are not able to see many things all together or to reason from a distant starting point.”²⁶

23 This concerns an article on the same subject published by Whately in the *Encyclopaedia metropolitana*. *TN*: See R. D. Whately, *Elements of Rhetoric*, Comprising the Substance of the Article in the *Encyclopaedia metropolitana*: with additions, etc., 5th ed. rev. (London, 1836).

24 R. D. Whately, *Elements of Rhetoric* (London and Oxford, 1828), Preface, p. 1. *TN*: Perelman and Olbrechts-Tyteca included in this footnote the French translation of the quotation for this English text, again revealing their active practice of translation.

25 *TN*: We see here in Perelman and Olbrechts-Tyteca’s language an urgent passion, which may recall Perelman’s use of language—“*N’avons-nous pas le droit d’espérer*”—in the articles dedicated to assimilation and the Jewish question.

26 Aristotle, *Rhétorique*, book 1, 1357a, trad. M. Dufour, Collection des Universités de France (Paris, 1932). *TN*: The English translation derives from Aristotle, *On Rhetoric. A Treatise of Civic Discourse*, trans. George A. Kennedy, 2nd edition (Oxford, 2007), 41.

According to Aristotle, then, rhetoric would have a *raison d'être*, either because of our lack of knowledge of the technique of treating a subject, or because of listeners' incapacity to follow a complicated reasoning. In fact, it aims to allow us to maintain our opinions and to have them be accepted by others. Rhetoric does not, then, have as its objective the true, but that on which one can have an opinion [*opinable*], which Aristotle confuses with the plausible.²⁷

We notice immediately that this conception, which grounds rhetoric in ignorance and in the probable for want of the true and the certain—and which makes no place for value judgment—places it *prima facie* in a state of inferiority that explains its later decline.²⁸ Instead of being concerned with rhetoric and misleading opinions, wouldn't it be better, with the help of philosophy, to seek to know the true? The conflict between logic and rhetoric is the transposition on another level of the opposition, characteristic of the fifth century BCE, of the *ἀλήθεια* and the *δόξα*, of truth and opinion.

Introducing the notion of value judgment changes the shape of the problem, which is one of the reasons why the study of rhetoric can today be taken up again on a fresh basis.²⁹ We believe, moreover, that this study could clarify the very notion of value judgment, whose rightful place in philosophy seems to be definitively attained, but for which it is difficult to provide precise characteristics on which sufficient agreement is likely.

In any event, this notion [i.e., value judgment] modifies the data [*données*] of the relation "logic-rhetoric", and no longer allows the second to be subordinated to the first.³⁰ For that matter, we will see that other consequences result from introducing the notion of value judgment into the discussion. It is this notion that will allow us from the outset to clarify and to justify the difficulties experienced by the ancients in the understanding of types of oratory.

In fact, for the Ancients, there were three types of oratory: the deliberative, the judicial, and the epideictic. The deliberative focuses on the useful, and concerns the means of obtaining adherence in political gatherings; the judicial

27 Aristotle, *Rhétorique*, book 1, *Topiques*, book 1, book 8; *Premiers analytiques*, II. TN: Perelman and Olbrechts-Tyteca do not provide references to which editions of the *Topiques* and *Premiers analytiques* they used; however, we may speculate that they were using Aristotle, *Organon* v, *Les Topiques livres 1–4*, trans. J. Tricot (Paris, 1939) and Aristotle, *Organon* 5.2, *Les Topiques livres 5–8*, trans. J. Tricot (Paris, 1939) and Aristotle, *Organon* 3, *Les premiers analytiques*, trans. J. Tricot (Paris, 1936).

28 TN: Here, Perelman and Olbrechts-Tyteca signal their divergence from Aristotle.

29 TN: As we have seen above, seeking the basis of value judgments is the foundational concern of Perelman's work, present already in his 1933 "De l'arbitraire".

30 TN: Note the rapprochement that Perelman and Olbrechts-Tyteca make between logic and rhetoric here.

deals with the just, and concerns argumentation before judges; the epideictic, as is represented in the panegyric of the Greeks and the *laudatio funebris* of the Romans, deals with praise or blame, the beautiful or the ugly, but what is its aim? It is here that the Ancients find themselves in a quandary.³¹ We find traces of this difficulty in Quintilian who, contrary to Aristotle, believes that the epideictic is not limited to the listeners' pleasure alone; however, the arguments he gives for this are weak and uneasy [*embarrassés*]³². Quintilian sees in particular that the existence of this type of rhetoric "makes it clear that those who held that an orator would never speak except on matters which were in doubt were quite wrong".³³

In fact, if we exclude the tradition of great sophists, nothing was more indisputable in Antiquity than moral judgment [*appréciation*]. Deliberative and judicial types of rhetoric presupposed an adversary and thus a conflict [*combat*] in which the aim was to obtain a decision on a disputed question; the use of rhetoric here was justified by uncertainty and ignorance. But how do we understand the epideictic, which deals with things that are certain and incontrovertible, and which no adversary disputes? The Ancients could see only that this type of rhetoric dealt not with the true, but with value judgments to which adherence varied in intensity. It is, as a result, always important to confirm this support in order to recreate an agreement [*communio*] on the accepted value.³⁴ If this agreement does not determine an immediate choice, it does nevertheless determine potential choices. The battle that the epideictic orator wages is a battle against future objections; it is an effort to maintain the ranking of certain value judgments in the hierarchy or, potentially, to confer on them a superior status.³⁵ In this regard, the panegyric is of

31 Cicero, *De Oratore*, book I, 31; book II, 10, 11, 12. *TN*: Although Perelman and Olbrechts-Tyteca do not provide the details of the edition they were using here, we may speculate that it may have been Cicero, *De Oratore*, ed. and trans. F. Richard (Paris, 1932).

32 *TN*: Perelman and Olbrechts-Tyteca's use of 'embarrassés' here suggests they read Quintilian as uneasy about his efforts to expand the role of the epideictic beyond Aristotle, and marks how their expansion of it, by contrast, does not hold this same level of uneasiness or doubt.

33 Quintilian, *Institution oratoire*, trad. H. Borneque (Paris, 1933), t.1, liv. III, chap. vii, § 3, p. 373. *TN*: The English translation derives from Quintilian, *The Orator's Education*, ed. and trans. D. A. Russell, *LCL* 125, vol. 2, p. 103.

34 *TN*: We find here an initial gesture at communion, a goal of the epideictic which presupposes agreement on values and the relationship with the audience, describes as a 'communio des esprits' in the *Traité* 67–74; *New Rhetoric* 51–56. However, as they also caution in the *Traité*, propaganda may be one vehicle for creating such communion. See also below, where they note that propaganda may be a one-way relationship.

35 *TN*: Here we see an insistence that argument takes place in place, the subject of Perelman's later article on temporality.

the same nature as the educational exhortation of the most modest parents. The epideictic type is thus central in rhetoric.³⁶

The Ancients, not seeing a clear goal in epideictic discourse, were inclined to consider it solely as a sort of spectacle aiming at the spectators' pleasure and at the orator's glory by valorizing the subtleties of his technique, which becomes, then, a goal in itself. Aristotle himself seems to grasp only the aspects of charm and pomp of epideictic discourse.³⁷ He does not perceive that the premises on which the deliberative and judicial types are based, whose purpose [*objet*] was so important for him, are value judgments. And yet, it is necessary that epideictic discourse supports and confirms these premises. The panegyric plays the same role, just as do more familiar discourses whose purpose is the education of children. At every level their purpose is identical.

We find this same awkwardness in Whately when he is faced with the epideictic, which is hardly surprising. He criticizes Aristotle for having attributed too much importance to this type, which has no other goal than to provoke admiration for the orator.³⁸ Needless to say, we have no intention of drawing eulogy nearer to sacred exhortation.

Epideictic discourse can certainly have the effect of the glorifying the person who pronounces it; this is frequently the result. But wanting to make this the very goal of the discourse runs the risk of ridicule.³⁹ This is what La Bruyère incisively says: "every person in the congregation thinks himself a judge of the preacher, censures or applauds him, and is no more converted by the sermon he approves of than by the one he condemns";⁴⁰ "they are moved and so deeply touched that they confess from their very souls the sermon they have just heard Theodorus preach excels even the one they heard before".⁴¹

The orator is in all probability the focal point, and a certain glory can be imparted to him. But in looking more closely, we will see that in order to deliver the epideictic discourse that can give him this glory, the orator must already

36 *TN*: This important explanation of the epideictic is missing from the *Traité*.

37 *TN*: Notice here too the unveiled criticism Perelman and Olbrechts-Tyteca make of Aristotle's understanding of the epideictic.

38 R. D. Whately, *Elements of Rhetoric* (Oxford, 1928), Part III, chap. I, § 6, p. 198.

39 *TN*: Perelman and Olbrechts-Tyteca use an unusually militarized expression, "prêter le flanc" translated here as 'run the risk', which refers to exposing the sides (or flanks) of troops to attack.

40 La Bruyère, "Caractères, De la chaire" [On the pulpit] 2, in J. Benda (ed.), *Oeuvres*, Bibliothèque de la Pléiade 23 (Paris, 1935), 456. *TN*: English translation from *The Characters of Jean de La Bruyère, newly rendered into English by Henri Van Laun, 1820–1896. New York, 1885. Published online February 2011 by Bartleby.com; © Copyright Bartleby.com, Inc.*

41 La Bruyère, "Caractères, De la chaire" [On the pulpit] 11, in *Oeuvres*, 460.

have prestige due to his person or to his office. Not just anyone can deliver a panegyric without ridicule or shame. We would not ask for justification from someone trying to defend himself or an innocent person, but we would want to know the worth of the person who wants to pronounce a funeral eulogy. It may be enough that his qualities exist in the eyes of the audience, but for us to find them objective, they need to be present in some minimum amount. The child who wants to teach his older brothers a lesson will thus be met by jeers.

If, then, the epideictic discourse can (and often does) result in the glorification of the orator, it is only because it has another aim, just as heroism can have an effect on reputation only because it has another end. We are touching here on the general problem of the distinction between end [*fin*] and consequence, which is essential in the domain of rhetorical argumentation, and which is a subject to which we will return.

This incomprehension of the role and of the nature of the epideictic discourse—which we must not forget really did exist, and thus called our attention to it—encouraged the development of literary considerations in rhetoric and caused (in part) rhetoric to be torn between two tendencies: one philosophical, aiming to incorporate the discussions of subjects that are controversial—because they are uncertain—within logic, and where each of the adversaries seeks to show that his opinion has truth or plausibility on its side; the other literary, aiming to develop the artistic aspect of discourse and concerned especially with problems of expression.⁴²

The first tendency derives from Protagoras and Aristotle, who says that “for it belongs to the same capacity both to see the true and what resembles the true,”⁴³ and leads to Whately. The second will derive from Isocrates and other masters of style to culminate in Jean Paulhan⁴⁴ and I. A. Richards.⁴⁵

In this division of rhetoric, we rediscover an aspect of how logic and suggestion encroach on the domain of argumentation, which is what interests us.

42 *TN*: Perelman and Olbrechts-Tyteca here signal the way in which the Ancients, and in particular Aristotle, built into the very structure of their rhetorical theory the eventual demise of rhetoric.

43 Aristotle, *Rhétorique*, book 1, 1355a, trad. M. Dufour. *TN*: *The English may be found in Aristotle, On Rhetoric*, p. 34.

44 Cf. J. Paulhan, *Les fleurs de Tarbes, ou la terreur dans les lettres* (Paris, 1941).

45 Cf. I. A. Richards, *Mencius on the mind* (London, 1932); *The Philosophy of Rhetoric* (Oxford, 1936). *TN*: *This division of epideictic discourse into two strands of thought will allow Perelman and Olbrechts-Tyteca to highlight the differences between their rhetoric and other mid-twentieth century, poetic forms, as seen in the special issue of Communications of 1970 dedicated to the renewal of rhetoric. See Bolduc, Translation and the Rediscovery of Rhetoric 400–416.*

Having thus traced the tie between the rhetoric that concerns us and the rhetoric such that Aristotle had (we think) wished it to be—even though he may have turned it toward a logic of the plausible—we will employ henceforth the term “rhetoric” to designate that which could also be called the logic of the preferable. As we have said earlier, we will make it clear that we do not believe it useful at present to be interested in *all* the factors that influence agreement. In this respect, our goal will be more limited than that of Aristotle’s *Rhetoric*. Let us not forget that certain chapters of his *Rhetoric* would clearly belong today to the domain of psychology. We repeat: we would like to study the *arguments* by which we are urged to support one opinion more than another. We need only read contemporary studies to see that scholars who are concerned with argumentation in ethical or aesthetic domains cannot limit argumentation to those proofs accepted in deductive or experimental sciences. They are obliged to broaden the term “proof” so as to encompass that which we would call rhetorical proofs. We cite here only two works characteristic in this respect, and we choose them because they have come very close to our own problem. First, the work of Mme. Ossowska, which subtly analyzes the question of proofs in the case of moral norms (however, as she is unable to resolve this question definitively; so as not to ground these norms in the absolute, she comes up against what she considers to be “false proofs” and “pseudo-proofs,”⁴⁶) and the work of Stevenson, who sees the necessity of accepting “substitutes of proof”⁴⁷ and whose schemas of discussion in ethical matters present a direct interest for our research.

Compelled, then, to broaden the sense of the word “proof” when we are dealing with the social sciences, we are led to incorporate within proof all that is not pure and simple suggestion. The argument that we have used arises either from logic or rhetoric.

However, we will be able to characterize best the means [*moyens*] of particular proofs that we call rhetorical by opposing them to logic. We will try, then, to point out a few of these oppositions.

Rhetoric, according to our understanding of the word, differs from logic in the sense that it is not concerned with an abstract, categorical or hypothetical

46 M. Ossowska, *Podstawy Nauki o Moralności* (Les fondements d’une science de la morale [Foundations for a Science of Morality]) (Warsaw, 1947), 132–133. *TN: This suggestion that Perelman had read this in his native Polish is a clear reminder of the polyglot intellectual culture in which he can be located.*

47 C. L. Stevenson, *Ethics and Language* (New Haven, CT, 1945), 27.

truth, but rather with adherence.⁴⁸ Its goal is to produce or to increase the adherence of a defined audience to certain theses, and its *point de départ* will be the adherence of this audience to other theses. (Note that if our terminology uses the terms “orator” and “audience” here and throughout, it is for simple reasons of convenience, and that we include within this vocabulary all modes of verbal expression, as much the spoken word as the written.)

In order for rhetorical argumentation to develop, the orator must value the adherence of others, and he who speaks must have the ear of those whom he addresses. The person who develops a thesis and the person whom he wants to convince must already form a community, one which already exists by the very fact of their shared interest [*engagement des esprits*] in the same problem. Propaganda, for example, implies that we value convincing, but this interest can be unilateral; he for whom the propaganda is intended does not necessarily have the desire to listen to it. In addition, at this first step, before argumentation truly begins, we will have recourse to the means necessary to compel attention; we will then be at the threshold of rhetoric.

The very fact of trying to interest someone else in a certain question may already require great efforts of argumentation: think, for example, of the famous fragment of the *Pensées* in which Pascal seeks to convince the reader of the importance of the problem of the soul’s immortality.⁴⁹

Is it better to be listened to, or not? Such a debate could itself call for an argument in order to justify its being introduced; and in this way, moving from preliminary condition to preliminary condition, the debate would seem to have to keep backtracking [*remonter*] indefinitely. This is the reason for which every well-organized society possesses a series of processes, the goal of which is to allow discussion to begin. Political, judicial, and educational institutions provide for these preliminary conditions of objection, which also have, moreover, the benefit of engaging participants. Diplomatic institutions, for example,

48 TN: In his letter to M. G. de Cristofaro Sandrini (14 April 1970) Perelman insists on the liberty of the audience conveyed via rhetoric. Brussels, Université libre de Bruxelles, Perelman Archives BE, ULB-ARCH/89PP 037.1.

49 Pascal, *Pensées* 334 (C 217), in J. Chevalier (ed.), *Oeuvres complètes*, pp. 1171–1172, [which corresponds with] *Pensées* 195, in L. Brunschvicg (ed.), *Pensées et opuscules*, pp. 424–425; Pascal, *Pensées* 335 (C 217), in J. Chevalier (ed.), *Oeuvres complètes*, pp. 1172–1180; in L. Brunschvicg (ed.), *Pensées et opuscules* 194, 415–423. TN: Note that Perelman and Olbrechts-Tyteca are using the original 1936 edition; the page numbers above have been corrected for the above editions. For the English, see *The Thoughts of Blaise Pascal*, 194 and 195 (Garden City, NY, 1901), 68–76.

allow for exchanges of points of view, which would be riskier for people who are not there by virtue of their office.

Since rhetorical argumentation aims at adherence, it depends essentially on the audience to whom it is addressed, because what will be accepted by one audience will not be accepted by another. This concerns not only the premises of reasoning but also each link in the chain of this reasoning, and finally even the judgment itself, which will bear upon the argumentation in its entirety. We touch here on certain essential questions. Often, what certain authors describe as “pseudo-argument”⁵⁰ are arguments that produce maximum effect, although, according to the person who studies them, they shouldn’t have produced this effect; but he is not a part of the audience to whom they are addressed.

It may even be that the orator himself is not a part of this audience. It is possible, in fact, that he seeks to obtain adherence based on premises whose validity even he does not accept. This in no way implies hypocrisy, because he may be convinced by arguments other than those that may convince the people whom he addresses. Quintilian, a lawyer by profession, could not help but be aware of this; however, as a pedagogue careful to make of his institution of oratory a school of virtue, he felt that he had to strive to reconcile these three imperatives, which he feared were, after all, contradictory: the orator’s virtue; sincerity; and adapting to diverse audiences.⁵¹

In reality, a free thinker [*libre penseur*] could perfectly well exalt the dignity of the human person before Catholic listeners with arguments that stress the spiritual tradition of the Church, even if these were not the arguments that had made an impression on him. For that matter, he may also have been convinced by self-evident truth. And yet, if rhetoric does not need to be used when fact seems to be imposed on everyone, it must intervene when there is a single interlocutor who accepts this self-evident truth and has based his conviction upon it. Here there is no hypocrisy either.

An important subject [*chapitre*] for rhetoric, which is based entirely on the notion of agreement and combined with that of particular audiences, are the proofs explicitly accepted by the adversary before the discussion begins. In demanding such proofs, the interlocutor shows his agreement with their probative character and bestows on them a pre-eminent value. Here the orator can prevail. This is what an astute American industrialist does: before opening an important discussion, he makes his adversaries put their objections on

50 Cf. Ossowska, *Podstawy Nauki o Moralności*.

51 Quintilien, *Institution oratoire*, book III, chap. VII, VIII; book V, chap. XII; book XII.

a blackboard.⁵² To call for pre-determined arguments means creating conditions for adherence. We are here within a domain characteristic of rhetorical argumentation.

Two audiences merit special attention because of their philosophical interest: the audience constituted by a single person, and the audience constituted by all humanity.

When it is a matter of obtaining one person's agreement, by force of circumstance we cannot use the same technique of argumentation as before a large audience. At every step we must ensure the interlocutor's agreement by asking him questions and by responding to his objections; the discourse is thus transformed into a dialogue. This is the Socratic rather than Protagorean technique; this is also the technique we use when we deliberate alone and consider the advantages and disadvantages of possible solutions in a thorny situation.

This method produces an illusion: because the interlocutor has accepted each stage of the argument, we believe that we are no longer within the domain of opinion but rather of truth; we are convinced that the propositions that we put forward are much more solidly founded than in a rhetorical argumentation where each argument cannot be tested. Plato's art promoted the development of this illusion and, in the centuries that followed, the identification of dialectic with logic—a technique that is concerned with the true rather than with the apparent, as is rhetoric.⁵³

The universal audience is never real; it never exists in actuality.⁵⁴ As a result, it is not subject to the social or psychological conditions of its surrounding

52 Dale Carnegie in *Public Speaking and Influencing Men in Business* [New York, 1937], 460–461, cited from the German *Die Macht der Rede*, trans. Hermann von Wedderkop (Zurich, 1940), 250. *TN*: This citation demonstrates Perelman's and Olbrechts-Tyteca's ability (and even preference) to read in other languages, and once again their immersion in a multilingual and European intellectual culture. They may have also made use of the French translation, *Comment se faire des amis pour réussir dans la vie* (Paris, 1950).

53 For the history of the dialectic, cf. K. Dürr, "Die Entwicklung der Dialektik von Platon bis Hegel", *Dialectica* 1.1 (1947) 45–62. *TN*: In a letter written 2 September 1970 to Antonio Pieretti, Perelman insists that dialectical reason cannot be dissociated from the idea of audience. Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 037.1.

54 *TN*: In a letter written 2 September 1970 to Antonio Pieretti, Perelman highlights that even Johnstone, who had been of the opinion that the universal audience in dialectical reasoning could be represented by a single person, had since changed his mind. Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 037.1. In another letter dating from 1970 (14 April) to M. G. de Cristofaro Sandrini, Perelman ascribes to the universal audience the power of defining rationality, and of transcending social conservatism. Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 037.1.

environment.⁵⁵ It is, rather, an ideal, a product of the author's imagination.⁵⁶ In order to obtain the adherence of such an audience, we can employ only premises that are accepted by everyone, or at least premises accepted by this hypercritical assembly—independent of contingencies of time and place—that we imagine that we are addressing. For that matter, included in this audience is the author [of the universal audience] himself, who will only be convinced by an argument that claims to be objective, that is based on “facts”, on what is considered as true, on universally accepted values.

Such an argument will give its presentation a scientific or philosophical character, which is not characteristic of arguments addressed to more specific audiences.

But, just as it happens that very often we may have, simultaneously, several interlocutors—in debating with an adversary we also seek to convince those who are listening to the debate—inevitably it also happens that the universal audience that we imagine ourselves addressing in fact coincides with a particular audience which we know and which transcends the few oppositions of which we are presently aware. Indeed, we fashion for ourselves a model of the man—as the incarnation of reason, or of the particular science or philosophy that concerns us—whom we seek to convince, and who differs from our knowledge of other men, of other civilizations, of other systems of thought, and from what we accept as indisputable facts or objective truths. This is why every period, every culture, every science, and even every individual has its own particular universal audience.

When we are supposed to address such an audience, we can always exclude from it certain individuals who do not accept our argumentation by describing them as abnormal or as monsters whom we must renounce convincing. We judge men according to the value judgments that they make; we also allow ourselves the possibility of judging them according to the value that they attribute to our argument. By expanding the demands we make, in reality we move from the universal audience to the elite audience. It is in this way that Pascal accepts that only the good can understand the prophecies as they should be

55 *TN: Notice that Perelman and Olbrechts-Tyteca are clear that the universal audience is a construct, influenced by the social context in which the rhetor is situated, rather than a real audience. Insisting that the universal audience is a product of the rhetor's mind also means that it is not a philosophic absolute. Readers of the English translation of the *Traité* alone have been at times misled into thinking that Perelman and Olbrechts-Tyteca's universal audience is such an absolute.*

56 *TN: Perelman and Olbrechts-Tyteca's use of 'author' here rather than 'orator' reflects their broadening of rhetoric beyond the spoken word.*

understood: “the wicked, taking the promised blessings for material blessings, have fallen into error, in spite of the clear prediction of the time, and the good have not fallen in error. For the understanding of the promised blessings depends on the heart, which calls ‘good’ that which it loves; but the understanding of the promised time does not depend on the heart”.⁵⁷

If the nature of the audience is essential in rhetorical argumentation, the opinion that this audience has of the orator plays a role that is just as important, whereas this does not intervene in logic. It is impossible for rhetorical argumentation to avoid the interaction between the opinion that the audience has of the orator’s person and the opinion that it has of his judgments and arguments. Whether it is called competence, authority, or prestige, this quality of the orator will never act as a greatness that is constant; always, and at every moment in time, it will be influenced by the very assertions that it must shore up. In logic, as in science, we may believe that our ideas reproduce the real or that they express the true, and that our person does not intervene in our assertions; the proposition is not conceived of as an act of the person. But precisely what sets rhetoric apart is that the person has contributed to the value of a proposition by the fact of his very adherence to it. A shameful proposition throws disgrace on him who pronounced it; a proposition gains in gravity due to the respectability of him who pronounces it. Accusing whoever accuses us in turn, says Aristotle: “counterattacking the accuser; for it will be strange if his words are believable when he himself is unbelievable”.⁵⁸ This interaction is not limited to moral or aesthetic judgments, but extends to the whole of the argument. In the same way that the personality of the orator guarantees the gravity of an argument, conversely, so too does a weak or clumsy argument diminish the authority of the orator. The prestige of the orator acts only insofar as he decides to enlist it. An increase in prestige can result from discourse, but, with every declaration, a part of this prestige is exposed to risk.

All the same, there are extreme cases where this interaction between the assertion and the person that makes it is not at play: on one hand, when the declaration concerns an objective fact; on the other hand, when the person who asserts it is considered to be perfect. “An error in conduct makes a wise

57 Pascal, *Pensées* 589 (17), in J. Chevalier (ed.), *Oeuvres complètes* 1275–1276, [which corresponds with] *Pensées* 758, in L. Brunschvicg (ed.), *Pensées et opuscules*, p. 685. *TN*: Note that Perelman and Olbrechts-Tyteca are using the original 1936 edition; the page numbers above have been corrected for the above editions. For the English, see *The Thoughts of Blaise Pascal* 758, p. 269.

58 Aristotle, *Rhetoric* 1416a, in *Art rhétorique et art poétique*, trad. J. Voilquin and J. Capelle (Paris, 1944), book III, chap. xv, 7. *TN*: For the English, see Aristotle, *On Rhetoric*, ed. Kennedy, p. 237.

man ridiculous”, La Bruyère tells us⁵⁹; “a fact [*fait*] is more respectable than a lord-mayor” recounts the proverb. As long as it is unanimously recognized as such, a fact is thus established without sustaining any backlash in return. It constitutes one of the points where the interaction between person and judgment does not play a part. It is also the point at which we take leave of rhetoric, because argumentation yields to experience. But there is another constraint to this interaction: all that God says or does can only be the best possible; the act or the judgment thus no longer reflects the person. At this point too we are outside of the field of rhetoric.

But what happens when what is described as fact is opposed to what is described as divine? Leibniz proposes such a hypothesis. Wanting to prove that memory does not necessarily survive man, he imagines that

one could invent the fiction, not much in accord with the truth but at least possible, that a man on the day of judgment believed himself to have been wicked and that also appeared to all the other created spirits who were in a position to offer a judgment on the matter, even though it was not the truth. Dare one say that the supreme and just Judge, who alone knew differently, could damn this person and judge contrary to his knowledge? Yet this seems to follow from the notion of ‘moral person’ which you offer. It may be said that if God judges contrary to appearances, he will not be sufficiently glorified and will bring distress to others; but it can be replied that he is himself his own unique and supreme law, and that in this case the others should conclude that they were mistaken.⁶⁰

We see, then, that for Leibniz, if God is opposed to what is considered as fact, the latter would be described as “appearance”; that is, here we are in the midst of rhetorical argumentation. Instead of adopting Leibniz’s solution, we could argue the opposite and maintain that this God is not God and that it is a matter of a mistaken attribution of a quality of the perfect Being.

Let us note here the interest that any reasoning that calls the perfect Being into question presents for our study. This is still a type of reasoning which at least allows us to discern the direction taken by more usual reasoning.

59 La Bruyère, “Les caractères”, “Des jugements”, [Of Opinions] 47 in *Œuvres*, 379.

60 G. Leibniz, *Nouveaux essais sur l’entendement*, in *Oeuvres*, ed. C. J. Gerhardt, vol. 5 (Berlin, 1882), 226. TN: *English translation from P. Remnant and J. Bennett, New essays on Understanding, Cambridge Texts in the History of Philosophy (Cambridge, 1996), Bk 2:27, section 244.*

The interaction between the orator and his judgments sufficiently explain the effort that the orator makes to gain the audience's sympathies for his person. We also understand the importance of the exordium in rhetoric, especially when it is a matter of an argument before an audience that is not universal, whereas in logic the exordium is useless.

This interaction between the person who speaks and what he says is only a specific case of the interaction generally between act and person, which not only affects all the participants of the debate but which also constitutes the foundation of most of the arguments used. These arguments are, themselves, only a particular case of an even more general argument concerned with the interaction of act and essence. Here we encounter once again all traditional philosophies concerning these fundamental relations.

The techniques used to disassociate the act and the person (a disassociation that is always limited and precarious) and thus aiming to curb the interaction between them would thus be interesting objects of study.⁶¹ We have seen that there exist two points at which the interaction no longer plays a role: fact [*fait*] and the divine person. But between these two extremes are cases where the intensity of the interaction is diminished because of a series of social techniques. We could rank prejudice among these. In the most part, acts will be interpreted according to a favorable or unfavorable prejudice, and they will thus not respond (as they should) to the esteem granted to the person who accomplishes them. Recourse to a counter technique necessarily follows. For example, he who wants to condemn an act must show that his judgment is not pre-determined by an unfavorable prejudice. Nothing is more effective than lavishing a certain number of compliments on someone we want to criticize. We see straightaway that in rhetoric these compliments are not pure condescension or friendliness, as they would be if they were inserted into the framework of a purely formal argumentation.

In addition, what distinguishes logic from rhetoric is that in logic, one always reasons within a given system that is presumed to be accepted, whereas in a rhetorical argumentation everything can always be called into question; adherence can always be withdrawn; that which is granted is a fact, not a right [*droit*].

Whereas argumentation is restrictive in logic, there are no constraints in rhetoric. We cannot be obligated to adhere to a proposition or to renounce it because we have been cornered into a contradiction. Rhetorical argumentation is not restrictive because it does not take place within a system whose premises and rules of deduction are unequivocal and fixed in an unchanging manner.

61 *TN: Perelman and Olbrechts-Tyteca signal here the novelty of their conception of dissociation.*

Because of these characteristics of the rhetorical debate, the notion of contradiction must be replaced by that of incompatibility. This distinction between contradiction and incompatibility recalls in a sense the Leibnizian distinction between necessary logic, in which the opposite [*l'opposé*] implies contradiction and moral necessity. Leibniz's necessary truths are those that no one, even God, can modify; it is a system that is given once and for all. This is not the case for moral necessity, where we come across only incompatibles and where an element can always be modified.

But this necessity is not opposed to contingency; it is not of the kind called logical, geometrical or metaphysical, whose opposite implies contradiction. M. Nicole has made use somewhere of a comparison which is not amiss. It is considered impossible that a wise and serious magistrate, who has not taken leave of his senses, should publicly commit some outrageous action, as it would be, to run about the streets naked in order to make people laugh.⁶²

It goes without saying that the impossibility of which M. Nicole speaks is a purely moral impossibility, an incompatibility.

As characteristics of rhetorical argumentation, these incompatibilities are clearly dependent on what we consider as will [*volonté*]. Incompatibilities are raised and dismissed. When a prime minister affirms that if such a bill does not pass, the cabinet will resign, he establishes an incompatibility between the rejection of his project and remaining in power. This incompatibility is the result of his decision, and it is not inconceivable that it can be removed, whereas when faced with such a contradiction, it would have been necessary to yield. This distinction would obviously not exist for a philosophy (as perhaps Protagoras's philosophy) where there would only be value judgments, to the point that what would characterize the Sophists would be not that they had given a place to rhetoric, but rather that they had wanted to reduce logic to rhetoric.

62 G. W. Leibniz, *Essais sur Théodicée*, in *Oeuvres*, ed. C. I. Gerhardt, vol. 6 (Leipzig, 1932), 284. *TN*: Although Perelman and Olbrechts-Tyteca cite this 1932 edition, the original edition by Gerhardt was published in Berlin by Weidmannsche Buchhandlung in 1885, and this is the edition that Perelman and Olbrechts-Tyteca cite elsewhere, as in "Acte et personne dans l'argumentation", in *Rhétorique et philosophie pour une théorie de l'argumentation en philosophie* (Paris, 1952), 73. The English translation is from G. W. Leibniz, *Theodicy: Essays on the Goodness of God, the Freedom of Man, and the Origin of Evil*, ed. Austin Farrer, trans. by E. M. Huggard (New Haven, 1952), 299. This reference points also to Olbrechts-Tyteca's later work on the comic in her 1974 *Comique du discours*.

Just as we have seen that a series of techniques exist for removing the link between the act and the person, we will discover a series of techniques for removing incompatibilities and for refusing those that someone tries to impose on us or to present to us as necessary. These techniques are those that, in the individual, should help with resolving psychological conflicts.⁶³ The classic dilemma of the general obliged either to lose his material [*bagages*] or to capitulate, and upon which the Ancients commented at length,⁶⁴ comes down to an incompatibility posited and presented as necessary. In order to present an incompatibility as necessary, we generally affirm that it is presented by someone else; that is to say, we attribute to it the status of a fact to which the will [*volonté*] cannot be opposed.

If, then, the incompatibility can always be removed, if we can always hope to modify the terms of the problem, in rhetoric, we are never cornered into the absurd. Nevertheless, one notion plays the same role in rhetoric as does the absurd in logic: the ridiculous. In the above example of M. Nicole cited by Leibniz, it is not absurd that the wise and serious magistrate runs the streets of the city totally naked to get a laugh, but this hypothesis is ridiculous. If our adversary succeeds by means of his argument to convince us of its ridiculousness, he will have nearly won the match. He who asserts that for nothing in the world would he kill a living being, and who is shown that his rule would prevent him from using an antiseptic out of fear of killing germs, must, so as not to be pushed into the ridiculous, limit the scope of his assertion. And he will do it in such a way that cannot be made precise in advance. In this way, two adversaries seeking to convince each another in a debate may see their respective opinions modified as a result of the other's argument. They end up at a compromise that will be as different from one's thesis as it will be from the other's, something which cannot happen if they reason within an unequivocally fixed deductive system.

63 Cf. an interesting chapter in Florian Znaniecki, from the University of Poznan, and printed in Poland, *The Laws of Social Psychology* (Chicago, 1925).

64 Cf. Cicero, *De Inventione*, book II, chap. XXIV; *Rhétorique à C. Herennius*, book I, chap. xv. TN: The references can be found in Cicero, *De inventione*, ed. and trans. G. Achard (Paris, 1994) and *De inventione; De optimo genere oratorum; Topica*, trans. H. M. Hubbell, LCL 386 (Cambridge, MA, 1949); *Rhétorique à Herennius*, ed. Achard (Paris, 1989). The term 'bagages' used here is quite technical, and refers broadly to the supplies, equipment, and weapons necessary on military campaigns. Perelman and Olbrechts-Tyteca allude to the episode in which Gaius Popilius, surrounded by the Gauls, entered into negotiation with them to be allowed to lead his army out, if he left aside his arms. Further, the reference to Cicero's *De inventione* in particular recalls how the turn to rhetoric took place via the translations of the *De inventione* of Brunetto Latini and, of Latini's translation by Jean Paulhan. See Bolduc, Translation and the Rediscovery of Rhetoric.

This delicate notion of compromise, which is not a contract but a reciprocal modification of value judgments accepted by the interlocutors, is nowhere better expressed than at the end of Robert Browning's *Bishop Blougram's Apology*. In a long monologue, which is in reality a dialogue and is a masterpiece of argument, the bishop without faith has tried to justify himself before his interlocutor, who disdains him. One and the other come out of this confrontation transformed, although both may seem to have triumphed. Following the poet, the bishop concludes:

On the whole, he thought, I justify myself
 On every point where cavillers like this
 Oppugn my life: he tries one kind of fence—
 I close—he's worsted, that's enough for him;
 He's on the ground! if the ground should break away
 I take my stand on, there's a firmer yet
 Beneath it, and both of us may seek and reach.⁶⁵

Since argumentation is restrictive in logic, once a proposition is proven, all of the other proofs are superfluous. By contrast, because argumentation is not restrictive in rhetoric, a serious problem arises for each interlocutor: the argument's scope. In theory, there are no limits on the practical accumulation of arguments, and we cannot say in advance which proofs will be sufficient to determine adherence. We are thus justified in making use not only of arguments that would be useless if one of them were accepted, but also of arguments that rule each other out. This is what M. Churchill does, in judging the politics of Baldwin's government, when he tells us:

It is much better for parties or politicians to be turned out of office rather than to imperil the life of the nation. Moreover, there is no record in our history of any Government asking Parliament and the people for the necessary measures of defence and being refused.⁶⁶

65 R. Browning, *The Poems of Robert Browning* (Oxford, 1919). Bishop Blougram's Apology, p. 152. *TN*: Although a reference to Browning does not appear in her 1974 *Comique du discours*, given her deep reading of literature, we believe that this literary reference may very well be the contribution of Olbrechts-Tyteca. See also their reference to other sections of *Bishop Blougram's Apology* in the *Traité* 246, 324, 333, 657; *New Rhetoric* 182, 240–241, 247, 496.

66 W. Churchill, *Mémoires sur la deuxième guerre mondiale* (Paris, 1948), t.1, p. 112. *TN*: *In English: The Second World War*, vol. 1 *The Gathering Storm* (Boston, 1948), 112.

However, the danger of using bad arguments is greater in rhetoric than in logic. In fact, in logic, the falsity of a premise does not at all modify the truth of a consequence, if the consequence is proven by other means. The truth of the latter proposition remains independent of false premises.

In rhetoric, on the other hand, using a bad argument can have a harmful result. To say (whether out of ignorance or clumsiness) to an audience that supports a revolution, that such and such a measure (with which the audience should, moreover, be inclined to agree) diminishes the probability of a revolution can have exactly the opposite effect than what one had hoped. Further, as we have seen, to advance an argument that an audience considers as doubtful can damage the orator's person [i.e., ethos] and, in the same way, can compromise the entirety of his argumentation.

If rhetorical argumentation is not restrictive, it is because its conditions are much less precise than those of logical argumentation. Every rhetorical argumentation, insofar as it is not formal, implies the ambiguity and the confusion of the terms on which it bears. This ambiguity can be reduced if we come closer to formal reasoning. But, unless we end up with an artificial language, such as that which can result from the agreement of a group of scholars specialized in a determined science, the ambiguity will always remain. The very condition of restrictive argumentation is univocity, whereas social, judicial, political, philosophical argumentation cannot eliminate all ambiguity.

It was long believed that the confusion of notions and the polysemy of terms were flaws. Such a sociologist as Pareto, as concerned with confusion as he is,⁶⁷ cannot study the notion of confused terms without making their usage ridiculous, even if he defends himself on every page from any pejorative assessment. Whence the weak constructive power of his analyses, despite their undeniable critical value.

Currently, the vagueness of concepts is considered in different domains as indispensable for their use. The problem of interpretation in law is studied today in close connection with problems of language.⁶⁸

Because of its philosophical significance, the analysis that E. Dupréel⁶⁹ conducted of the confused notion is particularly productive for our goal. It is,

67 V. Pareto, *Traité de sociologie générale*, trad. P. Boven, 2 vols (Paris, 1917–1919).

68 Cf. R. L. Drilsma, *De woorden der wei of de wil vande wetgever. Proeve eener bijdrage tot de leer der rechtsuitlegging uitgaande van Raymond Saleilles en François Géný* (Amsterdam, 1948). The author stresses the work of linguists and notably of A. Reichling, s.j., *Het woord* (Nijmegen, 1935); "Het handelingskarakter van het woord", *De nieuwe Taalgids*, 31 (1937) 308–332.

69 E. Dupréel, "La logique et les sociologues", *Revue de l'Institut de sociologie* 4.1–2 (1924) 3–72; "La pensée confuse", *Annales de l'École des hautes études de Gand* 3 (1939) 17–27. TN:

with the analysis of value judgments, one of the indispensable instruments of the study of rhetoric. On the other hand, we think that the analysis of argumentation could bring some clarity to the genesis and the disassociation of certain confused notions. In fact, we do not want the assertion that the confused notion is indispensable or irreducible to be considered as encouragement to remove it from all investigation. Our endeavor aims to understand on the contrary how the confused notion is handled, and what its role and its significance are. We believe that this endeavor will result above all in showing that the notions generally considered as absolutely clear are clear only because of the elimination of certain defined doubts. Rather than wallowing in confusion, we must push the analysis of notions as far as possible, but with the conviction that this effort cannot reduce all thought to perfectly clear elements.

There are many fundamental problems of rhetoric with which formal logic, based on univocity, is not concerned: not only determining the meaning of notions, but also the speaker's intention and the significance and the impact of what he says.

Let us take a very simple example, which is sufficiently clear. It concerns a passage from La Bruyère:

If some dead were to rise again and saw who bore their illustrious names, and that their ancient lands, their castles, and their venerable seats were owned by the very men whose fathers had perhaps been their tenants, what would they think of our age?⁷⁰

In his preface to the La Pléiade edition, Benda interprets this passage as a clear declaration in favor of class immobility. Perhaps. But, as in every assertion of this type, which bears on an observation made by another, we can see here either an unfavorable judgment on the century in which the new rich triumph, or an unfavorable judgment on the dead who would judge our century unfavorably. For Benda's reader, yet another authority—Benda himself—is introduced: the reader can judge Benda by the categorical judgment that he makes on La Bruyère, who in turn judges the men who judge the century in which they live, and so forth and so on, because of the interaction between the person and his judgments.

This essay also appears in *Essais pluralistes. Mélanges offerts à l'occasion de son soixante-dixième anniversaire et de sa retraite de l'Université libre de Bruxelles (Paris, 1949)*.

70 La Bruyère, "Les caractères," "Des biens de fortune" [Of the Gifts of Fortune] 23, in *Oeuvres*, 202, and note of J. Benda, 709.

The preceding considerations seem sufficient to affirm that the domain of rhetorical argumentation cannot be reduced by an effort, as exhaustive as it may be, to bring it either to logical argumentation or to pure and simple suggestion.

We could obviously first attempt to make rhetorical argumentation a logic of the probable. But no matter the progress that the calculation of probabilities may still make, its application is limited to a domain whose terms have been defined with adequate precision. Yet, as we have seen, it is necessary to exclude this definition [*détermination*] in rhetoric.

We could then try to study the evocative effects produced by certain verbal means of expression, and to restore to them all the effectiveness of nonlogical processes of argumentation. This effort may be productive, but it would overlook the precise aspect of argumentation that we want to bring to the fore.

It is true that among the processes of argumentation that we will encounter, a certain number of them resemble the methods [*procédés*⁷¹] of a logic of probability; these include, in particular, proof by example, and arguments based on the normal and on competence.

At the other extreme, we find a series of methods [*procédés*] that aim to increase the intensity of adherence by, as we would call it, the impression of presence or reality. It is within this group that we would place analogy in its different forms, and in particular, metaphor. Their role in rhetoric is paramount. We also find here most of the methods [*procédés*] that have been classified and reclassified for centuries under the title of “figures”. Their literary effectiveness has not gone unrecognized. But their significance as elements of argumentation has been far from sufficiently analyzed.

This group of arguments, which we will call “arguments of presence”, is neglected most by all those who minimize the role of the irrational. The role of presence cannot be reduced to reasoning on the probable. The difference between these two domains could be thought of as akin to the difference that Bentham made between “propinquity” and “certainty”. Lewis considers it strange, and fears that Bentham wants to say only that we should be reasonably less concerned with the future because of its degree of distance from us, independent of the greater doubt that is generally attached to that which is

71 *TN: Perelman and Olbrechts-Tyteca use here the term ‘procédé’, which is tied to a means or a process, and which is a major focal point of their analysis in the Traité. We translate it here as method, but in every instance provide the French procédé, in order to differentiate it from method [méthode].*

further away. Neglecting the factor of presence, Lewis is surprised, and qualifies this as an “anomalous conception”.⁷²

The methods [*procédés*] which we will consider as essentially rhetorical and which characterize rhetoric as the logic of value judgments lie between these two extremes. In fact, there exists a series of methods [*procédés*] of qualification and disqualification that constitute a genuine arsenal of rhetoric.

We will find within this group every philosophical argument based on the real and the apparent, on the ends and the means, on act and essence, on quantity and quality, and other pairs of oppositions which are considered as fundamental. Until now, these methods [*procédés*] could not be the object of analysis as means of argumentation because the prevailing conceptions of rhetoric could not make room for them. It is the study of these methods [*procédés*] that will probably constitute the newest contribution of a rhetoric such as we conceive of it.⁷³

Not only do there exist methods that can be used to obtain a desired effect, but at times they function independently of the author’s intention.

It is in this way that we can qualify or disqualify, by asserting that where one sees a difference of nature, it is in fact only a difference of degree, or vice versa. When General Marshall struggled recently against the 25% cut in funds to Europe that the American Congress wanted to pass, he asserted that it was no longer a matter of “reconstruction” but of “assistance”; that is to say, that America’s gesture would change not in degree, but in nature.⁷⁴ In this case, General Marshall desired disqualification. Conversely, an analysis of tolerance, which seems to show that tolerance is a question of degree, and that in every society there exist some norms to which conformity is demanded and others which are left to individual judgment, seems to diminish the differentiation between two realms, where one is considered tolerant, the other intolerant.⁷⁵ This reduction of difference can occur even when the author of the analysis personally believes that this difference is considerable, because the mechanism can be put into action voluntarily or independently of the will of him who analyzes the notion.

72 C. I. Lewis, *An Analysis of Knowledge and Valuation* (La Salle, IL, 1946), 493.

73 TN: Perelman and Olbrechts-Tyteca here firmly note the originality of their work.

74 TN: As in the earlier “*Philosophies premières*”, we see with this example a reminder of Perelman and Olbrechts-Tyteca’s deep familiarity with the importance of the postwar reconstruction of Western Europe.

75 TN: This discussion of tolerance recalls Perelman’s striking conclusion to “*De l’arbitraire*” (as well as his reflections on the uncomfortable position of the Jews in history in his “*Question juive*”) and underscores his real-world concern for tolerance among social groups.

A common procedure of disqualification consists of making a value [*valor*] relative by saying that what has been considered up to that point as a value is only a means. Here too the mechanism can work independently of the author's will. This is the misfortune that happened to Lévy-Bruhl who, despite his sincerest denials, was accused of diminishing the value of morals when he showed in *La morale et la science des mœurs* that morals were only a means whose end was the social good.

The loss of value that results when something is considered as a method [*procédé*] is one of the primary forms of disqualification. It is from this that rhetoric itself has suffered the most.

In social matters, the awareness that something is a method [*procédé*] often suffices to eliminate its effectiveness entirely. The virtuous man is respected, but if we realize that his behavior is determined solely by the desire to be respectable, we will qualify him not as virtuous but as ostentatious. Proust tells us simultaneously what is necessary to do and the uselessness of doing it, if it is perceived as method [*procédé*]: "Similarly, if a man were to regret not being that he was not sufficiently courted in society, I should not advise him to pay more calls, to keep an even finer carriage; I should tell him not to accept any invitation, to live shut up in his room, to admit nobody, and that then there would be a queue outside his door. Or rather I should not tell him so. For it is a sure way to become sought-after which succeeds only like the way to be loved, that is to say if you have not adopted it with that object in view, if, for instance, you confine yourself to your room because you are seriously ill, or think you are, or are keeping a mistress shut up with you whom you prefer to society, if, for example, one always stays in one's room because one is seriously ill, or one believes oneself to be, or that one keeps a mistress locked inside whom one prefers to the rest of the world".⁷⁶

All art is threatened by this disqualification. None other than Paulhan has felt the subtle back and forth of method's [*procédé*] necessary nature and of its danger, of the cliché's justification and its rejection, of terrorism and its criticism.⁷⁷ Renunciations in art may be in large part required by this ineffectiveness that strikes the method [*procédé*] once it is perceived as such—although other profound reasons contribute as well.⁷⁸

76 M. Proust, *À la recherche du temps perdu* (Paris, 1923), t. VI, 2: *La prisonnière*, p. 228. *TN*: *The English is drawn from Remembrance of Things Past*, trans. C. K. S. Moncrieff and T. Kilmartin (New York, 1982), vol. 3 "The Captive" p. 377. Like the reference to Paulhan that follows, this reference may be one of the markers of Olbrechts-Tyteca's contribution.

77 Cf. J. Paulhan, *Les fleurs de Tarbes; ou, La terreur dans les lettres* (Paris, 1941); *Braque le Patron* (Geneva-Paris, 1946).

78 Cf. E. Dupréel, "Le renoncement", *Archives de la Société Belge de Philosophie* 2.2 (1930) 1-36.

However, if understanding method [*procédé*] as such sometimes diminishes its effectiveness, this is not always the absolute rule: a ritual formula, which could be considered as a sort of cliché, draws its prestige and its dignity from its very repetition and from its being perceived as method.

In the same way, the patient undergoing psychiatric treatment can desire the suggestion that has been made to him. And the soldier who leaves for battle can voluntarily submit to a not very original patriotic discourse that is addressed to him, just as the tired walker will allow himself to be led by a marching song.

We could perhaps observe that the case in which rhetorical argumentation loses the least of its effectiveness, when it is perceived as a method [*procédé*], is that of epideictic discourse, or that which comes close to it; that is to say, there where there already exists a certain adherence to conclusions, and where this adherence needs only to be reinforced. This could be the place to conduct research: when, and under which conditions, rhetorical argumentation perceived as method [*procédé*] can retain its effectiveness.

In this respect, let us note that an act is perceived as a method [*procédé*] when other interpretations cannot be found, or when these interpretations are less plausible. By consequence, it will be necessary to employ rhetoric to combat the idea that it is rhetorical. A first method [*procédé*]*—*well-known and well-used, but also very effective*—*is to insinuate from the beginning [*exordium*] that one is not an orator.⁷⁹ Even if, here also, some prudence is necessary: Dale Carnegie has reason to criticize his young students who start off by clumsily announcing that they do not know how to express themselves.⁸⁰ Our classification of the methods [*procédés*] of argumentation*—*ranging from logic to suggestion*—*would perhaps permit the justification of these differences of opinion. The closer the methods [*procédés*] come to those of logic, the less their being perceived as method would be dangerous; the closer they come to those of suggestion, the more their being perceived as method would be harmful.

The loss of effectiveness of the methods [*procédés*] of argumentation is particularly noticeable in literary activity. Alternating methods [*procédés*] is not at all contradictory or paradoxical. Among these we can obviously include a supposed absence of method [*procédé*], and the spontaneity that follows what is expected when this has lost its persuasive force, for spontaneity itself loses its effectiveness once it is perceived as method [*procédé*], and must be replaced by something else.

79 Quintilian, *Institution oratoire*, trad. H. Borneque (Paris, 1933), book IV, chap. 1, 8.

80 Cited by Dale Carnegie in *Public Speaking and Influencing Men in Business*, 268, from the German edition *Die Macht der Rede*, trans. Hermann von Wedderkop, 162.

Every rhetoric that is tied to a particular form of thought or of style, and that does not try to generalize its conclusions as much as possible and to embrace the whole of argumentation on values, thus risks becoming rapidly out of date.

We will say that what correction is for grammar, and validity for logic, effectiveness is for rhetoric.

Do not believe, however, that our goal would be to indicate the means by which to trick one's adversary, to evade his attention, to deprive him of control by more or less ingenious sleights of hand.

But if effectiveness alone is taken into consideration, would we have a criterion that would allow us to distinguish between the success of a charlatan and that of an eminent philosopher?

This criterion cannot obviously provide an absolute norm, given that rhetorical argumentation, as we have said, is never indisputable.

What, then, will guarantee our reasoning? The discernment of the listeners to whom the argumentation is addressed. As a result, we see the benefit that carefully addressing arguments to a universal audience presents for the value of arguments. It is to this audience that the most elevated reasoning of philosophy is addressed. As we have seen, this universal audience is itself only its author's fiction, and its characteristics are borrowed from his ideas. However, for the most honest of minds, to address this audience constitutes the greatest effort of argumentation that can be expected of it. The arguments that we will analyze will thus be those that the most upright (and, we might add, often the most rationalist) minds must use when it concerns certain subject matters, such as philosophy and social sciences.

Unlike Plato, and even Aristotle and Quintilian, who endeavor to find in rhetoric a reasoning similar to that of logic, we do not believe that rhetoric is only a less certain expedient which is addressed to the naive and ignorant. There are domains—those of religious argumentation, moral or artistic education, philosophy, and law—in which argumentation can only be rhetorical. The reasoning that is valid in formal logic can only apply in cases where it is a matter of purely formal judgments or of propositions whose content is such that experience alone may be enough to support them.⁸¹

Daily life, whether of family or politics, will provide us with an abundance of examples of rhetorical argumentation. The interest of these day-to-day examples will be in the rapprochements that they allow with examples taken from the most elevated argumentation of philosophers and lawyers.

81 The introduction being, in our opinion, a complex reasoning, combining rhetorical processes with logical inferences and a call to experience, we have not taken it into account in our preliminary analyses, esteeming that a study of it could only be fruitful after a detailed presentation of the means of rhetorical proofs.

Having thus attempted to demarcate the field of rhetorical argumentation and to observe how its goals and the characteristics differentiate it from logical argumentation, it seems that we are better positioned to understand the causes of the decline of rhetoric.

From the moment that one believes that reason, experience, or revelation can solve all problems—at least in theory, if not in fact—rhetoric can only be considered as a set of processes used for deceiving the ignorant.

If rhetoric was the basis for the education of youth throughout classical Antiquity, it is because the Greeks saw in it something other than the exploiting of appearance.

Rhetoric was subjected to a terrible assault from Plato, but it survived. The struggle began not because Socrates and Plato were enemies of the elegance of language, as Cicero believed,⁸² but rather in the name of truth. The triumph of dogmatism, first Platonic and then Stoic and finally religious, dealt a new blow to rhetoric, and progressively reduced it to being only a means of exposition. In fact, there where a monism of values triumphs, rhetoric cannot develop. This monism transforms the problems of values into problems of truth. One will undoubtedly find as much rhetorical argumentation in the writings of dogmatic theologians as in those from any other century, but this argumentation can be envisioned only under the angle of truth.

Renaissance humanism may have been able to prepare for a renewal of rhetoric in the broadest sense of the term. But the criterion of the self-evident fact, whether this was the individual self-evident fact of Protestantism, the rational self-evident fact of Cartesianism, or the perceptible self-evident fact of the empiricists, could only disqualify rhetoric.

Leibniz believes that “the art of discussion and debate needs to be totally organized.”⁸³ But he sees in rhetoric a last resort for perfect intelligences.⁸⁴ He does not neglect the plausible of Aristotle, but criticizes him for having restricted it to opinion, when there exists a probable derived from the nature of things.⁸⁵ What Leibniz desires is a sort of calculation of probabilities, analogous to the estimation of presumptions in law.⁸⁶ It is not at all a logic of values.

82 Cicero, *De Oratore*, book III, 16.

83 Leibniz, *Nouveaux essais sur l'entendement*, in C. J. Gerhardt (ed.), *Oeuvres*, vol. 5, p. 399. TN: For the English, see Leibniz, *New essays on Understanding IV:7, section 418*. Perelman and Olbrechts-Tyteca use here ‘refondé’ [rebuilt] rather than ‘organized’, as appears in the English translation.

84 Leibniz, *Nouveaux essais sur l'entendement*, in C. J. Gerhardt (ed.), *Oeuvres*, vol. 5, p. 308. TN: See *New essays on Understanding III:10, section 350*.

85 Leibniz, *Nouveaux essais sur l'entendement*, in C. J. Gerhardt (ed.), *Oeuvres*, vol. 5, p. 353. TN: *Leibniz, New essays on Understanding IV:2, section 372*.

86 Leibniz, *Nouveaux essais sur l'entendement*, in C. J. Gerhardt (ed.), *Oeuvres*, vol. 5, pp. 445–448. TN: *Leibniz, New essays on Understanding IV:15*.

Rationalism thus reduced rhetoric to the study of figures of style, and there was nothing Whately's indignation could do about it. Bound by his own dogmatism, he was himself too far from the trend of relativism to truly make a place for rhetoric. He joined to rhetoric, conceived of as expression, a study of arguments that leads back to the study of logic. Despite Whately, then, rhetoric was increasingly limited to the study of literary processes. And, as such, Romanticism succeeded in disqualifying it.

For a certain period of time, Schopenhauer was very much interested in methods [*méthodes*] of discussion. Although he sees herein especially artifices that he considers of poor quality, he begins a study that he initially considers original. But he renounces and abandons it without even publishing it,⁸⁷ treating this subject with disdain. And in reality, it is badly integrated into his philosophical thought.

Today, now that the illusions of rationalism and of positivism have vanished, and we recognize the existence of confused notions and of the importance of value judgments, rhetoric must become again a living [*vivante*] study, a technique of argumentation in human affairs and a logic of value judgments.

In particular, this logic must allow us to make the very notion of value judgment clear. In fact, we increasingly believe that the problem of values is only understood in relation to an argumentation with other people.

It has been said that rhetoric is immoral, because it allows support for both the pros and the cons—and how this criticism deeply embarrassed Quintilian!⁸⁸

87 This study appears under the title of *Eristisch Dialektik* in A. Schopenhauer, *Sämtliche Werke herausgegeben von Dr. Paul Deussen*, 6th Band, herausgegeben von Franz Mockrauer (Munich, 1923). Cf. also Schopenhauer's allusions to this work in *Parerga und Paralipomena* and the chapter on rhetoric in *Die Weil als Wille und Vorstellung*. *TN*: Perelman and Olbrechts-Tyteca may have been working with *Parerga und Paralipomena* (Berlin, 1851. Repr. ed. R. von Koeber, 2 vols. Berlin, 1891). A more recent German edition appears in *Parerga und Paralipomena. Werke in fünf Bänden nach den Ausgaben letzter Hand, vol. 1*. (Leipzig, 2006). See also *Die Weil als Wille und Vorstellung 3rd. ed. 2 vols.* (Leipzig, 1859). English editions are: *Parerga und Paralipomena, Short Philosophical Essays, ed. E. F. G. Payne, 2 vols.* (Oxford, 2016) and *The World as Will and Representation, trans. J. Norman, A. Welchman, and C. Janaway, vol. 1* (Cambridge, 2010); *vol. 2* (Cambridge, 2018).

88 Quintilian, *Institution oratoire*, book II, chap. XVII, 30 ff. *TN*: With "embarrasse" Perelman and Olbrechts-Tyteca recall the contrast they had made earlier in this article between Quintilian's uneasiness about expanding the epideictic beyond Aristotle with their own belief in the utility and necessity of such an expansion.

But it is not because there are pro and con arguments that these arguments have the same value.⁸⁹ Even an author as classical as is J. Stuart Mill insists on the necessity of weighing arguments.

The most opposite opinions can make a plausible show of evidence while each has the statement of its own case; and it is only possible to ascertain which of them is in the right after hearing and comparing what each can say against the other, and what the other can urge in its defense.⁹⁰

The enlightened judge is the one who decides after having heard both pros and cons. We could say that rhetoric, rather than shaping the litigant, should shape the judge. The idea of litigating is unpleasant in that it is unilateral and closed to the adversary's arguments; it is only to refute them. For the litigant, the conclusions are known, and it is only a matter of finding the arguments that support them. But this litigation cannot be separated from its context, from the litigation of the opposing party. In a relativist atmosphere, there are no longer independent pros and cons: there is an unceasing formation of new systems integrating these pros and cons. We find here the sense of responsibility and of liberty in human affairs. Where there is no possibility of choice or alternative, we do not exercise our liberty. It is deliberation that distinguishes man from the robot [*l'automate*]. This deliberation concerns what is essentially the work [*oeuvre*] of man, the values and norms that he has created, whose evolution the discussion allows. The study of the methods of this discussion can develop the awareness of the intellectual techniques used by all those who craft their culture.

It is because it is a truly human work [*oeuvre*] that rhetoric, we believe, knew its greatest brilliance during the eras of humanism, in Greek antiquity as well as during the centuries of the Renaissance.

89 *TN: An example of this argumentation pro et contra may be found in Boncompagno da Signa's 1235 Rhetorica novissima as a figure of rhetorical ornamentation, perhaps influenced by the practice of resolving contraria in the law. See T. O. Tunberg, "What is Boncampagno's 'Newest Rhetoric'?" Traditio 42 (1986) 324. Boncompagno qualifies such argumentation as "commendare personas et cuncta que sub celi ambitu continentur, et eisdem commendationibus contraire". Boncompagno da Signa, Rhetorica novissima, ed. A. Gaudenzi. Scripta Anecdota Glossatorum. Bibliotheca Iuridica Medii Aevi 2. 1892; (rpt. Turin, 1962) 287.*

90 J. S. Mill, *Système de logique*, trans. from the 6th English edition by Louis Peisse, 2 vol. Paris, 1866, t.1, Preface, p. xxii. *TN: English translation from A System of Logic Ratiocinative and Inductive (London, 1956), Preface to the third and fourth editions, p. vi.*

If our century must free itself definitively from positivism, it needs instruments that allow it to understand what constitutes the human real. As distant as they might seem, our concerns perhaps agree in part with Bachelard's recent endeavors⁹¹ or the research of contemporary existentialists. We would find here the same concern for man and for what escapes the jurisdiction of experience and a purely formal logic. We believe that a theory of knowledge that corresponds to this climate in contemporary philosophy needs to integrate within its structure the processes of argumentation used in all domains of human culture. For this reason, a renewal of rhetoric would be in keeping with the humanist feature of our era's aspirations.

91 *TN: Perelman and Olbrechts-Tyteca are referring here to Gaston Bachelard's *Le Rationalisme appliqué* (Paris, 1949).*

The Role of Reason in the New Rhetoric Project: Eternal or Temporal

Some five years into their 10-year collaboration, Perelman paused to focus on the problem of reason in the aftermath of World War II and how it should be rescued with a new rhetoric. The result is the article “Raison éternelle, raison historique” [Eternal Reason, Historical Reason], which is the first citation in the *Traité*. In this article, Perelman foreshadows the 1958 *Traité* by announcing in this article that “a renewal of the theory of argumentation comparable to the brilliant development of the modern theory of demonstration, the work of logicians and mathematicians, is necessary”.¹ Of course, Perelman and Olbrechts-Tyteca were some five years into this renewal, which would end up as the two-volume, three-part *Traité*.

This article marks an important trajectory in his thought and revisits the tension that greeted him in his earliest writings between expressions of reason that are abstract and situational and those that are atemporal and lived (Bergson’s “*durée*”). In this article, Perelman pairs “eternal reason” with “historical reason”.

The article earns first citation status in the *Traité* because it provided Perelman with the justification for identifying reason as the polar star of the new rhetoric and for the need to liberate it from the constraints of formal logic. The article marks an evolution of thought in Perelman’s confrontation with the problem of reason, which is displayed in the trajectories in the five translations and commentaries offered here that precede it. Perelman, in “Raison éternelle, raison historique”, rehearses how rationalists had for three centuries restricted reason unduly to deduction and rationality, that Descartes and post-Kantian philosophers were responsible, and as a result, everything outside the realm of deduction was left to the irrational and violence.

Beginning with his 1933 article *Arbitrary*, Perelman was concerned with expanding the reach of logic and rationality into the realm of the social by insisting that reason itself is nested in a historical context. As the preceding commentaries and translations reveal, Perelman plumbs the depths of logical positivism and the mathematically inflected rationality of Frege’s system

¹ All quotations from “Raison éternelle, raison historique” may be found in our translation, below.

of math. He would come to appreciate their strengths and limitations. In “Raison éternelle, raison historique”, Perelman explicitly targets Descartes, who becomes the foil in the *Traité*.²

Descartes represents for Perelman the figure in the Western tradition who justly valorizes reason, but places overly rigid restrictions on its definition and spheres. Reason for Descartes, according to Perelman’s interpretation, should be restricted to formal logic, reduced to the deduction, and a product of the individual thinker in solitary confinement. Perelman locates within post-Kantian philosophical movement efforts to move beyond formal reasoning by acknowledging the roles played by intuition in judgment and by history in reason. These efforts have been opposed by rationalists who fear that intuition is not tethered to reason and anti-rationalists who believe that rationality, with its expectation that logic has requirements that are necessary, denies freedom to the individual.

The problem Perelman sets forth in “Raison éternelle, raison historique” is similar to the one he addresses in his first major article in 1933. In this 1952 article, Perelman again addresses “the association with reason with necessary reason”, the assumption that reason is fully and completely captured in apodictic proofs, and that everything that falls outside of the necessary and apodictic is the realm of the irrational. And it is here that Perelman articulates the through-line of the New Rhetoric Project [NRP] and the *Traité*: there is a need to expand the domain of reason beyond mathematics and formal logic into the spheres of experience and action. However, the very understanding of reason itself, Perelman argued, must be rethought.

In 1979, Perelman would cite Bernard Russell’s adage that a full rational human being would be an inhuman monster.³ This was his fear: that an impersonal, timeless rationality could be cruel. At the time of the publication of “Raison éternelle, raison historique”, Perelman and his fellow Belgian citizens were just seven years out of the trauma of the Belgian Holocaust, the inhuman monster expressed in the form of the Nazis he battled, and who must have incarnated, for Perelman, his definition of an inhuman monster misusing formal logic. To humanize reason, Perelman called for placing it in human time and in the sphere of action and judgment. This essay provides a more refined

2 See the opening reference to Descartes in C. Perelman and L. Olbrechts-Tyteca, *La nouvelle rhétorique: Traité de l’argumentation* (Paris, 1958), 1, Perelman and Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. J. Wilkinson and P. Weaver (Notre Dame, IN, 1969), 1.

3 C. Perelman, *The New Rhetoric and the Humanities: Essays on Rhetoric and Its Applications*, Synthèse Library (Dordrecht, 1979), 118.

blueprint of a rhetorically inflected sense of reason than the one presented in “Logique et rhétorique”—one turning on temporality.

Perelman makes explicit in this article the larger goal of the NRP, which is “to present a conception of reason that follows from a less limited theory of proof”. This expanded sense of reason would broaden the definition of reason beyond the confines of necessary rationalism and tether it to the situated audience. Necessary rationalism, Perelman writes, is restricted to formal demonstrations, contained by the structure of deduction and apodictic proofs, beyond the reach of time. As an expression of reason, necessary rationalism, Perelman observes, is “eternal, unchangeable, impersonal, asocial and ahistorical reason, as when it is a matter of self-evident propositions and necessary demonstrations”.

“Raison éternelle, raison historique” is based on a paper Perelman delivered to the sixth meeting of the Association des sociétés de philosophie de langue française [Association of Philosophical Societies in French], presided over by Georges Davy, the French sociologist, and held in Strasbourg, France, in September 1952. Given his audience of Western and French thinkers, Perelman’s presentation of an expanded conception of reason required calling Aristotle, a pillar of Western philosophical thought, as a witness for a rhetorical definition of reason. It is here, and in “Logique et rhétorique”, that we see find the origins of the rapprochement Perelman developed in the *Traité* between reason and rhetoric.

“*Raison éternelle, raison historique*” clarifies four important points about subsequent interpretations of Perelman and Olbrechts-Tyteca’s body of work: 1) That it honors Aristotle but it is not neo-Aristotelian. 2) That the universal audience is not an asocial, impersonal, eternal, ahistorical notion, but rather an expression of historical reason. 3) That historical reason, both as process and product, is revealed and altered in deliberation and argumentation. 4) That rhetoric yokes eternal and historical expressions of reason in service to good judgment.

1 The Anxiety of Influence: Perelman on Aristotle and Kant

Aristotle and Kant serve as *topoi* for Perelman. They serve as a source of argumentation, and in this article, touchstones Perelman shared with his audience. Perelman points to Aristotle’s discovery of an expression of reason that falls outside of formal demonstration termed “dialectical”. The proofs that are dialectical, Aristotle maintained, were expressed as opinions rooted in the probable, the product of controversy, managed through deliberative argumentation. At this point, it is important to recall that Perelman has already departed from Aristotle’s

philosophy in “Philosophies premières et philosophie régressive” and “Logique et rhétorique”; he does so here as well.

Many readers see Perelman’s citation of Aristotle as a witness for the proposition that there is a realm of reason outside the apodictic as evidence that Perelman and the NRP are neo-Aristotelian. Importantly, while Perelman does begin with Aristotle and the form of nonformal logic Aristotle develops in the *Topics*, he criticizes Aristotle’s first philosophy, axiology, and his take on the relationship between logic and rhetoric in “Philosophies premières et philosophie régressive” (1949), “Logique et rhétorique” (1950), and “Raison éternelle, raison historique” (1952). His very clear disavowal of Aristotelian doctrine in “Reply to Stanley Rosen” (1958) seems designed to clear the ground for a vision of nonformal reason that is distinct from the one offered by Aristotle.⁴ In all of these works, Perelman and Perelman and Olbrechts-Tyteca distinguish what they call the “first philosophy” of the ancient Greeks, which included Aristotle, from the regressive philosophy they offer as the alternative.

In “Raison éternelle, raison historique”, Perelman locates within Aristotle’s work a focus on proofs in the realm of nonformal reason. Perelman noted that Aristotle called these proofs “dialectical”, which he studied in the *Topics*, and which he applies in his *Rhetoric*. However, according to Perelman’s reading of Aristotle’s *Topics* and *Rhetoric*, the Greek philosopher did not connect the *Topics* to the analysis of audiences and his *Rhetoric* was concerned with, as Perelman and Olbrechts-Tyteca write, “the study of a technique used 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”.⁵ These are two of the key criticisms Perelman uses to separate Aristotle’s *Rhetoric* from Perelman and Olbrechts-Tyteca’s NRP. This criticism provides the warrant for the NRP. As Perelman and Olbrechts-Tyteca state in the opening pages of the *Traité*, their new rhetoric affects the rapprochement between dialectic and rhetoric that Aristotle and subsequent philosophers, other than the philosophers of the Renaissance, had not achieved.

Perelman offers a plausible reading of the relationship between Aristotle’s *Topics* and *Rhetoric*. Rhetoric is mentioned but twice in the *Topics*—there is no real concern with audiences in the text. Aristotle wrote the *Topics* while under the significant influence of his mentor Plato, and there is evidence suggesting it is tethered more directly to Aristotle’s writings on formal rather than informal reasoning. Many scholars in the twentieth century believed Aristotle had a “low opinion” of dialectic in the *Topics*. Aristotle’s *Rhetoric* is concerned with

4 C. Perelman, “Reply to Stanley H. Rosen”, *Inquiry* 2 (1959) 85–88.

5 C. Perelman and L. Olbrechts-Tyteca, *Traité; The New Rhetoric* 7.

audiences. Yet, Perelman would point to passage 1357a in the *Rhetoric* to illustrate Aristotle's view that rhetoric's audience is incapable of capacious thinking or understanding complicated reasoning.⁶

To some, Perelman may be guilty of what Harold Bloom would call a "creative misreading" of Aristotelian thought reflecting an "anxiety of influence".⁷ Bloom has identified in the work of poets and others who creatively misread the contributions of their mentors and predecessors to carve out space for their own inventions. A consensus of modern scholarship holds that the relationship between Aristotle's *Topics* and his rhetoric is stronger than the one Perelman represents. This consensus, quite rightly, is anchored in the first sentence of Aristotle's *Rhetoric*: "Rhetoric is an *antistrophos* [counterpart] to dialectic".⁸ Aristotle, according to this consensus, did see the *Topics* and its nonformal reasoning in complementary relationship, if not in a complete rapprochement, with the themes developed in the *Rhetoric*. The notion of *loci*, which is developed in the *Topics* and then imported into the *Rhetoric*, is one striking illustration of the strong relationship between the two in the Aristotelian system.

We can, as a result, reach two conclusions. First, Perelman called on Aristotle, the "father of logic", and his *Topics* and *Rhetoric*, to establish the common ground with his audience. Second, he differentiated his work from that of Aristotle; as Van Noorden points out, "Perelman's perspective is quite different from Aristotle's".⁹ These differences include the development of a nonformal system of reason that was different than the one set forth by Aristotle and a framing of rhetoric's audience that was less pejorative, open to roles played by argumentation in prompting good decisions. For purposes of taxonomy, then, it is wrong to label Perelman and the NRP neo-Aristotelian, but it would be right to acknowledge Aristotle's influence as a *topos* in the *Traité*. Finally, we note an ironic result of Perelman's encounter with Aristotle's *Topics* and *Rhetoric*: the success of the *Traité* and the interpretation of many readers that Perelman and the NRP were neo-Aristotelian inspired new readings of Aristotle's rhetoric and efforts to place it in the service of modern systems of

6 See "Raison éternelle, raison historique", the *Traité*, and his extended 1970 entry in the *Encyclopedia Britannica*. C. Perelman, "The New Rhetoric: A Theory of Practical Reasoning", trans. E. Griffin-Collart and O. Bird, in R. M. Hutchins and M. J. Adler (eds.), *Great Ideas Today* (Chicago, 1970) 273–312.

7 H. Bloom, *The Anxiety of Influence: A Theory of Poetry*, 2nd ed. (New York-Oxford, 1997).

8 Aristotle, *On Rhetoric: A Theory of Civic Discourse*, trans. G. A. Kennedy (New York-Oxford, 1991), 30.

9 S. Van Noorden, "Rhetorical Arguments in Aristotle and Perelman", *Revue internationale de philosophie* 33.127–128 (1979) 180.

knowledge and civil society. Because Aristotle did hold that the audiences of rhetoric were dull, if not incompetent, Perelman and the NRP offered view of the audience rooted in a rhetorical dialectic that, in their estimation, offered the possibilities of justice and good decisions.

Aristotle—and Kant—served as authorities for Perelman’s critique of reason even if he found their definitions of reason restrictive. The very names of these two figures functioned, in part, as persuasive devices for an audience weaned on their writings. Perelman found within the philosophical texts of Vico, Kant, and those who followed Kant a philosophical tradition he used as a warrant for his argument. There was, Perelman maintained, a philosophical movement within the Western tradition that valued situated reasoning.

2 Situated Reason and the Universal Audience

Unlike Aristotle, Perelman and the NRP locate the powers of reason in human audiences, not in the abstract and atemporal rationality of first philosophy. Even if the critique of first philosophy that he had offered in “Philosophies premières et philosophie régressive” were true, he thought, it didn’t follow that abandoning the principles of first philosophy for the form of reason used by audiences would lead to good decisions and judgments. Perelman understood that he must offer reasons that audiences should be seen as capable of reason, with the capacity to see the big picture and follow complex chains of logic.

Audiences, to Perelman, are psychological and sociological constructions of the mind. There are, in the NRP, many audiences with varying degrees of reasonability. In the *Traité*, Perelman and Olbrechts-Tyteca’s subdivide audiences into different categories. In “Raison éternelle, raison historique”, Perelman features the philosopher’s audience. “The Philosopher ... follows the prescriptions of Kant’s categorical imperative”, which declares that reason should seek the universal and that humans should not be treated as means but as ends. Here, Perelman frames the universal audience as rhetoric’s version of the categorical imperative. The word “universal” has led some readers of Perelman and the NRP astray.

Like Kant’s categorical imperative, Perelman’s universal audience is a blend of rational principles and experience; the two interact in both the categorical imperative and the realm of rhetoric, leading to dissociations that change the rules of rationality and an understanding of experience. The universal audience, Perelman writes, is made of humans who understand rationality but who are reasonable. They are reasonable because they witness and engage in argumentative deliberation that allows them to use experience and rational principles to make good judgments that lead to action.

Universal audiences, Perelman observes, “can vary in time”—a condition that embeds them in, not outside, history. At the same time, because they blend principles of rationality and experience, they do have a logic, although one that is decidedly nonformal. In the *Traité*, Perelman and Olbrechts-Tyteca’s import the laws of logic (the law of contradiction, the law of identity) into their system, but recast them for the realm of rhetoric. What Perelman describes in “Raison éternelle, raison historique” is how to construct a universal audience. This audience, he observes, begins with an extrapolation from the beliefs of individuals to a generalization about what a universal audience made up of these individuals would hold true. These individuals and audiences are not, as Perelman notes, “blank slates”. Their values and understanding of the world are shaped by time, place, culture, and the exigencies they face. At this point in the construction of the NRP, time, both abstract and historical, becomes the critical dividing line between the rationality of first philosophy and the nonformal logic of rhetoric.

3 The Role of Time—Eternal and Historical—in Argumentation

The two dimensions of time, eternal and historical, play key roles in this essay and in Perelman’s 1958 collaborative article with Olbrechts-Tyteca “De la temporalité comme caractère de l’argumentation”. We see “Raison éternelle, raison historique” as a prelude to the 1958 article; our commentary and translation of the 1958 article follows this one. There is, understandably, a tension between eternal and historical expressions of reason that Perelman attempts to work through in the NRP, both generally and specifically.

Eternal reason provides security for those who must make judgment as it offers an immutable formula for decision-making. In the form of deductions, the syllogism, and apodictic reasoning, eternal reasoning releases the advocate and judge from bearing responsibility for the consequences when apodictic and formal logic are applied to human affairs. Perelman and Olbrechts-Tyteca discuss this point in the *Traité*. Reasoning in “empty” time is the distinguishing characteristic of eternal reasoning, Perelman and Olbrechts-Tyteca maintain.

Historical reasoning, in contrast, varies in time [*varie dans le temps*]¹—a phrase Perelman and Olbrechts-Tyteca use twice in the following translation. Lived time, Bergson’s “*durée*”, based on the vagaries of context, culture, and human time, may smack of relativism. If eternal reason offers judgments that are atemporal, historical reason captures the truths of the moment.

“Raison éternelle, raison historique” serves as a bridge between Perelman’s view of a rhetorical ontology in his 1949 “Philosophies premières et philosophie

régressive” and the view of rhetorical time in the translation and commentary of Perelman and Olbrechts-Tyteca’s 1958 article on the topic. Perelman’s definition of reason with the frame of time allows him to pinpoint his complaint with Western philosophy and to offer a resolution. Accordingly, “Raison éternelle, raison historique” explicitly sets forth the aspiration of the NRP. Perelman alone and in his collaboration with Olbrechts-Tyteca seek to “save” Western philosophy by “enlarging the conception of reason beyond that of necessary reason, which has for three centuries dominated our philosophical debates”. Again, Perelman and Olbrechts-Tyteca use dissociation to create a blend of eternal and historical reasoning with rhetoric.

4 Rhetoric Yokes Eternal and Historical Expressions of Reason in Service to Good Judgment

Perelman understood the value of both eternal and historical expressions of reason. That he offered a severe critique of eternal reason’s weaknesses didn’t suggest that he did not see the value of formal logic and the apodictic. He insisted that the eternal entered the consciousness of the human being in real, rather than empty, time. Temporality and culture would affect how eternal reason would be seen and how it would prompt action.

The tool of dissociation, developed at some length by Perelman and Olbrechts-Tyteca in the *Traité*, offered Perelman the vehicle of logic he used to retain both the local and the universal in the universe of reason, even if at moments they appeared to be in a mutually exclusive relationship. To illustrate how the eternal and historical reasoning can be dissociated to foster justice, he ends “Raison éternelle, raison historique” with his first exploration of universal audience.

Rhetoric in the *Traité* and in the post-*Traité* writings of Perelman and Olbrechts-Tyteca merges the ambitions of formal logic to the vagaries of human time and culture. They would, after 1952, identify “classical topoi” (touchstones of the eternal) and “romantic topoi” (the province of the temporal), and the strengths and weaknesses of each approach.¹⁰ In so doing, they refuse to privilege either. “Raison éternelle, raison historique” provides Perelman with a critical step forward in his advance toward the *Traité*.

Rhetoric, in the form of nonformal logic and argumentation, rooted to an appreciation of both eternal and historical expressions of reason, becomes the foundation and blueprint for a culture ravaged by totalitarians and inhuman monsters who misuse reason and logic.

10 C. Perelman and L. Olbrechts-Tyteca, “Classicisme et romantisme dans l’argumentation”, *Revue internationale de philosophie* 12.43 (1958) 47–57.

Translation and Commentary

Chaim Perelman, "Raison éternelle, raison historique". *L'homme et l'histoire. Actes du 6e Congrès des Sociétés de philosophie de langue française*. Paris: Presses Universitaires de France, 1952. 346–354

The idea of reason, as a faculty which allows humans to know the truth, is a practical development [*élaboration technique*] of philosophy. Every man who deliberates, discusses, argues, demonstrates and calculates would say that in so doing, he reasons. However, if he is not a philosopher, it would be very difficult for him to describe the faculty that allows him to reason, to say how his reason resembles that of other men and how it differs, to distinguish its invariable from its variable elements, its powers and its limits. The response to these questions, implying a theory of reason, allows the characterization of most philosophical systems. The Western philosophical tradition could even be centered around the problem of reason. In fact, a conception of reason is connected to the whole philosophical edifice, of which it constitutes one of the principal columns.

In the Cartesian tradition, reason is the faculty characteristic of the human species that, thanks to the self-evidence [*évidence*] of clear and distinct ideas, compels each person to adhere to the truths that it reveals to him. It is geometry that provides Descartes with the model of these clear and distinct ideas and eternally true propositions, the self-evidence of which is imposed on every reasonable being. Because *all* ideas are clear and distinct and all propositions evident in their truth or falsity for God, the perfectly infinite being, man is free to consider mathematics, where human reason encounters divine reason, as a model for ensuring the good use of reason. The endeavor to replace, progressively, philosophical theories, which are only a mass [*un tissu*] of opinions, with a science that, beginning from self-evident facts, would proceed from one certainty to another, is thus necessary. Deliberation and discussion only manifest the uncertainty that results from an imperfect knowledge; however, this imperfection is avoidable, as long as the rules of the Cartesian method are followed—by eliminating the influence of the imagination and passions, of prejudices and biases, of poor education and of incorrect use of language, and by warding off the weaknesses of our memory. Once these obstacles have been overcome, we can by virtue of the proper [*bonne*] method of guiding our reason hope to advance on the path of true knowledge as laid out by divine thought.

It is true that, in wanting to leave room for revelation and grace, such thinkers in the Cartesian tradition as Pascal and Leibniz have insisted on the weakness and the limits of human reason. The fact remains, however, that since Descartes, reason has been considered as the instrument common to all men, capable of uniting them in adherence to the same eternal truths. Faith in this

faculty implies the rejection of all that could be an obstacle to immutable reason—the disdain for the particular, for the transitory and the variable, for individuality and for history. The rationalism of later centuries will tie the idea of reason to that of necessity, progressively reducing logic to the study of analytical proofs. If Kant limits the claims of rational knowledge, it is because he too considers the legitimate use of pure reason as tied to necessary reasoning that concerns only the formal aspect of knowledge. The analysis of deductive reasoning, undertaken by logicians for a century, has similarly led all philosophers who are inspired by the teachings of formal logic to reduce the rational to the formal and to consider any other use of reason as illegitimate.

Post-Kantian philosophers, who did not believe it necessary to limit the field of rational thought only to formal elements, have been obliged either to admit the existence of intellectual intuition, or to present a dialectic that bears on the different moments of reason, one developing from the other according to a specific model. The introduction of an evolution within the domain of the rational allows an opposition to be formulated between the dialectical movement itself, considered as timeless, and the moments on which it bears, and by which succession in history may be envisaged. But these ideas came up against the objections of both logicians and anti-rationalists. While the logicians showed the weaknesses of a totalitarian rationalism that is not based on any proven intellectual procedure, and which does not allow the determination of the antithesis and the synthesis from the thesis in a sure and unequivocal way, the antirationalists attacked the post-Kantian systems because they did not grant a place to the individual man and his irreducible feeling of liberty.

The unceasing struggles in traditional Western philosophy that have since Descartes opposed the rationalists to their adversaries have contributed to the reinforcement of a thesis common to both sides: the association of reason with necessary reasoning. The rational extends into domains that were believed to be subject to apodictic proofs, and all that is not liable to necessary proof derives from the irrational. However, it seems to me that this shared thesis, this inadequate conception of reason, is in large part responsible for the impasse in which contemporary rationalism finds itself. In fact, one of two attitudes could be adopted, both of which seem disastrous: one limits the competence of reason to the domain explored by formal logic and mathematics, and thus abandons the domain of experience and action to the irrational, and expands accordingly the field where violence is the principal element of decision; the other extends the domain of apodictic reason, and by this very fact excludes from the domain in question all that is relative to individuality and to human liberties, to culture and to history, because the individual, social and historical conditions of its application can only be seen as obstacles to immutable and

eternal reason. What is serious for a rationalist is that he is not able to justify extending reason beyond the formal by means of procedures that he considers as rational, but only by virtue of a metaphysical construction that is more or less fragile. Moreover, this very inadequate concept of reason, considered as a faculty of necessary reasoning, is simultaneously responsible for the unwarranted limitation of modern logic, for the insufficiency of modern concepts of induction, for the inexistence of a philosophical methodology of social sciences and for the absence of an appropriate logic of value judgments, capable of providing the reasons for a human decision.

Let us note that although we can characterize our philosophical tradition of the past three centuries by its distinctive conception of reason, which is expressed only by demonstrative proof and arithmetic, every man considers that he reasons when he deliberates, discusses, argues, or justifies an attitude. And this fact is implicitly accepted even by those who limit the competence of reason to the formal aspect of knowledge, because to make their point of view prevail in a debate, they do not appeal to arithmetic or to formal demonstration but rather to argumentation, which is the only use of reason possible in this case. Spinoza's attempt to construct a system of philosophy based on *more geometrico*¹ could not succeed for reasons that stem from the limits of the deductive method; such modern logicians as Lukasiwicz and Scholz, who had wanted to construct a metaphysics in accordance with the demands of precision and rigor of their discipline, were not able to go beyond the formal, which seems distinctly insufficient for a philosophy.

These failures should not surprise us. We have only to point out that modern formal logic was established by analyzing the forms of reasoning used by mathematicians. The theory of demonstration—the theory of restrictive proof, to which it is necessary to adhere, or to which at least every ordinary mind [*tout esprit normalement constitué*] must adhere—developed from the mathematical model. But a similar limitation of the notion of proof, a similar reduction of logic to the structures used in formal demonstration alone, is justified only for him who admits the possibility, at least in law, of providing a similar proof of every valid thesis in all the domains of thought. He who adheres to this restrictive conception of proof and yet recognizes that entire domains of thought avoid it can only renounce the use of reason in these domains. Modern positivists, who are a part of this latter category of thinkers, have been obliged to consider as irrational any thesis that governs our actions and any normative declaration and, in particular, their philosophical justifications. They thus condemn philosophy itself according to a conception of reason and of proof that

¹ TN: That is, from Descartes' geometrical style of philosophy.

arises from philosophy, and which they can justify only by infringing on their own principles.

To avoid the regrettable consequences of such a necessary rationalism, I would like to present a conception of reason that follows from a less limited theory of proof. Couldn't we allow for the existence of other means of proof besides formal proofs? Note that this was very much the opinion of Aristotle who, besides analytical proofs, made room for proofs that he called "dialectical", which he studies in the *Topics*, and which he applies in his *Rhetoric*. The *Topics* deal with opinion [*lopinable*] and the means to arrive at the best opinion concerning a controversial problem. On the other hand, according to Aristotle the goal of rhetoric is to provide the means to influence the barely competent audience gathered around the public square. In fact, the two treatises both deal with argumentation. If Aristotle did not insist upon their kinship, it is because he did not see that the *Topics*—which he had composed after the *Analytics*, but the domain of which would be probable reasoning rather than necessary reasoning—also examines the means of influencing a particular audience by means of reasoning. This audience is no longer constituted by a crowd of ignorant people, but by the subject himself when it is a matter of an inner deliberation or, during a discussion, by an individual interlocutor, or by what we could call the universal audience, formed by all reasonable humans, during the presentation of a thesis whose validity should be universally recognized. It is this latter audience that particularly interests us, because it allows us to introduce and to understand the historicity of reason.

Unlike eternal reason, historical reason is not a demonstrative reason: it manifests itself in deliberation and in argumentation. It does not tie one impersonal truth to another, but allows the transition from the adherence to certain theses (actual or presumed) to the adherence to other theses that must be advanced. The aim of deliberation and argumentation is reasoned action,² and the steps that lead there include establishing a state of mind or a disposition to act, and making a decision. Every argument, whatever it may be, intends to influence an audience, understood in the broadest sense of the word, encompassing not only listeners but also readers. This audience is not a blank slate, but already accepts certain facts, certain suppositions, certain values, and certain argumentative techniques. This is true for any audience, and is true too for that audience that in our view should incarnate reason. This universal audience is not provided by experience [*expérience*] alone, although experience contributes to the elaboration of the idea we have of it. Our idea of

² TN: Perelman uses 'raisonnée' here (which could be translated as 'rational'; but 'rational' in this context would be misleading) in a way that can be tied to the importance of the reasonable in his thought.

it [i.e., the universal audience] always consists of an extrapolation that begins with the actual adherence of certain individuals (the self-evident facts held by the subject; the agreement of interlocutors; common sense; the assent of the scientific community [*cit *]), which is presented as a sign of the universal audience's validity. We posit that the theses attributed to this audience can vary in time, that they are not impersonal but rather dependent on the person who declares them, and on the milieu and the culture which shaped him. For that matter, very often what this audience is supposed to accept is not explicitly declared, but is found implicitly in the argument of the person who addresses it. The reconstruction of theses that were presumed to have been accepted by the universal audience, and the study of the historical evolution of its convictions, would be among the most fascinating tasks in the history of ideas.

Argument that relies upon premises that are assumed to be accepted cannot develop without appealing to specific techniques. These include, firstly, the *t potoi* or the commonplaces [*lieux*], that is to say the argumentative models that, according to Aristotle, are accepted by everyone. The loci that Aristotle enumerates in the *Topics* are by nature very diverse, and characterize above all the Aristotelian concept of the universal audience. Several of these loci remain commonly used; others, such as that of the superiority of cause over effect, are more contested; and finally, there are some that Aristotle neglects which we value, such as the "romantic" loci that affirm the superiority of the unique, the irreplaceable, the incomparable, the precarious. Aristotle's loci arise from the classical spirit: they are loci of quantity, of the homogenous, of the comparable. Beside loci, which he examines at great length, Aristotle grants great importance to argumentation by example. But his *Topics* is not exhaustive by far on the study of argumentative structures. A renewal of the theory of argumentation comparable to the brilliant development of the modern theory of demonstration, the work of logicians and mathematicians, is necessary.³

A treatise of argumentation pointing out the argumentative use of reason would show that the criticisms of strict rationalism, which recognizes only analytical proofs, are meaningless for a rationalism that makes room for dialectical proofs. In fact, dialectical proofs are not at all restrictive. They provide arguments for an opinion considered as more plausible than another, and this greater or lesser "probability" cannot be proven by means of a calculation of probabilities, which provides analytical proofs. In this case, who is the judge of the plausibility of theses? It would no longer be an eternal, unchangeable, impersonal, asocial and ahistorical reason, as when it is a matter of self-evident

3 Cf. Ch. Perelman and L. Olbrechts-Tyteca, *Rh torique et philosophie. Pour une th orie de l'argumentation en philosophie* (Paris, 1952).

propositions and necessary demonstrations. It is up to the person who judges to assume the responsibility of his decision and of his choice: on one hand, because deliberation and argumentation are not necessary, and are not concerned with self-evident theses (they always assume the existence of opposing theses, and of a possible argument supporting each); on the other hand, because there are no mechanical and impersonal criteria to show that either of the opposing theses is superior. In this way, contrary to the Hegelian conception in which rival theses are overcome by means of a necessary dialectic, the real process of argumentation cannot refrain from making an appeal for spiritual liberty.

In choosing to adhere to an opinion which he could have developed beforehand, the thinker commits himself personally, and his decision allows the judge to be judged. For that matter, nothing prevents the judge who has been judged from expressing his opinion about the individual who judged him in turn, and, as long as the existence of a judge as final authority is not recognized, this reflexive process can go on indefinitely. As a result, any social order that cannot tolerate permanent indecision must provide for the existence of a final authority. In conceptions that transcend the social, this final authority is incarnated in a perfect being or in any other form that can be absolute, the perfection or the absolute serving as the ultimate justification of the fact that it is a final authority.

The thinker or the man of action who adheres freely to a thesis is not an abstract being. His decision and his judgment are the expressions of what he is, and he judges according to a system of reference. This system is often a body of scientific, judicial or theological doctrine, and he who decides does so as a scholar, as a lawyer, as a theologian. This system of reference may be incomplete and imprecise; it may consist of a few principles such as the salvation of the homeland, the honor of the family, public order, or the good of humanity. As for philosophical thought, one of its pre-eminent characteristics is that it is very difficult to tie it to such a system or body of doctrine. Philosophy is instead characterized by an intention, which is that of universality. The philosopher is he who, in the elaboration of his thought, follows the prescriptions of Kant's categorical imperative: he wants his premises and his reasoning to be valid for the community of reasonable minds, for the universal audience. Even if the theses of the philosopher are mystical, their philosophical defense aims at the universal.

This aim is the sole criterion of rational argumentation, of which the most beautiful models are to be found in philosophical thought. In his argumentation, the philosopher addresses the universal audience, whose historical features we have seen. The theses that this audience is supposed to accept, the loci

that it prefers, and the examples and the analogies that inspire it vary in time. And if philosophers appeal to this audience, it is always in order to modify one or another accepted theses based on other accepted theses, which serve as an argumentative instrument of action [*levier*⁴]. In this way, philosophy is doubly precious for historical reason, because philosophy reveals historical reason to us by formulating it, and because philosophy modifies historical reason.

The conception of historical reason presented in these pages are also a part of an historical evolution; it is a part of the rationalist tradition of the West. It is to save this tradition that I propose enlarging the conception of reason beyond that of necessary reason, which has for three centuries dominated our philosophical debates.

4 TN: Perelman's use here of the image of a mechanical lever further grounds the rhetorical act in the world and in time.

Time in Argument: Dissociating Values

In “De la temporalité comme caractère de l’argumentation” [On Temporality as a Characteristic of Argumentation], Perelman and Olbrechts-Tyteca develop a theme that may seem banal to a twenty-first-century reader or academic:

The oppositions we notice between classical demonstration, formal logic, and argumentation may, it seems, come back to an essential difference: time does not play any role in demonstration. Time is, however, essential in argumentation, so much so that we may wonder if it is not precisely the intervention of time that best allows us to distinguish argumentation from demonstration.¹

However, the thesis they advance was striking at the time, providing Western thought with an answer to the post-World War II crisis of reason in the form of a rhetorical system designed for reasoning in the world. Perelman and Olbrechts-Tyteca were among a host of thinkers who sought to redress the failure of reason to address questions of ethics and the world of the living. Their emphasis on the importance of time in argumentation bridged the separation that Peter Ramus has made between rhetoric and logic (and thus between argumentation and demonstration); in so doing, moreover, they determinedly extended reason into the *vita activa*.²

“De la temporalité” was first published in a special issue of the Italian journal *Archivio di filosofia* devoted to time.³ It serves as a bookend to Perelman’s 1949 article, “Philosophies premières et philosophie régressive”, which constitutes, in essence, Perelman’s philosophical justification of his turn to rhetoric. “De la temporalité”, on the other hand, provides a much clearer conceptualization of

1 All quotations from “De la temporalité comme caractère de l’argumentation” may be found in our translation, below.

2 See D. A. Frank and M. Bolduc, “From *Vita Contemplativa* to *Vita Activa*: Chaïm Perelman and Lucie Olbrechts-Tyteca’s Rhetorical Turn”, *Advances in the History of Rhetoric* 7 (2004) 65–86; D. A. Frank, “A Traumatic Reading of Twentieth-Century Rhetorical Theory: The Belgian Holocaust, Malines, Perelman, and de Man”, *Quarterly Journal of Speech* 93.3 (2007) 308–343.

3 Our commentary and translation of “De la temporalité” was originally published in *Philosophy & Rhetoric*; they are here slightly revised. See D. A. Frank and M. Bolduc, “Perelman and Olbrechts-Tyteca’s ‘Concerning Temporality as a Characteristic of Argumentation’: Commentary and Translation”, *Philosophy and Rhetoric* 43.4 (2010) 308–336.

argumentation and its relationship to time than can be found in the *Traité* and in “Philosophies premières”.

In one of his later essays, Perelman places Parmenides’ vision of a timeless, “ontological monism” at the center of the twentieth-century European philosophical heritage.⁴ The Western and classical view of time can be traced to the great poem of Parmenides who, using the method of demonstrative deduction, “eliminated time from his ontology by appealing to the logical features of language and thought; in effect, he argued that time cannot be the object of any possible thought and consequently does not exist”.⁵ In the late nineteenth and early twentieth centuries, logical positivists and analytic philosophers including Gottlob Frege and A. J. Ayer built upon this heritage, which dominated the prewar vision of reason. This vision placed reason beyond the pale of experience and lived time, beyond what Bergson termed “*durée*”, which dealt with the actual and left open the possibility of an unknown future.

Time played a fundamental role in the postwar critique of totalitarian movements and the prewar constriction of reason to apodictic logic. Hannah Arendt, in her *Origins of Totalitarianism*, described the logic deployed by the Nazi movement and identified the characteristics of totalitarian thinking, which put ideas and action beyond the reach of time and change. Arendt crystallized three elements unique to totalitarian thinking. First, totalitarian thinking provides complete explanation, irrespective of the vagaries of time: “The claim to total explanation promises to explain all historical happenings, the total explanation of the past, the total knowledge of the present, and the reliable prediction of the future”.⁶ Second, totalitarian thinking is not affected by experience, as nothing new can evolve or arise to challenge totalitarian principles. Third, totalitarian thought and thinking are “emancipated” from “experience through certain methods of demonstration”.⁷ Ideological thinking “orders facts into an absolutely logical procedure which starts from an axiomatically accepted premise, deducing everything else from it; that is, it proceeds with a consistency that exists nowhere in the realm of reality”.⁸ In totalitarian societies, logical deduction rules, and the connections between and among premises are fused, closed, and resistant to experience.

Perelman detected the influence of the prewar definition of reason that limited its domain to the questions posed by logical positivism and excluded

4 C. Perelman, *The New Rhetoric and the Humanities: Essays on Rhetoric and Its Applications* (Dordrecht, 1979), 62.

5 P. Turetzky, *Time* (London, 1998), 10.

6 H. Arendt, *The Origins of Totalitarianism* (New York, 1958), 470.

7 Arendt, *Origins*, 470.

8 Arendt, *Origins*, 470.

values in the rise of totalitarian movements. He understood that in the wake of World War I, positivism and rationalism represented attempts by philosophers to separate reason from emotion and values, the latter considered the product of metaphysical idealism, irrationality, and religion. In the postwar period, Perelman also isolated the profound weakness in logical positivism, which completely disarmed those who sought values for proper action in the *vita activa*.⁹ Before the war, Perelman noted, “We lived with a certain unease at the Free University because we were not able to use a positive doctrine to oppose fascist slogans, dogmatism, fanaticism, or the appeal to force that these doctrines advocated”.¹⁰ In reconstituting, if not rescuing, reason, philosophers in the immediate years after World War II sought to challenge the limited definition of logic and rationality sponsored by logical positivism.

The challenge brought to the fore the relationship between time and reason, a foundational consideration in the New Rhetoric Project [NRP] generally and more specifically in “De la temporalité”. Although Perelman and Olbrechts-Tyteca make clear their NRP is concerned with extending reason beyond the sphere of the *vita contemplativa* to the *vita activa*, this relationship between time and reason is opaque in the *Traité*.

“De la temporalité” responds to totalitarian thinking and offers a timely critique of American and European philosophy of the 1950s. As John McCumber writes, American philosophers, chilled by McCarthyism, limited themselves “to the pursuit of true sentences (or propositions or sentences)”, purposefully avoiding current events or things political.¹¹ “De la temporalité” boldly announces that argumentation, as an expression of reason, is the counterpart to demonstration, and thereby offers to the *vita activa* and things political the tools of logic long available to the *vita contemplativa*.

The distinctions Perelman and Olbrechts-Tyteca make between demonstration and argumentation, which they had made in their “Logique et rhétorique” and which Perelman had suggested between the *vita contemplativa* and the *vita activa* in his “Philosophies premières”, have led some commentators to conclude that the NRP frames them as binaries with nothing in common. Perelman and Olbrechts-Tyteca’s strong indictment of Descartes, demonstrative logic, and the classical tradition of philosophy suggests to Frans Eemeren and Rob Grootendorst an “ill-considered prejudice that for the

9 C. Perelman, “Le libre examen, hier et aujourd’hui”, *Revue de l’Université de Bruxelles* 2.1 (1949) 39–50.

10 Perelman, “Le libre examen”, 46. Our translation.

11 J. McCumber, *Time in the Ditch: American Philosophy and the McCarthy Era* (Evanston, IL, 2001), xix.

analysis of argumentation logic has nothing to offer".¹² Others believe the NRP ultimately defaults to Enlightenment thinking with its "universal audience", which is interpreted as an audience that applies timeless and eternal standards of rationality.¹³

"De la temporalité" answers these criticisms by developing (as seen in the *Traité*), an argumentative expression of reason sharing much with demonstrative and apodictic logic. The relationship is familial, with argumentation and demonstration sharing the essential characteristics of reason. In describing the terminology of argumentation, Perelman and Olbrechts-Tyteca used the phrase quasi-logical argumentation (arguments using the schemas of logical or mathematical demonstration) to nest both argumentation and demonstration within reason. The key difference between the two is Bergson's "*durée*", duration or lived time, and Eugène Dupréel's "*intervalle*", the space between premises and the steps of reasoning.

Perelman and Olbrechts-Tyteca only mention Bergson once in the article. Yet, Bergson's philosophies of time and comedy were highly influential in the French-speaking world before and after World War I, and they had a significant influence on the NRP.¹⁴ Bergson argued that science and math had failed to account for the role time played in human experience and offered the notion of "*durée*" as an alternative that better captured it. Bergson's translators complain there is no direct equivalent to "*durée*" in English.¹⁵ The literal translation is "duration", but Bergson meant far more than a bracketed period of time. Bergson set "*durée*" off from the empty time [*temps vide*] of mathematics and geometry and used the term to refer to the human encounter with the variegated planes of time. Humans do not experience "*durée*" as a "unilinear, actual, succession, but a tiered range of different actual rhythms".¹⁶ Bergson's "theory of the planes of '*durée*'" sees time as a "stratified system of temporal rhythms running at different rates, each a condensation of other temporal rhythms".¹⁷ Perelman and Olbrechts-Tyteca assume a Bergsonian vision of time, unfolding its meaning in the realm of argumentation when they discuss the planes of time within argumentation.

12 F. H. van Eemeren and R. Grootendorst, *Argumentation, Communication, and Fallacies: A Pragma-Dialectical Perspective* (Hillsdale, NJ, 1992), 4.

13 L. Ede, "Rhetoric Vs. Philosophy: The Role of the Universal Audience in Chaïm Perelman's the New Rhetoric", *Central States Speech Journal* 32 (1981) 118–125.

14 S. Guerlac, *Thinking in Time: An Introduction to Henri Bergson* (Ithaca, NY, 2006), xiii.

15 J. A. Gunn, *Bergson and His Philosophy* (London, 1920), 70; Guerlac, *Thinking in Time*, xiii.

16 J. Mullarkey, *Post-Continental Philosophy: An Outline* (London, 2006), 27.

17 Mullarkey, *Post-Continental Philosophy*, 27.

Dupréel, a mentor to Perelman and Olbrechts-Tyteca, provides many of the philosophical touchstones of the NRP.¹⁸ His teachings and writings highlight the multiplicity of values: he argues that the tension between and among values is worked out through dialogue and emphasizes that reason itself and the very tools of thought may evolve.¹⁹ Out of this constellation of ideas emerged Dupréel's notion of "*intervalle*", cited by Perelman and Olbrechts-Tyteca at a critical juncture in "De la temporalité", and labeled "original" by Deleuze and Guattari.²⁰

The notion of "*intervalle*" is the indeterminate wedge between cause and effect, the space between items in a hierarchy, which Dupréel argued was missing in classical thought.²¹ Dupréel does not deny cause and effect reasoning, nor the need for order, but insists that causes and effects must be separated to preserve free will. Without some indeterminacy in causation or the construction of order, there would be no space for liberty, creativity, or evolution. Perelman and Olbrechts-Tyteca import the notion of "*intervalle*" into the NRP to chart a course between demonstration and aporia in argument. In so doing, Perelman and Olbrechts-Tyteca extend Dupréel's realism by acknowledging the existence of logical patterns and the necessity of order. However, unlike the rationalists, they do not place patterns of logic and order beyond human time, and unlike radical skeptics, they do not devalue apodictic logic and justified hierarchies. With Dupréel's notion of "*intervalle*", they identify a realm in which demonstrative and argumentative reason overlap.

The relationships between and among premises and conclusions in formal logic and analytic philosophy are not affected by the passage of time. Perelman and Olbrechts-Tyteca do not argue, however, that the structure of formal logic is meaningless; rather, they suggest that it is changed and altered as it enters "*durée*". In the new rhetoric's constellation, the audience is a construction of the speaker who is affected by exigencies; similarly, reason and logic are constructions yielding to the forces of time and context. Ambiguity and controlled

18 See Perelman's numerous articles devoted to his mentor: C. Perelman, "À propos de la philosophie de M. Dupréel", *Revue de l'Université de Bruxelles* 37.3 (1932) 385–399; "Fragments pour la théorie de la connaissance de M. E. Dupréel I", *Dialectica* 1 (1947) 354–366; "Fragments pour la théorie de la connaissance de M. E. Dupréel II", *Dialectica* 2 (1948) 63–77.

19 S. C. Brown, D. Collinson, and R. Wilkinson, *Biographical Dictionary of Twentieth-Century Philosophers* Routledge Reference (London, 1996), 206.

20 G. Deleuze and F. Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (Minneapolis, 1987), 611.

21 Bernard Cache and Michael Speaks, *Earth Moves: The Furnishing of Territories* (Cambridge, MA, 1995), 22.

equivocation are built into the system of logic set forth by Perelman and Olbrechts-Tyteca.

In “De la temporalité”, the characteristics of Perelman and Olbrechts-Tyteca’s model of argument come into view. Their model is plastic, open to modification, and does not have pretensions of formal laws. Their model begins with the analogy of argument as a “succession of knots” within a larger flow of human consciousness. These knots are expressions of reasons that have both diachronic and synchronic meaning. Both the object of argument and its logic are affected and shaped by a preceding history, the exigencies of the moment, and visions of the future. Argument is carried out within planes of time that overlap. Operating within the limits of time, those who engage in argument must make choices, as advocates will never command all of the reasons and proofs available or necessary on a given issue. There are precedents and models one can rely on to launch an argument, but because inertia rather than good reason may impel an advocate to use them, they may be subjected to interrogation.

There are two specific argumentative techniques Perelman and Olbrechts-Tyteca develop in this article, quasi-logical arguments and dissociation. These arguments draw on the logical presuppositions of demonstration but incorporate the effects of the forces of “*durée*” and “*intervalle*”. Timeless and time-bound rules of rationality are joined in this technique of argument. For all their disparagement of demonstration’s evasion of time, Perelman and Olbrechts-Tyteca devote a paragraph of “De la temporalité” to a neutral description of the role of the timeless in the logic of argumentation. However, they are quick to note how the timeless dimensions of demonstrative reason are modified when they enter time.

The second technique, to which they devote a significant section of part 3 of the *Traité*, is dissociation. Olbrechts-Tyteca claimed their notion of dissociation, in relation to philosophical pairs, was among the most novel insights of their project.²² The larger aspiration of the NRP is to envision a universe in which opposites can coexist. To achieve this aspiration, Perelman and Olbrechts-Tyteca point out that the law of noncontradiction is only relevant in formal systems because true contradictions do not arise in the realm of “*durée*”, action, and “*intervalle*”. According to Perelman and Olbrechts-Tyteca, only in timeless systems must one choose between opposites. In time-bound systems, on the other hand, there are no contradictions but rather incompatibilities, which can coexist in and over time precisely because one can satisfy incompatible demands over time. The process of dissociation brings opposites together

22 L. Olbrechts-Tyteca, “Les couples philosophiques”, *Revue internationale de philosophie* 33 (1979) 81.

in time to seek a creative restructuring of their relationship and account for a need to act.

Situated audiences judge these techniques with the use of argumentative reason, calling on Perelman and Olbrechts-Tyteca to take up the discipline of rhetoric. Those who argue, according to Perelman and Olbrechts-Tyteca, seek to persuade a particular audience and a universal audience. The last, a notion causing the greatest confusion and controversy in the new rhetoric's system, is the vision an orator has of what a universal audience would find reasonable. Even this vision of universality, Perelman and Olbrechts-Tyteca conclude, is affected and limited by the time and place occupied by the orator.

"De la temporalité" provides a philosophical grounding for argument, thereby marking an evolution in the thinking of Perelman and Olbrechts-Tyteca. It complements Perelman's 1949 "Philosophies premières", which had provided a similar philosophical grounding for rhetoric. "Philosophies premières" points toward "De la temporalité" in its conclusion, which argues: "A proponent of regressive philosophy is held to a certain modesty in his affirmations: the future does not belong to him, his thought remains open to unforeseen experience".²³ "De la temporalité" was written after a decade-long study of rhetoric and argumentation and offers the precision and rigor that some critics find lacking in the *Traité*. The following translation is meant to offer English readers an opportunity to consider how Perelman and Olbrechts-Tyteca developed their philosophy of argumentation, one which moved reason into the world of time, action, and values.

23 D. A. Frank and M. Bolduc, "Chaim Perelman's 'First Philosophies and Regressive Philosophy'", *Philosophy and Rhetoric* 36.3 (2003) 204. See also our translation, above.

Translation and Commentary

Chaim Perelman, and Lucie Olbrechts-Tyteca. "De la temporalité comme caractère de l'argumentation". *Archivio di Filosofia. Il tempo* 28:2 (1958) 115–133

We have given the name argumentation to the set of discursive techniques allowing us to create or increase adherence to theses that are presented for assent; the traditional term demonstration is reserved for the means of proof permitting us to come to a conclusion by moving from the truth of certain propositions to that of other propositions and, in the field of formal logic, by moving from certain theses of a system to other theses of the same system with the aid of defined rules of transformation.

Whereas demonstration in its most perfect expression is a succession of structures and forms whose development cannot be challenged, argumentation has a noncompelling character: it allows the listener hesitation, doubt, the freedom of choice; even when it proposes rational solutions, none is guaranteed to prevail.

The oppositions that we observe between classical demonstration, formal logic, and argumentation may, it seems, come back to an essential difference: time does not play any role in demonstration. Time is, however, essential in argumentation, so much so that we may wonder if it is not precisely the intervention of time that best allows us to distinguish argumentation from demonstration.

Demonstration is, as we have said, probably a succession of structures and forms: but this succession may be presented at once, instantaneously. Because nothing new is integrated on the way, nothing of what is given changes.

Demonstration arises from contemplation; it is situated in the instant, or at least in empty time [*temps vide*]. Arguably, it even has mystical characteristics: God sees all eternity; man sees what God sees. He sees it immediately and forever; conclusions are established from the beginning and once and for all. Insofar as demonstration addresses an agent, we will devise techniques to ensure the timelessness of premises, such as Cartesian fact and definitive, complete, indubitable intuition. We will also devise techniques to ensure the timelessness of the conclusion; demonstration will not address man in his entirety but certain timeless faculties such as understanding and reason. Formal logic shares in this contemplative aspect, in the sense that its rules of formation and of transformation are given outright. The initial intuitive fact here gives way to a social convention, but the sequence of events that occurs demands no involvement from the person to whom it is presented. Let us add that this characteristic of contemplation is associated with demonstrations dealing with the probable insofar as the probable is considered certain: a demonstration

of modal logic or a demonstration aiming to assert the numerical probability of the appearance of certain events on the basis of defined data could be considered as timeless, as long as a free agent or a contingent event modifying the anticipated sequence of events is not introduced into the calculation.

Argumentation seeking adherence, on the other hand, is essentially an action: the action of an individual that we may call, in a very general sense, the orator, upon an individual that we may also call, in a very general sense, the listener, and this action is done in order to trigger another action.

Argumentative action, as well as the action that aims at triggering argumentation, are the acts of agents. The person intervenes each time with his constancy but also with his faculty of choice, with his creative liberty, with the unforeseen turns of his behavior, and with his precarious commitments. When a person adheres to the theses that are presented to him, he does not simply record the results of an argument. Instead, the theses he may adopt as a result of argument may be adapted or modified in accordance with his other beliefs; new structures of belief can be created to permit full adherence to what is proposed.

Let us note that the ancients—who otherwise had a very sharp awareness of the role of argumentation and of the distinction to be made between analytical reasoning and dialectical reasoning or rhetoric, who emphasized the role of the orator and that of the audience—had a tendency to consider argumentation as a type of contemplation. The sentence of a judge, says Aristotle, bears on the past.¹ That is to say, we consider principally the verdict on what the events were and not as an action that will influence the future. For Quintilian, epideictic discourse is that which discerns blame or praise; it too bears on the past.² The ancients saw argument leading primarily to a vision, undoubtedly because their general philosophical tendency was contemplation and because they held that the essential tasks of the orator were to deal with the problems of conjecture (considered as the reconstitution of what the events were) and qualification (considered as the just attribution of certain terms to certain beings, acts, or situations). A more complex view of the orator's tasks and also of the notions with which we are familiar from more recent philosophies, notably pragmatism, help today to discern the active dimension of argumentation.

The action of the orator is an aggression, because it always aims to change something or to transform the listener. Even when it strives to reinforce the

1 Aristotle, *Rhétorique*, book 1, 1358b, trad. M. Dufour, Collection des Universités de France (Paris, 1932). *TN*: For the English, see Aristotle, *On Rhetoric: A Theory of Civic Discourse*, trans. G. A. Kennedy, 2nd ed. (New York-Oxford, 2007), 48.

2 Quintilian, *Institution oratoire*, trad. H. Borneque (Paris, 1933), III.4 §7. *TN*: For the English, see Quintilian, *The Institutio Oratoria of Quintilian Books 1–3*, trans. H. E. Butler, 4 vols., Loeb Classical Library (Cambridge, MA, 1921), 393.

established social order, argument undermines and threatens the tranquility of the person to whom it is addressed and whose beliefs it strives to support. This action intends to cause another action; the desired adherence will be rendered by an action or at least by a disposition to action. It is not enough to obtain a decision; this decision truly manifests itself only if, when the time comes, it is capable of triggering an action. So long as it does not limit itself to making a “war of decrees”, as Demosthenes rebuked his fellow citizens.³

In demonstration, it is not a question of verifying if the agreement given to conclusions of reasoning lead to action; since these conclusions are restricted, there is no need to ensure that the demonstration has attained its goal. On the other hand, in argumentation, we will not be content in most instances with a verbal declaration of adherence. The orator will seek to initiate action to justify the confidence that he had put into his arguments. When it is a matter of securing a predisposition to act when circumstances demand it, the orator will take care to reinforce such a predisposition as often as possible. We know the effects of argumentation are not definitive, that adherence is changeable with time, that it has a tendency to weaken, although on occasion, it might receive unexpected reinforcement.⁴ In any case, while memory suffices to retain a demonstration, argumentation must be lived anew. At most, adherence gained through argument will be provisional and subject to revision.

Every formulation of adherence goes beyond the present moment: we think that we adhere, we declare that we adhere, while it may be that we no longer adhere. But the relative stability we confer on adherence by expressing it is very precarious: every commitment can be taken back. This explains why, on one hand, the orator may be eagerly awaiting signs of adherence in order to build upon them in a subsequent argument. We know the role that certain techniques like the oath, confession, and the judged object play in this regard. On the other hand, an argument may never be totally sufficient. The nature of argumentation invites interest in repetition and insistence, which are without utility in demonstration. That argument may never reach sufficiency legitimates the search for arguments in favor of a decision that has been made already. We too often have a tendency to see only ill will or illusion in the consistent practice of reasoning after having taken a position.

3 Démosthène, “Première Philippique” §30, in *Harangues*, ed. M. Croiset, Repr. (Paris, 1946). *TN*: For the English, see “First Philippic” in *Demosthenes, Speeches 1–17*, trans. J. Trevett (Austin, TX, 2011), 79–80.

4 *TN*: On the subject of the “sleeper effect”, see C. Perelman and L. Olbrechts-Tyteca, *Traité de l’argumentation: La nouvelle rhétorique* (Paris, 1958), 65; *The New Rhetoric: A Treatise on Argumentation*, trans. J. Wilkinson and P. Weaver (Notre Dame, IN, 1969), 49–50.

But every position taken is precarious; every argument is integrated into a perpetually changeable context. The arguments that appeared sufficient to prompt a decision would, perhaps, not be valid for a different audience. Someone who has decided understands this perfectly, which explains the concern to seek out arguments other than those that convinced him in the first place in order to convince others.

Tied to all of the changes that time brings about—the change of the person making the argument and the argumentative context—is that fact that argumentation is never definitively completed; it is never useless to reinforce it. But, on the other hand, because it is an action, argumentation is located within strict temporal limits. The length of discourse is often rigorously controlled; the attention of the listener cannot be prolonged indefinitely. The urgency of a decision may prevent debate, even if uncertainty has not been overcome and the facets of the problem have not been examined in an exhaustive manner. In most societies, there exist institutions dedicated to enforcing time limits on debate (unless circumstances make such restrictions unavoidable). The *nappaltlatolli* (“the speech of twenty-four hours”) of the Aztecs, described as general hearings over several days (occurring every four months of the native calendar) during which all the unsettled business, political as well as judiciary, was finished, seems to illustrate how time limits work.⁵

The scope of a demonstration has nothing in common with that of the scope of argumentation, because, theoretically, there is no temporal limit to demonstrations. One who initiates a demonstration may be followed by a second who conducts the same demonstration under the very same conditions; even a machine can end a demonstration after a short period of time. Once finished, it is not useful to repeat a demonstration. It is for reasons of convenience or elegance that an author of a demonstration will simplify one part of a demonstration or develop another. This didactic decision will not modify the value of the demonstration, because it is always understood that the superficial and simplified parts could be rigorously developed. However, in argumentation there is both a strict limit to what we can introduce and an unlimited benefit of introducing new arguments, making the problem of scope essentially a problem of choice. The problem has as a corollary the technique of allusions; we give the impression that we do have arguments at our disposal, we make allusions to them, we sketch them out, leaving the task of developing them to the listener. This leads to the capital importance of giving presence to arguments: we make sure to place and maintain in the field of consciousness elements that should produce adherence;

5 J. Soustelle, *La vie quotidienne des Aztèques à la veille de la conquête espagnole* (Paris, 1955), 170–172.

the insistent [*appuyé*] style, meant to provoke emotions, mainly aims to frame thought. Similarly, the elements of an argument to which we grant presence are valorized because they are chosen: value judgments intervene in this way simply by the use of certain data. And while in demonstration, no primacy is conferred upon any particular element used in it over the other elements of the system, or upon sequences that recur, or upon those that occur but once, it is not the same case with argumentation. In argumentation, privileging a proof, repeating an affirmation, and scrutinizing the consequences of a hypothesis may be signs of hierarchization.

We understand the role diversion can play in a debate. It confuses the issues under debate, but even more fundamentally, it devours the time allotted to debate; the filibuster that American senators practice is an extreme case of diversion. However, although an argument can always be usefully pursued, it is sometimes good, so as to give the impression that one has very strong arguments, not to use all of the available time. In this way argumentation takes on certain characteristics of demonstration: it shares its finiteness, its irrevocable aspect.

The temporal vise gripping argumentation not only compels an orator to condense debate, to impose a limit on its scope, to choose the most pertinent arguments, or, if one is a litigant, the most favorable. The vise of time also requires the listener to make a decision within temporal limits, even if none of the arguments presented seem totally convincing, and even if he imagines that a prolonged unfolding of an argument would, at least theoretically, lead to a certain solution. Frequently, arguments of timeliness are considered, calling for a choice: there is an occasion to seize or to miss, circumstances that will never be reproduced, into which the sought-after decision must be introduced. In this way, the constraint of time transforms the very conditions of reasoning: notably, it calls forth the establishment of hierarchies and also modifications of concepts so that they may be more or less adapted—but within the imperatives of time—to a situation.

The problem attending a decision calling for action presents very different conditions than that of a formal system. Unlike in demonstration, in argument it is not a matter of affirming that a proposition or its negation is the thesis of a system, in other words, of proving that the proposition is demonstrable in a formal system. The obligation to decide is given; it precedes all examination of proof. In certain cases, it is even imposed by texts: “The judge who will refuse to judge on the pretext of silence, of abstruseness, or of the insufficiency of law, could be pursued as guilty of a denial of justice” (Napoleonic code, art. 4). It goes without saying that only the limit of time renders this obligation compelling and explains its consequences on thought. It is not a matter of

considering the limits of time as a butcher's knife, cutting off argument when time is exhausted. We have seen that an awareness of time limits affects reasoning and the manner in which it is conducted; it also affects the manner in which the argumentation is received. The decision to be made demands that we adapt the data of the argument, the norms on which it is based, in order to apply them to the present situation. If the judge is compelled to judge by the code of law, he is no less compelled to justify his judgments. The necessity of judging implies that one consider the legal system as complete, as capable of providing a solution. In this way we see that the obligation of deciding can act upon the very notion that we have made for ourselves of legal order. It does not happen otherwise in other domains. In this regard, judicial argumentation offers, it seems, a useful model for grasping certain fundamental aspects of thought committed to action.⁶

Since a limitation of time is imposed on argumentation by the demands of action, it is even more necessary to limit its disadvantages. In all societies, one makes sure that certain debates can be taken up again, and this in spite of the importance accorded to the thing being judged. Sometimes the resumption of previous debates is subject to certain restrictions: it may be necessary to invoke a "new fact", for example. But decisions must be made to determine what constitutes a new fact. That someone wishes to take up a debate again could, if need be, be considered as a new fact, if we did not fear being dragged into all kinds of perpetual revisions. The definition of what constitutes a new fact is thus indispensable. It is difficult, however, to consider such a decision immutable. The decision could be revised by an ad hoc body or be reinterpreted to meet the demands of an unexpected event or situation.

Only to some degree does the resumption of the debate overcome the limitations of time; in many cases, time limitations do exist, beyond which the resumption of debate is forbidden. Nevertheless, argumentation, gripped in a temporal vise, may need to attempt to overcome the effects of time precisely because time affects not only the events that argument is meant to influence or to take into account but also argument's internal structure.

How are these effects of time inevitable? Because, as we have said, they concern actions affecting human agents. But even more precisely, because these agents use data and instruments of reasoning, which are themselves subject to modifications.

Demonstration, and in particular, formal logic, dodge time by isolating data within an abstract system and by immobilizing the instruments of reasoning.

6 C. Perelman, "Le rôle de la décision dans la théorie de la connaissance", in *Actes du 11^e Congrès international de l'union internationale de philosophie des sciences* (Neuchâtel, 1955), 150–159.

The influence of context on data can be avoided by two means: by artificially isolating the system or by considering that the system encompasses the totality of the cosmos. Demonstration uses the first means, perfectly and definitively in formal systems, imperfectly in the demonstrations of natural sciences, which must confront their results with reality but do not take this reality into account over the course of the demonstration. The second means of avoiding the influence of context that should be called totalitarianism rather than isolation is suitable only in a theoretical conception of demonstration at a divine level.

But neither of these two ways of treating data can be used in argumentation. In fact, in argumentation we cannot determine a priori what is relevant: the commitment of the person is open to revision if new objections are introduced. The usefulness of scope is thus, as we know, unlimited. Even during argument, whether one wishes it or not, new premises will be introduced. In this regard, we could be tempted to compare argumentation to a succession of demonstrations, of which each would have other premises, a sort of chain of demonstrations, interrupted by a few jumps. This point of view is permitted only if we recognize that these jumps are not only unforeseeable but that they can be different for each listener and, moreover, if we recognize that the conclusion can react to the premises, so that very often the entire process of reasoning must then be resumed on new bases. In addition, spontaneous arguments are almost always added to the evidence proposed by the orator in the listener's consideration of the discourse itself. To elaborate: the listener considers the discourse as an object of thought. These spontaneous arguments constitute many new premises, which interact with the original evidence proposed by the orator.

Let us add, finally, that argumentation encounters incessant changes of register that demonstration does not know. Formal logicians take great care to distinguish language from metalanguage so that there is no confusion between them. In argumentation, not only does the existence of spontaneous arguments cause the thought about the discourse to mix with the object of the discourse, but this object itself is situated on levels that vary constantly. An orator who wants to prove that his opinion has not changed on a matter will not hesitate to take into account the matter itself and his opinion of it, but he will also suggest that the concept of "change" is used wrongly by the adversary or even consider in his argument the nature of concepts in general. Undoubtedly, we could avoid these changes of register, or at least analyze them so as to recognize how they affect argumentation; but they do not at all have the same characteristic that the unthinking passage from language to metalanguage has. In fact, these changes in register act on argumentation by modifying

its effects, because they are joined to it just as are the spontaneous arguments provoked by the discourse. The distinctions between language and the objects of language or between languages of different registers may be introduced for the sole purpose of valuing or depreciating notions in a subsequent argument. One understands the depreciation when an enunciation is referred to as a “word” rather than a “thing”. The dissociation between that which is “verbal” and that which is “real” is, however, only one mode of depreciation tied to distinctions of register. Such depreciation can also take place by dissociating a valid concept from an illusion of the concept, by which we mean that which shouldn’t figure among our tools of thought. In this way, argument concerning our duties to our nation could treat “nation” as an object whose characteristics we analyze, or as an object whose name we have verified, or as a concept whose borders we have determined, or as a concept whose legitimacy we discuss, or as an expression for a meaning we seek, or as an expression whose impact we calculate. There are hardly any limits to this game of possible levels because these points of view are not fixed once and for all. They are adopted over the course of many debates and generally with an argumentative intention. They sometimes are imposed quite naturally on the interlocutor, independently of what is explicitly proposed. And so the data of argumentation form a whole that cannot be definitively closed.

If demonstration frees itself from time by isolating arguments from their context and introducing them within a system, it also attempts to liberate itself from the influence of time by means of the instruments of reasoning it uses. The attempt to secure univocal definitions is a means of freezing time, emancipating itself from language. Demonstration becomes nothing but language or transcends language, as meaning is fixed and rendered beyond change. Demonstration suppresses the influence of the symbol on the symbolized and vice versa. Argumentation, on the other hand, is mainly an act of communication. It implies a communion of minds, a shared idea of the world allowing for real action; it presupposes a living language, with all that this entails of tradition, ambiguity, and permanent evolution.

Because they are expressed in the natural language of a social community, the notions used in argument cannot be completely detached from their history. This history will be more or less present depending on the interlocutors but sometimes will be expressed in a different fashion. There is no linguistic sign that wholly lacks etymological significance, whether true or false, even for the most imperceptive mind. There is no technical sign that is not influenced by its meanings in other domains and vice versa. This is especially true when it concerns notions that have at some given moment undergone development in philosophical systems, where they have played a technical role, all the while

remaining intended for use in the larger human community. These notions are part of a heritage common to an entire civilization, but with infinite nuances.

Nonformal notions are always “open”, as new situations are always likely to occur demanding new specifications: the notion must be open to adaptation to this unforeseeable role. Over the course of an argument and by their insertion in it, notions sometimes change completely, and new configurations are created that take precedence in thought.⁷

The collaboration of language with thinking, the creation of thought solely as a response to language has often been shown. Cassirer cites with praise a few pages of Heinrich von Kleist’s writings “On the Progressive Completion of Thought in Words”, where, analyzing the famous discourse of Mirabeau, he shows that Mirabeau, who was very reasonable at the beginning of his discourse, did not yet dream of the bayonets with which he would conclude his response to the messenger of the king.⁸ This is an example of the formation of thought by language, allowed by the passage of time alone, but in which the symbols do not, strictly speaking, create their own object. On the other hand, language, by the repetition of certain terms, can invite the listener to entertain new thoughts. In Marc Antony’s funeral oration (Shakespeare, *Julius Caesar* 3.2), the phrase “Brutus is an honorable man” is repeated, which serves not only to reinforce at each moment it reoccurs the opposition between the facts and a description that is laughable, thus creating a cluster of convergent arguments; the repetition also crafts a new object tied to this unique and well-defined context, which is the caricature of an honorable man. This new object will exist at least as long as the discourse retains its influence on the listeners. Nothing can better clarify the formation of such notions born of repetition, which only time and its accumulation of impressions allow to stir up, than the use of the leitmotif in Wagnerian drama. It would be false to say that the leitmotif places a determined form alongside of an object of preexisting thought. We will often express by simple convenience the correspondence between the leitmotif and a situation by the use of already known verbal symbols, which seem adapted to the structure of the drama. But the leitmotif has created musical signs that are not equivalent to anything given, and only repetition has allowed them to be endowed with significance. Although the musical signs used in a leitmotif have no prescribed meaning, they become instruments of communication through their

7 C. Perelman and L. Olbrechts-Tyteca, “Les notions et l’argumentation”, *Archivio di filosofia* 25.2 (1955) 249–269.

8 E. Cassirer, “Le langage et la construction du monde des objets”, *Journal de psychologie normale et pathologique* 30.1–4 (1933) 18–44.

repetition, conferring upon linguistic notions a new content: “broadsword” or “death” can be conveyed through these musical signs, which do not include a common syntax and the use of usual linguistic symbols.

An argument thus exerts upon the listener such an influence that, during the time it unfolds, the way that the audience reacts and comprehends the information is gradually modified. This suggests the considerable importance in argumentation of the assumed order and its capacity of conditioning an audience.

The notion of order has multiple aspects. First, order can express itself as a construction composed of a series of operations of defined progression: Descartes, for example, considers order as a passage from the simple to the complex. Order can also signify the creation of a system: the Palladian order, the capitalist order are systems endowed with a certain completeness, a certain internal perfection, and a certain isolation in relation to other orders or in relation to chaos. The notion of order can intervene in demonstration by means of progression and systemization. Again, it is necessary to insist that these rules of construction are not an integral part of every demonstration and only characterize certain systems in which a demonstration can take place.

We see, in any case, that these two aspects of order, which are important to formal systems, are eminently timeless. All that can be given is given at once, including the construction of the system and the relations between elements. Nothing will change because time passes. However, in argumentation order will take on an entirely different significance. That which is said first serves to support that which follows, which will be received in a totally different fashion by the audience because it will have been modified in the meantime by the argumentation itself or by other influences. This underscores the importance for argumentative effect of the place given to strong arguments, weak arguments, and concessions. This also leads to the importance of taking control of the field, creating a vivid, favorable, and lasting impression whose effect will make itself felt over time. In brief, the totality of the argumentative tactics must take into account the role of time.

There are arguments that draw their significance from the developments that we foresee in them. To say a certain decision is dangerous because it may lead to a subsequent choice, which would be perilous and which we wouldn't make at present, is to recognize that the second decision is a function of the first. To say that one must continue to do what one has been doing in order not to lose the benefits of what has been achieved is to make the past a condition for the future. Arguments of direction and of loss have meaning only in a temporal perspective. Even when we reason about causes and effects, motives and reasons, time intervenes; time is only full time [*temps plein*] when the modifications it introduces are both inevitable and contingent, or at least unforeseen, and cannot be described completely by means of an

existing vocabulary and contemporary knowledge. Time is effective because it creates what Eugène Dupréel has called the interval [*intervalle*], an indeterminacy separating the terms that constitute an order.⁹ In this way, the order in which arguments are situated is the result of the orator's action, and this order understood as a construction, a system, or a necessary determination, gains its importance from the fact that it always includes an interval.

The very nature of argumentation depends in large part on arguments that have already been developed because the conditioning of the audience that has occurred alters the meaning of arguments. But this is not an entirely foreseeable modification. As it is itself situated in full time [*temps plein*], we cannot completely understand it. We can, however, mark the usual, almost insidious, transformation of certain arguments. In this way, a list of examples intended to create a generalization will tend to transform itself into a list of illustrations confirming a rule. This leads us to the capital importance of the order in which the examples are provided, because their transformation into an illustration will depend in large part on the effect produced by the first examples mentioned. We have shown elsewhere that the famous enumeration of examples with which Descartes aims to prove the superiority of an individual work over collective work evolves from examples to illustrations.¹⁰ In the same way, every analogy, insofar as it is accepted, tends to go beyond itself: one transforms the asymmetrical relationship between theme and phore, whereby the theme must be structured and clarified by means of the phore and where the theme and phore belong to different domains, into a different relationship in which the domains overlap and even become united.¹¹ If logical operations are not influenced by time, there is hardly an argument that does not receive its significance or its force from the place that it occupies, from the moment that it is initiated. Because argument enters at a place and time, it is futile to formally distinguish in argumentation judgments of fact from those of value. The status of judgments, in effect, can vary according to the place that they occupy in the discourse: a declaration that, at a certain moment, before a certain audience, will be considered as a judgment of reality could at another moment or before another audience be considered as a value judgment.

Similarly, the force of arguments will not be independent of their context in history. In fact, we think that this force is determined by the rule of justice:

9 E. Dupréel, "La cause et l'intervalle ou ordre et probabilité", *Archives de la Société Belge de Philosophie* 5.2 (1933) 1–51.

10 Perelman and Olbrechts-Tyteca, *Traité de l'argumentation*, 483; *The New Rhetoric*, 359.

11 Perelman and Olbrechts-Tyteca, *Traité de l'argumentation*, 527–532; *The New Rhetoric*, 393–398.

what was considered as valid in a given situation will be considered as valid in a similar situation. The rule of justice requires beings, situations, or objects that belong to the same essential category to be treated in the same manner.¹² Inertia explains the application of the rule of justice to those rules that follow others in time; inertia causes us to treat both new situations and those that we have already encountered in the same manner. According to Schopenhauer, inertia is itself a law of will in the movements of physical bodies as well as in human habits of thought; this, scoffs Sterne, makes man resemble a dog that refuses to learn a new trick.¹³ In any case, we see inertia at work in every argument.

Previously used arguments constitute, then, in each specific discipline types of precedents whose value has been recognized because of their success, whether this is their appropriateness to what one considers as reality, or their later productiveness as a basis of new reasoning, or the consensus that has developed on their subject. They have become examples and models that we can consider reliable.

If inertia can transform the patterns of argument into models, this does not mean that these models, notably argumentative models, are immune to modification. The precedent in law provides an understanding of what we mean: it is a model, an example that one follows until a new fact challenges the precedent. But it is a model that can be changed. A reason that, in a particular society, or in a particular discipline, seemed strong will lose its power in new circumstances, in the same way that a precedent in law can be replaced by an unconventional decision that will, in turn, form a precedent. Time might offer new conditions, encouraging the modification of a court's opinion or means of discovery.

Is this to suggest that argumentation is essentially unstable, uncertain, and unpredictable, and that it leads to arbitrary choice? No. Argumentation is on the contrary built upon a host of stable factors, and we could think of it as a succession of knots rather than a fluid flow. Even if they do not alter its changing character and its insertion into a full time perpetually bringing in novelty, the factors influencing the formation of argument—including temporal interruptions of decision making, a focus on the issues to be judged, a pausing on the object of judgment, and precedents that have become models—all structure the argument. We have said that argument is an aggression. In this aggression,

12 Perelman and Olbrechts-Tyteca, *Traité de l'argumentation* §52, 294–297; *The New Rhetoric* §52, 218–220.

13 A. Schopenhauer, *Parerga und Paralipomena. Band II*, ed. J. Frauenstädt and F. A. Brockhaus (Leipzig, 1939) § 307. *TN: For the English*, *Parerga and Paralipomena: Short Philosophical Essays*, trans. E. F. J. Payne. 2 vols. (Oxford, 2016) §307. L. Sterne, *Vie et opinions de Tristram Shandy*, trans. C. Mauron (Paris, 1946), 188.

the burden of proof always belongs to him who wants to change something, which in law produces rules for advocacy. More generally, every change must be justified, whether a change of behavior or a change of assessment. Change must be justified, because if it is true that the change of time and circumstance can challenge precedent, bearing with it the unforeseen, it is necessary that this change be a recognized act, so that it can justify other changes: "I changed" one will say, "because the circumstances changed". Otherwise inertia rules as master. And one is faced with the enthymeme cited by Aristotle: "If, before acting, I had asked you the attitude in anticipation of this action, you would have granted it to me; now that I have acted, will you refuse it to me?"¹⁴

The matter of our reasoning is, in effect, constructed in such a way so as to minimize both the destructive and creative roles of time.

Formal logic is satisfied with symbols that are not subjected to interpretation; in demonstration, even if we go beyond the purely formal domain, we rely as much as possible on fixed objects, whether they are abstract or concrete. The subject matter, the object of the demonstration, is constituted once and for all. When it is observed in time, it is, as much as possible, empty time [*temps vide*]. Current thought, as well as scientific thought, has created stable objects of thought: things with their properties, structures as an expression of relationships. Argumentation does not fail to use them either. However, insofar as it is action, integrated in time, it cannot claim to immobilize all of its objects in this way. Argumentation assumes conditions of partial stability. The notion of the person and its opposition to acts is the prototype that allows both for retaining the characteristics of spontaneity, variety, and unpredictability of the acts and, nevertheless, for endowing the agent with enough stability so as to use him within argumentative reasoning. Similarly, the notion of essence, in its opposition to accident, provides a stabilizing factor, which is traced upon the connection of a person to his or her act. A series of techniques, notably definition and the epithet, help and confirm this stabilization.

But these gestures to essence and stability are but palliatives. We must, necessarily, argue in time and within its realm. Time permits all sorts of loopholes that render argumentation unrestricted. A person who argues will make great effort to remove beings or norms from time. Only in a closed, unequivocal, timeless system can real contradictions exist, which necessitate the renunciation of certain assertions if one wants to maintain others while fully respecting the principle of noncontradiction, whatever its consequences. In argumentation, there are no contradictions. There are only incompatibilities and the obligation to choose between two things, two rules, two solutions, two actions.

14 Aristotle, *Rhétorique* 1397b.

These incompatibilities result from a decision; they are proposed to an audience for whom they can assume an objective aspect. We will often endeavor to represent them as logical contradictions. So as to remove all ambiguity, we will stress the timeless character of the affirmations of fact or norms of behavior that we initiate.

By rendering certain demands simultaneous, we remove all hope of making them compatible: it is possible to fulfill commitments to many people over time; it is often impossible to fulfill them at the same time. Norms can be rendered timeless when no limits are placed on their application. If a norm is valid in all circumstances, regardless of time and space, it will not be possible to avoid its comparison with other norms, an association that would not otherwise have been inevitable. Every generalization is, in some way, a way of avoiding time and a technique of rendering norms incompatible.

Another means of avoiding time in argument is to emphasize that the accomplishment of a short-term end precludes attainment of a longer-term objective. Florian Znaniecki analyzes convincingly the connection that is at work between a present action and a virtual action. In this way, two impulses conflict when the actions they cause involve the same person who may either resist or cooperate. A child cannot, at the same time, eat a fruit that his mother forbade him to eat and obtain permission from her to go play with his friends.¹⁵ Through the mediation of the mother, the aims the child pursues become concomitant; an incompatibility develops and the child must decide between the two.

Rhetoric, by making certain future events as present in the same way as contemporary events, confers upon them, said Bacon, a force such that they render our decisions more reasonable.¹⁶ In addition to giving future events presence, argumentation confers simultaneity on elements that normally would be distant in time, a simultaneity that derives from their integration in a system of ends and means, of projects and obstacles. These elements become incompatible here, because this system telescopes chains of thought that were isolated and spread out in time.

One technique to prevent some incompatibilities from occurring, however, will be to render the elements that would be incompatible successive, to make them, if not independent, at least linked together in a loose fashion. This dilution of time can happen simply by allowing the conflicting actions to be fulfilled sequentially, avoiding the creation of a relationship between them. It can also happen by making two given behaviors simple

15 F. Znaniecki, *The Laws of Social Psychology* (Chicago, 1925), 201.

16 F. Bacon, *Of the Advancement of Learning* (Oxford, 1944), 179.

actions whose underlying structure maintains their relation. It is sometimes incompatible to act simultaneously as a good father and a good patriot, but the same person can act in one moment as a good father, in another, as a good patriot. The dissociation between act and person does not resolve the incompatibility for the person to whom it is presented. But it does justify successive choices. It allows the person to keep the values he holds, even if it is necessary to sacrifice one of them temporarily. A favorable judgment on a person can be maintained if his prestige is strong enough to prevent his acts from affecting it.

On the theoretical level, the dilution of time allows us to avoid certain difficulties. A communist society will put off until later the pleasure for which present sacrifices will be considered as a means, or the evil in the world will be thought of as temporary; a broader vision of the good will be installed in the future, replacing evil as secondary and accidental. The dissociations that dilute time vary. If we are able to describe a principle, its applications will be of an infinite variety because time, here too, introduces critical thinking, allowing always new and unforeseen thought. Incompatibilities might be avoided by preventing their production in the first place or by imagining compromises that are unlimited.

Quasi-logical argumentation—arguments cast in the schemas of logical or mathematical demonstration—has limitations on its possibilities. But it is only a theoretical aspect, of insufficient interest for us to dwell upon at length at this time. On the contrary, it is important to emphasize how many expressions of this genre of argumentation are tied to timelessness: arguments based on the division of a thing into its parts and that allow moving from the part to the whole, that permit reasoning by the exclusion of several parts in order to recognize one of them; arguments of complementarity that are based on a changeable limit between the parts of a whole; arguments of dilemma. All these imply that time will not intervene to modify the situation. One of the modes of reasoning that we can characterize by the general term “argument of sacrifice”—that consists of assessing something by the sacrifice that we are prepared to accept in order to obtain it—also implies that what we place on the two scales of the balance does not vary. When we regret the loss of an object, we reason in a timeless manner, while, obviously, loss and regret are not outside of time and do not avoid its effects. In the same way, when we evoke the importance of a means as a measure of the end pursued, we judge elements that are essentially successive but that, in an instantaneous design, are understood in a timeless manner. Even the accusation of tautology shares this characteristic of quasi-logical argumentation. The reproach is that we said the same thing with different words, or even with the same words. But in a

new context, at another moment of the discussion, it is quite impossible to say the same thing. It is only by a reduction to the logical schema, to the timeless notion of identity, that such an accusation can be made. And the refutation will consist generally of showing that the so-called tautology provided once again the modification of significance and meaning that the new context or the place occupied in the reasoning confers on the declaration.

The same is true for negation: the role of the double negation is perfectly imagined in the timeless domain of demonstration. It cannot remain as such in the domain of argumentation: we never completely erase what had been said once [it has been said]. It is, then, only in the guise of the quasi-logical that argumentation believes it can use this double negation.

One of the reasons for undermining an anticipated argument is our evaluation that it offers nothing new; if it was known and did not prevail, it has no real worth. Quasi-logical argument with its timelessness is superimposed on other argumentative factors, for expectation is also the affirmation of the competence of one of the interlocutors, the affirmation of an interchangeability of arguments, the affirmation of the idea that such argumentation constitutes a process with the loss in value that that implies.

What we have just said about quasi-logical argumentation explains how it was practiced in classical antiquity with virtuosity and a sort of naïveté that sometimes astonishes us. Classical philosophy certainly made a considerable effort to develop the notion of timelessness: the One of Parmenides, the ideas of Plato, the essences of Aristotle are among the manifestations of this effort. Today, with historical thought, evolutionism, and philosophies of action, a consideration of the impact of time has become prominent. Even in physics, time tends to play a role that had not been reserved for it in earlier times, a role that, in some cases, is no longer only that of a dimension analogous to that of space. Quasi-logical argumentation does not lose its power—it would, for that matter, be impossible for us to go without it, and it is always found in our reasoning—but it is used with more restraint and less joy. In this regard, let us recall that quasi-logical calculation was applied willingly by the ancients to arguments themselves. Jacqueline de Romilly has highlighted the weight of arguments and the operations of addition and subtraction in Thucydides, to which proponents of opposite views submit.¹⁷ The first of the great historians uses here an arithmetic of arguments proposed to him by the thinkers of his time, a technique that freezes the argumentative units to be compared. It might seem that the mathematical model must give today's quasi-logical argumentation a new prestige, thanks to the success of this discipline and of

17 J. de Romilly, *Histoire et raison chez Thucydide* (Paris, 1956), 223–226.

those that use its instruments. To a degree, this is true, but this borrowed prestige has undoubtedly not made up for the loss of the happy serenity in which quasi-logical argumentation was used when it seemed to support itself without difficulty. Today, the prestige of formal sciences constitutes rather more an ideal that certain theoreticians of social sciences would like to join at great difficulty, for they despair of the slow progress of their disciplines, the perpetual uncertainty of practical reasoning¹⁸, and the succession of philosophical systems whose diversity seems irremediable.

In law, while formalism tends to assimilate reasoning to demonstrations in closed systems, which are beyond the realm of change at least until a new law is proclaimed, certain processes of judicial interpretation indirectly aim to minimize the role of time, though explicitly recognizing that there has been change. An attempt by a judge to identify the intent of a legislator is nothing but an artificial effort to turn back the course of time so that the judge does not appear to be creating law. In contrast, there are other techniques of interpretation, those that recognize the proper role of moral evolution and attempt to do it justice. Such interpretations recognize the possibility of change in language, make use of the natural development of concepts, and take advantage of polysemy, remaining open to multiple options that might address always changing social needs. These interpretations do not assume the elimination of time and thus are found in a perspective that is much more argumentative than demonstrative.

The distinctions between argumentation and demonstration we have sketched out imply that the understanding one has of the role played by time strongly affects the position that one takes in regard to these distinctions.

There are three attitudes one can take: the logical, the practical, and the diplomatic. The logical attitude consists of formulating norms that are of such precision and clarity that they can be applied in every future situation. This attitude scorns unforeseeable circumstances; it determines fact in order to anticipate the future, to foresee potential difficulties, and to prepare their solution beforehand. Once this preparatory work has been begun, the logical attitude seeks to reduce all reasoning to deduction. The practical attitude, on the other hand, is not unaware that difficulties could arise; with each problem it reserves the right to make the best choice and to find temporal solutions, which are valid only for the present moment but nevertheless represent an effort of creation adapted to the problem raised.

18 *TN: Perelman describes the New Rhetoric as a theory of practical reasoning quite often; see, for example, his letter to Friedrich Kambartel 18 August 1970. Brussels, Université libre de Bruxelles, Perelman Archives BE.ULB-ARCH/89PP 037.1.*

The diplomatic attitude avoids resolving difficulties or smooths them over. It seeks to postpone their solution, closing its eyes as much as possible to the fact that the difficulty that one avoids in this way provokes often a new difficulty. It hopes that time will eliminate them or that a more opportune moment will permit a less onerous solution.

On the theoretical level, the place conferred to time, the importance given to history, to the concrete, to that which only occurs once, strongly influence how we view the context of and the relationship between demonstration and argumentation, logic and rhetoric, and the meaning that we give to rhetoric and also truth and opinion. It is undoubtedly permissible to oppose logic to rhetoric and to see them as two expressions of the human activity of reasoning. The two notions form what we call a classificatory pair. This solution can suffice to characterize them usefully.¹⁹ But the philosopher will establish generally what we call a philosophical pair, that is to say, a pair of which one of the terms, although enjoying the advantage of being the one that is most directly perceived, is only an expression, or an appearance, or an illusion, or a means, or an approximation, a term that, in short, is subordinated to another term that is the norm or criterion of the first.²⁰ We have, then, following the model of the pair appearance/reality, a pair rhetoric/logic in certain philosophies and, conversely, in others, a pair logic/rhetoric. The pair rhetoric/logic characterizes classical thought, and we are not surprised, after what we have just said, that it is linked to the pairs impure/pure and temporal/eternal. On the other hand, the pair logic/rhetoric characterizes thought that does justice to full time [*temps plein*]. It is the expression of a romantic vision and will be tied to the pair time/duration, where time is considered as empty time [*temps vide*] as opposed to duration in the Bergsonian sense.²¹ It could similarly be attached to a pair partial/total, abstract/concrete, theory/fact, where total, concrete fact represents this richness of the unique, of that which is absorbed in history and constitutes history, of that which is only introduced one time.

Is it necessary to be limited to a didactic classification? Is it necessary to adopt either the pair logic/rhetoric, or the pair rhetoric/logic?

This will depend, it seems, on the role that we assign to the notion of time in a philosophy. If this notion is itself considered only as a variable, as a fleeting

19 It is what we have done, for example, in C. Perelman and L. Olbrechts-Tyteca, "Logique et rhétorique", *Revue philosophique de la France et de l'étranger* 140. 1-3 (1950) 1-35. *TN*: See our translation, above.

20 Perelman and Olbrechts-Tyteca, *Traité de l'argumentation* 550-609; *The New Rhetoric* 411-459.

21 C. Perelman and L. Olbrechts-Tyteca, "Classicisme et romantisme dans l'argumentation", *Revue internationale de philosophie* 12 (43) 47-57.

aspect of human thought, and if the category of time is not essential, the necessity of adopting similar pairs would perhaps make itself less imperiously felt.

In any case, as scientific concepts, demonstration and argumentation are tied to very different aspects of research. Because it is associated with time, argumentation is tied to anthropology, sociology, and psychology. Whereas demonstration is the same for everyone, considered from the point of view of a unique, immutable mind, argumentation varies with individuals, with their place in history, with the idea that we make of them at a given moment. And yet argumentation too cannot take place unless fitting norms are in place, or it will be ineffective. We have said that the strength of an argument depends on certain accepted models. But by whom are they accepted? By a concrete audience that one addresses? Maybe. By an audience of specialized scholars in their discipline? Again, maybe. But the orator also wants some models to be considered as valid by all to whom they are presented, and some proofs to be accepted by all. He will have in mind the broadest audience possible, a universal audience that serves as a standard for judgment. Reason thus embodied is no longer normative in itself, as in demonstration, or by convention, as in formal logic. It is normative only because of the individuals embodying it. The image that one creates of these individuals is itself temporal. We want the universal audience to be one of all men and for all time, but the idea that we make of it is that of a moment. If we do not want to deceive ourselves, we are obliged to recognize that this universal audience is situated, that it is an extrapolation of what we know at a given moment, that it perhaps transcends the few differences of opinion of which we are aware but that we have no guarantee that we have overcome them all. Our effort and our good will in this regard are the only elements of rationality that we can grasp. It is remarkable that many of us are led, today, to attribute this awareness of being only a creation of a historical moment to the universal audience itself. We thus introduce an element of rationality by giving a historical context to a concrete individual who argues, just as we at the same time confer a temporal aspect to reason.

Argumentation is in this way tied to a sociology of knowledge, in whose justification it has a part and that, in return, must realize some of its aspects. It connects itself also with an ethic. It is often said that a scholar must submit to facts, that he must yield to a demonstration, which can hardly be called into question since demonstration, by nature, is restricted. On the other hand, in an argument, it is up to us to weigh, with good will, the possible reasons for and against and, especially, to make for ourselves an idea of the universal audience that is as clear, as complex, as nuanced as the moment in which we live allows.

Conclusion: Six New Insights on the Origins and Meaning of the New Rhetoric Project

We have presented in this volume the intellectual and cultural origins of Perelman and Olbrechts-Tyteca's New Rhetoric Project [NRP]. These seven translations of and commentaries on articles published by Perelman alone and with Olbrechts-Tyteca between 1933 (Perelman's first article) and 1958 (the publication of Perelman and Olbrechts-Tyteca's *Traité*) chart the trajectory of Perelman alone and then in collaboration with Lucie Olbrechts-Tyteca as they develop their theory of a new rhetoric. In this conclusion, we set forth what we believe scholars will find newsworthy in the translations, commentaries, and insights on the NRP. We identify six contributions our volume makes to the literature on the history of rhetoric and the NRP.

1 Perelman's Intellectual Journey to the NRP is an Evolution rather than a Conversion

From the beginning of his intellectual journey, Perelman resisted the overreach of logical positivism and sought to extend reason into human time as a vehicle to cultivate social tolerance. Perelman identifies a clear break in his thinking that took place after World War II. Before the war, he portrayed himself as a logical empiricist in despair about the possibility that reason could help make value judgments or enter human time. After the war, Perelman reports, he had a "revelation" when he read Latini's translation of Cicero and made his "rhetorical turn".¹ This story, dramatic as it is, is not supported by our translations and commentary.

Our translation and commentary on Perelman's first major article (1933) reveal that his agenda from the start was to embrace the commitment to reason made by the logical positivists in the 1920s, to critique their definition of reason as overly narrow, and to seek an expansion of reason into societal affairs. The logical positivism movement of the 1920s was responding to the deep traumas of World War I, which many adherents traced to the disease of emotional-based nationalism, superstition, and the irrational. Their response was to develop an expression of reason and rationality that would lift human deliberation and judgment out of the human community into the realm of mathematics, geometry, and the impartial.

1 C. Perelman, *L'empire rhétorique: Rhétorique et argumentation* (Paris, 1977), 9.

Over the course of his scholarly career, Perelman worked through the traumas of World War I, World War II, the Holocaust, and the founding of Israel by fetching out of human reason a rhetorically inflected nonformal logic intended to create the conditions necessary for social tolerance. This aspiration is crystal clear in the agenda he established in a brief 1931 article on the need for a logic of values.² The logical positivists of the 1920s had declared them meaningless. The translation of and commentary on his 1933 article that we have included here corroborates our claim that Perelman, from the start, resisted the limitations placed on reason by the logical positivists and, as we have observed, was at work creating concepts in his early work that he and Olbrechts-Tyteca would later populate with a rhetorical vocabulary.

Our characterization challenges as much Perelman's description of his intellectual journey as it does the story told in the secondary literature of Perelman as a despairing logical positivist in the pre-World War II setting who had a conversion to rhetoric after the war. That story is more dramatic than the one we tell, which is based on our close readings of his articles of the 1930s and 1940s, and yet we recognize that it was precisely the dramatic nature of this conversion narrative that served him so well in his efforts to promote the NRP. In the end, we believe that Perelman's intellectual evolution provides a splendid illustration of a thinker engaged in serial episodes of the process of dissociating concepts, a process Perelman and Olbrechts-Tyteca describe in Part Three, sections three and four of the *Traité*.

2 Perelman and Olbrechts-Tyteca's NRP is an Answer to the Jewish Question

The fact that Perelman was a Jew born in Poland, faced antisemitism, led the Belgian Jewish underground against the Nazi occupiers, supported the state of Israel, and was a loyal citizen of Belgium influenced his views on philosophy and rhetoric. We draw significantly from the historian of philosophy Christian Delacampagne's position that the philosophies of the twentieth century do not fall, immaculate, from the air; they are functions of the century's traumas.³ Among the most important and consequential twentieth-century traumas, Delacampagne writes, was the Jewish question and the answer offered by

2 C. Perelman, "Esquisse d'une logique des valeurs", *Revue de l'Université de Bruxelles* 3-4 (1931) 486-496.

3 C. Delacampagne, *A History of Philosophy in the Twentieth Century*, trans. M. B. DeBevoise (Baltimore, MD, 2001).

eliminationist antisemitism, the Holocaust. This trauma, and the efforts necessary to work through its meaning, has a universal importance beyond the horrific murder of six million European Jews. Antisemitism generally, and the Holocaust in particular, reflect a mindset and system of discourse that mutate and destroy the possibility of human community. Delacampagne found within the Jewish tragedy a crisis of reason—why did Enlightenment values and Western culture’s commitment to reason fail so spectacularly during the twentieth century?

Perelman alone and in collaboration answered by recovering a new rhetoric that would allow human communities to embrace pluralism, democracy, and the use of the argumentative method to deliberate in value disagreements. As our commentaries and translations of Perelman’s writings on the Jewish question reveal, Perelman and Olbrechts-Tyteca witnessed, resisted, and then sought by means of the NRP to work through the trauma of the Holocaust.

Scholars of rhetoric and rhetorical theory, who are quite skilled at a kind of contextual analysis that assumes that discourse is a response to a perceived exigence, often fail to place rhetorical theory itself and Perelman and Olbrechts-Tyteca’s NRP in their respective culture and time. They view the NRP as a treasure chest of rhetorical tools, and do not reflect on the intent of Perelman and Olbrechts-Tyteca’s endeavor to develop, over a 10-year period, what is a cornucopia of argumentative strategies. Their NRP was designed to inoculate against totalitarian and antisemitic impulses with the vaccine of philosophical pluralism, to strengthen and sponsor the common values necessary for just action with a reformulated epideictic, and to foster the use of the argumentative method and nonformal logic to equip advocates with the skills needed to judge well. Perelman recognized that these values and tools were available, but underdeveloped, in both the Western Classical and Jewish traditions.⁴

3 **The New Rhetoric Project is a Regressive Philosophy that hosts a Pluralistic Ontology, Axiology, and Epistemology, turning on Bergson’s “*durée*”**

Between 1931 and 1947 Perelman alone, and then between 1947 and 1958 in his collaboration with Olbrechts-Tyteca, developed the philosophical anchors for

4 C. Perelman, “Juridicial Ontology and Sources of Law”, *Northern Kentucky Law Review* 10 (1983) 387–398.

the *Traité*. Our translations and commentaries reveal the development of the NRP's philosophical anchors. The sources of these anchors can be traced to his mentors Dupréel and Barzin, the Lwów–Warsaw school of logic, Gödel's antinomies, Frege's mathematical logic, and the works of Gonthier and McKeon. His path to rhetoric begins with Paulhan's translation of Latini's *Trésor*, prompting his return to Plato, Aristotle, Quintilian, and, eventually, Vico.⁵

By 1958, Perelman was clear that he found the essential foundations of Western thought problematic, because these foundations were, he held, advanced by the first philosophies of Plato, Aristotle, and the classical tradition.⁶ Perelman's complaint centered on the ontology, axiology, and epistemology of first philosophies. In short, the shortcomings in logical positivism that Perelman identified in his 1933 essay on the arbitrary in knowledge had their origins in ancient Greek philosophy, which, he argued, sought the eternal rather than the temporal, contemplation rather than action, and saw first principles as ruling minor premises. After World War II, Perelman drew from philosophical traditions within Western culture, Jewish and non-Jewish alike, that aspired to bring into alignment the eternal and temporal, contemplation and action, and a reasoning that was not required to obey first principles.

The most complete expression of Perelman's philosophy is found in our commentaries and translations of his 1949 article "Philosophies premières et philosophie régressive" and his 1950 collaborative article with Olbrechts-Tyteca that, as its name implies, attempted a rapprochement between logic and rhetoric. Perelman's essay devoted to his understanding of a regressive philosophy sets forth a direct response to the limitations of first philosophies and those of logical positivism without abandoning the promise of reason to irrationalism. A regressive philosophy, Perelman maintains, is reflexive, adaptive, and learns from experience. It sponsors a view of ontology, epistemology, and axiology that is pluralistic, and located in human time. This article sets up the rapprochement Perelman and Olbrechts-Tyteca seek to accomplish in this 1950 article, "Logique et rhétorique".

5 See Bolduc, *Translation and the Rediscovery of Rhetoric*.

6 C. Perelman, "The Theoretical Relations of Thought and Action", *Inquiry* 1 (1958) 130–136.

4 Perelman and Olbrechts-Tyteca attempt the first full rapprochement between Logic (Reason) and Rhetoric in the Twentieth Century

We do not believe it is a coincidence, as do some scholars, that several works appeared in 1958 that either turned to rhetoric as an answer to the post-World War II crisis of reason or sought to display more humane and pluralistic expression of rationality.⁷ Walter Ong, in 1958, published his monumental book on Peter Ramus.⁸ Perelman, as we noted, would later draw from Ong's research the claim that it was Peter Ramus who was responsible for the explicit division between logic (which he defined as the realm of reason) and rhetoric (the realm of tropes and eloquence).⁹ While Ong's biography of Ramus details how he affected the divide between logic and rhetoric, Ong does not concern himself with attempting to effect a rapprochement between the two.

Perelman and Olbrechts-Tyteca do concern themselves with this rapprochement, one designed to achieve a realignment rather than the conflation commonly criticized in the secondary literature. They make explicit in the first pages of the *Traité* that they want to place reason and rhetoric into better relationship, that they view a reason limited to the eternal and abstract as sterile with no possibility of action, and that a rhetoric without a foundation in reason is dangerous. Their rapprochement has its critics. Some of the criticism is a function of poor translations; other criticism is the result of Perelman and Olbrechts-Tyteca's failure to define key terms carefully. Other critics, in our judgment, suffer from what Bloom termed the "anxiety of influence" in their attempt to overthrow Perelman and Olbrechts-Tyteca's NRP as the prominent rhetoric in the Western world.

5 Perelman and Olbrechts-Tyteca address the postwar Crisis of Reason with a rhetorically inflected definition of Reason

The rapprochement between reason and rhetoric Perelman and Olbrechts-Tyteca try to effect required both a redefinition of the received understanding of reason and a rescue of rhetoric from the realm of tropes and eloquence. In

7 D. A. Frank, "1958 and the Rhetorical Turn in 20th-Century Thought", *Review of Communication* 11, no. 4 (2011) 239–252.

8 W. J. Ong, *Ramus: Method, and the Decay of Dialogue; from the Art of Discourse to the Art of Reason* (Cambridge, MA, 1958).

9 C. Perelman, "Pierre de la Ramée et le déclin de la rhétorique", *Argumentation* 5. 4 (1991) 347–356.

bringing reason and rhetoric into better alignment, Perelman understood that the role of time in a definition of reason was critical. If reason in a first philosophy seeks the eternal and timeless truths in moments of quiet, motionless contemplation, then it cannot dwell in the marketplace, deal with the ephemeral, or inform human action, a critique Hannah Arendt offers in her 1958 *The Human Condition*.¹⁰

Perelman and Olbrechts-Tyteca redefine reason to include expressions of reason that deal with lived time, what Henri Bergson, who plays a major and yet unappreciated role in the NRP, called “*la durée*”. The translation and commentary we offer of Perelman’s essay on the role of time in knowledge is an attempt to broaden the range of reason to include human and lived time, and is the first modestly extended discussion of the universal audience. Although Perelman does condemn the overuse and misuse of apodictic reasoning, we do not find in his body of work a call to eliminate formal logic, only a proposal that the place of formal logic lies within the search for immutable truths.

On the other hand, a rhetorically inflected definition of reason, Perelman held, would produce mutable, reflexive, and regressive knowledge products, open to revision, change, repair and, if necessary, rejection if the evidence justified such a move. The key variable that distinguishes a formal logic, which seeks eternal truths, from a nonformal logic located in an unfolding and sometimes chaotic reality, is time. Formal reason does not concern itself with time; nonformal reason is hitched to what Bergson defined as the “*la durée*”, the human experience of time.

Perelman and Olbrechts-Tyteca, in the final commentary and translation we include in this volume, dedicate an extended article to the relationship between time and argument.

This relationship (human time and argument) is the Ariadne’s thread in the NRP. The complaint Perelman makes about classical philosophy and logical positivism is that they do not allow reason to enter the world of the human, the courthouse and the marketplace, because they hold reason hostage within timeless realms of contemplation and the abstract. Reason belongs in the world of lived time, they argue, requiring readers to understand that their treatise (and they highlight this by placing it in italics) “*constitutes a break with the concept of reason and reasoning due to Descartes ...*”¹¹

10 H. Arendt, *The Human Condition* (Chicago, 1958).

11 Perelman and Olbrechts-Tyteca, *La nouvelle rhétorique: Traité de l’argumentation* (Paris, 1958), 1. Perelman and Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. J. Wilkinson and P. Weaver (Notre Dame, IN, 1969), 1.

6 Perelman and Olbrechts-Tyteca offer Rhetorical Reasoning in Human Time and the Argumentative Method as an answer to the Twentieth Century's Crises of Reason

We believe three articles in this volume best capture the trajectories of Perelman's intellectual trajectory and that of his collaboration with Olbrechts-Tyteca: Perelman's 1949 "Philosophies premières et philosophie régressive", Perelman and Olbrechts-Tyteca's 1950 "Logique et rhétorique", and their 1958 "De la temporalité comme caractère de l'argumentation". The first creates the philosophical justification of the NRP, marking Perelman's 18-year effort remain within the realm of reason but to expand it beyond the boundaries set by the first philosophies of classical philosophers and those enforced by the logical positivists. The second is the blueprint of a new rhetoric that affects a rapprochement between reason and rhetoric. The third, which is the last commentary and translation in this volume, describes how this rapprochement between reason and rhetoric works in their NRP.

In "De la temporalité comme caractère de l'argumentation", Perelman and Olbrechts-Tyteca develop a theory of reason marked by temporality: human reasoning takes place in lived time in concert with, and through, argumentation, a thesis recently developed by Mercier and Sperber, among others.¹² Perelman and Olbrechts-Tyteca held that formal logic was unaffected by the passage of time. In contrast, the problems humans face invite communal deliberation and require an expression of reason that is yoked to its social context and to time. It is here that their rapprochement between reason and rhetoric becomes concrete.

"De la temporalité" helps to explain the two steps that Perelman and Olbrechts-Tyteca take to bring rhetoric into alignment with reason in the first pages of the *Traité*. First, the audience, rather than systems of timeless and abstract systems of rationality, becomes the focus of reason. How audiences and humans reason is thus primary. Second, social argumentation becomes the method of testing values and facts for their truth claims. Because audiences reason in human time and may disagree, argumentation is the method of using reason to make judgments about disagreements.

We believe "De la temporalité" outlines a sophisticated vision of rhetorical reason. Indeed, it may very well be a vision that captures something essential and timeless about human nature. We make this observation understanding its paradoxical implications, given Perelman and Olbrechts-Tyteca's critique of formal logic's take on time. The NRP, we believe, remains the best site for the

12 H. Mercier and D. Sperber, *The Enigma of Reason* (Cambridge, MA 2017).

development of truly cosmopolitan theories of rhetoric, argumentation, and civil society.

We hope, in a second phase of our project, to provide translations of and commentaries on articles Perelman and Olbrechts-Tyteca that were published between 1958 and 1983. These demonstrate how nonformal reason and rhetorical argumentation may be applied in various domains, ranging from judicial decisions to medical ethics.

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Chaïm Perelman, alone, and in collaboration with Lucie Olbrechts-Tyteca, developed the New Rhetoric Project (NRP), which is in use throughout the world. Sir Brian Vickers, in his historical survey of rhetoric and philosophy for the *Oxford Encyclopaedia of Rhetoric*, states that the NRP is “one of the most influential modern formulations of rhetorical theory.” This book provides the first deep contextualization of the project’s origins, offers seven original translations of the writings of Perelman and Olbrechts-Tyteca from French into English, and details how their collaboration effectively addresses then philosophical problems of our age.

Michelle Bolduc, Professor of Translation Studies at the University of Exeter, is an internationally recognized scholar of Translation Studies and Comparative Medieval Literature (French, Italian, Occitan). She has published extensively on the intersections of medieval literature, rhetoric, and translation, including two books, *Translation and the Rediscovery of Rhetoric* (2020) and *The Medieval Poetics of Contraries* (2006), and over 35 articles and translations. With David Frank, she is also at the forefront of bringing the work of Belgian philosophers Chaïm Perelman and Lucie Olbrechts-Tyteca into English, and her research comprises modern rhetoric – Perelman’s and Olbrechts-Tyteca’s New Rhetoric Project – and its translation.

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“Bolduc and Frank offer meaningful insights on the development of contemporary rhetorical theory and the influence of Perelman and Olbrechts-Tyteca’s NRP [...] This manuscript has significant value for those [lacking] access to the original works in French [by providing them with] thorough and very professional [English] translations.”

– Luisa Puig, Instituto de Investigaciones Filológicas, Universidad Nacional Autónoma de México

