Founding Speech: Aristotle’s *Rhetoric* as Political Philosophy

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Abstract

There is notoriously little agreement in the literature on Aristotle’s *Rhetoric*. While disputes about most every aspect of Aristotle’s argument abound, most scholars tend to agree on one general point. That is, most read the work as an attempt at discovering and describing the nature of rhetorical persuasion. The present study takes a different view: it maintains that the *Rhetoric* is better understood as an attempt at replacing the existing teaching and practice of rhetoric with one that is better suited for use within the deliberative institutions of political society. The *Rhetoric*, on this reading, is a work with a political project. This dissertation contributes to the literature in three distinct ways. First, it attempts to show that there is a significant rhetorical component to some of Aristotle’s most prominent arguments. It argues, among other things, that the first chapter of the work and the taxonomy of rhetoric presented in chapters two and three should not be taken at face value. Second, this study illustrates the extent to which concerns about legislation figure into Aristotle’s attempts at articulating an art of speech. Most readings conceptualize the problem of rhetoric as consisting in the relationship between rhetoric and collective judgment, taking the view that Aristotle’s solution lies in liberating judgment from a rhetorical practice that enmeshes it in some incongruous or inappropriate way. This study
suggests that preserving the rule of law, protecting a state’s legislative institutions, and cultivating civic virtue, are among Aristotle’s chief concerns. Third, the present work also locates, what it considers to be, Aristotle’s non-rhetorical teaching about the nature of rhetorical persuasion.
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Chapter 1

Recovering the Politics of Aristotle’s Rhetoric

Aristotle’s Rhetoric is a book about speech written at a time when the power of speech could not be underestimated. Citizens of ancient democracies understood that a handful of words properly arranged and aptly delivered could alter the fortunes of private men and determine the fate of entire human societies. Daily experience readily confirmed the former. It was evident to all that individuals skilled in speech could better defend their interests in courts of law and that they could better advance their personal agendas within a political assembly. As for the latter, here history, even if events of the moment did not, afforded ample evidence of the overwhelming influence that a single individual gifted in speech could exert over an entire political community. There is the example of Themistocles who prevailed against common opinion and succeeded in persuading Athenians to abandon their city and put their faith and their fate in their ships, thereby securing the preservation of their people.¹ There is Pericles, who in his famous funeral oration inspired Athenians to hold their aggressive course in the war, even though a more moderate approach might have served them better.² Then there is Peisistratus, a favorite example of Aristotle’s, who established himself as tyrant by successfully convincing Athenians to act against their own best interests.³ These are but three examples of individuals who bent cities to their will with their words. They illustrate that speech is a

viable source of power and influence, and that it is not a skill to be spurned by anyone seeking influence within political society. The Greeks understood this. Hence, there would have been little need to persuade most Greeks in Aristotle’s day of the utility of developing a facility in public speech.

For the older Greeks facility in speech was understood to be something that could not be taught. In the time of Hesiod and Homer eloquence was considered to be a divine gift, a talent bestowed by the gods upon a select few. Among these few were counted some of their greatest heroes. If Achilles could throw a spear faster, further, and with perfect accuracy, Odysseus was the man who could persuade the arrogant, the ignorant, and the otherwise intractable, to alter course when they could only see reasons to stay firm. The Greeks recognized the strength of the warrior as well as the strength of intelligence, which often manifested itself as an ability to move men with words.

Beginning in the time of Socrates, and certainly by the time of Aristotle, the older view of speech had been entirely displaced by rhetoric, the teaching of which was said to have been invented in Syracuse in the fifth century after the tyrant Thrasybulus had been ejected and democracy was established in his stead. Before then, no one, as far as is known, taught speech. Of course, that does not preclude the possibility that some may have practiced rhetoric before that time. Even so, the so-called invention of rhetoric marks the moment when everything changed, because it was at that time that the first teachers of speech emerged. It was then that the gift of eloquence was wrested from the gods by a crop of orators who offered their fire to any man who could pay for it. The

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5 *Greek Rhetoric before Aristotle*, 100.
teachers of rhetoric were in no way coy about precisely what it was they offered their students. They unabashedly offered their students a means of defending their interests and establishing their influence over others: they were celebrated, sought after, and paid well. Before Aristotle began writing the Rhetoric, Plato had already articulated some of the potential hazards of this new teaching. In the Gorgias, he makes these concerns clear. On the one hand, he argues that rhetoric is potentially dangerous for those who wield it because it weaves corruption into their souls. On the other hand, and perhaps still more worrisome for Plato, is its effect on its audience in which it implants a passion for injustice. Whether or not Aristotle was similarly concerned about the development of rhetoric is a thornier question.

The debate over the value of rhetoric is said to have continued as a particular point of disagreement between Aristotle and Isocrates, a student of Gorgias and the most influential rhetorician of his day. If the reports of ancient chroniclers are to be believed, Aristotle had nothing but contempt for his teachings. So much so that he is said to have offered evening courses in rhetoric to the general public to serve as a counterpoint to Isocrates’s teachings. Although these reports are not to be relied upon, one finds evidence of this dispute, and evidence of an anti-rhetorical position more generally, in some of Aristotle’s other writings. His interest in the subject was serious. In addition to

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6 Edward Schiappa argues that Plato coined the term ῥετορική while writing the Gorgias. He offers two arguments in support of this claim: “the first is that the surviving instances of the word (ῥετορική) demonstrate that its use in Plato’s Gorgias is novel. The second is that Plato’s penchant for coining terms ending in (-ikē) makes it highly probable that (ῥετορική), like most other terms denoting specific verbal arts, was originally coined by Plato.” Edward Schiappa, “Did Plato Coin Rhetorike,” The American Journal of Philology 111, no. 4 (1990): 457.


8 The Orator’s Education, III.1.4.
the *Rhetoric*, he is reported to have written a number of other texts on the subject.⁹ Counted among his earliest works is a dialogue titled *Gryllus*. Based on reports by Diogenes and Quintilian, scholars reason that it likely presented an “anti-rhetorical” position, and one that closely echoed Plato’s own criticisms of rhetoric.¹⁰ The *Synagōgē Technōn* was a very different kind of work. It was an encyclopedic effort, one that surveyed and summarized the teachings contained in all previous handbooks on the art of speech.¹¹ Aristotle is said to have named the authors of these handbooks and to have explicated their teachings with great care. It was so clear and careful an account of the subject’s history that, as Cicero relates, anyone wishing to learn about rhetoric would read Aristotle rather than the original handbooks.¹² It is, however, the *Nicomachean Ethics* and the *Politics* that give more color to his views on the subject.

Both the *Ethics* and the *Politics* express concern about the proper place of rhetoric in political society. In the opening passages of the *Ethics*, Aristotle establishes politics as the “most authoritative and directive” science on the grounds that it determines what other activities are to be pursued and the manner and extent to which they are to be pursued within a political community.¹³ Here he includes rhetoric among the capacities that, though honored, are properly subordinate to politics. It is worth noting that he places

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¹² Cicero, *De Inventione*, 2.6 It is speculated that the purpose of the *Synagōgē Technōn* was to gather materials and information about the subject as preparation for a longer work on the subject, just as Aristotle had collected information about constitutions in preparation for his political writings. George A. Kennedy, *The Art of Persuasion in Greece* (Princeton: Princeton University Press, 1963), 58.

rhetoric last in a brief list of such capacities, following military strategy and household management. This rank ordering is by no means trifling. The place of rhetoric in relation to other human activities was a matter of significant dispute. This issue is addressed more directly towards the end of the *Ethics*, where Aristotle takes aim at “sophists” who classify politics as “identical or even inferior to rhetoric,” and who believe that “it is easy to legislate by collecting the most highly regarded laws.”\(^{14}\) Although the criticism applies to any teacher of rhetoric who touts the superiority of their craft, Aristotle seems to have Isocrates most firmly in mind here. In his *Antidosis*, Isocrates argues that those who enact laws deserve honor, but that those who "make it their business to invent" new discussions about these things should be held in higher esteem.\(^{15}\) He argues that while tens of thousands of Greeks and non-Greeks are endowed with the ability to enact laws, few people are capable of putting together speeches that say something entirely new and innovative. Those whose task it is to enact laws, Isocrates explains, only need to look at existing laws and select those that are the most highly regarded. In contrast, those who “make speaking their business” face a more difficult task, as they must always find something novel to say if they are to impress their audience.\(^{16}\) Since this is the more difficult task, Isocrates reasons that it is deserving of greater praise. Aristotle directly attacks the suggestion that it is somehow easy to choose the best laws. What works in one place will not necessarily work everywhere, and the lawgiver must understand what kinds of legislation will suit specific circumstances. This requires judgment and experience, which is not something that everyone possesses: “In every field, it is those who are


experienced that judge its products correctly, and are privy to the means and the manner in which they were accomplished and understand what combinations are harmonious.”\(^{17}\)

His concern is twofold. First, Aristotle seeks to clarify that the teachers of speech do not teach anything about politics, despite what they may claim. Second, he establishes that legislation is more important than rhetoric and that it is more deserving of study.

The *Politics* reveals Aristotle’s more practical concerns about the effects of the unenlightened use of rhetoric. This discussion occurs in the context of his treatment of the causes of sedition in democratic societies. Democracies, he argues, undergo revolution chiefly “on account of the wanton behavior” of popular leaders.\(^{18}\) Aristotle explains that in older times, before the development of rhetoric, popular leaders arose from those who also served as military leaders. In those days, democracies would often be transformed into tyrannies. This is because military men, unlike those who lack experience with such things, do not hesitate to use force to seize political power if given the opportunity to do so. As Aristotle explains, there were more opportunities for this in older times because "great offices were in the hands of few individuals," and because cities then were not very large, and the people for the most part "lived in the fields and were occupied by their work."\(^{19}\) These two factors, Aristotle states, made it easier for military men to seize power. The development of rhetoric, however, changed the character of democratic sedition. The development of rhetoric made popular leaders out of men skilled only in speech. Given their lack of military experience, these men "do not attempt anything." They do not try to establish tyrannies for themselves; instead, they attempt to solidify their positions by ever ingratiating themselves with the majority. They

\(^{17}\) *Nicomachean Ethics*, 1181a18-20.  
\(^{18}\) *The Politics*, 1304b20-21.  
\(^{19}\) *The Politics*, 1305a15-20.
do this by promoting policies that take money and property from the rich while expanding the powers of the people, even going so far as to put the rule of the people over and above the rule of law.\textsuperscript{20} Aristotle explains that this ultimately leads to the intensification of factional conflict, and, with the erosion of the rule of law, such a democracy essentially becomes a different kind of tyranny.\textsuperscript{21} As he sees it, the emergence of rhetoric and its development into a powerful tool has fundamentally transformed democratic politics. It has, in effect, contributed to the emergence of a new kind of political pathology, and one that is much harder to protect against. Instead of being transformed into a traditional tyranny, democracies can be transformed into tyrannies themselves: they change “from traditional democracy to [democracies of] the most recent sort.”\textsuperscript{22} These lawless democracies, according to Aristotle, possess all of the negative characteristics of the most depraved tyranny: “everything that happens in connection with democracy of the extreme sort is characteristic of tyranny.”\textsuperscript{23}

It is not difficult to see why the very existence of the \textit{Rhetoric} might be thought to pose somewhat of a philosophical problem. The very first line of the text is often interpreted as signaling a decisive break from the kinds of arguments presented in Plato’s \textit{Gorgias}: Aristotle seems to align himself with the supporters of rhetoric, but comparing rhetoric to dialectic and arguing that an art of speech is indeed possible. Although he disparages the teachers of rhetoric, he will go on to teach his readers how to make use of some rather questionable rhetorical techniques. If people should be studying politics and legislation, why would Aristotle raise the status of rhetoric by putting his own hand to it?

\textsuperscript{20} \textit{The Politics}, 1304b20-1305a6.
\textsuperscript{21} \textit{The Politics}, 1305a27-35, 1291a1-38.
\textsuperscript{22} \textit{The Politics}, 1305a28-29.
\textsuperscript{23} \textit{The Politics}, 1313b133-34, cf. 1313b33-1314a29.
If rhetoric is the source of an especially pernicious political pathology, why undertake to teach it? How exactly does the *Rhetoric* fit within the greater framework of Aristotle's thinking about politics? These are the questions that guide the present work. Although these are crucial questions for any serious student of Aristotle's political thought, it remains to explain why the answers to these questions matter outside of that narrow focus. What could a book about speech in ancient societies, written with long gone political institutions in mind, possibly teach the contemporary reader?

Plenty, if one is to judge by the attention that the work currently enjoys. At one time almost no one studied the *Rhetoric*. This is no longer the case. The *Rhetoric* is now actively studied in many different disciplines. Political theorists, in particular, are generating much of the current interest in the work, and increasingly so. There is good reason for this. The *Rhetoric* is a book about speech, and it is a book that undertakes to discuss the use of speech in the public sphere. In this respect, there is an evident overlap between Aristotle and contemporary studies of political deliberation and its practices. There are other reasons, besides this apparent overlap in theoretical focus, which impel contemporary political theory to engage with this ancient text. Aristotle's experience with democracy, and deliberations within democratic societies, in some respects outstrips anything that is available to theorists today. The difference is that contemporary political societies have developed institutions that insulate political societies for the most dangerous effects of rhetoric. Without elected representatives, an office that was invented to limit the power of demagogues, early Greek democracy afforded a truly genuine

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24 There are, of course, many ways in which Aristotle’s experience with democracy is limited when compared with contemporary political society due to the expansion of citizenship and universal suffrage.
opportunity to witness the power and limits of speech in the political sphere. It granted the opportunity to witness a broad scope of democratic deliberations: one could observe everything from specific judicial deliberations, to deliberations regarding matters of war and peace, to those concerning the legislation of an entire state. It is this unique perspective that makes Aristotle’s insights about these matters so potentially useful to contemporary studies of political deliberation.

To learn from Aristotle, however, requires first that one understand him. In the case of the Rhetoric, this is by no means an easy task. It is a challenging work, and it is arguably the most highly disputed and least understood of all of Aristotle’s writings.

Reading the Rhetoric

To be clear, understanding the Rhetoric is something considerably different from making use of some or other of its parts. The history of its reception in the twentieth century shows that taken piecemeal and in abstraction, there is no shortage of uses to which the text can be put. Robert Gaines offers a scathing criticism of how the Rhetoric has been used by scholars working in the fields of written and spoken communication. Citing Michael Leff and Carlo Natali as support, Gains argues that: “much of the scholarship that purports to be Aristotelian either obscures Aristotle’s thought, by reducing it to an unrecognizable abstraction, or subverts it, by misappropriating Aristotle’s authority for

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conceptions that are alien to his view.”  

26 He goes on to assert that contemporary scholarship within these disciplines seems “to exploit Aristotle more for the ‘brute force’ of his disciplinary authority than for the cogency of his contributions to the disciplinary corpus.”  

27 According to Gaines, the significance of the Rhetoric within these fields has yet to be determined. It is Michael Leff, however, who most vividly captures the sorry state of the literature on Aristotle’s Rhetoric. After surveying recent American scholarship across all disciplines, including philosophy and political science, he submits that: “Anyone who works through this literature and its conflicting pronouncements might well conclude...that the Rhetoric is like tofu; it is something whose color and flavor depends on the other ingredients and thus turns out to be completely different in each recipe.”  

28 Both Gains and Leff stress the need for a more complete engagement with the text itself, and a better understanding of the larger objectives and purposes of the work. Bernard Yack, more recently, has essentially urged the same thing. Yack attempts to show just how much Aristotle’s notion of political deliberation differs from deliberative models found in contemporary political thought.  

29 Aristotle’s contributions to these discussions, he points out, may indeed be rather different from what one might initially expect. He too stresses the need for a more sustained look at the work as a whole. This is not an uncommon refrain. There is a shared sense among many that the work as a whole needs to be more fully engaged with.


whole has yet to be fully understood. Just what kind of a work is the *Rhetoric*? What does it teach? As it turns out, this is still very much an open question.

It will certainly be argued, and it has been argued, there is no reason for current readers to trouble with much of the literature on Aristotle's *Rhetoric*, at least not if they are motivated by the kinds of questions that guide the present study.\(^{30}\) Most of this literature, one might point out, is not primarily engaged in the philosophical study of the text. This is true. Much of the older, more philosophically minded literature, one might also add, is largely concerned with denying the *Rhetoric* a place within Aristotle’s larger philosophical system. This is also an accurate description of a good swath of the literature. For at least the greater part of the 20\(^{th}\) century the work was deemed undeserving of serious attention: the authenticity and coherence of the work was questioned, as was its status as a work of philosophy. One might wish to go still further, and argue that still another sweep of literature can also be safely set aside.\(^{31}\) Namely, all the literature concerned with establishing that the *Rhetoric* is indeed a unified text with a rightful place in Aristotle’s larger philosophical system. In what amounts to an almost complete reversal, many readers now see the *Rhetoric* as unproblematic and deserving of consideration alongside the rest of the canon. Since the *Rhetoric* is no longer viewed as an irredeemable mishmash of loosely related materials, one might argue that there is no reason to spend much time considering older literature that is concerned with establishing what is already generally accepted. The *Rhetoric*, one might say, has long since been set upon its feet, all that remains now is to focus on the task of understanding its argument. This, however, is a point that the present reading cannot grant.

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Contemporary readers have, in some cases, been too quick to dismiss the concerns that once so troubled interpreters. The present reading takes a rather different view: it maintains that there are fundamental complications and discontinuities within the text that ought to be recognized as such. Recognizing these complications, it will be argued, is an essential part of understanding the aims and objectives of Aristotle's Rhetoric. So, rather than dismissing the older literature, the next section will look to it in order to trace the development of the dominant interpretive stance. The aim is to elucidate the primary assumptions that inform current readings, and to provide support the interpretive approach that will be used in the present study.

The Problem of Aristotle’s Rhetoric

In 1877 Edward M. Cope published his famous commentary. It took nearly one hundred years before the next major work on Aristotle’s Rhetoric was published.\(^{32}\) During this time the Rhetoric received little attention, if any, from those otherwise interested in Aristotle and his philosophy. If the work was studied, it was studied in English departments, and in newly minted departments of rhetoric. Scholars working in both of these areas found value in Aristotle’s attempts at differentiating and structuring the different types of speech. English scholars looked to the Rhetoric primarily for its potential contributions to composition theory. For some, it supplied the foundations and served as a kind of touchstone for what came to be known as the “classical” style of composition.\(^{33}\) Scholars working in the areas of rhetoric and communication, on the other hand, appropriated many of Aristotle’s key concepts to help structure and facilitate

\(^{32}\) That major work was William Grimaldi’s Studies in the Philosophy of Aristotle’s Rhetoric. Aristotle's Rhetoric: An Art of Character, 5.

discourse within their disciplines. Aristotle's division and classification of the different types and parts of speech, along with a good deal of his terminology, is still used in these areas. The enthymeme, in particular, remains an important focus of attention for students of rhetoric. In the century following Cope's commentary, students of Aristotle's philosophy, however, could find little reason to study the work. The *Rhetoric* was roundly disregarded, and famously dismissed as little more than a "curious jumble of literary criticism with second-rate logic, ethics, politics, and jurisprudence."35

There are two reasons why the work was excluded from more serious philosophical consideration. One reason is that the *Rhetoric* was thought to be a strictly practical kind of work. When compared with Aristotle’s other writings, the *Rhetoric* was found to be less rigorous and markedly less philosophic. Commentators would point to Aristotle’s treatment of happiness in the *Rhetoric*, for example, and compare it to the discussion found in the *Nicomachean Ethics*. Whereas the former bases its discussion on commonly held ideas about happiness, the account offered in the *Ethics* is the result of Aristotle’s reflection upon, and rejection of, certain popular ideas about the nature of happiness.36 The *Rhetoric*, on this reading, tells one little about Aristotle's understanding, because it does not contain his considered views on the subject. For such reasons as this, the work was largely discounted as a merely technical work and one that is otherwise unrelated to Aristotle's more philosophical writings. This was not, however, the chief

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35 Gaines, "Aristotle's Rhetoric " p. 5-10.

36 Compare especially: *Rhetoric* (1.5.3) with *Nicomachean Ethics* (1.7-10). Compare also Aristotle’s discussion of pleasure in the *Rhetoric* (1.11.1) with his treatment of this subject in the *Nicomachean Ethics* (10.4.2)
reason for its neglect. The main reason why the *Rhetoric* was excluded from serious consideration lies with the problematic character of the work itself. John H. Randall offers a succinct and sweeping indictment of the text. As Randall puts it: "The Aristotelian documents are fragmentary, and frequently break off; they are repetitious, and often display little clear order in their parts." In addition to problems of continuity, Randall notes that Aristotle’s discussion “exhibit[s] manifest contradictions, of approach, of mood, of theory, even of fundamental position and ‘doctrine.’” As far as Randall is concerned, the many problems that riddle the text suggest that it is simply a collection of writings on rhetoric, most likely lecture notes. This is why he refers to the *Rhetoric* as merely a set of “documents.” As he sees it, there is no indication that the work was ever intended to form a single unified work. Others offer different explanations. Some attribute these difficulties to the manner in which the text was transmitted, arguing that the work’s present arrangement is likely due to the emendation and reorganization of the text by Aristotle’s students and later editors. Friedrich Solmsen maintains that the inconsistencies are better charged to Aristotle himself. He argues that the *Rhetoric* represents more than one period of Aristotle’s thought. He attributes the first chapter, “which breathes the same contempt…as Plato’s own polemic against rhetoric,” to Aristotle’s first tenure in Athens during which time he was a member of Plato’s Academy. He argues that later parts of the work, particularly those in which youthful idealism gives way to more practical considerations, represent Aristotle’s mature and more fully developed theory of rhetoric. For Solmsen, the text’s problems are the result

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of Aristotle’s failure, for whatever reason, to properly integrate his views into one coherent doctrine. Ultimately it matters little whether the problems with the text are attributed to Aristotle, to the work of students and later editors, or to some combination thereof, the consequences of these conclusions are the same. All cast a serious shadow over the work. At best, the Rhetoric can only be said to reflect the evolution of Aristotle’s thinking about rhetoric. At worst, the authenticity of the text is called into question. Given this assessment, it is no wonder that, at the time, the study of the work was left largely to those disciplines that could make use of parts of the argument without having to address larger questions about the text’s coherence and its relation to the rest of the Aristotelian corpus.

There is a certain basic assumption that informs all of these readings: they all assume that the Rhetoric would be a more or less consistent, and free of blatant contradiction, if the text were as Aristotle would have ideally intended it to be. It is presumed that Aristotle would not have willingly introduced inconsistencies and discontinuities into his argument. Just as geologists read disruptions in rock strata as evidence of geologic change, these commentators read the inconsistencies in Aristotle’s argument as shifts in Aristotle’s thinking about rhetoric, or as evidence of the work of later hands, or both. Geological formations and arguments are, of course, two very different things. No physical laws dictate that the layers of an argument must be presented in a perfectly consistent way, devoid of breaks and discontinuities and even flat-out contradictions. Authors do make errors, but there are also many other reasons why an argument might be arranged in one way rather than another. These readings fail to consider the possibility that the Rhetoric might well be in its intended form, or at least
close enough to it, and that there is a reason and purpose behind its present arrangement. The problem with all of the aforementioned approaches is that they measure the *Rhetoric* against their own notions of what the aims and objectives of a work must be, and what a proper treatise should look like. They fail to consider that the *Rhetoric* just might be a different kind of book.

The *Rhetoric* no longer suffers from the degree of neglect that it once did. Rather than discounting the work as hopelessly broken and unrelated to his other works, many interpreters now focus their efforts on puzzling out its deeper unity, and its place within the rest of Aristotle's philosophy. This change has occurred precisely because interpreters began to question and reject the thinking that for so long served to exclude the work from serious philosophical consideration.

**Rehabilitating the *Rhetoric***

This transformation can be traced to the work of William M. A. Grimaldi. Writing almost exactly 100 years after Cope’s commentary, Grimaldi challenged many of the key assumptions that had governed previous interpretations of the work. His book titled *Studies in the Philosophy of Aristotle’s Rhetoric*, originally published in 1972, attempts to establish the enthymeme as the unifying principle of Aristotle’s entire argument. Although his primary thesis did not gain much traction, he provides two important insights about how the work should be read that transformed the subsequent literature. First, he suggests that the perceived difficulties in Aristotle’s argument are largely interpretive rather than textual. Second, he suggests that the *Rhetoric*, if it is to be properly understood, must be considered within the context of the rest of Aristotle’s philosophy.
Contrary to prevailing opinion, Grimaldi maintains that the *Rhetoric* is not inconsistent. In his view, the problems with Aristotle’s argument are not essentially textual. They are largely problems of interpretation:

Once we subscribe to the common belief that Aristotle committed himself to a purely intellectual theory of rhetoric in which reason and the tools of reason were presumably to play a dominant, indeed an exclusive, role, we meet with the problem that has faced many commentators: open contradiction in the opening statement of his study and inconsistency in the subsequent analysis…Placing Aristotle’s analysis of rhetoric in the neat category of the thinking, rational mind with its concern for logic and order, and setting it apart from man’s emotive life and the whole range of his emotional drives and dynamic energies creates a problem which rightly offends many of his commentators. It creates a division within the psyche which is absolute in character and which neither Aristotle nor Plato would recognize. More disturbing still, as has been said, it condemns this admittedly rather careful thinker to an inescapable contradiction in the very opening chapters of his treatise.  

The difficulty, as he sees it, is that readers take as doctrine parts of Aristotle’s argument that are not intended as such. He argues that Aristotle’s opening arguments are no more than an impassioned set of criticisms directed at a view of rhetoric that was gaining currency at the time. Grimaldi argues that a certain degree of exaggeration is to be expected: for, as he puts it, it is characteristic of polemic in the case of “a strongly felt issue.” On this reading, Aristotle is guilty only of overstating his general position, giving perhaps too much rein to his personal pique against more popular teachers of rhetoric.

Grimaldi’s second insight was to suggest that the *Rhetoric* ought to be considered within the context of the rest of Aristotle’s writings. As he sees it: “[Aristotle’s] constant explicit and implicit reference to his philosophical works clearly reveals that he was

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42 *Studies*, 18-19.
working with his own philosophical system in mind.” He immediately goes on to state that this is an aspect of Aristotle’s argument that has been “consistently overlooked in much Aristotelian criticism.” The misreading of the *Rhetoric*, he argues, is largely a result of the initial failure on the part of commentators to properly consider the work within the greater context of Aristotle’s philosophy. For, as Grimaldi explains, it is only when the work is considered in isolation that it becomes possible to imagine Aristotle could seriously propose that political speech intended for a multitude ought only appeal to the rational element of the human soul. In his view it is abundantly clear that Aristotle intended for the work to be considered alongside his other writings. Aristotle, he points out, “insists from the outset upon showing the relation of his comments to his work on dialectic, epistemology, ethics, and even metaphysics.” He argues:

Certainly the work cannot be studied in isolation when there is a frequent cross reference in the first three chapters alone to his other writings, and when major ideas are introduced for whose full solution assistance must be sought outside the *Rhetoric* itself. It is not a matter of seeking or not seeking this assistance, or asking or not asking the questions of the *Rhetoric* and other treatises. The *Rhetoric* forces one to ask the questions and to seek the assistance.

Grimaldi here scores an important point against those who view the work as less than philosophic. Whether or not Aristotle’s arguments in the *Rhetoric* are congruent with claims he makes in his other writings, the fact that he repeatedly and explicitly directs his readers to his other works means that readers should take this direction and consider how the *Rhetoric* might fit within the context of the rest of his philosophy.

43 Studies, 19.
44 Studies, 43.
45 Studies, 18.
46 Studies, 18.
While both of Grimaldi’s insights mark an important departure from prior approaches to the text, they do not yet go quite far enough. In the first place, the argument that Aristotle is merely overstating his case against certain kinds of rhetoric does not fully explain why he chooses to present his views in such an exaggerated way. For Grimaldi there is little purpose or intention behind the manner in which Aristotle chooses to frame his argument. Aristotle’s polemic serves only to signal his disagreement with other more popular views of the subject. He does not envision a more deliberate, rhetorical purpose to his opening arguments. It seems that at least in this respect, Grimaldi is still governed by some of the same assumptions that had characterized earlier readings of the text. In arguing that the *Rhetoric* needs to be considered within the larger context of Aristotle’s philosophy, he seems to be on point. The shortcoming here is that he neglects to include the *Politics* among the works that readers need to consult in interpreting the *Rhetoric*. Over the course of its argument, the *Rhetoric* treats a wide array of topics including logic, ethics, psychology, and jurisprudence. It must be noted that the work also contains discussions that are overtly political: it discusses matters pertaining to law and legislation, the maintenance and stability of constitutions, and its argument is punctuated with statements describing how speech ought to be practiced in political society. Moreover, in the *Rhetoric* Aristotle rather pointedly directs his readers to study politics, and on more than one occasion. Grimaldi makes no mention of the explicitly political discussions that weave throughout the *Rhetoric*, he does not ask questions about the possible significance of these discussions, nor does he seek assistance from Aristotle’s other works about these matters. For Grimaldi, politics is merely one possible

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topic about which one might orate, and he explicitly denies that Aristotle’s writings on rhetoric belong to his political thought. Nonetheless, it is this second insight that has carried through to most present readings of the work.

Commentators no longer question whether the *Rhetoric* ought to be studied alongside Aristotle’s other works. Eugene Garver has recently described as “tired” these older “debates about whether the *Rhetoric*, and the *Ethics*, or *Politics*, are ‘consistent.’” He explains: “The account of happiness in the *Ethics* differs from that in the *Rhetoric* as a scientific treatment differs from a statement of what people think is the case about happiness.” That the *Rhetoric* does not treat a subject in precisely the same way as the *Ethics*, is no longer taken to mean that its argument is sub-philosophic or somehow deficient. It means only that it is engaged in a different kind of project. What exactly is that project? Interpreters answer this question in different ways, but it is noteworthy that they are now increasingly prepared to answer that question in a way that highlights the political significance of Aristotle’s argument. All of this together constitutes a decided shift in the history of the reception of Aristotle’s *Rhetoric*. Eugene Garver and Bryan Garsten serve as important example of this new approach.

**Contemporary Readings: The *Rhetoric* as Philosophy**

Liberating himself from much of the past literature, Eugene Garver offers a unique and ambitious reading of Aristotle’s argument. He admits that his “examination of the *Rhetoric* looks very different from the *Rhetoric* itself” and he explicitly states that his

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48 “To see the work as concerned with a ‘superficial political science’ or a ‘conventional ethics’...is to misunderstand it. It is none of these things. Ethics, politics, logic, epistemology, etc. offer the material with which rhetoric works. Rhetoric, like dialectic, is for Aristotle a methodology.” Grimaldi, *Studies*, note 2, p. 2.

49 Garver, "Introduction," 185.

50 "Introduction," 185.
work is “not a commentary on the *Rhetoric*, but an ordered series of examinations on related themes.” These themes are directly related to the larger questions that motivate his study. To understand Garver’s argument, it is helpful to distinguish his reasons for studying the *Rhetoric* from what he takes to be Aristotle’s own project. He makes his reasons clear. He states: “I find the *Rhetoric* of compelling interest not only because I think it enriches current discussions of rhetoric, practical reason, and the revived Aristotelian practical philosophy, but also because I want to develop more fully a project that I call the ‘history of prudence.’” Garver argues that the *Rhetoric* can help to illuminate the treatment of practical reason found in Aristotle's other writings. Specifically, he thinks it can help to elucidate the intellectual virtue of *phronēsis*, which constitutes Aristotle’s great contribution to the “history of prudence.” His reading is in many ways governed by this larger project. He looks at how Aristotle defines *phronēsis* in the *Ethics*, and takes this as a point of departure for his investigation of the *Rhetoric*. According to Garver: “By frequently developing both *phronēsis* and the moral virtues in the *Ethics* through contrast to art, Aristotle at the very least implies that praxis and technē are incompatible, and an art of praxis consequently impossible.” His reading of the *Rhetoric* focuses on understanding the interplay between *phronēsis*, art, and moral virtue in the art of speech that Aristotle describes. He will ultimately argue that in rhetoric Aristotle describes an art that integrates *praxis* and moral virtue. For Garver, Aristotle’s treatment of rhetoric helps to illuminate the concept of *phronēsis* because “the powers exercised in constructing a persuasive speech, especially in indeterminate situations calling for judgment and action, are just the powers the *phronimos* has to call on in

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51 *Aristotle's Rhetoric: An Art of Character*, 8, 12.
52 *Aristotle's Rhetoric: An Art of Character*, 5.
deciding what to do.” This all describes how the *Rhetoric* fits into Garver’s larger project, but it does not entirely describe what he takes to be Aristotle’s own project.

Garver describes the *Rhetoric* as “a work of political theory or political science.” The overall aim of the text is to assist the legislator in understanding how rhetoric operates: “the *Rhetoric* shows the internal workings of the practice of rhetoric so that the legislator can make intelligent political decisions about it.” As Garver reads him, Aristotle is primarily concerned with elaborating a civic art of rhetoric. What makes it an art or a *technē* is the placement of argument at the heart of persuasion. Argument, Garver argues, “is the only kind of rhetorical speech act for which there is an internal, guiding end, and therefore it alone can be subject to art.” In addition to emphasizing the role of argument, Aristotle also needs to give this activity a political function if he is to succeed in describing a civic art. He does this by showing how argument can be used within deliberative, epideictic, and judicial speech situations. In a later stage of his argument, Garver undertakes to explain why there is no inherent tension between rhetoric and politics. Aristotle’s emphasis on the way in which *ethos* contributes to persuasion ultimately leads Garver to conclude that rhetorical persuasion, when properly practiced, is “inherently ethical.” Aristotle, in his view, ultimately articulates a view of rhetoric that is largely “unproblematic” for politics: “Aristotle finds that rhetoric is by its own

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54 *Aristotle’s Rhetoric: An Art of Character*, 204.
56 *Aristotle’s Rhetoric: An Art of Character*, 238.
57 Such an art is one that will “combine the properties of *technē* and citizenship.” *Aristotle’s Rhetoric: An Art of Character*, 20.
58 *Aristotle’s Rhetoric: An Art of Character*, 45-46. Garver considers this to be Aristotle’s’ most important “discovery,” see: p. 51, 53.
60 *Aristotle’s Rhetoric: An Art of Character*, 140.
61 *Aristotle’s Rhetoric: An Art of Character*, 149.
nature subordinate—internally subordinate, if the expression makes sense—to politics, and not because politics exercises external control over it.”\textsuperscript{63} It is important to note that Garver is not asserting that rhetoric is always, and everywhere, unproblematic for politics. He points out that this is only true within a well-functioning polis:

The \textit{Rhetoric} presupposes circumstances in which there is no great gap between internal and external ends. It is set in a world where in general the best way to persuade successfully is by artful persuasion, where the audiences are decent enough that truth will usually win over falsity. Deliberative audiences are not rent by faction or ideological differences, but are in general agreement over what is good, and only in doubt about how best to secure it. If there is a human ergon and a human good, then what is best for me is not in principle different from what is best for you. In its manifold of application there are no huge discrepancies between artful \textit{ēthos} and practical \textit{ēthos}, nor between the demands of \textit{ēthos} and those of \textit{logos}…. None of these features of rhetoric holds universally. I see no reason to think that any of them holds today.\textsuperscript{64}

For Garver, the \textit{Rhetoric} describes the practice of rhetoric in its ideal form. Since it is restricted to the polis, he concludes that Aristotle’s teachings are of limited applicability to the contemporary world.

In some ways, Garver has relinquished the problem of Aristotle’s \textit{Rhetoric} a little too quickly. Unlike earlier readers, he sees little inconsistency in the text. Indeed, one could characterize Garver’s entire argument as one that dissolves the spaces not just between seemingly opposed parts of Aristotle’s argument in the \textit{Rhetoric}, but also between that text and Aristotle’s other works, and even between the activity of rhetoric and the ends of political society. This has everything to do with his interpretive approach to the text. He reads the \textit{Rhetoric} as essentially just a chronicle of Aristotle’s discoveries about the nature of rhetorical persuasion. Apart from seeking to instruct the legislator about rhetoric, Garver finds no other aim or objective in the work. He reads Aristotle’s

\textsuperscript{63} Aristotle’s Rhetoric: An Art of Character, 233.
\textsuperscript{64} Aristotle’s Rhetoric: An Art of Character, 76.
statements about character and *ethos* as a description of crucial mechanisms of rhetorical persuasion. Since it just so happens that what is most persuasive is also most ethical, it turns out that rhetoric is by nature subordinate, and therefore unproblematic, for politics. He does not consider the possibility that this argument is anything but a forthright statement of Aristotle's views. Garver makes it seem as if any problems with rhetoric would dissipate if orators only understood how to practice it, and if they would also make the choice of practicing it in the right way. The political problem of rhetoric is, on his reading, largely an intellectual one.

The difficulty is that this conclusion does not fit very well with the kinds of concerns that Aristotle expresses about rhetoric in his other writings. Aristotle’s concerns about rhetoric are rather urgent: one need only to look to his treatment of extreme forms of democracy in the *Politics* for concrete evidence. Garver’s reading seems to gloss over this. Indeed, at one point, he goes so far as to make the following assertion: “Neither the *Rhetoric* nor the *Politics*, which says nothing at all about rhetoric, explicitly says anything about the political context for understanding the *Rhetoric*.” This seems incorrect on both counts. Aristotle does talk about rhetoric in the *Politics*, and it is not insignificant that this discussion occurs in Book V, which discusses the causes of the dissolution of regimes. Nor is it entirely accurate to say that the *Rhetoric* fails to provide readers with a political context for understanding its argument. Explicitly political themes weave through the text, but much depends upon how one chooses to interpret these themes. Here is perhaps the most salient point: if Aristotle expresses serious concerns about the implications of rhetoric for politics in his other writings, then one should

67 Aristotle, *The Politics*, 1305a13. Consider also the discussion of persuasion at: 1304b21
approach with caution any argument in the Rhetoric that suggests otherwise. For, it is not impossible to imagine that the argument of Aristotle’s Rhetoric might be something other than just a scholarly investigation in the area of public speech.

**Contemporary Readings: Politics as Primary**

Bryan Garsten reads the work as a direct attempt dealing with specific political problems associated with rhetoric as it was taught and practiced in Aristotle’s own day. He states: “Aristotle’s art of rhetoric aimed to teach leading citizens...how to engage in controversy with one another in a way that would weave the city together through deliberation rather than tear it apart through demagogy.”

Teachers of rhetoric before Aristotle tended to focus all of their attention on describing techniques for arguing cases in judicial settings. The problem with the courts and the type of speech practiced there is twofold. In the first place, the forum itself is inimical to the exercise of practical judgment. As Garsten notes, Aristotle criticizes the behavior of citizens when they sit as jurors: "Aristotle argued that when citizens sat as jurors, they listened with an ear for gratification (pros charin) and let their own feelings of pleasure or pain (to idion hedu e luperon) distort their judgment."

The jurors, in this account, are not exercising their judgment, but are allowing themselves to be persuaded by speakers who please them. The second problem rests with the specific type of rhetoric that has been developed for use in the courts. Such rhetoric relies on inappropriate emotional appeals in order to effect persuasion: "The problem in judicial pleadings must...be cast more precisely. The difficulty was not simply that judicial orators aroused emotions but that they aroused the wrong emotions, at the wrong times,

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69 *Saving Persuasion*, 122.
Aristotle is critical of such rhetorical techniques because, as Garsten explains, it warps the audience’s ability to judge well. What is needed then is a new model for public discourse, one that encourages and promotes practical judgment. According to Garsten, this is exactly what Aristotle undertakes to provide. The aim of the *Rhetoric*, as Garsten sees it, is to direct rhetoric to a more deliberative space: “In shifting the emphasis from judicial to deliberative rhetoric, [Aristotle] sought to focus rhetoricians’ attention on a type of persuasion resistant to demagoguery, a rhetorical practice ultimately based upon and validated by its ability to tame the unruliness of practical judgment.” That more deliberative space is the political assembly. Unlike courts, where citizens judge matters that largely concern others, deliberative assemblies require that they make judgments about things that concern their own interests more directly. Garsten makes much of Aristotle's assertion that a deliberative audience is, therefore, more on guard against inappropriate appeals to emotion and manipulative speech. Aristotle, Garsten explains, “thought that citizens tended to judge better in deliberative settings, where they were situated in their own perspectives and experiences and where their opinions and feelings about what would be good for them were relevant to the question before them.” What this means, essentially, is that the solution to the political problem of rhetoric already exists: the solution is practical reason. It just needs to be properly engaged. For Garsten, Aristotle attempts to improve discourse in political society by offering a model of public speech that engages practical reason. Deliberative rhetoric provides that model because it demands that individuals draw upon criteria

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70 *Saving Persuasion*, 123.
71 *Saving Persuasion*, 123.
72 *Saving Persuasion*, 117.
73 *Saving Persuasion*, 119.
rooted in their own perspectives when making judgments. It is important to note, however, that Aristotle’s active attempts at transforming the practice of rhetoric, at least for Garsten, largely end with his establishment of deliberative rhetoric as the appropriate model for public discourse. The rest of the *Rhetoric*, with its lists of propositions and its analysis of emotion, is not essentially part of that same project. It is merely concerned with describing the “patterns of reasoning that most people use when they deliberate.”

In laying these pathways out Aristotle, according to Garsten, is “articulating the structure of ordinary deliberative reasoning.”

Like Garver, Garsten reads the *Rhetoric* as a relatively straightforward statement of Aristotle's own views. Aristotle's assertion that the audience in a deliberative assembly is more properly on guard against the use of inappropriate speech is a pillar of Garsten's argument. He accepts this statement at face value. There are a couple of difficulties here. First, Garsten's reasoning belies a degree of hope in individual judgment that is not entirely supported by Aristotle's argument. There are places in the *Rhetoric* where Aristotle expresses a great deal of skepticism about the average person’s ability to properly judge deliberative matters. Second, it is not entirely clear that Aristotle's statement that a deliberative audience is more properly on guard against irrelevant speech is one that ought to be accepted as simply true. This passage occurs in the midst of Aristotle's most vehement criticisms of the teachers of rhetoric. It is located in precisely that part of the argument that others, like Grimaldi, consider to be largely polemical. This points to a still further difficulty with Garsten's argument. He argues that Aristotle's lists

74 *Saving Persuasion*, 129.
75 *Saving Persuasion*, 131.
76 *Saving Persuasion*, 131.
77 Aristotle, *On Rhetoric*, 1.1.7, 1.2.4, 3.1.5.
of propositions serve to map out the common pathways and to highlight the structure of ordinary deliberative reasoning. The difficulty with this reading is that it is ultimately rather narrow and that it does not quite capture the character of the work as a whole. In some places Aristotle seems to be describing the pathways of deliberative reasoning, in other places he seems to be more concerned with promoting certain pathways over others. The work is punctuated with statements describing how speech ought to be practiced in political society. Rather than simply taking these statements as entirely descriptive of Aristotle's views, Garsten, like Garver, would do well to consider what other purposes these statements might serve.

**The Rhetoric as Political Philosophy**

Others before Aristotle had complied lists of rhetorical techniques and published them as practical handbooks, but no one before had attempted to describe an entire theory of rhetoric. The *Rhetoric* begins with a scathing criticism of all previous writers of handbooks on the subject. Aristotle accuses earlier writers of failing to teach what would amount to a true art of speech. These writers, he argues, focus on only a small part of rhetoric, and not the main part of the subject. They do not concern themselves with rhetorical proofs or syllogisms, the most important of which is the enthymeme, but instead focus almost entirely on the emotions and how they might be used to influence an audience. So while the handbook writers concern themselves with a fraction of the art of rhetoric, Aristotle undertakes to set down the whole of it. What he provides is a truly astonishing achievement. He defines the subject and proceeds to describe an entire taxonomy of rhetoric. To this end, he identifies, distinguishes, and instructs his readers in how to employ three different modes of rhetorical persuasion: *ethos, pathos,* and *logos.*
He classifies rhetorical speeches into three different species and offers detailed lists of propositions pertaining to each. Although he begins the work by emphasizing the importance of logical persuasion, he nonetheless goes on to provide an extensive psychology of human emotion, and he devotes an entire book to a rather exhaustive discussion of style. Because the work is so overtly concerned with the task of establishing the groundwork for an art of speech, it is often assumed that these parts of Aristotle's argument constitute the work's most important teaching. In addition to agreeing about the basic locus of Aristotle's teaching, most readers also make similar interpretive assumptions as to how the work ought to be read. Although a degree of polemic may be allowed in the case of the first chapter, for the most part the text is approached with the expectation that Aristotle is proceeding in a strictly scholarly or scientific way. That is to say, it is assumed that his entire effort is primarily geared towards describing his insights and discoveries about the nature of rhetorical persuasion, and these discoveries and insights are almost always identified with his most explicit attempts at describing and structuring the various parts of rhetoric. The present reading takes a very different view of the text.

It is interesting to note that in the more distant past the *Rhetoric* was considered to be something more than just a technical treatise on the art of public speech. In ancient Rome and the in the Middle Ages, the text was read more for what it had to say about philosophical, ethical, and political matters than for its discussion of rhetoric. George Kennedy explains that when the work was discovered in the early first century, it did not
greatly impact the existing teaching and practice of rhetoric. Kennedy suggests that to rhetoricians of the Roman period Aristotle’s *Rhetoric* would have seemed excessively concerned with matters that are, at best, tangential to the subject. Among other things, it would have seemed to contain overly detailed discussions of political and ethical propositions, as well as overly detailed discussions of emotions that the Romans would not have included in their lists of emotions relevant for rhetorical persuasion. In the early days of the burgeoning Roman republic, rhetoricians placed a premium on persuasion but were significantly less concerned, compared to Aristotle, about the manner in which persuasion was achieved. It is perhaps not all that surprising, then, that the early Romans would have regarded the *Rhetoric*, with its wide-ranging discussions, as something more than merely a treatise on public speech. The tendency to view the work as an extension of Aristotle’s philosophy continued well into the middle ages and beyond. When translated into Latin in the twelfth century, the *Rhetoric* was studied more for its treatment of political and ethical matters, and for its psychology, than it was for its rhetorical theory. Scholastic philosophers viewed the *Rhetoric* as a kind of “appendix to the *Ethics* and *Politics.*” To understand the argument of the *Rhetoric*, and its place within the rest of Aristotle’s political philosophy, requires that one shed the peculiarly modern assumptions that so heavily circumscribed its study for the greater part of the twentieth century. It requires a return to an older approach to reading the work, one that is

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79 *A New History of Classical Rhetoric*, 63.  
80 *A New History of Classical Rhetoric*, 63.  
rooted in an appreciation of the political significance of rhetoric, as it would have presented itself to Aristotle and his contemporaries.

The present reading builds upon the idea that there is a rhetorical element to Aristotle's argument: it sees a deeper purpose in both his opening arguments against the teachers of rhetoric and in his subsequent attempts at establishing an art of speech.\(^\text{82}\) Carnes Lord was among the first, writing post-Grimaldi, to suggest that there is a rhetorical element to Aristotle's argument. He pushes Grimaldi’s first insight, by arguing that Aristotle’s initial treatment of rhetoric, his seeming insistence on an “austere” rhetoric, is not to be taken at face value:

Without wishing to wholly to deny the possibility of compositional anomalies, I believe the argument of the ‘Rhetoric’ develops as it does because Aristotle so intended it. I believe, in other words, that Aristotle’s presentation is governed by a conscious desire to emphasize what one may call the highminded view of rhetoric, while deemphasizing as far as possible or dissociating himself from those aspects of rhetoric which he considered low and potentially dangerous, yet necessary for effective persuasion. Aristotle chooses to emphasize the logical or intellectual component of rhetoric not merely because it had been largely neglected by his predecessors, but also because he regarded such an emphasis as intellectually and politically salutary.\(^\text{83}\)

In Lord’s view, Aristotle intentionally overstates his case against rhetoric in order to transform his reader's view of the subject. Lord suggests that Aristotle is deliberately attempting to correct the sophistic view of rhetoric because it is both incomplete and, most importantly, because it is harmful to politics. He maintains that Aristotle is striving to cultivate a high-minded view of rhetoric, one that imparts “a dignity capable of


engaging the attention of men of intellectual and moral seriousness, and of ensuring that such men are encouraged to view rhetoric...as an instrument of responsible and prudent statesmanship.”

Lord attributes many of the inconsistencies in Aristotle’s argument, specifically the highly logical characterization of rhetoric and its identification with dialectic, to this larger project.

This dissertation agrees with Lord's analysis in some important respects. It accepts that Aristotle's opening remarks are not to be taken at face value and that they constitute a kind of salutary teaching. Most importantly, however, it accepts the suggestion that there is a deeper intention that drives the argument of the *Rhetoric*, and that this intention is political in character. There are, however, significant points of departure as well. Lord’s analysis is limited to the first chapter of Aristotle’s *Rhetoric*: he does not explain whether Aristotle’s salutary argument extends to later parts of the text, and, if it does, he does not explain how or in what form it does so. The present work will argue that Aristotle’s salutary teaching extends much further into the text, and it will attempt to show that Aristotle’s later attempts at structuring and defining an art of rhetoric are also a part of his efforts at making rhetoric “safe for politics.”

There is also a more important point of disagreement: Lord explicitly argues that the primary intention of the *Rhetoric* is not to transform the existing practice of rhetoric, but “to transform the theoretical or conceptual understanding of rhetoric by political men.” The present work takes a very different view, arguing that transforming the practice of rhetoric constitutes the primary purpose or intent of Aristotle’s *Rhetoric*. His aim is to do more than simply

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84 Aristotle, Lord argues, "assimilates rhetoric to dialectic or logic in order to emphasize its purely instrumental role and substantive incompleteness, and thereby to make rhetoric safe for politics." "The Intention of Aristotle's *Rhetoric,*" 337.
85 "The Intention of Aristotle's *Rhetoric,*" 338.
86 "The Intention of Aristotle's *Rhetoric,*" 338.
change existing attitudes about rhetoric: his objective is to transform both its teaching and practice.

Aristotle’s *Rhetoric*, this dissertation will argue, is much more than a treatise on the art of speech; it is first and foremost a work of political philosophy. To say this is to say something very specific about the overarching purposes of the work. It is to assert that Aristotle's primary concern is not with discovering and describing the "nature" of rhetorical persuasion, which means that the work is not, at least in this respect, a strictly scholarly endeavor in the area of public speech. Rather, it is a work with a political project: it is Aristotle's attempt at re-founding the entire art of speech. It is an attempt at replacing the existing teaching and practice of rhetoric with one that is more amenable to, and less intrinsically at odds with, the aims and the objectives of the legislative art. What this means, and what this dissertation will undertake to show, is that the parts of Aristotle's argument that are now interpreted as constituting his core teachings are better understood as a part of his attempt at promulgating an art of speech that corrects of ameliorates the shortcomings of rhetoric as it was being taught and practiced in his day. It is Aristotle's attempt at addressing the political problem of rhetoric, as he understands it.

What is the political problem of rhetoric? To answer this question, one will need to correctly distinguish between Aristotle's criticisms of the existing practice of rhetoric and the true core of his concern. He is not primarily concerned with the morality of rhetoric: the manipulation and deception involved in the ordinary practice of rhetoric, although certainly not desirable, is not the key problem for Aristotle. Nor is Aristotle primarily concerned with the effect of such rhetoric on the audience's ability to exercise practical reason: the "rhetoric of distraction," though rightly lamentable, is not the precise
problem that Aristotle works to correct.\textsuperscript{87} The political problem posed by rhetoric is that it competes directly with the aims and objectives of the legislative art. Such rhetoric is undisciplined in approach and its specific manner of generating persuasion, with its heavy reliance on emotional appeals, jeopardizes and weakens the fundamental agreements that form the basis of any political society, the very agreements that the legislator is striving to engender. It is this tension, it will be argued, that Aristotle undertakes to reconcile by establishing an art of speech that is guided, in the first place, by the laws and legal principles upon which a political system is based.

On one level, then, the text’s purpose is primarily transformative: it attempts to renovate rhetoric so as to minimize the potentially dangerous effects of its unfettered and unenlightened use in political society. Aristotle’s most explicit attempts at defining and structuring rhetoric in the first book, it will be argued, are a part of this political project. This level of Aristotle’s argument is directed at potential students of rhetoric in order to supplant the existing teaching and practice of rhetoric. It is important to note, however, that the success of Aristotle’s political project depends upon it not being recognized for what it is, namely, an active attempt at establishing new modes and orders to govern the practice of public speech. Aristotle has to present his teaching in such a way that it will be accepted as a complete account of his discoveries about the nature of rhetorical persuasion. He has to successfully persuade students of rhetoric to accept his teaching. The key to unlocking the argument of Aristotle’s \textit{Rhetoric} lies in recognizing that his most explicit arguments about rhetoric do not tell the reader very much about the nature of rhetorical persuasion. That teaching is reserved for a deeper and more important layer of argument.

\textsuperscript{87} The expression is Garsten’s. Garsten, \textit{Saving Persuasion}, 123.
Aristotle does offer an account of the nature of rhetorical persuasion, but it is not identical with his most explicit attempts at defining, structuring, and explicating an art of speech. This teaching is buried within Aristotle's treatment of epideictic rhetoric: there, in his discussion of wrongdoing, he offers an account of primary mechanisms of human motivation. This, it will be argued, constitutes one of the works most important teachings. It is significant for a number of reasons. In the first place, it explains the nature of rhetorical persuasion. That is to say, it explains what kinds of reasoning human beings find especially persuasive. Second, in so doing, it helps also to explain why a reform of rhetoric is necessary: it is not because the existing practice of rhetoric is weak or insufficiently "artistic," but because it has correctly identified the main drivers of human action, and plays directly upon them. In other words, this discussion helps to illuminate Aristotle's entire argument.

Besides the larger reading of Aristotle’s *Rhetoric* that will be presented herein, this dissertation contributes to the literature in three more specific ways, each of which can stand independently of the larger interpretation. First, this dissertation will present a new reading of the *Rhetoric*’s first chapter. It will offer a reading that stresses its highly rhetorical character, and it will offer a careful dissection of that rhetoric. Most importantly, however, it will undertake to establish the significance of the brief treatment of legislation that appears within that chapter. Second, this dissertation will show that Aristotle's treatment of the three species of rhetoric is better read as an attempt at transforming rhetoric, rather than describing it. That is to say, it will attempt to show that the greater part of the effort of the first book is concerned with properly subordinating rhetoric to the legislative art. It will be said that this suggestion, namely, the idea that
Aristotle might be attempting to subordinate rhetoric to the legislative art, is not in any way original. And it is not. In the *Nicomachean Ethics* Aristotle states that rhetoric, among other arts, is properly subordinate to the art of legislation. This statement is often echoed, and it has been used to describe what Aristotle is doing in the *Rhetoric*. The reading offered in the present work has not been developed before. Third, this dissertation will argue that Aristotle’s discussion of human choice, which is situated in his treatment of judicial rhetoric, is one of his most important teachings. It serves as his deepest account of the mechanisms of human motivation, and that it lies at the core of his teachings about rhetoric.

Readers should note that the present work will differ from other readings in two ways that are worth noting at the outset. First, it will lavish a good deal of attention on the discontinuities and apparent digressions within Aristotle’s argument, and it will pay careful attention to the manner in which Aristotle chooses to structure and unfold his argument. Second, it will not provide a technical analysis of the various parts of speech. If one is looking for a detailed discussion of the enthymeme, they will not find it here. This is so by design and not omission. There is no question that Aristotle wants his readers to focus their attention on the enthymeme. After all, he presents it as the cornerstone of rhetorical persuasion. Still, it is important not to give into the temptation to study it too soon. For doing so can draw one away from recognizing Aristotle’s larger project, which is revealed, in part, by the manner in which he unfurls his argument. Aristotle mentions the enthymeme in the first book, but he only treats it in a detailed way at the end of book two. This is well after he has defined the guidelines for the proper use of rhetoric. It is also well after he has revealed his deeper teaching about the nature of
human motivation. If one is to understand the place of the enthymeme in Aristotle’s argument, one needs to understand these other things first.
Chapter 2

The Political Problem of Rhetoric

The first chapter of the *Rhetoric* has been a particular source of difficulty for interpreters because it puts the inconsistencies in Aristotle’s argument into high relief. In this chapter, Aristotle criticizes the type of instruction offered by all previous writers of handbooks on public speech. He rejects their use of emotional appeals, as well as their concern with such things as the style and arrangement of a speech. Along the way, Aristotle also describes what the focus and content of public speeches ought to be. When arguing before judicial assemblies, he states that speakers should refrain from commenting on the importance or justice of the case in question. He argues that they should instead restrict themselves to discussing only the facts of the matter at hand. When taken together, the arguments of the first chapter seem to wholly reject the kind of rhetoric that attempts to influence its audience through appeal to less rational parts of the human soul. Aristotle, at least at this point in the text, appears to argue in support of strictly rational forms of rhetorical persuasion. The obvious problem is that later chapters of the work will teach an art of speech that differs considerably from the “austere” rhetoric that is so vehemently endorsed in the opening passages of the text. Aristotle will go on to teach readers how to use various non-rational modes of persuasion: he will treat the emotions in detail, and

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he will even go so far as to devote an entire book to the discussion of style and arrangement. Contrary to his initial injunction, he will also show his readers how to establish both the importance and justice of a case.\textsuperscript{90} The challenge for interpreters is determining what to make of a chapter that is so obviously at odds with later parts of the work. As tempting as it might be to set aside questions about the status of the first chapter and its relation to the rest of the work, these are not matters that interpreters can choose to be ambivalent about. The incongruities that it introduces into the text are so pronounced as to demand a determination: one must either accept that the arguments of the first chapter, either whole or in part, are worth serious consideration and accept that they have something to teach us about Aristotle's views about rhetoric, or one must relinquish them. Exactly how these issues are settled influences how one will go on to read and understand all the rest of Aristotle's argument.

Students of the \textit{Rhetoric} have decided these matters in a wide variety of ways. Even so, it is possible to discern five basic types of responses to the problems posed by the first chapter. In the first group are those who consider the \textit{Rhetoric} to be a fundamentally problematic text. These readers can find little reason to think that the first chapter, or the rest of the work for that matter, is a sufficiently reliable source. As Paul D. Brandes puts it: the book is “at best an imperfect statement of Aristotle’s conceptions of

\footnote{In his comments on chapters 1-3 Kennedy makes special note of this line argument and the problem that it creates: “In section 6 [Aristotle] even seems to say that the importance and the justice of a case are not appropriate issues for a speaker to discuss; they should be left for the audience to judge. But the justice of a speaker’s case, its importance, and its amplification subsequently will be given extended treatment.” George A. Kennedy notes to \textit{On Rhetoric: A Theory of Civic Discourse}, by Aristotle (New York: Oxford University Press, 1991), 27.}
rhetoric.” For Brandes, along with all the others belonging to this first category of readers, the *Rhetoric* provides little in the way of solid ground: they see the text as a more or less random collection of documents of rather questionable provenance. Whatever attention they do lavish on the work is largely for the purposes of explaining the reasons why they consider the *Rhetoric* to be an interpretive quagmire. Of course, not everyone agrees with this assessment. The second group of interpreters strives to salvage the text or at least certain parts of it. What is distinctive about their approach is that they all attempt to relieve the contradictions within Aristotle's argument by diminishing certain parts of it, while raising that status and significance of other parts. In certain cases, this means simply jettisoning one part of the argument, as do those who deny that the first chapter reflects Aristotle's mature and established views on rhetoric. In other cases, it means undercutting the doctrinal authority of one part of the equation, as in the case of those who view the first chapter as a simple polemic or as an impassioned overstatement of Aristotle's basic position. Not all readers, however, are quite so ready to relinquish even the more problematic parts of the first chapter. A third approach takes a more robust reading of the *Rhetoric’s* introductory arguments. These interpreters maintain that

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91 Brandes, "The Composition and Preservation of Aristotle's *Rhetoric," 482. All of the research that Brandes brings to bear shows that he is much more skeptical about the reliability of the *Rhetoric* than his modest thesis might initially suggest. The problems with the text, as he presents them, are so great as to make any attempt at interpretation inescapably fraught. See Also: Brad McAdon, "Strabo, Plutarch, Porphyry and the Transmission and Composition of Aristotle's *Rhetoric—*a Hunch," *Rhetoric Society Quarterly* 36, no. 1 (2006).


Aristotle’s opening remarks are both deliberate and instructive. For example, some argue that the first chapter presents Aristotle’s ideal view of rhetoric, whereas later parts of his argument capitulate more to the realities of political life. Interpreters belonging to this group acknowledge the tensions within Aristotle’s argument. But, they maintain that the arguments of the first chapter serve a theoretical purpose, and they warn against dismissing any of its arguments out of hand. Many of the more recent studies of the Rhetoric can be grouped together into a fourth category. What these readings share is that they all find little to no inconsistency between the arguments of the first chapter and the rest of the work. Kennedy offers a succinct statement of just some of the ways that interpreters have attempted to establish consistency:

Some interpreters seek to force the point of view of chapter 1 into conformity with what follows by making very careful distinctions about what Aristotle is saying. This involves claiming, for example, that pisteis, “proofs,” in section [1.1.3] already includes the use of character and emotion as a means of persuasion, that verbal attack, pity, and anger in section [1.1.4] refer to expressions of emotion rather than to the reasoned use of an understanding of psychology and motivation. Section [1.1.6] can be made consistent with later parts of the work if Aristotle is regarded as saying that the speaker’s interpretation of what is just or important should not be allowed to color the audience’s judgment. It can be stressed that a speaker needs to understand tricks that may be used by an opponent but should not employ them himself.

In all of these cases, interpreters attempt to establish unity by showing that some specific set of claims made in the first chapter are consistent with later parts of the text. Other

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interpreters belonging to the fourth group take a slightly different tack: they view Aristotle's opening remarks as directed against only a particular view of rhetoric or a specific type of rhetorical practice. Garver, for example, reads the first chapter as an indictment of a specific understanding of art or technē.97 Aristotle, in Garver’s opinion, is criticizing the view of rhetoric that locates its end, or ultimate aim, with something external to the activity, such as successful persuasion.98 Garsten, comparably, interprets Aristotle’s opening remarks as directed at the type of rhetoric that was being practiced in the courts.99 Since Garver and Garsten both read Aristotle's opening arguments as leveled against a specific type of rhetoric, they see no inherent tension between his initial remarks and the position that he develops later. This general approach to the interpretive problems posed by the first chapter is common in much of the contemporary literature on Aristotle’s Rhetoric.

It is important to be clear about what is at stake when choosing between these four positions. It certainly is a mark of progress that the Rhetoric is no longer being dismissed out of hand as it once was. That being said, it does not necessarily follow that earlier readers of the Rhetoric were all somehow completely wrong. The fourth category of interpreters salvages the first chapter, and with it the unity of the work as a whole, but to do so they must refashion that chapter’s argument. What falls out in these more contemporary readings is any sense of disproportion or tension between Aristotle’s opening remarks and his later arguments. These readings may salvage the Rhetoric from the charge of inconsistency, but they miss the mark by veering too much towards one interpretive extreme. Just as the first group of interpreters goes too far in denying the

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98 Aristotle's Rhetoric: An Art of Character, 22-34.
99 Garsten, Saving Persuasion, 115-141.
unity of Aristotle’s argument, this last group of interpreters goes too far in their assertions of consistency. To deny that there is any unity to the argument is to rebuff obvious thematic continuities that weave through the text. Alternatively, to maintain that there is simply no disconnect between the first chapter and Aristotle’s subsequent elaboration of an art of speech is to deny the presence of a rather prominent texture within the larger argument.

The present reading maintains that the first chapter is essential to understanding all the rest of Aristotle's argument, but it also acknowledges that many of that chapter's arguments are indeed problematic, both in and of themselves and as they relate to other parts of the work. In this respect, it resembles the third group of readings. There is, however, an important difference. Most interpreters that belong to the third group attempt to explain textual inconsistencies by pointing to a "philosophical" purpose of some sort, if one may call it that.¹⁰⁰ That is, they all undertake to show that Aristotle’s initial arguments in support of a more austere form of rhetorical practice serve a distinct purpose, one that is different from his subsequent efforts at describing an art of speech. As was mentioned, some argue that the first chapter of the Rhetoric presents a highly rationalistic view of rhetoric because this is what the ideal form of rhetoric looks like.¹⁰¹ The first chapter, in this case, serves a theoretical purpose: it is to present readers with a view of rhetoric in its highest form. It, therefore, does not matter if this view of rhetoric does not line up with the instruction in speech that Aristotle goes on to provide, because these two parts of the

¹⁰¹ This is just one example of the different readings that fall into this group. It is important to keep in mind that what defines the "third group" of interpreters is that they acknowledge the difficulties posed by the first chapter and that they still maintain its importance. They do not simply dismiss or discount the arguments of the first chapter as do the first two groups of interpreters, nor do they assert simple consistency, as do members of the fourth group.
argument are concerned with establishing different kinds of things. The reading of the
*Rhetoric* offered herein offers a different type of explanation. Rather than pointing to a
theoretical purpose, it maintains that Aristotle’s opening arguments are largely
rhetorical.¹⁰² In this respect, the current reading differs from all of the aforementioned
readings, and not just the third group. Indeed, what almost all of these readings have in
common is that they read the first chapter, and the rest of the *Rhetoric*, as a largely
straightforward text containing only one level of argument. The present interpretation
challenges this most basic interpretive assumption. In particular, it challenges the idea
that Aristotle’s understanding of rhetoric is only to be discerned if one takes his
arguments at face value. Whether this reading is viewed as a specific subset of the third
group of readings, or whether it is better classed into a fifth category of interpretive
approaches, does not matter all that much. The important thing is to recognize how this
interpretive stance differs from most other readings of the text.

There is much about the first chapter that does not make sense if one assumes that
it has been designed to serve as a scholarly introduction to a treatise on public speech. If,
however, one allows for the possibility that the chapter itself might be an exercise in
rhetorical persuasion then excesses, the shortcomings, and the uncharacteristic manner of
Aristotle’s opening arguments come into a different focus. One does not have to squint to
see that the first chapter of the *Rhetoric* resembles a speech in some key respects. In the

¹⁰² Others have suggested that there is a rhetorical component to the arguments of the first chapter, but the
present reading pushes this interpretation further than anyone else to date. For a rhetorical reading of the
first chapter, see in particular: Lord, "The Intention of Aristotle's *Rhetoric.*" See also: Jacob, "What If?."
Still others touch upon this interpretation, but much more lightly. See: Most, "The Uses of *Endoxa:*
Philosophy and Rhetoric in the *Rhetoric.*" 188.
first place, it fulfills the objectives of a good *prooimion*.[103] The opening chapter, as Larry Arnhart so succinctly puts it, “is devoted both to showing the importance of the subject matter under discussion and to clearing away common prejudices that might make the reader un receptive to the argument.”[104] In addition, to having the basic structure of a proem, the first chapter also reads like an exercise in persuasion. This is suggested both by the chapter’s tone and the relatively loose style of argument it employs. Aristotle proceeds as might any good practitioner of the very kind of rhetoric he will go on to implicate: he attempts to establish himself as the only teacher of what would amount to a true art of rhetoric, and he does so by vociferously impugning the kind of education in public speech offered by all previous teachers of rhetoric. This is far from Aristotle’s usual style of writing.[105] Gone is his characteristic equanimity: instead, one finds a more contentious Aristotle brandishing about philosophically inferior arguments against unnamed opponents. While of course it is possible that the first chapter is providing us with a rare glimpse at a youthful, or more irate, or less careful Aristotle, there is a simpler explanation for its atypical appearance—perhaps the *Rhetoric* is just a different type of work, directed at different type of audience. The present chapter will attempt to show that Aristotle’s opening arguments are, for the most part, better read and understood as an

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[105] Many interpreters willingly acknowledge that there is something decidedly uncharacteristic about Aristotle’s treatment of his predecessors. There is more consensus on this point than not. Some interpreters note that Aristotle is presenting a more impassioned argument than is usual for him. Others have noticed that his treatment of his predecessors is atypically cursory: Amélie Oksenberg Rorty, "Structuring Rhetoric," in *Essays on Aristotle's Rhetoric* ed. Amélie Oksenberg Rorty (Berkeley: University of California Press, 1996), 1.
attempt at securing an audience for the larger work. These objectives, it will be argued, stand revealed in the design of the opening chapter, in the manner of Aristotle’s argument, and in the specific kinds of reasoning that he brings to bear. Still, this is not all there is to see.

Although Aristotle makes a fervent case against the existing teaching and practice of rhetoric, one should recognize that these arguments do not always reflect his most important concerns about it. Readers need to be careful not to mistake his more rhetorical arguments, for his actual views about rhetoric and the limits and possibilities for speech in political society. Indeed, a more careful consideration of his most overt arguments reveals them to be weak and contradictory—they stand exposed as flights of oratory, rather than the products of meticulous philosophical reflection. This does not mean, however, that nothing of significance is to be gleaned from the first chapter. Aristotle’s actual concerns about the existing teaching and practice of public speech are revealed in a brief digression on law and legislation that intrudes upon the arguments of the first chapter. These concerns, which are entirely political in nature, drive Aristotle’s subsequent elaboration of the art of speech. What these more serious concerns are will be explained in the latter half of the present chapter. To grasp this facet of the argument, however, requires that readers first see through the rhetoric of the first chapter and recognize it for what it is: an attempt at securing a receptive audience for his larger teaching. The present reading will, therefore, begin by outlining, what it considers to be, the two main stages of Aristotle’s rhetorical argument. The first stage is designed to assuage concerns that potential students of rhetoric might have about learning rhetoric from one of Plato's former students. The second stage of the rhetorical argument
discredits all other teachers of rhetoric while articulating the characteristics of a superlative art of speech.

Stage One: Breaking With Plato

The *Rhetoric* does not begin with a whimper. Indeed, it is difficult to conceive of a more dramatic start than the one that Aristotle has already fashioned for his argument. In the first few lines of the text, he compares rhetoric to dialectic, and he proclaims it to be an art. In so doing, Aristotle seemingly rejects Plato's understanding of rhetoric while simultaneously putting forward an entirely new view of the subject. It is, therefore, no wonder that the opening lines of the text tend to draw scholarly attention. There is, as one might expect, considerable disagreement about how these opening remarks ought to be interpreted. One such dispute centers on the question of whether or not they signal a disagreement with Plato. Some readers accept that it does. Others deny it. Still others argue that it indicates a break only with the arguments put forth in the *Gorgias*. However interpreters position themselves in this debate, most still share certain basic interpretive assumptions about how the work ought to be read. For the most part, they assume that the intended function of the first line of the text is to clarify Aristotle’s basic position in some way. His opening remarks, in other words, are often interpreted as an essentially straightforward statement of doctrine. But what if one does not immediately default to this assumption? Could Aristotle’s opening remarks serve some other function?

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Perhaps its purpose is not to identify and explain a philosophical view, but rather to secure an audience for the *Rhetoric*.

“Rhetoric is an *antistrophos* to dialectic.”¹⁰⁹ This is the sentence that Aristotle chooses to begin his entire argument. As many readers note, this one line recalls Plato’s most important indictment of rhetoric. In Plato’s *Gorgias* Socrates famously derides rhetoric as the counterpart (*antistrophos*) of cookery in the soul.¹¹⁰ Socrates thereby classes rhetoric as a type of flattery, and he condemns it as "shameful" because it "gives no heed to the best but hunts after folly with what is ever most pleasant."¹¹¹ Not only does Socrates identify rhetoric with base flattery, he also goes on to deny rhetoric the status of an art. He counts rhetoric among the sham arts; these sham arts are learned through a kind of experience and are ultimately a kind of knack. They do not count among the true arts because they lack a reasoned account of their own activity, which means that they cannot properly identify the causes of failure and success in their respective spheres. Unlike Socrates, Aristotle does not deny that it is possible for rhetoric to enjoy the status of an art. On the contrary, he immediately goes on to suggest that the causes of rhetorical persuasion can indeed be known. Both rhetoric and dialectic, Aristotle proceeds to argue, are concerned with things that, to some extent, are within the understanding of all people. All men, in some way, partake in both: “for all, to some extent, try both to test and maintain an argument (as in dialectic) and to defend themselves and attack (others, as in rhetoric).”¹¹² According to Aristotle, most people will do these things either randomly or

¹¹¹ *Gorgias*, 464d2.
“through an ability acquired by habit” (sunētheian apo hexeōs).\textsuperscript{113} That rhetoric is indeed an art, Aristotle proposes, is suggested by the fact that both ways are possible. One can begin to discern what this path is by observing and comparing why some people are accidentally successful, and others are successful through habit. For Aristotle, discerning the difference is the activity of an art: “it is possible to observe the cause why some succeed by habit and others accidentally, and all would at once agree that such observation is the activity of art.”\textsuperscript{114} Aristotle has just stated what the specific activity of an art of speech is: it is the observation of the causes of failure and success in public speech. These arguments will be considered more carefully in a later chapter. For the moment, however, it is important to reflect upon what Aristotle has managed to accomplish in the first few lines of the \textit{Rhetoric}.

The entire first part of Aristotle’s discussion is devoted to separating himself, and the teaching that he is going to offer, from all others who have taught or theorized on the subject. But he does not begin by distinguishing himself from the likes of Gorgias or Isocrates. Instead, his initial salvo seems to be aimed directly at Plato. The opening line of the text—itself a masterstroke of rhetoric—makes this distinction in the shortest and most effective way that one can imagine. In a single line, Aristotle makes clear that his teaching is not to be confused with Plato's criticisms of the subject. He takes what is arguably Plato's most memorable attack on rhetoric, Socrates's attack in the \textit{Gorgias}, and reworks it into a vindication of the entire subject.\textsuperscript{115} In the opening lines of the work, Aristotle makes it clear that he disagrees with those who would deny rhetoric the status of an art. What is more, he seems to line up with the teachers of rhetoric by suggesting that

\textsuperscript{113} \textit{On Rhetoric}, 1.1.2.  
\textsuperscript{114} \textit{On Rhetoric}, 1.1.2.  
\textsuperscript{115} Plato, \textit{Gorgias}, 464b-465e.
the causes of persuasion can be known and that the art of persuasive speech is a thing that can be taught to others.

It is often assumed that the purpose of these arguments is to identify and explain an important point of philosophical dispute. The first line of the *Rhetoric* seems designed to remind students of Plato’s arguments, which it often does. Nonetheless, one should note just how vague the treatment is. Aristotle does not explicitly mention Plato or the *Gorgias*. Nor does he go to any special lengths to ensure that his readers do not mistake what it is that he is trying to say. This is all in marked contrast to how he proceeds in his other writings. It is not uncommon for Aristotle to take issue with a specific philosophical position, but in other works he does so in a more careful and focused way. Aristotle is willing to name names and he is very good at providing careful critiques when he is so inclined. The second book of the *Politics* provides an especially good example of this. There, he carefully and systematically critiques the political arrangements that Socrates presents in Plato’s *Republic* and in the *Laws*. The *Rhetoric* does not contain anything like this. The first chapter does not parse the differences

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116 Schütrumpf argues that the first chapter is similar in structure to the opening arguments found in some of Aristotle’s other writings. For example, he points out that Aristotle criticizes his predecessors and also uses polemic in other texts. Schütrumpf does, however, acknowledge one important difference: he suggests that in other works Aristotle’s criticisms express “new concepts of Aristotelian philosophy or methodology, [and that] in the *Rhetoric* the critical remarks mainly echo the most pertinent ideas on the subject expressed by others [mainly Plato].” Schütrumpf, "Aristotle's *Rhetoric*: Philosophical Essays," 101. See also: p. 99-104.


118 Commentators have offered different explanations for why Aristotle is reticent about discussing his predecessors, and their contributions to the discipline. Jacques Brunschwig suggests several possibilities. One possibility, as he puts it, is that Aristotle “sees himself not as extending the researches of the teachers of rhetoric, but that he positions himself as ‘their antagonist and rival.’” Brunschwig also suggests that Aristotle might be following the “general rule of not mentioning living people in a written work.” Jacques Brunschwig, "Aristotle's Rhetoric as a "Counterpart" to Dialectic," in *Essays on Aristotle's Rhetoric* ed. Amélie Oksenberg Rorty (Berkeley: University of California Press, 1996), 50. For more on this see: Schütrumpf, "Aristotle's *Rhetoric*: Philosophical Essays," 101.
between Plato’s treatment of rhetoric and the view that Aristotle will go on to develop.

Nor does Aristotle go on to provide a more detailed account of this dispute anywhere else in the text. This last point is especially telling. Of course, it might be argued that the main purpose of the first chapter is to distinguish Aristotle’s position from the view of rhetoric put forward by the other teachers of speech. This, it might be said, is the philosophic position that Aristotle is concerned with establishing. Aristotle’s arguments against the teachers of speech will be considered more fully in later parts of the present chapter. Even so, it is worth noting that the arguments of the first chapter are still wanting, even when framed in this way. Aristotle’s arguments against the teachers of speech are hardly more precise. If the purpose of his opening arguments is to identify an important disagreement with the standard view of rhetoric, then it is not unreasonable to expect a more detailed statement. It is also not unreasonable to expect Aristotle to then go on to articulate an art of speech that is in keeping with his initial statement. This is not what happens: Aristotle goes on to develop a teaching that does not seem to differ all that much—at least in regards to certain key points—from the view that standard view of rhetoric that he set out criticizing. The point to grasp in all of this is that the opening of the Rhetoric does not serve as a particularly useful statement of Aristotle’s basic philosophic position. Perhaps this is because it is not its intended purpose. It is worth considering the possibility that Aristotle’s opening remarks are not designed to describe a position, but to secure a specific audience. The chapter’s highly dramatic start, the short shrift it gives to Plato’s argument, and its more polemical tone all suggest that Aristotle’s intended audience might not be, strictly speaking, philosophic. It is possible that Aristotle
is specifically targeting students of speech. After all, the manner in which he chooses to begin his argument seems tailor-made to attract this audience.\textsuperscript{119}

If Aristotle is seeking to attract the attention of students of speech, and if he sees his rhetoric as a competitor to existing courses in the subject, then he needs to distance himself from Plato’s view of the subject. One might even argue that this strategy is a necessary one. Plato’s Socrates disparaged rhetoric, he accused its teachers and practitioners of sophistry, and he pushed his audience to take up philosophy—which he presented as the only appropriate alternative to rhetoric. This makes it rather unlikely that students seeking to improve their public speaking skills would deliberately seek out Socrates, or his ilk, for an instructor. Not only was Aristotle a student of the Academy, his early writings are reported to have closely echoed Plato’s own criticisms of rhetoric. The \textit{Gryllus}, a dialogue that is counted among Aristotle’s earliest works, is said to have presented some arguments against the view that rhetoric is an art.\textsuperscript{120} According to Diogenes, this dialogue was named after a son of Xenophon who had died fighting in the battle of Mantinea. Although it was a common practice among the Greeks for epitaphs and eulogies to be composed to honor the dead, Diogenes relates that in this case the profusion of writings was so great that it sparked Aristotle’s ire, prompting him to comment that “innumerable” authors had composed these writings only in order to ingratiate themselves with Xenophon.\textsuperscript{121} Isocrates, it is especially worth noting, was supposedly among those to have written an encomium on \textit{Gryllus}. If all of this is true, if

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\textsuperscript{120} Quintilian, The Orator's Education, 2.17.14. Keith Erikson argues that the \textit{Gryllus} was largely aimed at "rebuking the substance and manner" of the many addresses written in honor of Xenophon’s son. Erickson, "The Lost Rhetorics of Aristotle," 4.
\textsuperscript{121} Diogenes Laertius, \textit{Lives}, II.55.
\end{flushright}
Aristotle did write anti-rhetorical works in the Platonic style, if he did accuse Isocrates, who was a student of Gorgias and a famous teacher of rhetoric in his own right, of pandering and flattery, then he would certainly need to put some distance between these earlier views and the position that he is going to develop in the *Rhetoric*. Moreover, it would make sense that he establish this distance immediately and in as powerful and memorable a way as possible. This is precisely what he does.

Aristotle’s first move is to separate himself from Plato by suggesting that an art of rhetoric is possible. Of course, he will not go on to spend any more time discussing Plato’s arguments. After all, that is not his chief concern. Instead, Aristotle turns his attention to the art of speech as it was being taught and practiced in his day. In the next stage of his argument, which could be viewed as the first chapter’s second act, Aristotle presents a series of scathing criticisms that undercut almost every aspect the existing teaching. These arguments are especially revealing. In the first place, they provide further evidence of Aristotle’s intended audience. Second, they also give readers a glimpse of some of the work’s larger objectives.

**Stage Two: Discrediting the Teachers of Speech**

The first chapter of the *Rhetoric* offers a tightly compressed set of criticisms directed at all previous attempts at compiling handbooks on the art of speech. These criticisms, when prized apart, reveal the full scope of Aristotle’s efforts at discrediting the teachers of rhetoric. As it stands, however, commentators often emphasize only certain components of these criticisms. Aristotle, it is observed, denounces existing courses in rhetoric as inartistic and he condemns their reliance upon the use of emotional appeals. It is important to recognize, however, that his offensive against the handbook writers goes
well beyond just these two common observations. This is especially true in regards to
his remarks about emotional appeals, for he uses more than one argument to indict this
rhetorical practice. The present reading identifies three main lines of attack: (1) Aristotle
denies that these writers teach what would amount to a true art of rhetoric, (2) he attacks
the power of the rhetoric that they do teach, and (3) he calls into question the nobility of
the instruction that they offer. To fully appreciate this part of Aristotle’s argument
requires that one identify all the different lines of argument that make up his criticisms of
the teachers of rhetoric and, what is more, it requires that one appreciate just how these
criticisms function in concert.

Aristotle begins his denunciation of the teachers of rhetoric by accusing them all
of failing to provide instruction in the art of speech. This is the first of his three lines of
attack. He criticizes the handbook writers for attending to only a small part of rhetoric
while neglecting the real core of the subject. The teachers of rhetoric focus their efforts
on describing different methods for appealing to the emotions of an audience: they give
their attention to “verbal attack and pity and anger and such emotions of the soul.” In
doing this, Aristotle argues, they do not concern themselves with the real core of the
subject. He goes on to explain that they are no closer to describing a true art of speech
when they focus their attention on seemingly technical matters such as what the
introduction, narration, or other parts of a speech should contain. Here too they are only
listing different devices for putting the judge "in a certain frame of mind." For Aristotle
this is not describing an art of speech:

\[
\begin{align*}
\text{It is clear that matters external to the subject are described as an art by} \\
\text{those who define other things: for example, what the introduction}
\end{align*}
\]

\footnote{122 Aristotle, \textit{On Rhetoric}, 1.1.4.}
\footnote{123 \textit{On Rhetoric}, 1.1.4.}
(prooimion) or the narration (diēgēsis) should contain, and each of the other parts; for in treating these matters they concern themselves only with how they may put the judge in a certain frame of mind, while they explain nothing about artistic proofs; and that is the question of how one may become enthymematic.\textsuperscript{124}

Showing one how to rouse particular emotions in an audience and describing what the parts of a speech should contain is not the same thing as teaching one about the kind of reasoning that generates persuasion. Aristotle stresses that a proper art of rhetoric is one that focuses on rhetorical proofs, and especially the enthymeme—which in the first chapter is identified as the “the strongest of the pisteis.”\textsuperscript{125} To really become enthymematic one needs to understand how, and from what sources, a syllogism arises. This requires that one also grasp the differences between rhetorical syllogisms and logical syllogisms.\textsuperscript{126} According to Aristotle, such knowledge constitutes the main core of the subject, whereas everything else is supplementary. A proper art of rhetoric, therefore, is something more than simply understanding what an introduction or narration should contain, and it is something more than knowing how to play upon the emotions of an audience.\textsuperscript{127}

In these opening arguments, Aristotle places the enthymeme at the center of any art of speech. The cogency of this and Aristotle's other lines of attack will be considered later, but it is worth taking a moment now to reflect on the slippery character of his

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\textsuperscript{124} \textit{On Rhetoric}, 1.1.9.
\textsuperscript{125} \textit{On Rhetoric}, 1.1.11.
\textsuperscript{126} \textit{On Rhetoric}, 1.1.11.
\textsuperscript{127} The discussion at 1.11 could be read as an attempt at establishing his authority in the subject area. Here Aristotle argues that: “he who is best able to see from what materials, and how, a syllogism arises would also be most enthymematic—if he grasps also what sort of things an enthymeme is concerned with and what differences it has from a logical syllogism.” (\textit{On Rhetoric}, 1.1.11) If it is the case that those who are knowledgeable about logical syllogisms are also the "most enthymematic," then it would make sense to learn what the author of the \textit{Topics} has to say about rhetorical persuasion. Aristotle, as if to press this very point, goes on only a few lines later to remind his readers of his arguments in the \textit{Topics}: “Speech based on knowledge is teaching, but teaching is impossible (with some audiences); rather, it is necessary for pisteis and speeches (as a whole) to be formed on the basis of common (beliefs), as we said in the \textit{Topics} about communication with a crowd.” (\textit{On Rhetoric}, 1.1.12)
treatment of the enthymeme at this point in the text. The *Rhetoric* begins on a note of promise: Aristotle suggests that an art of rhetoric is possible. He then immediately explains to his readers what the activity of such an art entails. As he puts it, it consists in perceiving the causes of successful persuasion. It is crucial to note, however, that there is no further mention of the causes of persuasion in the first chapter, and for some chapters after. When Aristotle turns his attention to the teachers of speech, at no point does he accuse them of failing to grasp the causes of persuasion. Instead, he simply criticizes them for failing to teach an art of speech. They fail at this, or so the argument goes, because they do not say anything about enthymemes.\textsuperscript{128} This is a significant shortcoming because the enthymeme belongs to “the body of persuasion” and, as Aristotle later points out, it also happens to be “the strongest of the *pisteis*.”\textsuperscript{129} It is in this way that the enthymeme becomes the centerpiece of Aristotle’s initial arguments against the teachers of speech. This does not mean, however, that the enthymeme is therefore also the centerpiece of Aristotle’s entire theory of rhetoric.\textsuperscript{130} Readers need to be careful about making an interpretative leap of this sort.\textsuperscript{131} In the first chapter, Aristotle does not establish anything definitive about the enthymeme. He emphasizes the primacy of the enthymeme by repeatedly identifying it as a form of artistic persuasion, but Aristotle does

\begin{footnotes}
\begin{enumerate}
\item \textsuperscript{128} Aristotle, *On Rhetoric*, 1.1.3.
\item \textsuperscript{129} *On Rhetoric*, 1.1.3, 1.1.11.
\item \textsuperscript{130} There is some ambiguity in the line at 1.1.3. Is Aristotle saying that specifically the enthymeme is the body of persuasion? Or, is he saying that artistic proofs are the body of persuasion? The first chapter suggests the former, given that focuses squarely on the enthymeme. Later parts of the work, beginning with 2.2.3, suggest the latter.
\item \textsuperscript{131} Grimaldi makes this leap, which explains primacy that the grants to the enthymeme. Citing the passage at 1.1.11, he states: "Indeed it does not seem possible to acquire an intelligent grasp of [Aristotle's] analysis of rhetoric without an understanding of what he calls the enthymeme…In the first place, he locates the enthymeme at the very center of the rhetorical process when he says quite explicitly that rhetoric, in the final analysis, directs itself to *pistik* and that the enthymeme incorporates *pistes*.” Grimaldi, *Studies*, 54-55.
\end{enumerate}
\end{footnotes}
not say that it is the definitive form of artistic persuasion anywhere in the first chapter.\textsuperscript{132} On the contrary, since he always uses the plural (i.e. \textit{pisteis}) when explaining what counts as artistic persuasion, he leaves open the possibility that, besides the enthymeme, artistic persuasion can take more than one form.\textsuperscript{133} As one looks beyond the first chapter, it becomes increasingly difficult to maintain the idea that the enthymeme must somehow lie at the core of any art of speech. Later in the text, Aristotle will identify three different modes of artistic persuasion: \textit{ethos, pathos,} and \textit{logos}. The enthymeme, readers will then learn, is not the only form of logical persuasion. Moreover, it will also be revealed that the enthymeme is not always the best or most effective mode of argument. Aristotle initial treatment of the enthymeme, therefore, should not be read as a definitive statement of where he places the enthymeme in his own art of speech. Instead, one should pay attention to how the enthymeme is used in this chapter. Why all of this emphasis, especially if it is not born out by later parts of the text? It might be that the enthymeme provides Aristotle with something tangible to point to as he works to convince readers of the deficiencies of existing courses in rhetoric. In which case, he may be emphasizing the enthymeme, not because it is the cornerstone of his theory, but because it is something that other courses in rhetoric could plausibly be said to lack. He may be exploiting the enthymeme to build a more captivating case against the kind of rhetoric that was being taught and practiced in his day. All of these considerations are worth keeping in mind when reflecting on his treatment of the enthymeme.

Aristotle’s second line of attack takes aim at the supposed power and effectiveness of the existing teaching. Commentators do not typically say much about this

\textsuperscript{132} Aristotle, \textit{On Rhetoric}, 1.1.3, 1.1.9, 1.1.11.
\textsuperscript{133} \textit{On Rhetoric}, 1.1.3, 1.1.11.
line of argument, if they even recognize it as a separate strand of attack. Yet, in some ways, it constitutes his most direct and aggressive challenge precisely because it targets the primary claim that teachers of rhetoric make, which is that they can teach their students how to speak effectively in every speech situation. Aristotle flatly denies this claim. He attempts to show that the rhetoric of the handbook writers is weak because it is of limited use: he will argue that it cannot be used in all courts of law and that it is largely ineffective in deliberative assemblies.

Aristotle begins by pointing out that not all law courts permit the use of emotional appeals. He explains that in some states, and especially in those that are “well governed,” orators are not permitted to speak outside of the subject. He also reminds the reader that the use of irrelevant speech is strictly forbidden in the Areopagus, the highest Athenian court. Aristotle’s point is that existing courses in rhetoric are of little use wherever resorting to emotional appeals and speaking outside of the facts is expressly forbidden. He goes so far as to state that if all trials were conducted as they are in well-governed societies and as they are in the Areopagus, the handbook writers “would have nothing to say.” The claim is that the teachers of speech would lack words and be at a loss for what to say if they were compelled to argue in such situations. It is a very theatrical attack leveled at the rhetorician’s sphere of expertise, and it is, therefore, likely to have caught the attention of potential students of rhetoric. Nor is this an incidental defamation, as Aristotle will make it twice. Aristotle expands on this line of attack by arguing that existing rhetorical practice is even less useful in deliberative situations. Deliberative

134 On Rhetoric, 1.1.4. In the Gorgias, Callicles argues that Socrates would have nothing to say if called upon to defend himself in a court of law: “For, if someone seized you…and carried you off to prison…you know that you would not have anything of use to do for yourself, but you would be dizzy and gaping, without anything to say.” Plato, Gorgias, 486a9-468b2.
135 On Rhetoric, 1.1.10.
audiences, he asserts, are simply not receptive to those who undertake to speak outside of the subject:

For there the judge judges about matters that affect himself, so that nothing is needed except to show that circumstances are as the speaker says. But in judicial speeches this is not enough; rather it is serviceable to gain over the hearer; for the judgment is about other people's business and the judges, considering the matter in relation to their own affairs and listening with partiality, lend themselves to (the needs of) the litigants but do not judge (objectively). Thus, as we said earlier, in many places the law prohibits speaking outside the subject (in court cases); in deliberative assemblies the judges themselves adequately guard against this.\footnote{Aristotle, \textit{On Rhetoric}, 1.1.10.}

Members of a deliberative assembly are invested in the outcome of their deliberations, whereas members of a jury are not always immediately interested in the outcome of the cases that they hear. As a result, it can be useful for litigants to attempt to excite the emotions of the jury in order to draw their attention and win them over. The jurors might be willing to “lend themselves to (the needs of) the litigants,” and allow themselves to be moved by their speeches.\footnote{On Rhetoric, 1.1.10.} The difference is that members of a political assembly are often called upon to decide matters that often affect their own interests. The element of self-interest at play in deliberative matters, according to Aristotle, renders standard rhetorical practice ineffective. Because one’s own interests are more directly at stake in deliberative matters, the audience will want to hear the facts as they relate to the matter at hand. Aristotle argues that in deliberative matters, the audience will consequently be less likely to simply “lend” itself to the speaker. So as it turns out, the handbook writers cannot teach one how to be persuasive in deliberative assemblies for the same reason that they cannot teach one how to be persuasive in the Areopagus. The problem lies with the kind of rhetoric that they teach. The handbook writers may be well skilled in playing

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137 \textit{On Rhetoric}, 1.1.10.
upon the emotions of an audience, but when law or self-interest bars this mode of persuasion, they can offer no recourse. The handbook writers, it appears, can be persuasive only where and when the laws of a state and the disposition of their audience allow them to be. Such rhetoric, Aristotle impresses upon his readers, is not nearly as powerful as it might seem.

Some interpreters are prepared to put a great deal of weight upon the arguments presented here. In particular, they take Aristotle’s assertion that people are more properly on guard in deliberative situations, as indicative of a more sanguine view about the quality of public reasoning in deliberative situations. Garsten, for example, takes this argument at face value and uses it to support his larger reading of the work. For Garsten, this passage suggests that Aristotle views political assemblies as a more “deliberative space” He then goes on to argue that the ultimate aim of the text is to develop a rhetoric specifically for the political sphere. It is easy to see why this line of argument is so compelling to readers interested in discovering ways of improving the quality of political discourse: this passage suggests that audiences possess a degree of immunity to manipulative speech, and it seems to point to a common basis for public deliberation. Still, one should be careful of just taking Aristotle at his word here. It is worth noting that when Aristotle asserts that people are more “on guard” in deliberative situations, he is not making a stand-alone assertion or an independent argument. Rather, this claim is made as a part of his opening criticisms of existing courses in rhetoric. More to the point, this claim is a part of his attempt at showing why his predecessors have “have nothing to say” about speaking before deliberative assemblies. This should give one pause, and especially

138 Garsten, Saving Persuasion, 124.
139 Saving Persuasion, 124.
so considering that it is one of two places in the text where he expresses such an
optimistic view of human reason.\textsuperscript{140} Whereas there are numerous instances in later in the
work where Aristotle expresses skepticism about an audience’s ability to resist both
emotional appeals and the kind of rhetoric that relies heavily on style and delivery to
effect persuasion. The integrity of this second line of attack will be discussed further in
short order, but first it is necessary to consider his third and final line of attack.

Aristotle does more than just challenge the comprehensiveness and the power of
existing courses in rhetoric. A third thread of his argument calls into question its nobility
as well.\textsuperscript{141} There are three facets to this third line of attack. The first of which goes after
the idea that rhetoric is an art that commands men. If rhetoric is, as Aristotle has just
argued, only capable of persuading when the interests of an audience are not directly at
stake and only when the audience members are willing to “lend themselves” to the
speakers, then the rhetoric in question is not a commanding art. On the contrary, it is an
art in need of permission. Aristotle’s language captures its subservient character when he
describes such rhetoric as being directed to the juryman (\textit{pros ton dikastēn}).\textsuperscript{142} This
expression is significant. It is the same expression used by Socrates in the \textit{Gorgias} to
disparage rhetoric by showing that it is not a form of rule, but a form of pandering to an
audience. In using that same language here, Aristotle is underscoring the idea that
existing rhetorical practice, insofar as it is incapable of overcoming the bulwark of self-
interest, is not the commanding art that it is thought to be. The second facet of the larger
criticism challenges the nobility of rhetoric in a slightly different way: it questions the

\textsuperscript{140} The other instance also occurs in the first chapter. Aristotle, \textit{On Rhetoric}, 1.1.11.
\textsuperscript{141} Eckart Schüttrumpf recognizes this aspect of Aristotle’s argument, but it does not figure much in his
\textsuperscript{142} Aristotle, \textit{On Rhetoric}, 1.1.4.
appropriateness of its methods of persuasion. He argues that insofar as litigants attempt to subvert the jury by leading the jurors into emotions such as anger, envy, and pity, they are doing something that is considered wrong; everyone, Aristotle states, thinks that the law ought to forbid this practice. Here, he censures orators for playing upon the emotions of their audience, calling upon common opinion and citing the existence of specific laws as evidence of the unseemliness of such practices. His attack on the nobility of such rhetoric is, however, most clear in his discussion of deliberative speech situations. This third facet of argument targets the sphere of things that orators tend to concern themselves with. “Deliberative subjects,” he states plainly, “are finer and more important to the state than private transactions.” This argument, as Eckart Schütrumpf notes: “adds a new aspect to the criticism of the authors of technical handbooks, that they are preoccupied with an inferior—and easier (3.17.10, 1418a23)—kind of rhetoric.” The problem, as Schütrumpf observes, is that the rhetoric of the handbook writers is “inferior” because it “deals with issues of less importance and not with the business of the community.” Aristotle’s argument suggests that such rhetoric is necessarily limited in this way, precisely because it is unable to operate in the highest spheres of political life. If emotional appeals are ineffective before deliberative assemblies, then such rhetoric is incapable of dealing with matters of the greatest civic importance. As a result, its scope is necessarily limited to the relatively petty dealings and disputes of private men. For Aristotle, then, the kind of rhetoric that the handbook writers teach is low, because both its methods and its objects are base.

143 On Rhetoric, 1.1.5.
144 On Rhetoric, 1.1.10.
As important as it is to identify the various strands of argument that make up Aristotle’s criticisms, it is just as important to step back and consider how all of these arguments work together and what the ultimate effect of that is. In attacking the handbook writers on all three of these fronts, Aristotle undermines most any claim that teachers of rhetoric might make on behalf of the instruction that they offer. According to Aristotle’s argument: they do not offer their students a comprehensive “art” of speech, what they do teach is not particularly powerful, nor is it an especially noble sort of activity. Perhaps out of concern that he had taken his opening remarks too far, and that readers might misconstrue what he is saying as an indictment of rhetoric altogether, he takes a step back towards the end of the first chapter and presents a number of arguments as to why rhetoric is nonetheless a “useful” discipline.\footnote{Aristotle, \textit{On Rhetoric}, 1.1.12-13.} While some of Aristotle’s criticisms do, in places, echo certain Socratic arguments presented in the \textit{Gorgias}, it is important to keep in mind that his project is very different. His opening remarks do not attempt to debunk the whole of rhetoric, as Socrates seems to do in the \textit{Gorgias}, but only the existing teaching of it. Still, in this latter respect, the arguments that Aristotle presents sweep all before them. He attacks all teachers of rhetoric, without apparent exception, and he makes no effort to acknowledge any differences between their respective teachings. Although Aristotle does not implicate along Plato in with the teachers of rhetoric, one should not forget that, in the very first sentence of the text, Aristotle loudly proclaims his disagreement with those who would deny rhetoric the status of an art. It all amounts to a vast and comprehensive dismissal of all the accumulated learning within this subject area. Aristotle has thereby effectively cleared the intellectual ground—but for what purpose remains to be determined. All the while Aristotle, who is generally more
staid about such things, presents himself as the one true teacher of speech. As the teacher of the enthymeme, Aristotle holds out the promise of a new and more powerful rhetoric, an art that will enable one to speak effectively in the highest courts and before every political assembly. He seems, above all else, to be concerned with positioning his teaching as the superlative teaching: it is the most complete, the most powerful, and it is effective in highest spheres of human social and political life.

If this were anything but an introduction to a treatise on rhetoric, readers could be more readily forgiven for failing to recognize that Aristotle's opening arguments more closely resemble an attempt at rhetorical suasion than they do the beginnings of a scholarly inquiry into the nature of the subject. Thus far this dissertation has suggested that these opening arguments are better read as an attempt at securing and preparing an audience for Aristotle’s subsequent attempts at describing an art of speech.\textsuperscript{148} Interpreters, therefore, should be wary of assuming that the text’s opening arguments, and especially Aristotle’s criticisms of the teachers of speech, are simply to be embraced at face value. Of course, the present reading will not persuade everyone. Some will resist its conclusions because the analysis offered herein might be seen to hinge too much upon an initial set of subjective assumptions about how the work ought to be read. This criticism, as this dissertation has already argued, can just as easily be applied to all non-rhetorical readings of the text. All of that aside, there are still other reasons why interpreters should be wary of simply embracing the arguments of the first chapter. The most important of which has to do with the quality of the arguments themselves. The difficulty is that some of Aristotle’s key arguments, in particular the ones that he levels against the teachers of

\textsuperscript{148} For more on the audience of Aristotle’s \textit{Rhetoric}, see: Clayton, "The Audience."
speech, are both weak and contradictory—precisely if they are taken as they stand.\textsuperscript{149}

Considering that these questionable arguments are sometimes used to tether interpretations of the \textit{Rhetoric} as a whole, their claims must be pressed and examined critically.

\textbf{Behind the Rhetoric}

Three of these claims, in particular, need to be examined more carefully. The first is Aristotle's denial that the handbook writers can teach one how to persuade in situations where using emotional appeals and speaking outside of the subject is prohibited by law. The second is his assertion that the normal rhetoric is ineffective when used in deliberative assemblies. The third is the implied claim that the rhetoric championed by the teachers of speech is not especially influential as it is useful only in courts that adjudicate "private transactions" between individuals.\textsuperscript{150} Although they may appear persuasive on the surface, all three of these claims collapse upon themselves when they are measured against what is known about the effectiveness and influence of the existing rhetoric in the Greek world, and when they are measured against what Aristotle himself argued in other parts of the \textit{Rhetoric}. The failure of these arguments, perhaps more than anything else, should signal to interpreters that the \textit{Rhetoric}'s opening arguments should not be taken as straightforward statements of doctrine.

\textsuperscript{149} Here the present work is indebted to Bernard Jacob, who suggests that Aristotle’s opening arguments ought to be read as constituting a kind of \textit{reductio ad absurdum}. Jacob argues in support of a “new way of reading Plato and Aristotle,” one that is sensitive to Plato’s and Aristotle’s use of rhetoric. In the case of the \textit{Rhetoric}, Jacob argues that Aristotle's opening remarks "should not be dismissed as mere invective." On the contrary, he reads them as having been deliberately crafted to serve an important pedagogical function. In his view, they are designed to prepare an audience of young men for an education in public speech. Jacob, "What If?" 238, 237.

\textsuperscript{150} Aristotle, \textit{On Rhetoric}, 1.1.10.
The first claim needing closer attention is Aristotle's assertion that the rhetoric of the handbook writers is of limited use wherever there are strict rules that prohibit one from "speaking outside the subject" and from resorting to emotional appeals. This particular claim is deserving of special attention because it lies at the heart of his attempts at undermining the power of the existing teaching. When Aristotle argues that the usual rhetoric is of little use in well-governed states and in courts like the Areopagus, he is leveraging precisely this claim. He argues, as one will recall, that the teachers of rhetoric “would have nothing to say” about arguing cases in such circumstances. But is this underlying assertion persuasive? Is rhetoric vulnerable to legislation in this way? This is a crucial question, and yet it is not one that interpreters often stop to consider. It is possible, however, to identify two problems with Aristotle's basic claim.

The first difficulty reveals itself when one compares what is being said to what is known about how rhetoric was practiced at that time. While it is certainly true that there were rules governing speeches in the Areopagus, it is not at all clear that these laws had the effect of stopping rhetoricians from the successful practice of their art even in this smaller and more deliberative court. The texts of surviving speeches show litigants employing some of the rhetorical techniques that one would find used in less regulated courts of law. Of course, one might argue that this does not disprove Aristotle's assertion. These speeches, it could be said, indicate only that the rules of the court—in these specific instances—were not being properly followed. This is a good point, for some speeches do seem to suggest that the court was not always very diligent about enforcing
its rules.\textsuperscript{151} Other speeches, however, show something rather different: they highlight just how difficult it is to enforce these restrictions, even if one wants to.\textsuperscript{152} Herein lies the second difficulty with Aristotle’s basic claim. In the first chapter, Aristotle suggests that rhetoric can be reined in by legislation. This is true, at least in part. It is possible to conceive of different ways of keeping a speaker on focused on the facts of the matter at hand. For example, one can place restrictions on both the kinds of topics that may be discussed in court and the kinds of evidence that may be presented there. Such rules govern contemporary legal proceedings in many countries. But while it is possible to control what a litigant talks about, it is much harder to regulate how they speak. Indeed, it is rather difficult to imagine how one could formulate a law that would effectively negate the many avenues that a skilled orator could use to play upon the emotions of his audience. There are simply too many ways of appealing to the emotions, and also just too many ways, more generally speaking, of influencing an audience. For example, in describing and recounting the facts surrounding a given situation one can lead a listener into a particular frame of mind, or emotional state, simply through one’s choice of words and through inflections of voice. Even the pace and rhythm of a speech, which can affect the ear much like music, can influence an audience: a feverish staccato carries its audience in one direction, while a leisurely legato floats them along in another. In the third book of the \textit{Rhetoric} Aristotle recounts many such strategies. There he admits

\textsuperscript{151} Jürgen Sprute makes a similar point. He points to speeches by Lysias and Lipsius as evidence that the rules limiting speech in the Areopagus were likely not carefully observed. Sprute, "Aristotle's Rhetoric: Philosophical Essays," 121, note 24. One could also look to Lycurgus’s “Speech against Leocrates” for further evidence.

\textsuperscript{152} Some point to Lycurgus's "Speech against Leocrates" as a reference point for the kinds of limitations that were placed on speech in the Areopagus. This is because Leocrates says, as part of his speech, that he is prohibited from saying and doing certain things. Still, if one looks over the speech, it is clear that Lycurgus still seems to find plenty of ways to rile and play upon the emotions of his audience.
plainly that style (*lexis*), and especially delivery (*hypokrisis*), do influence an audience.

Delivery, Aristotle explains:

Is a matter of how the voice should be used in expressing each emotion, sometimes loud and sometimes soft and (sometimes) intermediate, and how the pitch accents (*tonoi*) should be intoned, whether as acute, grave, or circumflex, and what rhythms should be expressed in each case; for those (who study delivery) consider three things, and these are volume, change of pitch (*harmonia*), and rhythm. Those (performers who give careful attention to these) are generally the ones who win poetic contests; and just as actors are more important than poets now in the poetic contests, so it is in political contests because of the sad state of governments.\(^{153}\)

Delivery has “the greatest force,” more than style, and even more than the facts as far as the persuasiveness of a speech is concerned.\(^{154}\) Without resorting to extreme lengths, it would seem that it is almost impossible to legislate away the effects of style and delivery, at least so long as human beings are still arguing and hearing cases.\(^{155}\) Therefore, Aristotle’s claim, even by his own admission, falls rather flat: style and delivery are two of the most powerful weapons in a rhetorician’s arsenal, and they are tools that can always be called upon.

Aristotle’s second claim, which is that the existing practice of rhetoric is largely useless before deliberative assemblies, is still more problematic. Individual self-interest, he states, stands guard against those who would speak outside of the subject. If this is true, it means that deliberative audiences are immune, or sufficiently immune, to the use of irrelevant and manipulative speech. This is why, according to Aristotle, the teachers of rhetoric have “nothing to say” about speaking in deliberative assemblies.\(^{156}\) They have

\(^{154}\) *On Rhetoric*, 3.1.3. He underscores the power of delivery more than once in this section, see also: 3.1.2, 3.1.4, and 3.1.5.
\(^{155}\) “True justice seeks nothing more in a speech than neither to offend nor to entertain; for to contend by means of the facts themselves is just, with the result that everything except demonstration is incidental; but, nevertheless, (delivery) has great power.” *On Rhetoric*, 3.1.5.
\(^{156}\) *On Rhetoric*, 1.1.10.
nothing to say because their rhetoric only works in situations where hearers are willing to allow themselves to go along with what a speaker is arguing. This willingness to "lend themselves" to the speaker does not occur in situations where the audience is being called upon to decide matters that are of direct personal concern.\textsuperscript{157} Once again, the crux of the claim being made here is that the normal rhetoric is incapable of getting around the obstacle of self-interest. Here too, however, one must stop to consider the strength of Aristotle’s argument. The difficulty with this line of reasoning, it will be argued, is twofold.

In the first place, it is not evident that self-interest works in the way that Aristotle describes. Built into his reasoning here is the idea that self-interest somehow makes people better judges. It does so by making people both more interested in hearing the facts of the matter at hand and simultaneously less receptive to those who would “speak things outside of the subject.”\textsuperscript{158} As Aristotle would ostensibly have his readers believe: in deliberative assemblies “nothing is needed except to show that the circumstances are as the speaker says.”\textsuperscript{159} This line of reasoning is not entirely persuasive for the simple reason that self-interest does not seem to function in this way. That is to say, it is not evident that self-interest helps to make people better judges. On the contrary, it is commonly understood that cognitive bias increases whenever individuals are personally invested in the outcome of a situation. This is why, for example, acting American presidents are pressed to give up their business interests, why doctors are advised against diagnosing and treating family members, and why it is common practice in many legal systems to vet potential jurors for personal bias. This is not the only questionable part of

\textsuperscript{157} On Rhetoric, 1.1.10.
\textsuperscript{158} On Rhetoric, 1.1.10.
\textsuperscript{159} On Rhetoric, 1.1.10.
Aristotle’s discussion. In the second place, Aristotle also maintains that the normal rhetoric is useless in deliberative situations. This pronouncement is equally precarious. The problem here is easy to see: if the entire focus of the existing rhetoric is upon discovering ways of appealing to the emotions of an audience, then such rhetoric would be particularly well suited for use in deliberative contexts where audiences are especially invested in the decisions being made. Unlike jury members, who might be completely disinterested in the outcome of a particular case, members of a political assembly are being asked to decide upon matters that are likely to concern them in some way: in some cases the interests at stake might be distinctly personal, in other cases they might belong to a specific group or subset of the larger political community that the individual identifies with, and in some cases the well-being of the entire society might be the individual’s primary concern. The point is that the fault lines between all of these different and sometimes competing interests can be easily discerned. To put it differently, one might say that the nerves of the body politic are most exposed within the political assembly. The rhetoric of the handbook writers, which relies upon the use of “verbal attack and pity and anger,” would work well here. Their rhetoric teaches one how to win the approval of specific groups and how to play competing interests off of each other.

If these objections somehow seem too speculative, readers should note that they coincide with what Aristotle says in other parts of the *Rhetoric*. In other parts of the text,

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160 In the judicial context, the personal interests of the jury members can be difficult for a speaker to discern especially if the case being tried is one that is both highly specific and of concern only to the litigants themselves. In such situations the litigant's greatest challenge might consist of simply getting his audience to pay attention, and stay awake long enough, to care about his particular case. In deliberative assemblies, one might not need to work as hard to get the audience members to pay attention, but this does not mean that they are therefore not susceptible to manipulative speech.

161 This is the precise point that Aristotle makes in the *Politics* when he discusses the role of orators in the dissolution of regimes. Aristotle, *The Politics*, 1304b20-21. There are, of course, also many historical instances that attest to the effectiveness of exploiting the emotions in deliberative contexts.
he acknowledges that (1) self-interest compromises individual judgment and that it does
so in judicial contexts and in deliberative assemblies. Aristotle, in addition, also
acknowledges (2) the power and effectiveness of the normal rhetoric when used in
deliberative assemblies. Aristotle admits the first point in a brief discussion of law and
legislation that intervenes upon the arguments of the first chapter. In that passage,
Aristotle explicitly acknowledges that emotion colors the judgment of both jurors and
assemblymen:

The assemblyman and the jurymen are actually judging present and
specific cases. For them, friendliness and hostility and individual self-
interest are often involved, with the result that they are no longer able to
see the truth adequately, but their private pleasures or grief casts a shadow
on their judgment.162

So both jurors and assemblymen are subject to the same cognitive flaws. Hence, it is by
no means clear that self-interest will somehow immunize judges against the use of
emotional appeals, especially if a speaker is directly pandering to that self-interest. On
the contrary, it seems that self-interest, as with all other instances of private pleasure and
grief, sets the stage for the use of manipulative rhetoric. The passage in question
undermines Aristotle’s subsequent show of arguing that members of a deliberative
assembly are more adequately on guard against speakers who would speak outside of the
subject. It suggests that assemblymen are at least as susceptible, and perhaps especially

162 On Rhetoric, 1.1.7.
so given that their interests are more directly at stake. Aristotle admits the second point, which is that the rhetorical techniques taught by the handbook writers are indeed effective in deliberative assemblies, in more than one place. In chapter two of the first book he explains that character, or the appearance of good character, is especially influential in circumstances where an audience is being called upon to make decisions about things that are highly uncertain and about which there is “[no] exact knowledge but room for doubt.” What this passage shows is that deliberative audiences are moved by more than just "the facts" of the matter at hand and that they are more vulnerable to less rational modes of persuasion than Aristotle is initially willing to admit. To say that individuals are influenced by character, one might object, is not the same thing as admitting that the use of emotional appeals is effective in deliberative assemblies. Much later in the text, Aristotle will again emphasize power non-rational modes of persuasion, and he will also acknowledge the point in question. In the first chapter of book two, Aristotle writes:

> For it makes much difference in regard to persuasion (especially in deliberations but also in trials) that the speaker seem to be a certain kind of person and that his hearers suppose him to be disposed toward them in a certain way and in addition if they, too, happen to be disposed in a certain way (favorably or unfavorably to him).

163 Here is where Garsten’s argument and my argument diverge most sharply. I will address this divergence later in the work, for now it is worth reflecting on his reading of the passage at 1.1.7:

> What seems to have led a deliberator to guard against succumbing to irrelevant appeals in this account was that he was considering matters that affected his own interests. Having his own good at stake exerted an influence on the direction of his thought, perhaps acting as an anchor pulling him back to the matter at hand, as a standard against which he could easily measure the worth of various arguments and feelings, as a motivation to pay attention. Because he was an interested party, a deliberator applied his interest as a criterion in making his judgments, basing his judgments on his determination of what was good for him.

Garsten, Saving Persuasion, 125-126.


165 *On Rhetoric*, 2.1.3.
There is much to be gleaned from the above passage and the larger discussion of which it is part. To begin with, the passage reiterates the earlier point about how character, or the audience’s perception of character, is a significant factor in persuasion. Second, this passage explains that audiences are also influenced by whether or not a speaker appears favorably disposed to them, or, as Aristotle later puts it, by whether or not a speaker demonstrates good will [eunoia]. This statement is important because generating the appearance of good will, according to Aristotle, is something that is accomplished through the emotions: “The means by which one might appear prudent and good are to be grasped from analysis of the virtues…and goodwill and friendliness need to be described in a discussion of the emotions.”166 If audiences are indeed influenced by good will or the appearance of it then, according to Aristotle’s own argument, this means that they are susceptible to emotional appeals. In short, this means that the kind rhetoric that the handbook writers teach is effective, even in deliberative assemblies. There is still one further thing to consider. In the Rhetoric Aristotle points out that all of these tendencies are only further amplified in situations where audiences are being called upon to make decisions about things that are highly uncertain and about which there is not much technical knowledge.167 Deliberative assemblies, in particular, must make decisions about precisely these kinds of things. This too suggests that the rhetoric of the handbook writers is particularly well suited for use in deliberative assemblies. For all of these reasons, readers need to be highly skeptical about the suggestion that the existing rhetoric, which trucks in the kind of persuasion that focuses on matters outside of the subject, is somehow ineffective.

166 On Rhetoric, 2.1.7.
167 On Rhetoric, 1.2.4.
There are three claims that Aristotle makes as a part of his criticisms of the
teachers of rhetoric that are especially problematic. Two of these have already been
considered, what remains is to look at how Aristotle treats the courts, and the type of
rhetoric that is practiced there. In the first chapter, Aristotle downplays the importance of
the courts, as he puts it: "deliberative subjects are finer and more important to the state
than private transactions."\(^{168}\) Schütrumpf captures the “derogatory tone” of Aristotle’s
treatment of judicial rhetoric.

Aristotle’s expression…does not take judicial rhetoric very seriously. He
belittles it by describing it as dealing with contracts; however, there are
more kinds of trials than those on contracts (cf. Pol. 4.16, 130018ff.) This
is like describing the tasks of an attorney as challenging speeding tickets.
To equate legal practice with trials on contracts is almost trivializing the
issue in question.\(^{169}\)

Why do this? Aristotle, here, misrepresents the significance of the courts to diminish the
rhetoric that flourished there. His objective, in other words, is not to provide an accurate
portrayal of the state of the discipline; it is to undercut the current teaching and practice
of rhetoric. The courts were by no means insignificant, and Aristotle was well aware of
this. The *Constitution of Athens* traces the growth of their power.\(^{170}\) Solon’s reforms
allowed the people to gain influence in the courts, but what was at first a foothold had
developed into a stronghold:

The careful treatment of the *dikasteria* in the *Constitution of Athens*
reinforces the impression that these institutions had become a fundamental
locus of political power in Athens. In describing the “present” state of
affairs, the author of the *Constitution of Athens* remarked upon “the ever-
increasing power being assumed by the people. They have made
themselves supreme in all fields; they run everything by decrees of the

\(^{168}\) *On Rhetoric*, 1.1.10.
\(^{170}\) Aristotle, "The Athenian Constitution," in *Athenian Constitution, Eudemian Ethics, on Virtues and Vices*
The increasing power of the courts, as Garsten’s account explains, was clear to all: it was clear to the teachers of rhetoric as well as to Aristotle.

The point of this entire analysis is to show that some of the most prominent arguments of the first chapter are not as reliable as they might initially seem to be, and that they are therefore not a suitable foundation upon which to construct an interpretation of the larger work. These arguments should not be viewed as reflective of Aristotle’s actual concerns about rhetoric. Looked at with a more critical eye, Aristotle opening arguments against rhetoric are almost comic. The suggestion that the teachers of rhetoric “would have nothing to say” about speaking in any law court or any political assembly is farcical given that the teachers of rhetoric, and their students, hardly ever appeared to be at a loss for words. In Plato’s dialogue of the same name, Gorgias presents himself as being able to answer any question put to him. In it, Socrates quips that Polus, one of Gorgias’s students, has “equipped himself finely for speeches.” His point is that Polus is capable of finding plenty to say even when he does not have a precise answer to the question put to him. If it were simply true that the existing teaching is as weak as Aristotle wants to make it seem, one would have to wonder why Plato devoted so much time to the subject and why he criticized rhetoric so heavily. Still more to the point, one has to wonder why Aristotle would need to begin the Rhetoric by arguing so emphatically

171 Garsten, Saving Persuasion, 120.
172 Plato, Gorgias, 447d-448a.
173 Gorgias, 448d. In the Gorgias, rhetoric, as represented by Callicles, mocks philosophy for being unable to defend itself through speech: “For now, if someone seized you [Socrates]...and carried you off to prison, claiming that you were doing an injustice when you were not, you know that you would not have anything of use to do for yourself, but you would be dizzy and gaping, without anything to say.”
against it. As much as Aristotle wants to convince his readers that the existing teaching and practice of rhetoric is incomplete, weak, and ignoble, one cannot help but be reminded that in his day rhetoric was valued, and that teachers of it, like Gorgias, were celebrated and highly esteemed. Full participation in the political life of the polis required a degree of facility in public speech. The teachers of rhetoric were sought after and could charge handsomely for their services, and this was precisely because it was plain to everybody that people proficient in speech could better serve their own interests, and the interests of their friends, than those who lack this ability. To understand the depth of Aristotle’s concern with rhetoric, one needs to see beyond his explicit arguments against it. As it turns out, speaking outside of the subject and appealing to the emotions of an audience is a powerful, and not entirely disreputable, method for influencing others through speech.

This raises the question: what then is the nature of Aristotle’s concern with rhetoric? Why does Aristotle argue so vehemently against all other teachers of rhetoric? Why does he compete so aggressively for the attention of potential students? Interpreters have answered these questions in various ways. Some have suggested that Aristotle’s complaint lies, essentially, with the inartistic character of the existing teaching. Those who take this view read the Rhetoric as largely an effort in providing a more complete instruction in the subject. Others have argued that his concern is largely moral: they argue that it is the manipulative character of rhetoric that is problematic. Since Aristotle goes on to offer some rather manipulative advice of his own, many reject the moral argument. The tendency now is to focus on how such rhetoric interferes with individual judgment. Larry Arnhart argues that it interferes with the proper function of the audience, in that it
“prevents [the audience] from making a rational judgment about the issues at hand.”\textsuperscript{174} Eugene Garver argues that the teachers of rhetoric have misconstrued the guiding end of rhetoric, and this has created a tension and opposition between rhetoric and politics when there is no inherent tension between the two.\textsuperscript{175} Rhetoric, as Garver sees it, is fully compatible with practical judgment when it is properly practiced.\textsuperscript{176} Bryan Garsten argues that the problem with the existing practice of rhetoric is that it distracts the audience in such a way as to impede judgment.\textsuperscript{177} The issue, in his view, is not that it stops the audience from making a strictly rational judgment, but that it appeals to “the wrong emotions, at the wrong times, and in the wrong way.”\textsuperscript{178} As a result, it alienates individuals from their own "perspectives and experiences" and "opinions and feelings."\textsuperscript{179} Such “situated judgment,” as Garsten terms it, is precisely the kind of judgment that he understands Aristotle to be concerned with promoting.\textsuperscript{180} These more contemporary readings all conceptualize the problem of rhetoric as consisting in the relationship between rhetoric and judgment. They all take the view that the solution to the problem of rhetoric consists in liberating individual judgment from a rhetorical practice that enmeshes it in some incongruous or inappropriate way. Aristotle’s efforts, they all argue, are directed at releasing individual judgment from the pernicious effects of certain types of rhetorical practice. To keep rhetoric from interfering in the exercise of judgment is to solve the problem of rhetoric, or so they suggest.

\textsuperscript{175} Garver, \textit{Aristotle’s Rhetoric: An Art of Character}, Ch. 2.
\textsuperscript{176} \textit{Aristotle’s Rhetoric: An Art of Character}, Ch. 8.
\textsuperscript{177} Garsten calls it a “rhetoric of distraction.” Garsten, \textit{Saving Persuasion}, 123.
\textsuperscript{178} \textit{Saving Persuasion}, 123.
\textsuperscript{179} \textit{Saving Persuasion}, 119.
\textsuperscript{180} \textit{Saving Persuasion}, 124-129.
That Aristotle is concerned with the unenlightened use of rhetoric in political society is not in question. Whether interpreters have fully grasped the precise character of that concern and whether they have properly seized upon his proposed solutions is, however, much less clear. To posit that the solution to the problem of rhetoric consists in somehow minimizing its interference with individual judgment misses an important facet of Aristotle’s argument. There are two main difficulties with this general approach. One difficulty is that it suggests a faith in individual judgment that is not entirely supported by Aristotle’s own argument. The second difficulty is that these readings fail to see that his concern with the practice of rhetoric in political society goes beyond just its effect on the exercise of individual judgment. His chief concern, it will be argued, is with the relationship between rhetoric and legislation. It is this larger concern that informs Aristotle’s most explicit attempts at describing an art of speech. To appreciate this aspect of Aristotle’s argument, one needs only to carefully follow his treatment of the theme of legislation as it weaves through the text, beginning of course with its entrance into the arguments of the first chapter.

Rhetoric and Legislation
Somewhere near the middle of Aristotle's opening arguments against the teachers of rhetoric is a brief discussion of law and legislation. This discussion rarely receives much in the way of serious attention, and it is often set aside as largely incidental to the primary
concerns of the work. It has been described as a “parenthetical remark…to students of political philosophy,” and as an “unexpected digression into the political realm. This awkward intrusion of political matters, it will be argued, is far from immaterial. Rather than introducing a set of tangential issues, this passage reveals Aristotle’s most important concerns about the existing teaching and practice of rhetoric. What is more, it also helps readers to navigate Aristotle’s larger argument, as it identifies one of the chief concerns guiding his subsequent attempts at elaborating an art of speech.

Aristotle's political turn considers the degree of authority that ought to be granted to collective judgment in relation to the rule of law. In his treatment of legislation, he argues that it is necessary to place strict limits on how collective judgment is used: existing legislation should be used to determine all matters that it feasibly can, and citizens should be called upon only to judge those things that the law has not already defined. As Aristotle so succinctly puts it: "It is highly appropriate for well-enacted laws to define everything as exactly as possible and for as little as possible to be left to the judges." Aristotle provides three arguments to support this position. First, he argues that the degree of prudence requisite for framing laws and judging is in short supply: it is difficult, according to Aristotle, to find many who are “prudent and capable of framing

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181 The exception is Schütrumpf who recognizes the emphasis on legislation in this context as uniquely Aristotelian. According to Schütrumpf, this is the key respect in which Aristotle’s opening arguments against the existing rhetoric differ from classic Platonic criticisms of rhetoric: …Aristotle points out that this form of rhetoric is only made possible by omissions in the laws of states that are not well ordered…Although Aristotle owes much to the Phaedrus in his description of this latter form of rhetoric, the connection of the state of society and the character of rhetoric cannot be found there. To tie down the particular practice of rhetoric to the quality of the community and its laws is the novelty in this otherwise traditional, i.e. platonic motif. Schütrumpf, "Aristotle's Rhetoric: Philosophical Essays," 105.


183 Aristotle, On Rhetoric, 1.1.7.
laws and judging.” He reasons that it is, therefore, better to leave the task of defining the laws to the one or few who frame them, rather than trusting that the task will be properly handled by a large group. Second, he points out that there is often insufficient time for the audience to judge and deliberate properly. This makes it difficult for judges to determine questions of justice and advantage (to dikaion kai to sumphepon) fairly. Legislation, he goes on to stipulate, is usually the result of longer considerations. The inherent difficulty of judging well is therefore only further compounded by the circumstances in which deliberation often occurs. His third argument for restricting collective judgment focuses on the challenges of maintaining impartiality. For Aristotle this is the most important obstacle standing in the way of human judgment. Unlike the lawmaker who judges matters that lie in the future and that are general, the assemblyman and the juryman must decide “present and specific cases.” Given this, Aristotle argues that emotion and self-interest will often affect their judgment: “for them, friendliness and hostility and individual self-interest are often involved, with the result that they are no longer able to see the truth adequately, but their private pleasure or grief casts a shadow on their judgment.” This discussion reveals that, in addition to the use of manipulative speech, there are other more entrenched barriers to judgment and deliberation. Some belong to the individual, such as lack of prudence, and some obstacles are more directly attributed to the conditions in which deliberation occurs, such as the relatively short time in which issues must be determined and their highly specific character. For all of these reasons, Aristotle concludes that as little as possible ought to be left to the citizens to decide. To the judges is to be left the question of whether or not “something has

184 On Rhetoric, 1.1.7.  
185 On Rhetoric, 1.1.7.  
186 On Rhetoric, 1.1.7.
happened or has not happened, will or will not be, is or is not the case.” These things are left to collective judgment only because these are things that the legislator cannot address.

The discussion of legislation is located in the midst of Aristotle’s opening arguments against the teachers of rhetoric. Since it interrupts these arguments, one ought to consider how it relates to them, and what it might add to them. The precise point of intrusion is the first thing to note. Aristotle’s criticisms of the teachers of speech do not appear as an undifferentiated mass: he begins by looking at the use of rhetoric in judicial situations, and then he considers its place in deliberative situations. The discussion of legislation bisects these two stages of argument. The second thing to notice it that it also serves as a kind of segue between them. The topic of political deliberation, specifically the type of reasoning that occurs within political assemblies, is first mentioned and broached in the passage on legislation: there Aristotle includes both “assemblymen and jurymen” in his account of the deficiencies of human judgment. It is interesting that interpreters of the *Rhetoric*, especially those who understand Aristotle to be primarily concerned with elaborating a rhetoric for deliberative situations, do not make more of the fact that his first reference to political deliberation occurs within the context of a discussion that questions the quality of individual and group judgment. Had he made no explicit mention of assemblymen in the passage on legislation, one could then conclude that the problems of human judgment identified there only pertain to judicial situations. For, up to that point, the discussion focuses only on the courts and the type of rhetoric

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188 This is the first place in the text that assemblymen are mentioned. *On Rhetoric*, 1.1.7.
that is practiced within them.\textsuperscript{189} The discussion of legislation, however, includes assemblymen. Aristotle thereby extends his critique of human judgment to include its exercise in deliberative situations. That he extends his critique of human judgment in this way is also further suggested by his assertion that: “it is necessary to leave to the judges the question of whether something has happened or has not happened, will or will not be…”\textsuperscript{190} It is the inclusion of the future time that is significant here. Determinations of what will happen in the future are not usually associated with the courts. The courts decide matters that have already happened, whereas judgments about the future are more akin to the kinds of decisions that are settled by political assemblies.

By placing his arguments in support of rule of law so precisely in the midst of his criticisms of the teachers of rhetoric one may reasonably suppose that Aristotle intends for his readers to consider the relationship between rhetoric, judgment, and legislation in both judicial \textit{and} deliberative contexts. Or to put it more simply, one might suppose that he intends for his readers to think also about how law and rhetoric intersect. That is precisely what the next stage of the present discussion will undertake to consider. It will take a fresh look at Aristotle’s opening arguments, but rather than focusing on his now debunked attempts at attacking the teachers of speech, it will zero in on the subject of legislation and trace its emergence as one of the text’s guiding concerns.

\section*{Rhetoric in the Courts}

Aristotle begins his criticisms of the teachers of speech by accusing them of failing to offer a proper art of speech. He then proceeds to argue that there is also something

\textsuperscript{189} That Aristotle expresses concern about the quality of deliberation in political assemblies, and not just the courts, suggests that Aristotle is concerned with more than just the rhetoric of the courts. Compare with Garsten’s reading: Garsten, \textit{Saving Persuasion}, 119-124.

\textsuperscript{190} Aristotle, \textit{On Rhetoric}, 1.1.8.
inappropriate about influencing a jury through the use of emotional appeals. It is this second stage of argument that is of interest here. Everyone, Aristotle argues, thinks that limits should be imposed upon rhetoric:

For everyone thinks the laws ought to require this, and some even adopt the practice and forbid speaking outside the subject, as in the Areopagus too, rightly so providing; for it is wrong to warp the jury by leading them into anger or envy or pity: that is the same as if someone made a straightedge rule crooked before using it.\textsuperscript{191}

Why does Aristotle think that it is correct for the law to limit rhetoric in this way? There is more than one answer to this question. On the one hand, Aristotle suggests that it is necessary to restrict the practice of rhetoric because it can interfere with the proper functioning of a judicial assembly. Aristotle compares the jury to a straightedge rule in an analogy that is designed to illustrate the affects of rhetoric upon a jury. The purpose of the jury is to indicate what is straight, in the sense of what is right or just. Leading a jury into emotional states, he suggests, is equivalent to warping a rule before attempting to use it. The problem with the existing practice of rhetoric, especially one that proceeds largely on the basis of emotional appeals, is that it warps the jury such that it is incapable of fulfilling its intended function. By leading the audience into emotional states the orator interferes with the audience’s ability to properly determine what is just in a given situation. This is a rather standard reading of this passage.\textsuperscript{192} There is, however, more to Aristotle’s argument. His concern with the existing practice of rhetoric runs deeper than just unease with how the excessive and inappropriate use of emotional appeals might affect a jury’s ruling in any given case. To grasp this deeper concern one has to consider the arguments that immediately follow his analogy of the straightedge rule.

\textsuperscript{191} On Rhetoric, 1.1.5.
\textsuperscript{192} Arnhart, On Political Reasoning.
Following upon the heels of this analogy, Aristotle further clarifies what the proper function of a juror is and what the proper function of a litigant is, but this time he also raises the issue of legislation:

And further, it is clear that the opponents have no function except to show that something is or is not true or has happened or has not happened; whether it is important or trivial or just or unjust, in so far as the lawmaker has not provided a definition, the juryman should somehow decide himself and not learn from the opponents.\footnote{Aristotle, \textit{On Rhetoric}, 1.1.7.}

He explains how the jury, the litigants, and the law ought to stand in relation to each other. The jury is to determine whether something is or is not the case, or whether a given thing did or did not happen. As for the litigants, their proper function is to discuss the facts of a matter and nothing more. The hierarchy that Aristotle establishes here is clear: the legislator is to establish what is important or trivial or just and unjust, where these things have not been clearly defined then the juryman must decide for himself without the assistance of the litigants. According to this model the role of the speaker is tightly circumscribed, even more so than that of the judges themselves. The speaker has no role to play in terms of guiding discussions about legislative principles: their activity is entirely confined to proving whether or not an existing law has been violated.

Why such a limited role? One answer to this question has already been discussed. First, it was said that it is necessary to restrict rhetorical practices in order to prevent speakers from unduly influencing the members of a jury by leading them into various emotional states. That this might lead to an unjust verdict in a particular case is an obvious concern. There is, however, a larger and potentially more important problem that surfaces in this part of the argument, one that does not always feature in readings of the first chapter. This larger concern provides readers with a second answer to the
aforementioned question. What is this problem? It is the difficulty that created by speakers who argue beyond their proper station. Here is how this issue emerges in the text. In situations where the lawmaker has not provided a definition, Aristotle stipulates that: “the juryman should somehow decide himself and not learn from the opponents.” What this line suggests is that there is relatively little difficulty insofar as litigants restrict themselves to arguing just the facts of a particular case. The problem arises when speakers undertake to do more than this: when, in order to win their point, they construct arguments that either challenge or redefine the legislative principles that govern a political system. They do this by contesting the justice of existing laws, by questioning the importance of the matters being considered, and by making pronouncements where the law is silent. These are the activities that Aristotle is referring to when he says that it is not appropriate for the litigants to establish what is “important or trivial or just or unjust.” In so doing, speakers takes on a function that is not their own.

Aristotle does not go on to say, at least not explicitly, why this is so problematic. But one can readily discern what lies behind his reasoning here. His concern is that these activities interfere with the legislative principles that govern a political society. An orator who contends for his case by arguing points of justice or importance is, effectively, undertaking to redefine the issue at hand. This occurs when, instead of focusing on showing that something is true or that something has or has not happened, speakers to attempt to frame—or reframe—the issue by arguing instead about the justice or the significance of the matter in question. In such situations the jurors are being encouraged to think about justice in a way that differs from the intention of the legislator. To put still a finer point on the problem, they are being encouraged to think about justice not in
accordance with laws that result from considerations of what is universal and lies in the future, but to think about justice through considerations of present and particular cases. Pushed further, this activity can go so far as to undermine and challenge the law itself. By introducing standards of right that are different from those upon which the laws themselves are based, the orator challenges the authority of the law and thereby undermines rule of law. This occurs, for example, when a litigant undermines the authority of the law by challenging it directly, instead of focusing their attention on arguing their case. In such instances orators undermine and directly compete with the laws, and in some cases effectively assume the role of the legislator. They undertake to “teach” the audience about what is just and important, but, as Aristotle makes clear, it is not the function of the litigant to establish these principles for the political society. This is the job of the legislator. Aristotle’s concern, then, is not just that the teachers of rhetoric will interfere with the verdict in a specific case, but that they will undermine the notions of justice, for example, which lie at the heart of a given political system. His concern lies not just with the failure of judgment in any given case, but with the larger effects of the unenlightened use of rhetoric in political society.

The immediately following “digression” on law and legislation builds on the preceding discussion and further clarifies Aristotle’s views about the proper place of rhetoric in political society. The discussion of legislation explains why it is necessary to limit collative judgment and why it too should be subordinated to the rule of law, as far as that is possible. In this way it adds an important corrective to the arguments that make-up his initial treatment of rhetoric in judicial contexts. There, Aristotle had criticized the usual rhetoric because it "warps the rule." If one cleaves to just this facet of the argument,
it might lead one to conclude that a different type of rhetorical practice, perhaps one that is less obviously manipulative and more strictly logical, is enough to ensure the success of public deliberations. The treatment of legislation corrects for this by revealing that this might not be enough: it explains why one cannot simply trust that an audience will determine matters in the best possible way. Aristotle, as has been explained, provides three reasons for this: first, prudence is in short supply; second, citizens are not always granted sufficient time to deliberate; and third, citizens are not impartial since their personal interests are often involved. This shows that there are entrenched obstacles to collective judgment, even if one manages to take manipulative rhetoric out of the equation. For this reason Aristotle here too makes a point of underscoring the importance of the laws, establishing still more firmly the superiority of the law. All of this reminds the reader that when considering the proper place of rhetoric in political society one must take into consideration a third thing—the law. The rhetoric that is set down should be one that does not undermine these things. Which, as this dissertation will go on to show, is exactly the kind of teaching that Aristotle will go on to articulate. There is an additional twist that emerges from this discussion if one reflects on the interplay between these three elements. Since one cannot simply trust in the quality of collective judgment, perhaps there is a larger role for rhetoric than Aristotle’s initial arguments suggest. It suggests that rhetoric might have a more robust role to play in guiding public reason.

Sprute argues that Aristotle’s “ideal rhetoric,” one in which litigants speak only to the facts of the matter at hand, “can function only if a corresponding system of special laws exists.” Sprute will go on to assert that the simplicity and vulgarity of the audience, in addition to this lack of special laws, necessitates a rhetoric that does more than simply present the facts of the matter at hand. For Sprute this means a willingness to use “morally reproachable means.” Sprute, "Aristotle's Rhetoric: Philosophical Essays," 119, 126.
What does this fresh look at Aristotle's arguments reveal? It reveals that Aristotle conceptualizes the problem of rhetoric as existing in the convergence of three elements: rhetorical practices, individual judgment, and legislation. Establishing a proper place of rhetoric is not, therefore, simply a matter of putting two variables, the art of speech and individual judgment, in proper relation. It also requires that one consider the relation of these two things to a critical third variable, namely the laws that define and uphold political society. For Aristotle, then, any attempt at establishing an art of speech will have to consider how that rhetoric relates to matters of legislation and the rule of law. All three of these things need to be in proper arrangement and they need to relate to each other correctly. What form this arrangement should take will be described shortly, but first it is helpful to also take a second look at Aristotle’s criticisms of rhetoric in deliberative contexts.

Rhetoric in the Assembly

It remains to consider the second half of Aristotle’s opening remarks, in particular those concerning deliberative rhetoric. This half of his arguments against the teachers of speech aggrandizes the power of individual judgment. For this reason, one might conclude that Aristotle is not especially concerned about the use of rhetoric in deliberative assemblies. After all, he asserts that the self-interest of assemblyman serves as a guard against orators who attempt to speak outside of the subject. This statement is often interpreted in an entirely optimistic light: it is thought to suggest that political deliberation is not especially
vulnerable to rhetorical manipulation.\textsuperscript{195} Earlier in the present chapter, it was suggested that this argument falls apart precisely because self-interest renders one more rather than less susceptible to emotional appeals. Aristotle, it was said, even acknowledges as much when he argues that "private pleasure or grief…casts a shadow" on individual judgment, whether one is acting as an assemblymen or jurymen. The aim of this dissertation's earlier discussion was only to draw attention to how strange and incongruous this assertion is. To fully understand the statement in question, and to determine whether or not it ought to be interpreted as a statement of doctrine, one needs to consider this assertion alongside the arguments presented in the discussion of law and legislation still more fully.

How are Aristotle's assertions about self-interest to be understood? It is possible to take the more sanguine reading. According to this view, Aristotle means it when he says that self-interest serves as a sufficient guard against the use of inappropriate speech in deliberative assemblies. The problem with this view is that it assumes, altogether too readily, that self-interest is simply a safeguard to political deliberation when there are plenty of reasons to think otherwise. Alternatively, one could interpret this assertion as belonging to the work's rhetorical argument. That is to say, it can be read as a part of Aristotle's attempts at establishing the superiority of his teaching over that of the

\textsuperscript{195} Garsten takes this statement at face value, and he bases his interpretation of Aristotle’s larger project upon it:

Whereas Socrates suggested that people could judge well only when they grounded their judgments in a general philosophic account of the good, Aristotle seems to have thought that they could judge well enough when situated in a view of what was good for themselves. A judge in a deliberative assembly “guards against” irrelevant rhetoric because he “judges about matters that affect himself.” According to Garsten, Aristotle is primarily concerned with developing a rhetoric that encourages an audience to draw upon their own personal experiences and interests. In his view this improves political deliberation: this kind of deliberative practice "weaves" a society together, rather than tearing it apart. But is this enough? Not in and of itself. It is also necessary for audience members to conceive of their own self-interest in a way that also aligns with the interests of the larger political community. Aristotle, as I read him, is describing a rhetoric that is designed to do that, or at least to push in that direction as far as possible. Garsten, \textit{Saving Persuasion}, 124.
handbook writers. Establishing the deficiencies of the existing teaching is, after all, the
general thrust of his opening arguments. This seems to be what he is doing when he
argues that the teachers of rhetoric will lack for words if required to argue in deliberative
situations. According to that argument, such rhetoric is simply not big enough to
overcome the obstacle of self-interest, which stands guard at the gates of political
discourse. In this way Aristotle works to undermine the power of the existing teaching by
using exactly the kind of speech that would resonate most strongly with a specific set of
readers, students of public speech. It is a shrewd argument. Individuals are concerned
with and motivated by self-interest, Aristotle's audience understood this. So when he
argues that existing courses are deficient because they are incapable of overcoming the
obstacle of personal interest, he is essentially arguing that the current practice of rhetoric
is incapable of doing that which it is supposed to be able to do—influencing its audience
in what is perhaps the most direct and obvious way. This point certainly would have
captured the attention of any student of rhetoric, and likely would have spurred them to
read on in the hopes of learning how to persuade in deliberative situations. Aristotle, by
holding out the promise of a new and more powerful teaching, is attempting to hook a
specific audience and prepare them for the specific instruction in deliberative speech that
he will go on to provide. This does not mean, however, that his assertions about self-
interest must be true. If anything one ought to guard against spinning this single
statement into a more robust claim about how self-interest functions in political
deliberation, especially when the text is not consistent on this point.

When Aristotle states that self-interest stands guard against the use of
inappropriate speech, this does not have to mean that it is acting like a noble sentry in the
service of reason. It means only that individuals, when acting as judges in deliberative situations, are less susceptible to speeches that do not explain how a given course of action will promote their advantage or serve their private interests. Aristotle puts a positive spin on self-interest by suggesting that it inures individuals against manipulative speech, but it important to recognize that this is not an unequivocally good thing. The problem is this: deliberative matters will sometimes require that people forsake immediate private advantage for the sake of a future benefit, or for the benefit of the community. For this to happen one needs an audience that is composed of prudent individuals who are able to understand how their own personal self-interest is tied in with the well-being of the larger political community. Or, one just needs an audience that believes—or has been persuaded to believe—that their self-interest is tied to the community in this way. The problem is that self-interest, by itself, is not an especially discriminating guard. If it stands against orators that would attempt to discuss matters that are not directly related to the matter at hand, then it can also stand against those speeches that undertake to persuade individuals to forgo their private interests for the sake of the community.

The passage on legislation, by identifying self-interest as a hindrance to good judgment, serves to warn the careful reader not to read Aristotle's arguments about deliberative speech situations too optimistically. Aristotle's remarks direct the reader's attention to one of the chief problems with collective judgment. It reminds the reader that individuals in a deliberative assembly are not necessarily capable of judging situations fairly and with a view to what is best for political society. Members of a political assembly, that is to say, do not necessarily view matters in the same way that a legislator
might consider them. They are too close to certain situations to be able to view them from the perspective of the laws. This may be due to a general lack of prudence, or it may be attributable to the conditions that constrain public deliberations. This is why appeals to self-interest in political assemblies are not necessarily beneficial.

This reference to self-interest may also serve to remind the reader that the problem of rhetoric in political assemblies often manifests itself as direct appeals to the particular interests of the majority or other powerful factions within a society.\textsuperscript{196} It underscores that self-interest is less of a guard, and more an obstacle to political deliberations. Or one might push it further, as Aristotle does in the \textit{Politics}, and identify the combination of self-interest and persuasive speech as one of the major causes of sedition in political society.\textsuperscript{197} In that work, Aristotle explains how popular leaders push democracies into ever more extreme forms by appealing to, and appeasing, the interests of certain groups at the expense of other groups that make up a political society. At stake in deliberative assemblies is more than the outcome of a particular case; the well-being, unity, and survival of the regime may be at risk. Through appeal to the narrow self-interest of the majority, demagogues can undermine legislative efforts by either redefining the concepts of justice and distribution that lie at the core of any constitutional arrangement, or by directly challenging the structure and arrangement of a given constitution. In this way orators can pull directly at the bonds of the political partnership.\textsuperscript{198}

\textsuperscript{196} Many of Plato’s most enduring metaphors describe this.
\textsuperscript{197} Aristotle, \textit{The Politics}, 1304b20-21.
\textsuperscript{198} They erode the some of the basic agreements that form the foundation of any political society, and thereby threaten the political partnership. “Speech serves to reveal the advantageous and the harmful, and hence also the just and the unjust. For it is peculiar to man as compared to the other animals that he alone has a perception of good and bad and just and unjust and other things (of this sort); and partnership in these things is what makes a household and a city.” \textit{The Politics}, 1253a13-20.
Looking Forward: Putting Rhetoric in its Place

The function of the legislative art is to establish the laws and institutions that govern a political society. There are, however, certain things that the legislative art is unable to do. The legislator cannot set down, at once, all of the laws and institutions that a society will ever need. It is impossible to codify a set of laws so precise that they will cover all of the particulars of every case that will require a legislative pronouncement. In addition, there will also always be need for individuals to judge specific cases that are brought before courts of law. For these reasons, in addition to framing laws, the legislator must also identify a person, persons, institution, or a set of institutions responsible for enacting and revising laws, and judging and punishing violations of the law. Since the legislator cannot determine matters of war and peace, or make decisions about the day-to-day governance of political society, persons and institutions must also be established for determining these things as well. In democratic societies, and especially in systems of direct democracy, many of these responsibilities will fall upon citizens. Rhetoric is an important political concern precisely because it functions within these institutions. It is the art that is used to influence the judgment of citizens who are called upon to fill in legislative gaps and steer the ship of state. How rhetoric operates within this space can, therefore, directly affect the course of a political society. Aristotle is acutely aware of this.

Aristotle, it has been argued, recognizes two ways in which the existing rhetoric interferes with legislative mechanisms. The first of which takes place within legislative instructions when rhetoricians using manipulative speech practices interfere with the audience’s proper function. This specific complaint is well accounted for. In the first chapter Aristotle objects to the use of emotional appeals and other devices that serve to
distract the audience from the specific issues under consideration. In addition, he praises societies that have strict laws regulating the kind of speech used in courts of law. Finally, he argues that orator should no way interfere with individual judgment: “insofar as the lawmaker has not provided a definition, the juryman should somehow decide himself.” This model subordinates rhetoric to individual judgment and puts it in its service. The job of the orator, then, is to assist individual judgment by discussing the facts of the matter at hand. The problem, in this case, is that the standard rhetoric "warps the rule." In so doing it interferes inappropriately with the internal functioning of the very political institutions designed to give groups of people a voice in the legislative process.

Since Aristotle’s opening arguments are so evidently critical of the manipulative character of the existing teaching, the entire effort of the Rhetoric is often understood to be primarily concerned with freeing collective judgment from the undue influence of popular oratory. The aim of the work, it is often argued, consists in teaching readers how to argue in various speech situations without resorting to manipulative and inappropriate rhetorical techniques. How does Aristotle accomplish this? Interpretations vary. Some argue that Aristotle corrects for this problem by teaching his readers the enthymeme, showing them a better way of persuading through reason. Others argue that his solution consists in one, or some combination of, the following things: establishing an appropriate end for rhetoric, teaching readers alternate avenues to persuasion, teaching about the persuasive power of good character, or even educating their practical reason. This list is by no means intended to be exhaustive; its purpose is only to illustrate the varied answers to the above question. While it is certainly true that Aristotle is interested in establishing an art of speech that avoids the pitfall of the existing teaching, this alone does not capture

199 On Rhetoric, 1.1.6.
the entire effort of the work. The problem with this view is that fails to take into account the full scope of Aristotle’s concern.

Aristotle, as it has been argued, also understands rhetoric as something that is potentially harmful not just within legislative institutions, but also to legislative institutions. These concerns are evident when he argues that it is not the job of the orator to "teach" the audience about what is just or unjust or important or unimportant. Here he raises a larger issue, which is that orators can construct arguments that directly challenge the laws or the legal principles upon which they are based. This concern with legislation becomes even clearer in the passage on law and legislation where he very explicitly brings legislation to the fore as an important consideration. There he establishes that the proper place of rhetoric is subordinate to the law and that it should not overstep its bounds and attempt to make legislative pronouncements. Even this addition, this concern with how rhetoric may compromise political institutions, does not capture Aristotle's full view of the issue. Aristotle's concern is still larger than even this.

In the treatment of legislation Aristotle makes it clear that, in addition to rhetoric and legislation, one also needs to consider the problems relating to individual and collective judgment. As his discussion of legislation points out, there are significant obstacles that stand in the way of the successful exercise of collective judgment. Aristotle identifies inherent deficiencies with collective judgment and discusses the obstacles imposed by the conditions under which it is exercised. The crucial point to recognize is that these problems are independent of rhetoric, and are in no way related to its exercise in political society. Aristotle’s ultimate position on the question of collective judgment is
clear: “the judge should have authority to determine as little as possible.”

This entire discussion is important because it firmly establishes the superiority of law and the legislative art, over and above group judgment. This discussion, as has been argued, is also important because it reveals that the highly austere rhetoric described in the first chapter does not necessarily correct the problems of collective judgment. A highly rational rhetoric that discusses only the facts of the matter being decided upon is better than the alternative, but in and of itself it cannot ensure that citizens will judge prudently and in a manner that benefits political society. What this points to, it was suggested, is that there is a potential role for rhetoric to play in terms of guiding political discourse. Once one takes into consideration his view of collective judgment, one is in a better position to appreciate the full extent of Aristotle’s thought. He is concerned not just with rhetoric and how it affects individual judgment, but with the entire question of how it should function within, and how it should relate to, a society’s legislative institutions. For Aristotle, questions about public speech and public reason have to be considered in relation to legislation, because public speech and public reason operate within legislative institutions. These three elements need to stand in proper relation to each other.

The aim of the Rhetoric is to offer an art of speech that will help to strike the correct balance. How so? Aristotle’s solution will be to present a teaching that will articulate different avenues of persuasion, thereby presenting an alternative teaching to the sort offered by the handbook writers. This does not mean that his entire effort consists in simply correcting the deficiencies of the existing teaching. His aim, it will be argued, is not to provide the definitive statement of the nature of rhetorical persuasion. It is to craft a rhetoric that is suited for use within a state’s legislative institutions. He will do this by

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200 On Rhetoric, 1.1.8.
establishing a teaching that, in the first place, holds its proper position in relation to the law. Such rhetoric will restrict itself, as far as possible, to discussing matters in a way that does not directly challenge or undermine existing laws—at least so far as that is possible. He will do this through a teaching that, among other things, promotes the preservation of the constitution, and one that reflects upon and adheres to legislative intent. At the same time, however, Aristotle will also develop a rhetoric that guides public reasoning in a politically salutary direction. This will be accomplished by convincing speakers to cultivate the appearance of good character and to speak in a way that bolsters civic virtue. Aristotle, as this dissertation will undertake to show, is primarily concerned with developing a kind of rhetoric that pushes its practitioners to operate underneath the umbrella of existing legislation—as much as is possible. What he is trying to stave off is a rhetoric that undermines existing legislation and corresponding social norms. The instruction in rhetoric that Aristotle provides, therefore, is not to be mistaken for a merely scholarly effort in the area of public speech. Despite its scientific and technical veneer, this part of his argument is not offering a descriptive account of the nature of rhetoric, the mechanisms of persuasion, or the “pathways” of “ordinary deliberative reasoning.”

Aristotle is not describing existing pathways, but actively carving out new ones while working to persuade his readers to adopt his approach. The next two chapters of this dissertation will be devoted to illuminating this aspect of Aristotle’s argument.

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201 Garsten, Saving Persuasion, 131, 141.
Chapter 3
Reconceiving Rhetoric

The first chapter of the *Rhetoric* ends with an invitation to begin the entire discussion afresh: “Starting again, therefore, as it were from the beginning, after defining what rhetoric is, let us say all that remains (to be said about the whole subject).”202 With this statement Aristotle turns his attention to the task of articulating the groundwork for an art of speech. In chapter two of the *Rhetoric* he will define rhetoric, distinguish it from other types of instruction and persuasion, and he will differentiate between three modes of persuasion: *ethos*, *pathos*, and *logos*. In chapter three he will identify and distinguish between three different species of rhetoric: deliberative, epideictic, and judicial rhetoric. In these chapters Aristotle sets down the conceptual framework for an art of speech, a framework that much of the *Rhetoric* is devoted to elaborating.

When Aristotle restarts his argument in the second chapter, his every effort, or so it seems, is directed at providing a scientific and purely technical articulation of the foundations of an art of speech. His argument unfolds methodically without a trace of the hyperbole that had characterized the arguments of the first chapter. Many interpreters understand Aristotle’s “fresh start” as a transition from the polemics of the first chapter to

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his actual teaching.\textsuperscript{203} This point in the text is thought to mark the beginning of a more scholarly investigation into the “nature, materials, and uses of rhetoric.”\textsuperscript{204} The difficulty is that, despite an initial show of effort to the contrary, Aristotle does not ultimately go on to provide a simply scientific or technical treatment of the subject. The scientific veneer of this part of his argument is unable to withstand closer inspection, and therefore should not be taken as a simple statement of doctrine. As this dissertation will undertake to show, these chapters do not simply relate the results of a scholarly investigation into the nature of rhetoric. They are, rather, the initial stages of his political project. Aristotle may set aside the polemics of the first chapter, but he does not surrender the concerns about rhetoric that he articulates there. His fresh start only marks the beginning of his attempts at addressing these concerns in a practical way.

\section*{Defining Rhetoric}

In chapter two Aristotle defines rhetoric and distinguishes it from other modes of instruction and persuasion. In doing so Aristotle reconceives the entire discipline, and does so in a way that counteracts some of the key shortcomings of existing conceptions of the subject. It is an important first move in his attempt at transforming rhetoric.

\textsuperscript{203} As George Kennedy explains, only the first three chapters of Aristotle’s \textit{Rhetoric} have had any real influence on the subsequent development of the discipline: “Although the theoretical structure of rhetoric as outlined in the first three chapters of \textit{On Rhetoric} is fundamental to the subject as subsequently understood, and although some of Aristotle’s terminology… came into common usage by rhetoricians, the specific content of Aristotle’s discussion in book 1—the extended identification of the propositions of politics and ethics as used in rhetoric—never fully entered the tradition. This is equally true of his discussion of the emotions.” Kennedy, \textit{A New History of Classical Rhetoric}, 62.

\textsuperscript{204} In the notes to his translation of Aristotle’s \textit{Rhetoric}, Kennedy writes: “Aristotle’s own objective is clearly an understanding of the nature, materials, and uses of rhetoric…” Aristotle, \textit{On Rhetoric}, p. 36, note 33.
Aristotle defines rhetoric as “an ability, in each (particular) case, to see the available means of persuasion.”

Contemporary students of rhetoric may find this definition somewhat unremarkable because it is more or less in line with their view of the subject. It is important to recognize, however, that Aristotle here recasts rhetoric into a form that is decidedly different from how it was conceived in his day. Missing from his definition is any emphasis on the practical ends of rhetoric. He makes no mention of persuasion. The ancient Greeks appreciated many forms of eloquence; both tyrants and democracies patronized the arts of poetry and oratory. The chief value of rhetoric, however, was understood to consist in its practical application. The so-called invention of rhetoric is said to correspond to a specific historical moment in which eloquence was first put to practical political use: “It is precisely at this time—when tyranny was replaced by democracy—that rhetoric was invented in Syracuse. The patronage of rhetoric as an art form…was transformed into a practical craft necessary for the workings of a successful democracy.”

It is the practical value of rhetoric that was touted by ancient teachers of speech. Teachers of rhetoric, well into Aristotle’s own day, unabashedly offered their students a source of power over others. This promise of power is captured in Plato’s Gorgias. When asked to provide a definition of rhetoric, Gorgias identifies it as a source

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205 On Rhetoric, 1.2.1.
206 It is an unremarkable definition because, today, rhetoric is conceived of as a literary activity. This was not always the case. This shift is largely a consequence of the success of the modern project helmed most aggressively by Hobbes who ushered rhetoric out of politics. It was only in the twentieth century that Aristotle’s Rhetoric finally managed to find an audience receptive to his own attempts at redefining the subject. At this time, freshly minted departments of rhetoric (newly separated from departments of political science) found in Aristotle a definition of rhetoric around which they could define their discipline. Interestingly, this is exactly the kind of change that Aristotle was hoping to effect. The loss of Aristotle’s texts could have hampered the spread of his teaching, but it is rather more likely that this definition of rhetoric never really took hold because the practical view of rhetoric, with its emphasis on successful persuasion, proved too powerful a political tool to be relinquished to academia.
207 Enos, Greek Rhetoric before Aristotle, 100.
of freedom for oneself and of rule over others. In that same dialogue his student Polus, himself a writer of handbooks on rhetoric, asserts that rhetors, “like tyrants, kill whomever they wish, and confiscate possessions, and expel from cities whomever it seems good to them.” Aristotle recognizes that the chief attraction of rhetoric lies in its power to persuade, which is precisely why he chooses to begin the *Rhetoric* by offering potential students a new and more powerful teaching. The definition of rhetoric he offers in chapter two, however, makes no reference to any practical objectives. He defines rhetoric as a kind of knowing, and in so doing transforms it from a practical activity into an intellectual ability. The implications of this change are significant.

By identifying rhetoric with a kind of knowing, as an ability of “seeing” all of the available means of persuasion, Aristotle provides for a more moderate form of the art. Specifically, he lays the groundwork for an art of speech that is not entirely focused on the goal of successful persuasion. Where persuasion is the only objective, it hardly matters how it is achieved. Whether it involves making the true and better argument appear worse, playing upon the emotions of an audience, or influencing through style alone, if the end is simply persuasion, then every rhetorical device is acceptable. Greek philosophy’s chief criticism of rhetoric is that it chases after persuasion without giving sufficient heed either to the manner in which it is achieved, or to the subsequent implications of that success. Aristotle undertakes to correct this by positing an entirely new end for rhetoric. According to his definition, the successful practitioner of rhetoric is measured by his ability to grasp what is persuasive in each case, and not by whether he

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208 Plato, *Gorgias*, 452d.
209 *Gorgias*, 466b-c.
210 Cf. *Gorgias*, 464b-466a. There Socrates identifies rhetoric as a species of flattery, with regards to the latter he writes: “But flattery...gives no heed to the best but hunts after folly with what is ever most pleasant, and deceives, so as to seem to be worth very much.”
succeeds in persuading any given group of people. In this way, Aristotle posits a new standard of success and mastery for the subject. As Garsten astutely puts it, Aristotle offers his students “a goal outside the gratification of their audiences,” and establishes instead a goal that is “internal to the practice of rhetoric itself.”\textsuperscript{211} This is a significant departure from conceptions of rhetoric that identify successful persuasion as its primary end. Aristotle posits a view of rhetoric that deemphasizes persuasion, and makes allowance for both a different kind of student and a different kind of practice.

Having redefined rhetoric, Aristotle's next move is to distinguish rhetorical persuasion from all of the other arts and from dialectic to more properly delineate the sphere in which it operates. In doing so Aristotle addresses a second problem with existing conceptions of the subject. Teachers of rhetoric have consistently claimed more on behalf of their art than can properly be said to belong to it. Because rhetoric enables one to be persuasive about many different subjects, teachers of rhetoric often claim to be knowledgeable about many different things. The ability to persuade uninformed masses, nonetheless, does not imply that one is truly knowledgeable with regards to the things about which they speak. Plato makes this point in the \textit{Gorgias}, and Aristotle reiterates it here. In a line that is strongly reminiscent of the \textit{Gorgias}, Aristotle states that: “rhetoric dresses itself up \textit{[hypoduetai]} in the form of politics, as do those who pretend to a knowledge of it.”\textsuperscript{212} The idea that rhetoric is not equivalent to politics was, as was already noted, a chief point of disagreement between Aristotle and Isocrates. Aristotle undertakes to correct the inflated view of the subject by carefully distinguishing between rhetorical persuasion, strictly speaking, and the kind of persuasion that is produced both by other

\textsuperscript{211} Garsten, \textit{Saving Persuasion}, 130. \textsuperscript{212} Aristotle, \textit{On Rhetoric}, 1.2.7.
arts and by dialectic. Rhetoric, as Aristotle will ultimately conclude, is not an expansive art that provides one with knowledge about other things. He presents it as an activity that relies upon a very specific type of knowledge, and as an activity that ultimately only operates in a very narrow sphere. He develops this line of argument as follows.

First, he distinguishes rhetoric from all of the other arts. Each art, he argues, is instructive and persuasive about its particular subject. Medicine, for instance, is instructive and persuasive about health, geometry about the properties of magnitudes, arithmetic about number. Each of these arts, Aristotle suggests, is limited in that it can only speak persuasively about its own subject area. Possessing the art of medicine, for example, does not enable one to speak credibly about other arts. A doctor is, therefore, neither instructive nor persuasive about making shoes or waging war. Aristotle will argue that rhetoric is different in that it enables one to see what is persuasive in all cases. It allows one to be persuasive about many different subjects. Unlike other teachers of rhetoric who readily subsume all forms of instruction and persuasion, and many types of knowledge, under the umbrella of rhetoric, Aristotle proceeds to draw careful distinctions between what counts as rhetorical persuasion and what does not. Whereas the arts rely on technical knowledge of a specific subject to build their arguments, rhetoric does not. For Aristotle, this is a key distinction between the two. Indeed, Aristotle goes on to distinguish between arguments that are persuasive in the manner of a specific art and those that are persuasive in accordance with the art of speech. Arguments that are constructed on the basis of true facts and first principles, he clarifies, are persuasive in the manner of an art. For Aristotle, the more that one relies upon technical knowledge and first principles, the less that one is engaging in rhetorical persuasion, precisely speaking.
Arguments that are built upon a grasp of first principles are not rhetoric (or dialectic) but "the science of which (the speaker) grasps the first principles." Aristotle thereby significantly constricts the sphere of rhetorical persuasion, for he excludes from it any arguments that draw upon knowledge of a specific subject and its first principles. As he proceeds to distinguish rhetoric from dialectic Aristotle will shrink its sphere still further.

Rhetoric, Aristotle states, “is partly (morion ti) dialectic, and resembles it.” It resembles dialectic in that “neither…is identifiable with knowledge of any specific subject, but they are distinct abilities of supplying words.” Rhetoric, like dialectic, does not contain knowledge that belongs to any specific subject area. Aristotle explains that the two are similar in that they both employ forms of logical persuasion; the difference is that they do not employ identical types of logical reasoning. Dialectic uses induction and the syllogism, whereas rhetoric employs rhetorical induction and the rhetorical syllogism, which are called the example and enthymeme, respectively. In addition to relying upon different structures of argument, dialectic and rhetoric also employ different reasoning principles and have two entirely different functions. Dialectic forms syllogisms from

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213 On Rhetoric, 1.2.21.
214 On Rhetoric, 1.2.7.
215 On Rhetoric, 1.2.7.
216 Some interpreters, in attempting to provide an account of the enthymeme, focus their attention on the structure of the enthymeme and how it differs from the kinds of syllogisms used in dialectic. In certain cases these interpreters differentiate the enthymeme by emphasizing that, in comparison, it is a truncated form of reasoning. This, however, is not its primary or most important differentia. What distinguishes enthymes from all other types of syllogisms is, in the first place, its specific function. It is a type of reasoning that is to be used before a certain type of audience. It is used before people who are used to arguing among themselves and who, as I see it, already possesses a set of beliefs about the subject, or that relate to the subject, under discussion. Rhetoric, then, must proceed by drawing upon these commonly held beliefs as using them as the raw material for its syllogisms, which of course, also have to be constructed in such as way to speak to its audience effectively. I am in general agreement with M. F. Burnyeat's position as regards the enthymeme, although Burnyeat maintains that the difference between the enthymeme and the syllogism boils down to context alone: "Both take their premises from endoxa, propositions that enjoy good repute, in the one case with people who require reasoned discussion, in the other with people who are accustomed to deliberation." M. F. Burnyeat, "Enthymeme: Aristotle on the Logic of Persuasion," in Aristotle's Rhetoric: Philosophical Essays, ed. David J. Furley and Alexander Nehamas (Princeton, NJ: Princeton University Press, 1994), 21.
principles that seem true “to people in need of an argument.” These are not randomly selected principles, but principles that appear to be true to a defined group of people. The principles in question do not need to be commonly believed or accepted; it is necessary only that the individuals engaged in the reasoning process assent to the principles that serve as the starting points for their arguments. In the case of rhetoric, matters are different. It constructs its arguments out of principles that seem true “to people already accustomed to deliberate among themselves.” Rhetoric, unlike dialectic, is used before larger audiences often comprised of individuals who are unable “to see many things all together or to reason from a distant starting point.” When speaking to such audiences, one must use a somewhat simplified form of argument. While it is possible to “form syllogisms and draw inductive conclusions” from other syllogisms, or from premises that would require a syllogism if they are to be accepted as true, these kinds of arguments are not particularly useful to the rhetorician. Long chains of reasoning are difficult to follow, and such arguments have the added disadvantage of being unpersuasive if their “premises are not agreed to or commonly believed.” Rhetorical arguments, according to Aristotle, must therefore be kept short, and they must be built upon commonly held beliefs. The enthymeme, unlike dialectic's logical syllogism, therefore need not state every premise. Instead, it works by using commonly accepted beliefs and building upon them. This is a crucial point, and one that readers ought to keep in mind as they work their way through the arguments of the first book.

218 *On Rhetoric*, 1.2.11.
219 *On Rhetoric*, 1.2.12.
220 *On Rhetoric*, 1.2.13.
221 *On Rhetoric*, 1.2.13.
Without getting too much ahead of the present argument, it is important to pause here to reflect upon how this discussion can help one to understand Aristotle’s concern with rhetoric and its use in political society. This part of the text is very clear about the building blocks of rhetorical argument: commonly held beliefs are the starting points and basic materials of rhetoric. In its purest form, at least as Aristotle has defined it, such discourse does not employ first principles. Instead, it uses commonly held beliefs in the service of the orator’s ends. Speakers, to put it more starkly, will use, manipulate, arrange, and build upon these beliefs in a way that serves their specific objectives. The difficulty, for a thinker like Aristotle who emphasizes the importance of a civic education, is that orators can, in this way, interfere with the opinions and habits, and by extension also the laws, that legislators might otherwise be working to engender in political society. Rhetoric is politically significant precisely because it makes use of the very same beliefs that legislators rely upon to buttress their legislative efforts. Unlike the first chapter, which largely characterizes rhetoric as an activity that plays upon the emotions of an audience, this part of the argument provides a better view of what it is at stake. It better illuminates why Aristotle is so keen to restrict the function of the orator to merely determining the facts of the matter at hand, and why he asserts that speakers are not to instruct the audience about the justice and the importance of the matters being decided upon.

There is still another key point of difference between dialectic and rhetoric that Aristotle identifies in chapter two. The former, he explains, operates strictly on the basis of logical persuasion, whereas rhetoric employs other modes of persuasion as well. Aristotle ultimately identifies three modes of persuasion that occur through speech: ethos,
pathos, and logos. Persuasion occurs through ethos “whenever the speech is spoken in such a way as to make the speaker worthy of credence.” Persuasion through ethos occurs when the speaker constructs a view of himself that makes him appear trustworthy. He argues that: “we believe fair minded people to a greater extent and more quickly (than we do others) on all subjects in general and completely so in cases where there is not exact knowledge but room for doubt.” Contrary to what many other handbook writers have claimed, Aristotle here argues that character is “almost, so to speak, the controlling factor in persuasion.” The second mode of rhetorical persuasion is pathos. Persuasion through pathos occurs when the speech arouses certain emotions in the audience. As Aristotle explains, emotions affect judgment: “we do not give the same judgment when grieved and rejoicing or when being friendly and hostile.” Persuasion through arguments, or logos, occurs when one shows “the truth or apparent truth” from the beliefs or premises that are persuasive in each case. Aristotle does not say very much about these three modes of persuasion here, apart from introducing them and differentiating between them. Nonetheless, the upshot of this effort is that it leaves the reader with the impression that there are three distinct ways of persuading through speech. Whether or not these three modes are as discrete as this initial presentation seems to suggest is something that the reader will need to consider as they navigate the text.

This part of the Rhetoric, it has been said, is better understood as a part of Aristotle’s political project. How so? One has only to appreciate just how neatly his characterization of rhetoric addresses many of his chief concerns about its existing

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222 On Rhetoric, 1.2.4.
223 On Rhetoric, 1.2.4.
224 On Rhetoric, 1.2.4.
225 On Rhetoric, 1.2.5.
teaching and practice. Chapter two sets out to transform the current view of the subject. First, Aristotle frees rhetoric from its emphasis on persuasion, by transforming it into an intellectual ability. In this way, as has already been mentioned, he moderates the ends of rhetoric by eliminating the requirement of successful persuasion as the mark of excellence in this sphere. Success in rhetoric, then, is no longer a matter of persuading, but of knowing all of the various ways in which persuasion can be accomplished. He thereby corrects one of the main difficulties imposed by the dominant view. Second, Aristotle proceeds to more tightly define its scope. In this part of his argument, he makes it very clear that rhetorical persuasion, in its purest form, does not proceed by relying on any specialized knowledge about the subjects under consideration. That is how other arts persuade: other arts rely upon first principles and knowledge. Rhetoric, for Aristotle, functions only by leveraging the strength of commonly held beliefs. This part of his discussion is especially significant as it amends and undercuts the sophistic view of rhetoric in a number of different ways. On the one hand, it modifies the often-touted claim that rhetoric is a dominant art and that it is a source of knowledge about many other things. To the extent that orators fashion their arguments on the basis of any real knowledge, they are not, according to Aristotle, actually practicing rhetoric, but rather the art from which that knowledge is derived. Rhetoric is not a source of knowledge, nor does it truck in knowledge. On the other hand, this discussion serves to direct readers who seek knowledge to study the corresponding art or science in question. In later parts of the first book, Aristotle will go on to direct his readers more obviously, and more firmly, to the study of politics if they wish to speak effectively in political assemblies. In

226 “Thus, too, rhetoric dresses itself up in the form of politics, as do those who pretend a knowledge of it, sometimes through lack of education, sometimes through boastfulness and other human causes.” On Rhetoric, 1.1.7.
so doing, he more directly responds to the sophists who maintain the superiority of rhetoric over all of the arts, including politics. In effect, Aristotle succeeds in emphasizing the persuasive power of the other arts and dialectic, at least with regards to their respective areas. Aristotle elevates the other arts by pointing out that these arts are persuasive of their own accord, and he elevates dialectic by pointing out that it is persuasive before audiences that are capable of more complex reasoning. Rhetoric stands revealed as an art that is especially useful before less refined audiences. A third way that this discussion counters the prevailing view is that it points to deficiencies, whether real or apparent, with the existing teaching. In emphasizing the enthymeme, and by introducing distinctions between the different species of rhetoric, Aristotle highlights apparent deficiencies with the current courses in speech. In contrast, he appears to offer a more detailed and sophisticated teaching in comparison, and he appears to offer something that the other teachers cannot.

In the next stage of his argument Aristotle will become more heavy-handed in his efforts at directing and shaping the practice of rhetoric. The argument will still maintain the veneer of a technical or scientific treatise, but that will not continue for long. Thus far Aristotle has attempted to transform the manner in which rhetoric is conceived, but he has not yet provided specific guidelines for its practice. This is what he undertakes to do next.

Aristotle’s Three Species of Rhetoric

Chapter three marks the beginning of Aristotle’s more explicit efforts at constraining the practice of rhetoric. This chapter identifies and distinguishes between three different species of rhetoric. Aristotle establishes these distinctions through a set of succinct
arguments that are both neat and highly structured. While chapter three appears to be a model of scientific argument, closer inspection of its arguments reveals otherwise.

Aristotle divides rhetoric into three species on the grounds that there are three different classes of hearers of speeches. The argument unfolds as follows. It begins by identifying three elements that make up a speech situation: the speaker, the subject on which he speaks, and the hearer of the speech. Of these elements the hearer is identified as the most significant on grounds that the audience largely determines the end or “telos” of the speech. Having identified the different elements that make up any speech situation, and having identified the audience as the most significant element, the argument then proceeds to distinguish between three different types of audiences. Hearers of speeches, Aristotle reasons, must be either judges or spectators. Judges decide upon past events or future happenings: a member of a democratic assembly is provided as an example of one who judges future matters, and a juryman is identified as one who judges past events. Spectators, alternatively, are “concerned with the (ability of the speaker).” Given these three classes of audience, he argues that there are necessarily three corresponding species of rhetoric: deliberative, judicial, and epideictic rhetoric. Aristotle's commitment to these distinctions will be considered more fully in a later chapter of this dissertation. At present, however, it is important to recognize the lengths that he goes to in order to establish the differences between the different types of rhetoric identified here.

Aristotle proceeds to further separate these species of rhetoric by identifying various other differences between them. First, he argues that each species of rhetoric advises its audience in a different way: deliberative rhetoric employs exhortation or

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227 On Rhetoric, 1.3.1.
228 On Rhetoric, 1.3.2.
dissuasion, judicial rhetoric employs accusation or defense, and epideictic rhetoric employs praise or blame. Second, he argues that each species of rhetoric has its own specific time: deliberative rhetoric is concerned with events that lie in the future, judicial rhetoric with events occurring in the past, and epideictic rhetoric is concerned with the present time. Third, and most importantly, he argues that each species of rhetoric has a distinctive end or *telos*: the end of deliberative speech is the advantageous and the harmful, in judicial speech the end is the just and the unjust, and in epideictic speeches the end is the honorable and the shameful. To further bolster this final distinction Aristotle offers a "sign" that the end of each is indeed what he says it is. He notes that while speakers are often willing to admit to other things, they will not speak in a way that is contrary to the stated end for each type of rhetoric. One arguing before a judicial assembly, for example, might willingly admit that they did do something wrong, but they will never admit that they did so intentionally. If they did, Aristotle explains, "there would be no need of a trial." Deliberative speakers will not grant that they are advising things that are not advantageous (to the audience) or that they are dissuading (the audience) from what is beneficial; and often they do not insist that it is not unjust to enslave neighbors or those who have done no wrong. In the case of epideictic speech, Aristotle points out that speakers never praise others for acting in their own self-interest. Speakers praise those who act honorably, and especially so when it implies forsaking private advantage because a concern with personal advantage is generally not considered

229 *On Rhetoric*, 1.3.6.
230 *On Rhetoric*, 1.3.6.
to be particularly praiseworthy. The entire thrust of this section is directed at establishing what appear to be hard-and-fast distinctions between the various species of rhetoric.

It is important to recognize that this entire taxonomy flows from the initial assertion that there are three things that make up any speech situation, with the audience being the most significant because it determines the end of a speech. Since there are three different types of hearers of speeches, it is reasoned that there are necessarily three different types of rhetoric. Aristotle’s identification of the three components (speaker, subject, and audience) that make up every speech situation is a compelling. His emphasis on the role of the audience in determining the ends of a speech is, however, an assertion that seems to warrant greater consideration. This is also true for his subsequent assertions, which identify a specific type of address, time, and end for each species. Aristotle’s subsequent assertions about the different species of rhetoric, it will be argued, are somewhat less than successful. What he ultimately provides is a set of rather cursory arguments hidden beneath a veneer of scientific argument.

The general tidiness of his presentation spurs the first set of questions about the quality of the argument. The discussion is highly structured, and perhaps overly so. Aristotle identifies three components that make up a speech situation, three different types of audience, three different types of address, three “times,” and three distinct ends. All of which, it just so happens, are evenly divided among the three species of rhetoric. It is not clear, however, that the subject divides up as neatly as Aristotle’s presentation suggests. Why must there only be three different types of audience? A similar question might be raised about Aristotle’s other distinctions. Is it simply the case that each species
of rhetoric must use just one mode of address? Can a deliberative speaker not attempt to persuade by means of praise and blame, and through accusation and defense? Ultimately, a deliberative speaker will attempt to convince his audience to choose a particular course of action, but there is no necessary reason why he must make his case only through exhortation and dissuasion. For certainly praise and blame, as well as accusation and defense, also function as imperatives, guiding hearers towards specific types of judgments. This part of the argument also stipulates that there are three timeframes and that each type of rhetoric is restricted to one of them. According to this model, epideictic speeches, for example, must only speak about the present and cannot focus on either the past or the future. This seems needlessly restrictive.\(^{231}\) It is not clear why each species of rhetoric must be restricted to only one timeframe, nor is it at all evident why there must only be these three times. What of speeches that focus their attention on things that are eternal? Why does Aristotle, a thinker who recognizes the notion of eternity, or rather sempiternity, not mention this as possible timeframe?\(^{232}\) One might also ask whether it is simply true that there must be only one specific “end” for each species of rhetoric? Nor is it clear why there are there only these three species of rhetoric, when there are other obvious types of public address, such as the kind of speech that might be delivered by a foreign envoy. Scholars of rhetoric and rhetorical theory have often raised issue with Aristotle’s structuring of the different species of rhetoric on the grounds that his treatment is far from exhaustive. Many have proposed modifications to Aristotle’s structure in order to cover a greater variety of speeches and speech situations. Apart from


\(^{232}\) Aristotle, Physics, 221b30.
concerns raised by scholars working in the discipline, there is reason to think that Aristotle himself is not entirely committed to the distinctions that he introduces here.

Aristotle's main concern in this chapter is establishing distinctions between the different types of rhetoric. Some of his most concerted efforts are directed at establishing a characteristic end for each species of speech. The end of deliberative speeches, he explains, is the advantageous and the disadvantageous. He argues that while the deliberative speaker may grant other things, "they would never admit that they are advising things that are not advantageous (to the audience) or that they are dissuading (the audience) from what is beneficial." He does something similar for each species, striving to impress upon his readers that the ends of each species are so distinct that they are not interchangeable. It is not clear that this distinction, which is rather central to the Rhetoric's later argument, actually holds true. In the first place, it does not seem altogether accurate to say that deliberative orators must argue only in terms of the advantageous and the disadvantageous. In the first place, political speeches simply do not adhere to these forms. Thucydides provides numerous examples of speeches that depart from the model that Aristotle describes. Deliberative speeches often do make arguments about justice and nobility, and such arguments would not always appear out of place to audiences.

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233 "...and often they do not insist that it is not unjust to enslave neighbors or those who have done no wrong." Aristotle, *On Rhetoric*, 1.3.6.

234 In Thucydides some speakers make deliberative arguments on the basis of expediency (which can be taken as synonymous with advantage), in others speakers persuade their audience by pointing to the justice or nobility of a given course of action. For example, while the Corcyrean envoys (1.32-43) argue on the basis of self-interest, the Corinthian envoys appeal to justice. The Mytileneans (3.9-14) argue in terms of advantage, self-interest, honor, and justice. These are, of course, but a few examples especially evident examples. Thucydides, *The Peloponnesian War.*
The most crucial point is perhaps the obvious one: there is nothing inevitable about his primary and most important distinction. Aristotle identifies three species of rhetoric on the grounds that there are three types of hearers of speeches. This classification, however, does not reflect some kind of natural or basic cleavage that applies to all possible speech situations. It is important to recognize that these three types of audience exist only as a consequence of specific political institutions that establish and define their function. A political system with different political institutions may dictate an entirely different and altogether new species of rhetoric. What this means is that the three species of rhetoric that are identified by Aristotle are not necessarily exhaustive. That Aristotle so quickly settles such an important matter, without considering potential exceptions to his argument suggests that he might not be especially concerned with providing an exhaustive account. Aristotle seems content to limit his focus to political speech as it is practiced within a given type of community. This tells the reader something rather significant about the nature of Aristotle’s primary concern: it lies with rhetoric and its exercise in political society. If the intent of the Rhetoric were to provide a scientific inquiry into the nature of rhetoric, and not just rhetoric as it might be practiced within democratic institutions, the discussion in this entire section of argument would likely have proceeded very differently. How so? He would have had to provide an argument for why there are only three different types of audiences, which is something that he does not do.

Nor is it evident that Aristotle intends for this distinction to be accepted as a necessary one. To bolster his assertion, Aristotle offers a ‘sign’ that the end of each species of rhetoric is indeed what he says it is. However, the word that is used is only

‘sēmeion’, and not ‘tekmerion’, which is the word for a necessary sign.\textsuperscript{236} This choice of words suggests that Aristotle does not consider these distinctions to be truly necessary ones, despite his efforts at making them seem like they are. In later chapters, the lines between the different species of rhetoric will blur considerably. But that blurring will be quiet and not overt. He will go on to identify justice and nobility as relevant topics for deliberative speeches.\textsuperscript{237} He will also go on to argue that epideictic speeches and deliberative speeches are really "part of a common species," and that it is merely the form of expression that differs in each case.\textsuperscript{238} Still later, Aristotle will seemingly do away with his initial distinctions altogether.\textsuperscript{239}

Why is he so concerned with making this distinction? Why push it? One possible reason is that this is a point of disagreement between Aristotle and contemporary teachers of rhetoric, and Isocrates in particular. Isocrates rejected the idea that self-interest, honor, and justice are opposed in the way that Aristotle suggests.\textsuperscript{240} Kennedy has argued that there is “considerable evidence” which shows that in the fifth century it was common for orators to focus their arguments on either justice or expediency, but he suggests that this changed in the late fifth and fourth century when orators tended to formulate arguments that combined the various ends of speech.\textsuperscript{241} This might explain why Aristotle might want to establish these distinctions.\textsuperscript{242} It is possible that he was troubled by this mixing of ends,
and that, in his view, correcting the existing teaching requires a more disciplined approach. So perhaps he focuses his efforts on distinguishing different ends for each species of rhetoric in order to correct what he considers to be an incorrect manner of argument. By identifying specific ends of speech, Aristotle can then proceed to teach his readers how best to speak to these specific ends, bringing the a proper focus to public speech. Perhaps this is his idea of how rhetoric at its safest—ought to proceed.

**A Moderated View**

What has Aristotle accomplished in his two most obviously scientific chapters? In the first place he has offered a definition of rhetoric. This is something that Gorgias could not do, at least not without much prompting by Socrates. At the time rhetoric was still a new activity, and one that had only just been given a name. In Aristotle’s day teachers of rhetoric, like Isocrates, actively promoted a view of rhetoric that that placed it well above other arts. Aristotle’s definition of rhetoric, and his efforts at distinguishing it from dialectic and the other arts, de-emphasizes persuasion, and tightly circumscribes its area of expertise. Aristotle’s efforts, in this respect, push against the bent of the popular teaching. His arguments appear scientific and technical, but on closer inspection these same arguments are not convincing in these ways. Aristotle’s efforts read more consistently as an attempt at correcting the existing view of rhetoric, and establishing directions for its practice. How Aristotle works to transform the view of rhetoric has already been discussed. It remains, however, to say something about how this chapter sets up defined and properly related the upside down system of values that makes us slaves of our appetites is bound to dominate political as well as personal life.” (p.308) I am also in general agreement with his assertion that: "...artful rhetoric, by performing the norms of citizenly discourse, citizenly character, and citizenly ways of feeling that are internal to the art, can, along with a few good laws, help a deviated state return to or access a nearby correct (orthos) constitutional form or at least keep it from falling further into moral decay.” (p. 317).
directions for its future practice. This is accomplished by separating out three different types of speech, and identifying ends appropriate to each. The categories of “deliberative” rhetoric and “epidictic” rhetoric did not exist before Aristotle; these are entirely his own doing. The push to define different species of rhetoric, and his efforts at specifying distinctive ends for each, are all part of his attempt at establishing new guidelines for speech in the public sphere. In describing this framework, Aristotle is exceptionally precise. Still, Aristotle does not make any special effort to establish the veracity of these initial distinctions. Moreover, Aristotle’s commitment to these initial distinctions will erode considerably as the work progresses. A point which will only further underscore the point that these chapters are not quite so academic and technical as they may at first seem. Aristotle’s most immediate concern is with the use of rhetoric in political society, this is a point that becomes increasingly more evident as the work progresses.

The next stage of Aristotle’s argument, and the remainder of the first book, will treat the different species of rhetoric in detail. Beginning in chapter four and continuing through to the end of the first book, Aristotle will provide his readers with lists of materials, along with some occasional advice, useful for constructing deliberative, epideictic, and judicial arguments. Enthymemes, as Aristotle explains, are "wholly from propositions." Therefore he reasons that it is necessary for speakers to have propositions about the advantageous, the honorable, and the just. Since speakers will sometimes need to argue in terms of the ‘possible’ and the ‘impossible,’ the ‘great’ and the ‘small,’ and the ‘greater’ and the ‘lesser,’ Aristotle will also provide a discussion of the general topics in the first book. What is curious about the subsequent arrangement of

243 Aristotle, On Rhetoric, 1.3.7.
his argument is that he relegates to later in the work, discussion that one would expect
to be treated first. Chapter two identified the enthymeme as the cornerstone of rhetorical
persuasion, but it will not be discussed again until the later part of the second book, after
the emotions and after a focused discussion of character. Rather than explaining how to
go about constructing rhetorical syllogisms, Aristotle turns his attention to providing the
materials for these arguments. He first concerns himself with the task of teaching his
readers how they ought to argue in deliberative, epideictic, and judicial situations. This is
because his primary concern lies not with educating his readers in the finer points of
rhetorical persuasion, but with ensuring that political speeches are constructed in the right
way. The next chapter will undertake to show just how Aristotle undertakes to
accomplish this goal.
The greater part of the first book of the *Rhetoric* is devoted to a detailed discussion of the three species of rhetoric. In keeping with his stated plan, Aristotle will provide the reader with lists of propositions that can be used to construct deliberative, epideictic, and judicial speeches. This, however, does not fully explain all that Aristotle is doing in this section of his argument. A careful reading reveals that what he provides is far from just a helpful listing of propositions: in this part of the text Aristotle undertakes to transform rhetoric by establishing clear guidelines for its practice. These efforts, however, are not entirely explicit. His intent emerges more subtly: it is visible in the selection and arrangement of the different propositions that he provides, and in his advice about how, when, and where to use them. Aristotle, it becomes clear, is chiefly concerned with propagating a teaching and practice of rhetoric that is amenable to legislation and that promotes civic virtue, in the place of one that, whether through ignorance or malice, pulls at the bonds of government.

It is useful, however, to begin by first specifying what is unique about the present reading of Aristotle’s argument. Whenever rhetoric is mentioned in the *Nicomachean Ethics*, it is, in every case, within the context of a discussion that is concerned with establishing the place of rhetoric in relation to the political art.\textsuperscript{244} The proper form of that relationship is clearly stated near the beginning of the *Ethics*: there, Aristotle identifies politics as the “most sovereign and most comprehensive master science” and he

\textsuperscript{244} *Nicomachean Ethics*, 1094b2-4, 1181a15-16.
specifically identifies rhetoric, along with military strategy and household management, as being subordinate to politics. When describing Aristotle’s efforts in the *Rhetoric*, commentators will often draw upon his remarks in the *Ethics* and conclude that Aristotle’s aim in the *Rhetoric* is to describe an art of speech that brings rhetoric to its rightful place under the political art. This sounds very much like the thesis that is being argued in the present work. There are, however, important differences that separate the present work and its thesis from this rather general view of the text. The passage in the *Ethics* provides a rather ready answer to the enigma that is the *Rhetoric*, and it is therefore no surprise that interpreters use it as such. This interpretation is one that is offered in passing, often by interpreters who are not immediately concerned with explicating the argument of Aristotle’s *Rhetoric*, but who instead have turned to the work for material to assist them with other projects. Still, it is not evident that a single passage in the *Ethics*, a work that only mentions rhetoric a few times, can be used as a blanket interpretation of a treatise that is entirely devoted to the subject. Even if it is true that Aristotle is primarily concerned with subordinating rhetoric to politics, as this dissertation will undertake to argue, one would still need to provide a much more specific statement about what exactly it means to subordinate rhetoric is politics. Moreover, one should also substantiate this claim with evidence from the *Rhetoric*. To simply say that he is attempting to bring rhetoric under the political art does not reveal exactly what that means, and how such a thing is to be accomplished. Even a brief look at more contemporary studies of the *Rhetoric*, most of which place the work in a political or ethical context, reveals that there is still a great diversity of opinion among scholars as to

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245 *Nicomachean Ethics*, 1094b1-5.
how the work relates to these more practical parts of Aristotle’s thought. When the present reading states that his primary concern lies with making rhetoric more amenable to legislation it is saying something specific about Aristotle’s ultimate objectives and how he undertakes to accomplish them. All of this is, of course, wrapped up in a particular view of how rhetoric relates to politics and the precise challenges that it poses for political society.

What are these challenges, and how does Aristotle correct them? Rhetoric, it was said, can interfere in with legislative institutions in two different ways: it can inappropriately interfere with public deliberations through the manipulative speech, and it can directly undermine the legislative institutions themselves. Rhetoric operates in sensitive forums, highly public spaces that afford individuals the opportunity to challenge, or just chip away at, the existing laws and prevailing civic morality. A litigant’s only concern may be to win their case, but the types of arguments that they use, and the character of the emotions that they evoke, may ripple out affecting attitudes and judgments well after. Aristotle tackles the problem of rhetoric by persuading his readers to construct speeches that keep the laws and bolster the legislative principles that underpin political society, at least as far as it is possible to do so.

According to the present reading, Aristotle is not primarily concerned with emancipating individual deliberation from the influence of rhetoric, as if his ultimate goal is simply to protect deliberation and ensure its purity in some way. He does not place such a premium on deliberation because he does not think that individual judgment, when

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246 For a brief account of such differences, see Garver’s introduction to a recent special issue of the journal *Polis*. That issue was entirely devoted to the *Rhetoric*, and all of the articles look at the “political and ethical nature of rhetoric.” Garver, "Introduction," 185.

247 For more on education in Aristotle’s political thought see: Carnes Lord, *Education and Culture in the Political Thought of Aristotle* (Ithaca: Cornell University Press, 1982).
exercised collectively, is sufficiently reliable. Aristotle makes this point in his discussion on legislation in the first chapter of the work. Whether this is due to the shortcomings of individual judgment, the obstacles imposed by the circumstances in which political deliberation takes place, or some combination of these things, it all amounts to the same thing: one cannot trust that collective judgment will always settle judicial and political matters in a satisfactory way, which is why it is necessary for the laws to determine as much as possible and for collective judgment to determine only what the law cannot. Rhetoric adds a further complication: when practiced inappropriately, rhetoric can exploit the weaknesses of individual judgment in public forums, which can result in ever more acute problems for the political community. Addressing the problem of inappropriate speech, however, does not rectify the inherent problems of individual judgment.

Despite his initial arguments he will not go on to articulate an art of speech that will restrict orators to discussing only the facts of the matter at hand. The art of speech that Aristotle describes goes further than this. It, as will be shown, channels deliberation by encouraging speakers to select arguments that point individual deliberation in a specific, more politically salutary, direction. Aristotle accomplishes this not by just tamping down rhetorical practice, but by putting rhetoric in the service of the legislative art: he undertakes to persuade speakers that the most effective route to persuasion is also that which just so happens to further the aims of the legislative art.

**Deliberative Rhetoric (Rhetoric, Chapters 1.4-8)**

Aristotle’s political project is especially evident in the chapters on deliberative rhetoric. This discussion furthers his project in two important respects. First, he uses it to
underscore the significantly restricted notion of rhetoric that he established in earlier chapters. As part of this same effort, Aristotle will impress upon his readers the necessity of studying politics if they intend to give advice about deliberative matters. In this way he attempts to correct the view of rhetoric that elevates it above all other arts and activities. The further entrenchment of his redefinition of rhetoric is, however, not in and of itself enough. This may moderate the existing view of rhetoric, but it does not provide any specific guidelines for its use. That is to say, it is not enough to ensure that orators practice rhetoric in a way that serves the objectives of the legislative art. Aristotle will also, therefore, set down guidelines for the use of rhetoric in deliberative situations in an effort to transform and direct the practice of rhetoric. This is the second and more important way in which the treatment of deliberative rhetoric furthers the work’s overarching political project.

The treatment of deliberative speech begins in a way that is fully consistent with the limited view of rhetoric emphasized in chapter two, but with a slight modification. There, Aristotle had distinguished rhetoric from dialectic, and from the other arts. The discussion here is heavily focused on distinguishing rhetoric from one particular art, the art of politics. Aristotle begins his treatment of deliberative rhetoric by first defining the general set of subjects about which people deliberate. Not everything, he explains, is a subject of deliberation. People do not deliberate about things that exist necessarily, nor do they deliberate about impossibilities. Deliberation, he points out, is only concerned with contingent matters, and then only a specific set of contingent matters. People do not deliberate about things that are caused by nature or chance, rather only those things that

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“by their nature, are within our power and of which the inception lies with us.” As for precisely what these things are, Aristotle will not say. He explains that it is not necessary to enumerate them, since that activity does not belong to rhetoric:

It is not necessary at the present moment to enumerate these subjects accurately, particular by particular, and to divide them into species on the basis of what is customary in deliberation or to say what would be a true definition of them, since that is not a matter for the rhetorical art but for a more profound and true (discipline)—and much more than its proper area of consideration has currently been assigned to rhetoric.

The full consideration of these things, he states, belongs to political science. This discussion undertakes to show just how little the art of rhetoric, strictly understood, actually prepares one for the task of discussing political matters. The art of rhetoric, Aristotle suggests, cannot even identify the proper subjects of deliberation since it is incapable of distinguishing between matters that are within the scope of human action and those that are not. As Aristotle puts it, this task falls to a "more profound and true discipline." It is important to note just how strongly this discussion reiterates the narrowed definition of rhetoric offered in chapter two of the text. Just to make sure that this point is not lost, Aristotle reaffirms his earlier arguments stating that: “what we said earlier is true.” He reiterates his prior point by asserting that rhetoric is merely an art of supplying words, that it is not a science, and that it is therefore not a source of knowledge about other things. Aristotle even references his disagreement with the other teachers of rhetoric on precisely this issue when he states that: “more than its proper area of consideration has currently been assigned to rhetoric.” All of this indicates that Aristotle's attention has not shifted to anything more rarefied or academic. Aristotle's

249 On Rhetoric, 1.4.3.
250 On Rhetoric, 1.4.4.
251 On Rhetoric, 1.4.5, cf. 1.2.7.
252 On Rhetoric, 1.4.4.
focus is still squarely on the existing teaching and practice of rhetoric. Nonetheless, does more than simply restate his earlier arguments. Rather than just highlight the deficiencies of rhetoric, Aristotle actively undertakes to establish politics as the definitive science concerning deliberative matters, and he firmly directs his readers to its study. This is the start of Aristotle's efforts at transforming the existing practice of rhetoric: he begins by enjoining his readers to study politics.

Aristotle will go on to offer his readers advice about constructing deliberative speeches, but he makes it very clear from the very outset that “the full examination” of these things belongs to politics. Nonetheless, the discussion of deliberative rhetoric still needs a starting point. He provides that starting point by identifying five subjects of deliberation that speakers ought to know about if they are to give advice in deliberative assemblies. These subjects, and one in particular, are presented as the most important subjects that one needs to have propositions about if they are to give any kind of political advice. Despite stressing the importance of having propositions about these subjects, Aristotle will not, at least for the most part, go on to provide his readers with propositions of this sort. This is because the aim of this discussion is not to instruct students of rhetoric in the finer points of these deliberative subjects, rather it is to convince them of the necessity of studying politics in the first place.

So, the “important subjects” that people deliberate about and give advice about in public are “mostly five in number.” These five subjects are finances, war and peace, national defense, imports and exports, and legislation. Aristotle's treatment of these subjects focuses on identifying what one needs to know if one intends to offer advice

253 On Rhetoric, 1.4.7.
254 On Rhetoric, 1.4.13.
255 On Rhetoric, 1.4.7.
about these things. If one is going to give counsel about finances, then one must know what the revenues and expenses of the city are and how they might be increased or reduced. Studying just one's own city, Aristotle argues, is not enough if one is to get a good understanding of these things. He emphasizes the value of learning about "what has been discovered elsewhere in regard to deliberation about these things."\(^{256}\) With regards to matters of war and peace, it is explained that people must be knowledgeable about the current extent of their own city’s power, its potential future power, the sources of that power, what can be added to it, and one must know specifics about the wars the city has waged in the past. Once again, Aristotle makes a point of arguing that it is not enough just to know about one's own city, one must also comprehend these same things about neighboring states. In addition, one should also understand with which cities there is a probability of war, and one needs to have knowledge of their military and understand how it compares with one's own.\(^{257}\) Finally, he states that it is necessary to "have observed not only the wars of one's own city but those of others."\(^{258}\) With regards to matters of national defense, Aristotle explains that one will have to be familiar with how the city defends itself, the size and character of its defense force, and where its fortifications are located. Only then will one be in a position to discern whether, and when, the defense force is to be increased or decreased, and how it ought to be distributed. With regards to imports and exports, one must understand “what expenditure is adequate for the city,” what kinds of food are available for export and import, and what kinds need to be

\(^{256}\) *On Rhetoric*, 1.4.8.

\(^{257}\) Aristotle offers a particularly apt statement of why knowledge of other states is necessary: “in order that there might be a policy of peace toward the stronger and that the decision of war with the weaker may be one’s own.” *On Rhetoric*, 1.4.9.

\(^{258}\) *On Rhetoric*, 1.4.10.
exported and imported. While it is important to be educated about all of the aforementioned things, Aristotle puts special emphasis on the topic of legislation. Legislation, he states, is not the least in terms of importance. Aristotle explains that:

The safety of a city is in its laws, so it is necessary to know how many forms of constitution there are and what is conducive to each and by what each is naturally prone to be corrupted, both the forces characteristic of that constitution and those that are opposed to it.

With the exception of the best constitution, Aristotle explains that each of the other constitutions are “destroyed by loosening or tightening (their basic principles of governance).” Democracy, he makes a point of specifying, “becomes weaker when (its principle of equality is) relaxed so that it finally leads to oligarchy but also if the principle is too rigidly applied.” In addition to understanding the various types of constitutions, and how each is preserved and corrupted, Aristotle goes on to argue that one also needs to have a comprehension of how different legislative arrangements have worked in the past and in different places. He asserts: one ought “not only to know what constitution is advantageous on the basis of past history but also to know the constitutions in effect in other states, observing what constitutions are suitable to what sort of people.” Aristotle states that the reports of travelers and the works of historians are useful for this. Having listed the many different things that a deliberative speaker would need to know if they are to give advice in political assemblies, Aristotle takes the opportunity to end this discussion by reminding his reader, yet again, that all of these subjects belong to politics, and not rhetoric.

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259 On Rhetoric, 1.4.11.
260 On Rhetoric, 1.4.12.
261 On Rhetoric, 1.4.12.
262 On Rhetoric, 1.4.12.
263 On Rhetoric, 1.4.13.
264 On Rhetoric, 1.4.13.
In this section Aristotle provides his readers with a list of political topics that are important subjects of deliberation. It is important to note what he does not do. He does not provide, or go on to provide, examples of specific propositions about these topics that one could use to construct arguments about state finance, or national defense. That is to say, he does not show his readers how they might go about constructing arguments about finances, war and peace, and the all rest. This is a telling departure from his stated plan. Earlier in the work, at the end of the third chapter, Aristotle mapped out the ensuing discussion: having identified the chief end of each species of rhetoric, there he explains that the next stage of his argument will provide speakers with propositions pertaining to each.\textsuperscript{265} One might argue that the design of the \textit{Rhetoric} does not require for Aristotle to provide propositions about political subjects. Aristotle's plan can be interpreted to mean that the subsequent discussion will focus on providing propositions that relate to the particular end of each species of rhetoric, namely, the advantageous and the disadvantageous, the honorable and the dishonorable, and the just and the unjust. That Aristotle does indeed go on to provide propositions about these things seems to corroborate such a reading. There is a subtle shift in the argument that warrants careful attention. Initially, at least, he suggests that the most important thing is for a speaker to know how to speak to the given end of each type of rhetoric; this means that, in the case of deliberative speech, it is crucial for speakers to have propositions about the advantageous and its opposite. At the end of his listing of the political topics, Aristotle alters this position. Having just listed the five key subjects that people deliberate about, he states that: "These are the most important subjects on which

\textsuperscript{265} \textit{On Rhetoric}, 1.3.9.
someone who is going to give counsel ought to have (propositions)."266 As it turns out, these are things that one most needs to have propositions about, yet Aristotle does not do much more than identify what the subjects of deliberation are. He does not undertake to show his readers how to construct arguments about these subjects. Instead, Aristotle seems more concerned with ensuring that his readers are aware of the types of knowledge that they need to possess and how they ought to go about learning it. He firmly points his readers to the many practical things, usually not taught as a part of oratory, that one ought to know about if they are to offer advice about deliberative matters.

In this respect, Aristotle's treatment of the political topics serves as a rejoinder to those who assimilate rhetoric and politics, or who go so far as to subordinate politics to rhetoric, as does Isocrates. Not only does Isocrates maintain the superiority of rhetoric, he also discounts the value of learning about other political systems: he specifically discounts the value of traveler's reports.267 It is probably not incidental that, in his treatment of the political subjects, Aristotle repeatedly emphasizes the importance of learning about other political societies and studying what others have discovered about them.268 He even makes explicit reference to the value of the learning gleaned by travelers: "it is clear that in constitutional revision the reports of travelers are useful."269 Aristotle’s treatment of the political topics, however, does more than simply register his disagreement with competing views on the subject. It also designed to serve as a corrective to them: Aristotle enumerates that many things that one needs to know, in

266 On Rhetoric, 1.4.13.
268 Aristotle, On Rhetoric, 1.4.8, 9, and 13. Altogether this seems to be a clear-cut response to Isocrates who specifically discounts the value of learning about other regimes. Isocrates argues that it is more praiseworthy to innovate, rather than to make use of legislative principles developed elsewhere.
269 On Rhetoric, 1.4.13.
order to make his readers aware of deficiencies in their own knowledge. His treatment of the political topics is designed to deflate the harmful self-assurance that is wrongly inculcated in students of speech. This is a rhetorical technique that has been used elsewhere.

The list of subjects that Aristotle provides, with the exception of legislation which appears to be his own addition, is also found in Xenophon's *Memorabilia*. There it is introduced in the context of a discussion that Socrates is having with an ambitious young man who hopes to distinguish himself by speaking in the Assembly. In order to educate the young man about his own ignorance, Socrates proceeds to ask him what he knows about each of these topics. This list of subjects is introduced by Socrates to highlight the kinds of knowledge that one needs to have if one intends to give good advice about political matters. As the dialogue proceeds, the young man becomes increasingly aware of his own ignorance, and relinquishes, at least for a time, his plan of advising the Assembly. This brief dialogue concludes with Socrates enjoining the youth to concern himself with gaining knowledge about those things he wishes to be admired for: "So if you desire to have a good reputation and to be admired in the city, try to achieve, to the greatest extent, knowledge of what you wish to do. For if, after surpassing the others in this, you should attempt to engage in the city's affairs, I would not wonder if you should very easily obtain what you desire." Aristotle seems to be employing a similar rhetorical device. He makes every effort to make his readers aware of the extent and depth of knowledge that one requires, and he reminds his readers more than once that

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271 According to Xenophon, that young man is Glaucon, Plato’s brother who was then “not yet 20 years old.” *Memorabilia*, 3.6.1.
272 *Memorabilia*, III.6.18.
rhetoric does not provide such knowledge. He does not bury this teaching, but places it in a place of prominence, near the beginning of his argument.

Aristotle’s attempts at establishing a rhetoric that is amenable to politics, however, extends beyond instructing his students in the deficiencies of the art and beyond enjoining them to study politics. He will also set down specific guidelines to direct its practice. To see how he does this, one needs to attend to the specific advice he offers his readers about constructing deliberative arguments, which includes the lists of propositions that he provides his readers, and more explicit advice about how and when are to be employed.

Having described the five subjects that people commonly deliberate about, Aristotle turns his attention to the task at hand, namely, providing propositions for deliberative speeches. Chapters five through seven provide lists of propositions about the advantageous, the good, and the more and the less. In chapter five Aristotle identifies happiness as the ultimate end of all human action, and he lists the various factors that contribute to the happiness of both individuals and political communities. In chapter six he discusses the means that contribute to the advantageous, since, as he asserts there, people do not deliberate about the advantageous, but about how it is to be attained. This chapter provides a focused statement of the things that are generally thought to promote the advantageous and the good, and it also shows the reader how to construct syllogisms about these things. Chapter seven focuses the general topic of the more and the less. People may agree about what is advantageous but disagree about what is more advantageous when there are several possible courses of action to choose from. Therefore, it is necessary for the deliberative speaker to know how to formulate
arguments about the greater and the lesser. These three chapters taken together provide the basic core of Aristotle's instruction about how to go about constructing deliberative speeches. They are all concerned with providing propositions for speeches concerned with establishing the advantageous, which was identified as the characteristic end of deliberative rhetoric. In this respect, these chapters provide what is expected. To see exactly what it is that Aristotle is undertaking to accomplish in this part of his argument, one needs to give careful attention to the character of these propositions. Aristotle offers propositions that promote civic-minded notions of the advantageous and the good, and, still more to the point, he enjoins readers to make use of those propositions that support the legislative principles of the state. It is not necessary to go through these three chapters systematically. It is enough, for present purposes, to draw out the basic trajectory of Aristotle's arguments.

Aristotle’s treatment of deliberative rhetoric, it will be argued, strives on the one hand to establish definitive notions of advantage that assimilate as far as possible, and identify the good of the individual with the good of the political community. In chapter five Aristotle identifies the ultimate end of all human activity and explains what things contribute to it. He states: “Both to an individual privately and to all people generally there is one goal (skopos) at which they aim.”273 That aim, Aristotle goes on to state, is happiness. He adds in addition: “one should do things that provide happiness or its parts,” and that one should do things that increase happiness, and that one should not do things that destroy, diminish, or impede it.274 He proceeds then to define happiness and list its various parts. They are listed as follows: “good birth, numerous friendships, worthy

274 *On Rhetoric*, 1.5.2.
friendships, wealth, good children, numerous children, a good old age, as well as virtues of the body (such as health, beauty, strength, physical stature, athletic prowess) reputation, honor, good luck (eutychia), virtue. He identifies the various things that ought to be aimed at, and, in the next chapter, he places the aforementioned parts of happiness above debate when he states that people do not deliberate about the advantageous but about the means that contribute to it. What exactly Aristotle means by this statement, and whether or not he intends for it to be taken literally, is a focus of recent study. In assessing this statement it is important to consider not just what Aristotle says, but also what might be gained by way of this particular argument.

The definition of happiness that Aristotle offers here is often identified as a source of difficulty because it conflicts with the definition presented in the Ethics. This difficulty arises when interpreters take a flat reading of the text. If the definition of happiness presented in the Rhetoric is accepted as a statement of doctrine, then invariably problems will arise when one attempts to square it with the much narrower definitions he offers elsewhere. The more fruitful approach is to consider what else Aristotle might be attempting to accomplish here. The very breadth of the definition presented in the Rhetoric gives readers an important clue as to what that intent might be. The initial definition of happiness, along with his enumeration of its various parts, encompasses a

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275 On Rhetoric, 1.5.4.
276 On Rhetoric, 1.6.1.
277 See: Daniela Cammack, "Aristotle's Denial of Deliberation About Ends," Polis 30, no. 2 (2013). Cammack argues that Aristotle's assertion, that people do not argue about ends, ought to be accepted as a statement of doctrine. I take a rather different view. This argument makes sense only in the iteration presented in the Nicomachean Ethics, which is rather different. In the Ethics, Aristotle argues that people agree about the name of the ultimate end of all human activity, namely happiness, but they disagree about how to get there. The formulation found in the Ethics, thereby, still holds out the possibility that people disagree about ultimate ends as they agree only about what to call the ultimate end.
279 Aristotle, Nicomachean Ethics, 1.7-10.
variety of popular views about the nature of happiness. That he offers this account of happiness makes perfect sense. Rhetoric must take as its starting point the opinions and beliefs of the audience as one finds them. These are, as Aristotle has already explained, the proper starting points for rhetorical argument. \(^{280}\) Whether or not these starting points are true does not matter, what matters is that the audience believes them to be true. Aristotle, therefore, begins with a definition that incorporates many of the most commonly held views about happiness. Rhetoric must start from where the audience, wherever that may be, and proceed from there. Aristotle enumerates the different views of happiness, but, unlike the *Ethics*, no attempt is made to differentiate between the different views of happiness that he introduces here. On the contrary, he closes the door to any such debate when he asserts that people do not deliberate about what is advantageous. In doing so he skirts the obvious philosophical issue, but he does so for very pragmatic reasons. In the first place, he effectively distinguishes his efforts from the kinds of philosophic ruminations that might repel potential students of rhetoric. Second, this allows him to focus his attention, as well as the reader’s, on the more practical question of what is to be done. More specifically, it restricts the discussion to the kinds of behaviors that ought to be encouraged in political society. Once he narrows the discussion in this way, Aristotle proceeds to make the most of it by laying out a carefully crafted set of guidelines describing how one ought to argue in deliberative situations.

Chapter six is devoted to discussing the various means by which the good and the advantageous are to be secured. Aristotle underscores the significance of this discussion by emphasizing that people do debate about these things, which of course implies that students of rhetoric ought to give their attention to understanding how to argue about

\(^{280}\) *On Rhetoric*, 1.2.11, cf. 1.2.12 and 1.2.14.
such matters. The thing to recognize is that this discussion essentially supplants the argument of the preceding chapter. Chapter five may have offered a definition of happiness and provided a list of all of its various “parts,” but chapter six undercuts the significance of that discussion because it treats matters of deliberation. While Aristotle allows readers to maintain whatever notion of happiness they cleave to, he focuses his efforts on advancing his reader’s understanding of the various means by which good things are to be attained. This is the thinner ice, and Aristotle knows it. Chapter six, therefore, is the place where Aristotle works to transform the existing practice of rhetoric by encouraging his readers to formulate speeches that enjoin the audiences to pursue the path of virtue as a means to the attainment of good and advantageous things. His entire discussion emphasizes the role of virtue in both the production and preservation of the advantageous things: “And the virtues are necessarily a good; for those having them are well-off in regard to them, and virtues are productive of good things and matters of action.”

To this end, he offers readers lists of propositions that are politically salutary in that they consistently promote certain types of civic virtue. This discussion allows him to introduce the discussion of virtue into his treatment of deliberative matters. Aristotle pushes readers to use these propositions rather firmly, indicating that “persuasive” arguments about the “good and the advantageous” are constructed with the kinds of propositions that he has presented here. Given that earlier he had flatly denied that the aim of rhetoric is persuasion, it is especially revealing that he here chooses to specifically identify a set of propositions as being especially helpful for constructing persuasive

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281 On Rhetoric, 1.6.6.
282 As Kennedy points out in a note, Aristotle's discussion seems to anticipate the doctrine of the mean, which is presented in its fully developed form in the Nicomachean Ethics. On Rhetoric, 1.6.21.
283 On Rhetoric, 1.6.30.
arguments. It is not unreasonable to speculate that he does this because he especially wants his readers to note and heed the instruction that he is offering in this part of the text. The full extent of Aristotle's concern with injecting virtue into deliberative speeches, and having it serve as a guide, will become still more evident in his discussion of epideictic rhetoric.

Aristotle’s efforts at transforming the practice of rhetoric in deliberative situations is, however, most explicit in chapter eight where he once again turns his attention to the subject of legislation. There are a few immediate things to note about how the subject of legislation figures in his discussion of deliberative rhetoric. Aristotle introduces all of the political topics in chapter four, but he does not discuss any of them in any great detail, and, as was already noted, he does not offer any real instruction in terms of how to construct speeches about these things. The one exception to this was the topic of legislation. Aristotle takes up the topic of legislation again in chapter eight, the final chapter on deliberative rhetoric. In chapter eight he proceeds to offer his readers further instruction in the subject: he lists the different types of constitutions and identifies their distinguishing characteristics. In addition, he offers his readers some more specific advice about how to construct speeches about legislative matters. It is this discussion that most reveals his intent in this part of the work.

In chapter four, Aristotle maintained that an understanding of political things is important if one hopes to offer political advice that safeguards the state: “For the security of the state it is necessary to observe all these things but not least to be knowledgeable about legislation.” 284 In chapter eight, Aristotle is much less reserved about the importance of being knowledgeable about legislation, arguing that it is the “greatest and

284 *On Rhetoric*, 1.4.12.
most important” of all the things that an orator ought to understand if one is to persuade and offer good advice:

The greatest and most important of all things in an ability to persuade and give good advice is to grasp an understanding of all forms of constitution (*politeia*) and to distinguish the customs and legal usages and advantages of each; for all people are persuaded by what is advantageous, and preserving the constitution is advantageous.\(^{285}\)

Why is knowledge of legislation useful for persuasion? Aristotle presents three arguments. First, he argues that people are persuaded by what is advantageous. He states: “all people are persuaded by what is advantageous, and preserving the constitution is advantageous.”\(^{286}\) Second, he argues that such knowledge is useful because it enables one to understand better how decisions or choices are made in each type of society. One should understand what the different constitutions are, what the central authority is in each case, how offices are distributed in each, and especially what the "end" of each type of constitution is. For if one understands these things, so the argument goes, one will know how to tailor their speeches so that they are persuasive to their specific audience.\(^{287}\) Third, Aristotle argues that this knowledge is useful because the speaker can use it to construct an image of himself that his audience will find favorable: “now *pisteis* not only come from logical demonstration but from speech that reveals character (for we believe the speaker through his being a certain kind of person, and this is the case if he seems to be good or well disposed to us or both).”\(^{288}\) This is something different from using this knowledge to construct arguments that an audience will find appealing in a more general way. Aristotle, here, is describing persuasion though *ethos*: this is persuasion through the

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\(^{285}\) *On Rhetoric*, 1.8.1.  
\(^{286}\) *On Rhetoric*, 1.8.2.  
\(^{287}\) *On Rhetoric*, 1.8.2-5.  
\(^{288}\) *On Rhetoric*, 1.8.6.
character of a speaker and whether or not he appears well or ill disposed to his audience. A speaker who understands the various types of constitutions, and the kinds of people that live within them, he suggests, will be able to present an image of their character that will be persuasive to a given audience. For, as Aristotle sees it, there is a particular character that is distinctive to each type of constitution, and that is also the character that is most persuasive to each.

What is the significance of this discussion? When Aristotle initially defined rhetoric as an ability to see the available means of persuasion, there was little to no emphasis on successful persuasion. That he ends his discussion of deliberative rhetoric with such a strong emphasis on successful persuasion ought to give the careful reader pause. Is Aristotle’s treatment of legislation in chapter eight merely an attempt at describing an important available means of persuasion, or is it something else? Why does Aristotle direct his readers to look first to legislative principles when constructing deliberative arguments? On the one hand, it could be argued that Aristotle is merely offering his readers some helpful advice about how to persuade an audience. People are, as Aristotle says, persuaded by things that are advantageous, and it is not unlikely that a political assembly would be persuaded by a course of action that would strengthen and preserve the city’s constitution. It also seems true that an audience would be more likely to be persuaded by arguments that keep with the principles that underwrite their political system, rather than those that appeal to principles that are either foreign or divergent, or both. Finally, it also seems true that a speaker whose speeches embody these same principles will succeed in cultivating a more favorable image of his character than one whose speeches do not do this.
On the other hand, however, one could easily question the validity of the arguments that Aristotle presents here, beginning with the assertion that people are persuaded by speeches that are protective of the constitution. This argument, which is presented in the form of an enthymeme, is overly simplistic. It presumes that what is advantageous for a political society is also advantageous for the individual. It presumes, in addition, that the individual will be able to recognize when their interests and the interests of the whole coincide, and, of course, that this would occur in sufficient numbers. This line of reasoning places too much faith in individual judgment. Indeed, it is difficult to imagine Aristotle stands entirely behind the letter of this argument. For Aristotle has already stated his concerns about the deficiencies of individual judgment in the first chapter of the work. Those same deficiencies apply here: prudence is in short supply; it is difficult to judge matters in a short amount of time; and private pleasure, pain, and interest interfere with one’s ability to see the truth. The other two arguments that Aristotle presents in chapter eight rely upon a similar presumption about the alignment of individual and group interest. When Aristotle argues that an audience will be persuaded by speeches and the kinds of speakers that embody the principles and ends of a given political system, he is assuming that these ends and the individual interests of audience members align. Moreover, it presumes that individuals will readily identify with the good of the community as a whole, rather than with a particular faction or subset of that community. There is no real discussion of class or faction in the Rhetoric. It is only referenced obliquely when Aristotle briefly discusses the corruption of constitutions in chapter four. There he talks about how tightening and loosening the principles of governance can transform a constitution from one type into another. Of course, the extent

\[289\] On Rhetoric, 1.8.1.
to which self-interest and faction contribute to these kinds of changes is not mentioned. Still, it is an issue that ought to spring to the mind of any student of the Politics: for in that work Aristotle identifies self-interest and faction as key causes of sedition, and he also acknowledges the role that oratory can play in fanning the flames of class conflict.\(^\text{290}\)

The suggestion that individuals will somehow identify the good of the community and their own individual interests seems too sanguine a view even for Aristotle.

This part of the Rhetoric is better understood as a part of Aristotle’s attempt at guiding and transforming existing practices. How does this chapter contribute to furthering the work’s political project? Aristotle attempts to transform the practice of rhetoric by persuading his readers that they themselves will be more persuasive if they construct speeches that look not to individual interest, but to the good of the whole and that are in keeping with legislative intent. Indeed, he attempts to convince his reader that such speeches are doubly persuasive: such speeches, he argues, persuade through logos and ethos. Aristotle's objective in this chapter is twofold. In the first place, he dissuades speakers from constructing arguments that are blatant appeals to individual or factional interests. Instead, he encourages his reader to consider the advantage of the whole. Second, and more importantly, he encourages readers to consider the aims and objectives of the existing constitutional arrangement. He wants his readers to look to the ends of each specific type of constitution and to construct arguments that are consistent with those ends, and not opposed to them. That is to say, he wants speakers to take into consideration a society's legislative principles when offering advice in deliberative situations.

\(^{290}\) The Politics, 1.5.2.
If there is any doubt about what it is that Aristotle is attempting to accomplish, one needs only to look at his specific advice about constructing deliberative speeches in democratic societies. In chapter eight, Aristotle identifies different types of constitutions and identifies their respective ends. The four types of constitutions are democracy, oligarchy, aristocracy, and monarchy. With regards to their ends, Aristotle states:

(A deliberative speaker) should not forget the “end” of each constitution; for choices are based on the “end.” The “end” of democracy is freedom, of oligarchy wealth, of aristocracy things related to education and the traditions of law, of tyranny self-preservation.291

It is his treatment of democracy that is especially revealing. He identifies the end of democracy as freedom, which is an interesting departure from what he says about democracy in the Politics.292 In the Politics, Aristotle describes the end of democratic society as freedom and equality.293 In the Rhetoric Aristotle identifies freedom as the governing principle of democratic societies and leaves off mention of equality, and this is likely because the principle of equality creates problems in democratic societies. In the Politics, Aristotle identifies the passion for equality as one of the primary causes of sedition in democracy.294 There he also argues that orators implant the seeds of sedition, and that they feed this passion by arguing for ever-greater equality. In the Politics, Aristotle argues that democracies are better served when speakers argue in terms of freedom rather than equality. This is because freedom is a communal or general advantage, and one that can be effectively used to overcome the class divisions between the wealthy few and the many poor that make up any democratic society. If Aristotle

291 On Rhetoric, 1.8.5.
292 Arnhart concludes that this discussion is fundamentally consistent with the related passages in Aristotle’s Politics. The present discussion makes rather more of Aristotle’s omission of equality in the Rhetoric. Arnhart, On Political Reasoning, 73-74.
294 The Politics, 1301a25-35 and 1302a20-30.
neglects to mention equality as principle of democracy in chapter eight of the *Rhetoric*, perhaps it is not an omission. It is possible that Aristotle excludes mention of the principle of equality because it is dangerous for democratic societies. He teaches his readers just enough about legislation to guide their practice in the specific direction that he deems salutary. He mentions only the principle of freedom in the *Rhetoric* because he is not concerned with describing all of the available means of persuasion but with establishing a specific practice of rhetoric.

It is not terribly difficult to discern the outlines of Aristotle's political project in his treatment of deliberative rhetoric. He is encouraging a practice of rhetoric that orients itself in terms of what is best for preserving the constitution. He does not offer a freewheeling deliberative practice; one that puts a great deal of trust in the ability of citizens to determine deliberative matters properly. Rather, he offers a teaching that strives to direct the practice of deliberative rhetoric by pointing it in a more constructive direction, one that avoids the pathologies of the existing teaching and establishes a potentially more fruitful ground for political deliberation.

**Epideictic Rhetoric (*Rhetoric*, Chapter 1.9)**

In chapter nine, Aristotle turns his attention to a category of speeches that are not expressly political in character. Epideictic speeches are not political in that the audience for these speeches is made up of the population in general, and the audience is not acting as a jury or political assembly. Included in this category are ceremonial speeches, such as funeral orations. Also included are speeches of oratorical display, such as Gorgias' *Encomium of Helen* and Isocrates’ speech on the same topic.295 The purpose of this latter

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295 Isocrates' *Helen* seems to be a response to his teacher’s famous speech.
set of speeches is to entertain and demonstrate the skill of the speaker. Gorgias was the first to travel about making displays of his oratorical skill, but it was Aristotle who identified such speeches as belonging to a separate species of rhetoric. The category of epideictic speech is entirely Aristotle's own invention. How he handles this category is therefore especially revealing. Unlike other parts of the *Rhetoric*, his treatment of this species of rhetoric is one place where interpreters are more willing to acknowledge that Aristotle might be taking a more active hand in attempting to direct rhetorical practice. The present reading takes a similar view, but pushes further than most in suggesting that this part of Aristotle’s argument is to be read in an entirely political light. The account of epideictic speech, it will be argued, is designed to bring a largely unfettered class of speeches under the guidance of the legislative art. Aristotle will do this by persuading his readers to adopt and incorporate into their speeches an especially civic conception of virtue. Epideictic speeches, after Aristotle is through with them, will celebrate and promote the kinds of civic virtues that the legislator would most wish to engender, virtues that strengthen the regime rather than weaken it. It is important, however, not to confuse Aristotle’s efforts with an attempt at making public speech more moral, or with an attempt at identifying the natural sources of persuasion in epideictic speech. The present reading understands his efforts to be entirely political in character: his objective is not to describe, but to transform epideictic rhetoric so that it underscores and protects the integrity of the political system in which it is practiced, rather than undermining it.
through haphazard speech or worse. To fully grasp what Aristotle is doing one must consider not just the specific list of propositions that Aristotle provides in this part of his argument, one must also look to the manner in which he chooses to introduce and frame this entire discussion.

He begins his treatment of epideictic rhetoric as follows: “let us speak of virtue and vice and [the] honorable and [the] shameful; for these are the points of reference for one praising or blaming.” The definition and treatment of these terms is the most important part of this discussion. Still, one should not neglect to notice the way in which Aristotle chooses to begin his treatment of epideictic speech. Earlier, Aristotle had identified the honorable and the shameful as the characteristic end of epideictic rhetoric. One would fully expect, therefore, that he would need to devote some time to discussing these things, which of course he does. It is, therefore, curious that Aristotle begins this chapter in the way that he does. Rather than directly turn his attention to the task at hand, he starts with a brief prefatory statement that justifies his subsequent efforts. First, he establishes the utility of the instruction that he provides. Second, he explains why an account of virtue and honor, of the sort that he will go on to provide, is needed. Both arguments warrant careful attention. In particular, one needs to consider what the purpose of these remarks might be. Taken together what they reveal is that Aristotle's attention is still squarely focused on the teachers of rhetoric and the problems posed by existing rhetorical practice.

Parameter 1

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296 Ryan Balot provides an excellent and indispensable analysis of Aristotle's treatment of epideictic speech. While there are some similarities between Balot's analysis and the one offered herein, they differ in some important ways. Balot reads Aristotle's efforts in this section as an attempt at educating citizens to "approximate more closely to human excellence" (304), whereas the present reading understands Aristotle to be primarily concerned with promoting conceptions of virtue that are safe for rhetoric. Ryan Balot, "Epideictic Rhetoric and the Foundations of Politics," Polis 30, no. 2 (2013).

297 Aristotle, On Rhetoric, 1.9.1.
Aristotle prefaces this discussion by first undertaking to establish the utility of the instruction that he will go on to provide. He explains that in describing the sources of praise and blame he will incidentally also be making clear “those things from which we (as speakers) shall be regarded as persons of a certain quality in character, which was the second form of *pistis*.”\(^{298}\) One who understands the sources of praise and blame, as Aristotle puts it, will be able to make themselves and any other person “worthy of credence in regard to virtue.”\(^{299}\) It is worth pausing to reflect on how Aristotle has chosen to structure this part of his argument. The various modes of persuasion, *pathos*, *ethos*, and *logos*, are treated in detail in book two of the *Rhetoric*, and in that order. Book one is largely devoted to discussing the three different species of rhetoric. It is therefore rather curious that Aristotle chooses to discuss persuasion through *ethos* at the same time that he treats epideictic speech. Why does Aristotle do this? The obvious answer is that he does this because there is sufficient overlap between these two subjects to warrant a joint treatment. This is the answer that Aristotle seems to give when he says that in speaking of virtue and vice and the honorable and the shameful, he will "incidentally" also make clear how persuasion through *ethos* operates. Most interpreters take Aristotle at his word. There is still something not entirely satisfying about this presentation. For, even if it was the case that in treating these things one will also explain persuasion through *ethos*, it would still mean that Aristotle is choosing to introduce needless complications when there is already a more logical place for Aristotle to treat persuasion through *ethos* more precisely. There is no reason why he cannot first examine the different species of rhetoric, neatly laying out the propositions that pertain to each, and then later consider the

\(^{298}\) *Nicomachean Ethics*, 1.9.1.

\(^{299}\) *On Rhetoric*, 1.9.1.
various modes of rhetorical persuasion. Unless of course, there is some other reason why he might want to run the two things together.

The division of Aristotle's discussion into chapters to some extent obfuscates the significance of the manner in which he unfolds his argument. Aristotle's treatment of epideictic rhetoric, and this statement in particular, immediately follows upon the final bit of advice he gives his readers, in chapter eight, about how to go about constructing persuasive speeches in deliberative situations. In that chapter, Aristotle impresses upon his readers the necessity of understanding the different forms of political constitutions if one is to persuade and give good advice. He concludes his treatment of deliberative rhetoric by emphasizing the value of making oneself appear appropriately disposed to one's audience: he advises readers to acquaint themselves with the character that is distinctive to each form of constitution: "for the character distinctive of each is necessarily most persuasive to each." But the discussion of epideictic rhetoric continues this emphasis on persuasion. From the very beginning of his treatment of epideictic speech, Aristotle seeks to impress upon his reader the utility of the instruction that he will provide. He makes it plain from the very start that his treatment of epideictic speech is of more than just intellectual interest, but that it will also teach one how to persuade through ethos. By positioning this argument so close upon the heels of his earlier arguments, which had stressed the persuasiveness of character in deliberative speech, Aristotle is only further underscoring the power of this particular type of persuasion. By identifying his treatment of epideictic rhetoric with the second mode of rhetorical persuasion, he thereby gives students of rhetoric a reason to attend to his teaching in a more serious and concerted way. In short, Aristotle is essentially suggesting that one of the most effective

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300 On Rhetoric, 1.8.6-7.
modes of generating persuasion, or at least what he has thus far been presenting as one of the most effective modes, is to be revealed in this chapter.

There is a second component to Aristotle's prefatory remarks about epideictic rhetoric that is also worth reflecting upon, a brief statement that is not often given much weight. Aristotle now explains why he will need to devote some time to defining and distinguishing between the honorable things and the dishonorable things. It is an apologetic, even somewhat defensive, kind of statement. Aristotle justifies his detailed treatment of these things through reference to a specific problem that, as he sees it, is aggravated by existing rhetorical practice. In addition to ceremonial speeches, in Aristotle’s day it was common for orators and teachers of speech to make displays of their skill. To do this they would compose and present speeches on many different kinds of topics. Writing encomia for purposes of display was a common practice: in addition to speeches that honor persons, Helen of Troy was a particularly famous topic, one can also find encomia of inanimate objects and animals, such as salt and bees.\(^3\) Although a beautiful turn of phrase was always appreciated, what really set speakers apart was their creativity. The more innovative and unexpected the manner or praise, the more skillful the orator was considered to be. Each speaker would attempt to outdo the others by offering praise and blame in unique and sometimes surprising ways. This is the practice that Aristotle references at the beginning of his treatment of epideictic rhetoric, and that he gently criticizes, in the following statement: “since it often happens, both seriously and in jest, that not only a man or a god is praised but inanimate objects and any random one of the other animals, propositions on these subjects must be grasped in the same

\(^{3}\) Isocrates refers to such encomia in his own encomium of Helen. *Helen* (12)
What Aristotle is suggesting is that the categories of the praiseworthy and the blameworthy have been rather muddied by the imprecise and haphazard way in which other orators have played around with these categories in the past. Due to such imprecise speech, Aristotle here reasons, it will be necessary to offer clear statements about what is indeed praiseworthy and what is not. In this way he justifies the first part of his treatment of epideictic rhetoric, which is primarily concerned with defining what is honorable, and later, what is virtuous. Only then does Aristotle set about providing his readers with lists of propositions that can be used in epideictic speeches. Aristotle speaks modestly, saying that he is "only…giving an example," of these things. Ultimately, though, he is going to establish a distinct set of definitions and propositions about the honorable and the virtuous, which he lays out for his readers to follow, and it is by way of these definitions that he is going to undertake to transform rhetorical practice.

Aristotle begins by defining the honorable (kalon), and then very quickly moves to identify the honorable with virtue. Kalon, he states, “describes whatever, through being chosen for itself, is praiseworthy or whatever, through being good (agathon), is pleasant because it is good (agathon).” Virtue, he reasons next, is therefore “necessarily” kalon because it is good (agathon). It is in this way that he makes virtue the main focus of discussion. Aristotle defines virtue as: “an ability (dynamis), as it seems, that is productive and preservative of goods, and an ability for doing good in many and great ways, actually in all ways.” He identifies the parts of virtue as justice, manly courage, self-control, magnificence, magnanimity, liberality, gentleness, prudence, and wisdom.

303 *On Rhetoric*, 1.9.2.
304 *On Rhetoric*, 1.9.3.
305 *On Rhetoric*, 1.9.4.
Having identified the various parts of virtue, Aristotle then makes a point of ranking them asserting that “greatest virtues are necessarily those most useful to others.”\footnote{On Rhetoric, 1.9.6.} To substantiate this rank ordering, he points to the kinds of people who are most often honored by others. He explains that people honor the just man, the courageous man, and the liberal man most above all. For, the courageous man is "useful to others in times of war," and the just man "in times of peace as well."\footnote{On Rhetoric, 1.9.6.} The liberal man, Aristotle explains, is also greatly honored because liberal individuals are willing to part with their wealth, and because they tend not to quarrel with others about money. Since money is something that greatly concerns most people, and since it is also a source of conflict between individuals, the liberal man is praised because he is willing to treat money in a way that suits others. Once Aristotle has established that people most honor those whose virtues render them most useful to others, the discussion then proceeds to expand upon each virtue in Aristotle's initial list. This account looks at each virtue once again, and expands on his earlier discussion. An important refinement is added in this section, in that certain virtues are directly connected to the law. Aristotle had initially offered a general definition: he defined virtue as "ability…that is productive and preservative of goods," and as an "ability for doing good in many and great ways…in all ways in all things."\footnote{On Rhetoric, 1.9.4.} When Aristotle goes on to define the virtues individually, he identifies the specific sphere of human activity within which each particular virtue operates, and he also explains how people need to behave if they are to act virtuously in each of these spheres. This latter part of this treatment is most telling, for in each case he will undertake to argue that

\footnote{On Rhetoric, 1.9.6.}
virtue is consistent with acting either as the law prescribes or in a way that most benefits other members of the political society.\textsuperscript{309}

Aristotle makes a point of specifying that acting virtuously, in the case of justice, courage, and self-control, is to act as the law prescribes. Justice, he states, "is a virtue by which all, individually, have what is due to them and as the law requires," injustice is having "what belongs to others and not as the law requires."\textsuperscript{310} He defines courage as a virtue "by which people perform fine actions in times of danger and as the law orders and obedient to the law."\textsuperscript{311} He defines self-control (\textit{sophrosynē}) as the virtue of behaving as the law commands in regards to bodily pleasures. In the case of these three virtues, acting appropriately is defined as behaving in accordance with established law. In all three of these cases, then, the laws are posited as the definitive set of rules regarding what constitutes virtuous behavior and what does not. This is an interesting departure from Aristotle’s treatment of these virtues in the \textit{Ethics}. In the \textit{Ethics}, Aristotle does not identify law as the defining statement of any virtue, not even justice.\textsuperscript{312} Moreover, in the \textit{Ethics} Aristotle points out that justice may at time require that one go beyond the written law.\textsuperscript{313} Generally speaking, in the \textit{Ethics}, the appropriate action in any given case is a determination that is highly contingent upon the circumstances of a given situation. The crucial point of difference is that Aristotle in the \textit{Rhetoric}, specifically in the sections on

\textsuperscript{309} Balot makes a similar observation: “In his explanation of the nine virtue, Aristotle emphasizes conformity to the law and the cultivation of appropriate social relations with one’s fellow citizens.” Balot, "Epideictic Rhetoric and the Foundations of Politics," 281.

\textsuperscript{310} Aristotle, \textit{On Rhetoric}, 1.9.7.

\textsuperscript{311} \textit{On Rhetoric}, 1.9.8.

\textsuperscript{312} Aristotle talks about the law at the beginning of book five of the \textit{Ethics}, but his more focused discussion of justice “as a part of virtue” focuses on distribution and rectification. \textit{Nicomachean Ethics}, 113013-1134a15.

\textsuperscript{313} \textit{Nicomachean Ethics}, 1137b10-35.
epideictic speech, defines justice, courage, and self-control as virtues that are defined by, and fully consistent with, the law.

Having treated justice, courage, and self-control, Aristotle then proceeds to define the virtues of liberality, magnanimity, and magnificence. Liberality and magnificence are both virtues in the sphere of spending money: “Liberality (eleutheriotēs) is the disposition to do good with money, illiberality (is) the opposite...magnificence (megaloprepeia) is a virtue in expenditures, productive of something great, while little-mindedness (mikropsychia) and stinginess (mikroprepeia) are the opposites.”314 Unlike justice, courage, and self-control, these virtues are not defined in reference or relation to the law. Presumably, this is because both liberality and magnificence are virtues that concern one’s use of their own personal wealth, and the law does not tend to delineate how one should spend one’s money. Even so, these virtues are still defined in terms of their benefit to others. One should note that this account of these virtues, especially magnificence, departs considerably from what one finds in the Ethics.315 The definition of magnificence, as found in the Ethics, stipulates that expenditures must be both grand and in good taste. That the expenditures are "productive of great benefits (for others)" is not as central to the definition of magnificence as it is in the Rhetoric, where grandeur and artistry are entirely set aside in favor of utility.316 Aristotle’s definition of magnanimity is exceptionally brief, and it is sandwiched between his definition of liberality and magnificence. Magnanimity is defined as: “a virtue productive of great benefits (for others).”317 The Rhetoric treats magnanimity as if it is just another virtue concerned with

314 On Rhetoric, 1.9.10-11.
315 Nicomachean Ethics, 1119b20-1123a35.
316 On Rhetoric, 1.9.10.
317 On Rhetoric, 1.9.12. See also: 1107b20-1108a5, 1123a30-1125a35.
expenditures of wealth and the bestowing of benefits upon others. There is nothing in the *Rhetoric* that points to the more complex concept of magnanimity presented in the *Ethics*. In the *Ethics* magnanimity is a virtue that concerns largely one’s own self. The magnanimous man is presented as an individual who correctly grasps his own self-worth and behaves accordingly: “A man is regarded as [magnanimous] when he thinks he deserves great things and actually deserves them; one who thinks he deserves them but does not is a fool, and no man, insofar as he is virtuous, is either foolish or senseless.”318 Such a man does not, strictly speaking, act for the benefit of others; he acts in a manner that befits his own greatness. If such a man behaves in a way that benefits others, he does so not out of a sense of service, but because such acts are indicative of greatness. The treatment of magnanimity in the *Rhetoric* makes no reference to this aspect of magnanimity and, more or less assimilates it to liberality and magnificence. In the *Ethics*, Aristotle’s treatment of all three of these virtues emphasizes how they benefit the individual who possesses them. The definitions offered in the *Rhetoric* strip away everything but how these virtues stand to benefit others. He is clearly working to encourage speakers to infuse their arguments with civic-minded notions of virtue.

Aristotle’s entire effort in this part of his argument is to identify *kalon* with virtue, and specifically with notions of virtue that encourage listeners to consider not just their own personal advantage but also the good of the larger political community. In chapter nine of the *Rhetoric* Aristotle characterizes virtue as acting in accordance with the laws, on the one hand, and as acting in a manner that benefits others, on the other. He defines all of the virtues that he presents in one of these two ways, with two notable exceptions: prudence and wisdom. Prudence is defined as a virtue of intelligence: “whereby people

318 *Nicomachean Ethics*, 1123b.
are able to plan well for happiness in regard to the good and bad things that have been
mentioned earlier." This definition is somewhat cagey, as it does not clearly state what
the aforementioned things are. Nor is it clear as to what Aristotle means when he
describes the activity of prudence as the ability to "plan well." Nonetheless, given the
presentation of this statement, it does seem to suggest that the prudent man is one who
will attend to the aforementioned virtues, as "the good and bad things that have been
mentioned earlier." That being said, the definition of prudence could also be pointing
back to the good and bad things that were identified as either the parts of happiness, or
the means that contribute to it, which were initially presented in the chapters on
deliberative speech. Whether Aristotle is referring to the virtues, or whether he is
referring to the good and bad things that contribute to happiness or take away from it, is
not the crucial point. His ambiguity is telling, as is the fact that he cannot identify
prudence as a virtue that is at all concerned with benefiting others. This is telling because
it gives further reason to believe that his account of the virtues is more salutary than not.

The one virtue for which Aristotle does not go on to provide a detailed definition,
even though it appears in his initial list of the various parts of virtue, is wisdom. While he
does present a definition of prudence, as ambiguous as it is, he offers no further mention
of wisdom. This seems especially telling, in that it only serves to underscore the entire
trajectory of his efforts in this part of the text. It is possible that Aristotle intentionally
leaves off the discussion of wisdom precisely because it does not belong in this account
of the virtues. That is to say, he leaves it off because it does not belong in a list of virtues
that have been selected and defined in order to make them entirely civic-minded. Wisdom

319 On Rhetoric, 1.9.13.
320 On Rhetoric, 1.9.13.
321 On Rhetoric, 1.5-6.
is an intellectual virtue, and as such it is something that individuals work to possess for themselves. It is not a virtue that primarily benefits others, and, unlike prudence, it cannot readily be packaged as such. Wisdom, after all, is a virtue that has put individuals in opposition with political society, and more than once. As such it is not clear that such a virtue will necessarily serve the ends of the state, and therefore it is not included in Aristotle’s more detailed treatment of the virtues that have been purposely tailored to suit such ends.

Interpreters sometimes argue that the aim of Aristotle’s *Rhetoric* is to improve political deliberation. What they fail to notice is the point that is brought into sharp focus by Aristotle’s refusal to offer a definition of wisdom. The *Rhetoric* does not emphasize the importance of the intellectual virtues. Those that it does deign to discuss, like prudence, are watered-down versions. The *Rhetoric* treats prudence as something that helps one to attain goods that are otherwise accepted as given. That is to say, it is presented as a merely calculative, something that allows one to plan well for happiness, and a happiness that has already been identified and described. In the *Ethics* Aristotle’s treatment is sharper: there the prudent man is presented as one who is capable of reasoning out what is good for himself and good for others: “That is why we think that Pericles and men like him have practical wisdom [*phronēsis*]. They have the capacity of seeing what is good for themselves and for mankind, and these are, we believe, the qualities of men capable of managing households and states.” These men are capable of seeing what is good, which is something different from simply being adept at planning how to attain certain pre-ordained goods. The astonishing lack of emphasis on the intellectual virtues warrants significant attention. This, coupled with the politically

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322 *Nicomachean Ethics*, 1110b5-11.
salutary character of many of Aristotle’s arguments only further suggests that the goal of the *Rhetoric* is not to empower judgment, at least not in the way envisioned by some contemporary readers.

In addition to his light-handed treatment of the intellectual virtues, Aristotle also presents a watered-down conception of the *kalon*. The particular conception of the honorable, or noble, that Aristotle introduces at the beginning of chapter nine is rather limited: it reaches only so high as to encompass actions that accord with the laws and that benefit others. It does not capture more elevated notions of nobility, of the sort hinted at earlier in the work. When Aristotle distinguishes between the ends of the three species of rhetoric in chapter three, he explains that “those who praise or blame do not consider whether someone has done actions that are advantageous or harmful (to himself) but often they include it even as a source of praise that he did what was honorable without regard to the cost to himself.”323 To support this assertion Aristotle gives the example of Achilles who, as Aristotle puts it, is praised, “because he went to the aid of his companion Patroclus knowing that he himself must die, though he could have lived. To him, such a death was more honorable; but life was advantageous.”324 This formulation is in line with the characterization of the *kalon* as it is presented in the chapter on epideictic speech, in that it presents the honorable man as one who is willing to forgo personal advantage. Still, there is an important difference: the formulation offered in chapter three is one that emphasizes the sacrifice of one's personal good for the sake of the noble, but it does not specifically bind the honorable with actions that are undertaken for the benefit of others. In chapter three, Aristotle is working with a notion of nobility that can

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323 *On Rhetoric*, 1.3.6.
324 *On Rhetoric*, 1.3.6.
accommodate an Achilles. Aristotle presents Achilles as willing to sacrifice himself for his friend even though he knows that doing so will come at a great cost. There is, nonetheless, something rather ungainly about Aristotle's treatment of Achilles; it provides a strange rendition of the hero's exploits and an incomplete depiction of the nobility for which he is celebrated. Achilles comes to his friend's aid, but only to avenge his death. While seeking vengeance for one's friend is certainly noble, the nobility of Achilles exploits outstrip just this one example. He obliterated opponents on the battlefield, resisted kings, and battled a god. Achilles knew, well before he set sail for Troy, that he would die there. He chose to go anyway. This act was not done for the sake of his friend but because he could not resist the glory that awaited him there. Achilles serves as a model of nobility that is different from the notion Aristotle describes in the *Rhetoric*. Achilles was not especially respectful of political authority, nor were his actions directed at serving and benefiting others. He resists political authority, and is content to watch many die when at any moment he could have stepped in to change the tide of war. The example of Achilles, although not especially problematic from the perspective of chapter three, ultimately serves to highlight the truncated notion of the *kalon* that Aristotle works to establish in his later treatment of epideictic rhetoric. The shortcomings of that notion emerge precisely when one compares Aristotle’s account with more traditional examples of nobility, of which Achilles is the exemplar. In emphasizing lawfulness and public service, Aristotle is working to tightly circumscribe the notion of virtue, and the view of the *kalon*, that is employed in epideictic speeches. In this way he hopes to counteract the existing practice of rhetoric, which scatters about praise and blame in a loose and haphazard way. He is attempting to persuade speakers to employ standards of virtue that
accord with the law and the needs of political society, precisely because such an ethic strengthens and preserves that society.

Identifying virtue with lawfulness and with public-spirited behavior more generally is not the only way that Aristotle works to correct the problems posed by the existing practice of rhetoric. He also undertakes to bring epideictic rhetoric more fully under the legislative art by aligning it with deliberative rhetoric.

In chapter three Aristotle distinguishes between the different species of rhetoric: he argues that since there are three different classes of hearers of speeches, there are necessarily three different species of rhetoric. Each species of rhetoric, he had argued, speaks to its audience in a different way, has its own specific timeframe, and is directed towards a unique end. This initial treatment placed particular emphasis on the three ends of rhetoric, arguing that each is sufficiently distinct so as not to be interchangeable. Chapter nine, rather than bolstering these distinctions, steps back from them. In chapter nine, Aristotle emphasizes the similarities between deliberative and epideictic rhetoric. "Praise and deliberations," he argues, "are part of a common species (eidos): in that what one might propose in deliberation becomes encomia when the form of expression is changed." It is important to note that this assertion functions as more than just an observation. Aristotle states that the two are part of a common species, and then immediately leverages this point to establish guidelines for the content of deliberative and epideictic speeches. He states: "Thus, when you want to praise, see what would be the underlying proposition; and when you want to set out proposals in deliberation, see what you would praise."

Aristotle’s efforts at transforming the practice of rhetoric are

325 On Rhetoric, 1.9.35.
326 On Rhetoric, 1.9.36.
especially evident at this point in the text. In arguing that these two types of speech are part of a common species, Aristotle is attempting to bring them together. He is instructing the students of rhetoric to employ praise and blame in a way that is consistent with his earlier teachings about the kind of counsel that ought to be offered to the political community. The things that are praised are, thereby, identified with the things that are pursued, and the things that are to be pursued become the things that are also praised. This accomplishes two things. On the other hand, it encourages orators to construct speeches that adhere to Aristotle’s specific instructions about constructing each of these two types of speeches. It recalls all of his earlier advice about how to construct deliberative speeches; a teaching that has already been modified so that it encourages orators to orient their speeches towards the things that uphold and preserve a political society. To this he then adds additional correctives. In chapter nine, he lays down a teaching that curbs the practice of arguing and praising in all sorts of ways. On the other hand, it diminishes the possibility of dissonance between the kinds of ends aimed at in deliberative situations, and those that are celebrated in epideictic situations. This allows for a general consistency in message, one that bolsters the laws and strengthens the political community.

The chapter on epideictic speech establishes *ethos* as a crucial component of any persuasive address. Aristotle has been priming his reader, especially the potential student of rhetoric, for this teaching since the beginning of the work. In chapter two he identified *ethos* as “almost, so to speak, the controlling factor” in persuasion. The final passage of his treatment of deliberative speech stressed the importance of understanding the character type that is distinctive to each type of constitution. This emphasis on character,

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327 *On Rhetoric*, 1.2.4.
and its importance for persuasion, appears again in the opening lines of Aristotle’s
treatment of epideictic rhetoric. Over the course of the first nine chapters of the work
Aristotle slowly undertakes to develop the idea that character lies, if not at the heart of
persuasion, then very close to it. The persuasive power of ethos is repeatedly emphasized
in the early parts of the Rhetoric. Eugene Garver seizes on this facet of Aristotle's
argument, and he places character at the core of persuasion.\textsuperscript{328} As Garver sees it,
rhetorical persuasion “turns on…belief and trust in the speaker,” precisely because it
requires that “we believe in, put our trust and faith in, someone, instead of believing that
something is true.”\textsuperscript{329} The present reading does not deny that trust and faith in a speaker
contributes to their overall persuasiveness. Surely this is true. This reading looks at how
Aristotle introduces character into his argument, and examines whether Aristotle's
assertions should be accepted at face value. The present reading views this entire line of
argument as an attempt, not at describing the nature of rhetorical persuasion, but as an
attempt at encouraging speakers to portray, and therefore also hopefully engender, civic
notions of virtue. Aristotle analysis is, therefore, more normative than he explicitly
presents it as being. What this means is that one has to be careful about simply accepting
Aristotle's treatment of epideictic speech as somehow descriptive of how rhetorical
persuasion actually operates. This is a point that will be elaborated more fully in the next
chapter of this dissertation.

\textbf{Judicial Rhetoric (Rhetoric, Chapters 10-15)}

In the first chapter Aristotle sharply criticizes the rhetoric that was taught and practiced in
his day. Aristotle’s specific concern, it has been argued, lies with rhetoric’s inappropriate

\textsuperscript{328} Garver, Aristotle's Rhetoric: An Art of Character, 172-205.
\textsuperscript{329} Aristotle's Rhetoric: An Art of Character, 126.
interference with the legislative art. In judicial contexts that interference can manifest itself in two different ways. In the first place, it can manifest itself as an inappropriate appeal to emotion. In the opening passages of the Rhetoric Aristotle speaks favorably of political societies that have enacted laws requiring that litigants speak only to the facts of the matter at hand. Still, as has already been argued, such laws might not be enough to stop inappropriate emotional appeals, simply because there are numerous other ways in which an orator can play upon the emotions of the audience. In the second place, rhetoric’s interference can take the form of litigants who attempt to redefine the issue at hand by questioning the justice or importance of an issue where the law has already made a pronouncement. In cases where the law is unclear, Aristotle argues that jurors should decide matters for themselves: whether something is “important or trivial or just or unjust, in so far as the lawmaker has not provided a definition, the jurymen should somehow decide for himself and not learn from the opponents.” Aristotle only states that it is not correct for the orator to interfere in this way, but he does not explain how such boundaries are to be enforced. Aristotle’s efforts in the chapters on judicial rhetoric are focused on establishing guidelines that will avoid and correct both of these problems.

There are two stages to his argument. The first stage will show readers how to construct judicial arguments where there are already clear laws in place. To this end he will define wrongdoing, and provide his readers with lists of propositions that can be used to establish guilt and innocence. In this way Aristotle shows his readers how they can go about establishing guilt or innocence without relying on extraneous emotional appeals and without undermining existing laws. The second stage of this discussion will establish guidelines for arguing cases where existing laws are unclear or entirely lacking.

This, it will be argued, is especially revealing of Aristotle’s efforts. For here he expressly directs his readers to construct arguments that look to existing laws whenever that is possible, and to look to the spirit of the law and legislative intent when it is not. Most interesting is the way in which he works to marry the concept of fairness to legislative intent, so that even this concept can be used to bolster the laws and legal principles that define a given political society.

The first stage of Aristotle’s discussion begins as follows: “Holding to our plan, we should (next) speak of accusation (katēgoria) and defense (apologia).” This statement suggests that that subsequent discussion is in keeping with some stated plan for the work. In actuality, the chapters on judicial rhetoric will depart in some interesting ways from the organizing schema described and employed in earlier parts of the work. Chapter three sketches out the basic outline of the arguments for book one of the Rhetoric. In that chapter Aristotle identifies the ends of each species of rhetoric: he identified the end of deliberative rhetoric as the advantageous and the harmful, the end of epideictic speech as the honorable and the dishonorable, and the end of judicial speech as the just and the unjust. Towards the end of that chapter he provides an outline of how his argument will unfold. He states that is “necessary (for a speaker) to have “propositions (protaseis) on these matters,” and he explains that he will go on to distinguish between each in a detailed way. It is clear from the context that the “matters” that he is referring to are the specific ends of each species of rhetoric, namely: “the good or the evil,” “the honorable or the shameful,” and “the just or the unjust.” The chapters on deliberative and epideictic rhetoric both begin in a way that, for the most part, conforms to this plan.

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331 *On Rhetoric*, 1.10.1.
332 *On Rhetoric*, 1.3.7.
333 *On Rhetoric*, 1.3.9.
The section on deliberative rhetoric begins by discussing the different “kinds of good or evil” that are the focus of deliberative speeches. Over the course of that discussion he provides his readers with lists of propositions useful for constructing speeches of this sort. Aristotle’s treatment of epideictic rhetoric takes up the discussion of the honorable and the dishonorable, and he provides his readers with propositions about these things. The treatment of judicial rhetoric is, however, somewhat different. Aristotle may have defined the ends of judicial speech as the just and the unjust, but when he goes to treat this species of rhetoric in detail he does not, at least not initially, present his readers with propositions about the just and the unjust. The opening sentence of this chapter does not make mention of these ends but introduces the entire subject of judicial rhetoric by stating that it is necessary to speak of "accusation and defense." Aristotle here makes no reference to the stated ends of judicial rhetoric but frames the entire discussion in a slightly different way. He then proceeds to focus his attention on the question of wrongdoing: he defines wrongdoing, and provides his readers with a very thorough list of propositions that can be used to establish wrongdoing or defend against it. This shift in emphasis is telling. Although it may appear at first blush to be rather slight, it is a movement that fundamentally redraws the boundaries of acceptable rhetorical practice in judicial situations.

Aristotle’s treatment of judicial rhetoric begins with a general discussion of wrongdoing. Wrongdoing is defined as: “doing harm willingly in contravention of the law.” He identifies two different types of wrongdoing corresponding to two different types of law: there is behavior that acts against the written laws that govern a specific

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334 On Rhetoric, 1.4.1.
335 On Rhetoric, 1.9.1.
336 On Rhetoric, 1.10.3.
political society, and there are behaviors that breech unwritten common laws, which describe standards of behavior that are “agreed to among all.”337 Chapters ten through to the first part of chapter thirteen will focus on acts that violate the written laws of a political community. Aristotle’s first step is to define what kinds of behavior count as examples of wrongdoing. As he explains, not every act, even if it transgresses the law, is an example of wrongdoing. Individual intent also matters. Wrongdoing, Aristotle stipulates, requires that the act in question was undertaken willingly, and that it was the result of a deliberate choice. To act willingly is to do an act knowingly and without coercion. Deliberate choice is a smaller subset of acts that are willingly done. To make a deliberate choice is to act knowingly, without coercion, and with full knowledge of the specific end that is being chosen. A person who discharges their shotgun into the bush, unaware that there are people in his line of fire, willingly fires his weapon, but one could not say that he deliberately chose to shoot anyone. He acts willingly in deciding to fire his weapon, but since he did not in full knowledge choose to shoot anyone, he did not deliberately choose the fatal outcome of his action. For the shooter to be guilty of wrongdoing, according to Aristotle’s account, he would have to willingly shoot someone, with full knowledge of what exactly it is that he is doing.

Having defined wrongdoing, Aristotle then proceeds to analyze the causes of wrongdoing in more detail: he looks at “what reason people do wrong and in what state of mind and against whom.”338 In short, this part of Aristotle’s discussion, which will be treated in more carefully in the next chapter of this dissertation, offers an account of the various reasons why people engage in wrongdoing. It assists students of rhetoric by

337 *On Rhetoric*, 1.1.6.
338 *On Rhetoric*, 1.10.1.
providing them with lists of propositions that can be used to establish whether or not one is likely to have engaged in wrongdoing. It is not necessary to go through all of the details of this part of the discussion in order to see how Aristotle is attempting to transform judicial speech. One needs only to look at the larger picture of what he undertakes to do in this part of the text. That is to say, one only needs to consider how this emphasis on wrongdoing transforms rhetorical practice in judicial contexts.

By introducing the subject of wrongdoing at the beginning of his treatment of judicial rhetoric, Aristotle focuses the reader’s attention on the question of intent or deliberate choice. The first three chapters of the treatment of judicial speech are entirely devoted to providing readers with material and propositions for making arguments about culpability. This is something altogether different from directing the reader’s attention to the just and the unjust, which one would expect Aristotle to do given that these are the stated ends of judicial speech. Why this focus on wrongdoing instead of justice? One very good possibility is that he does not want to invite, or teach, his readers how to make arguments of the latter sort. Aristotle does not offer a detailed discussion of justice, or offer propositions about it, precisely because he does not want justice to be up for debate in judicial assemblies. Instead, Aristotle teaches his readers how to go about establishing guilt or innocence. This approach directs litigants away from constructing speeches that try the law rather than the defendant. This is in line with Aristotle’s more important arguments about how rhetoric ought to be practiced. That is to say, it is perfectly in line with his view of the proper place of rhetoric as described in the passage on legislation situated in the midst of his criticisms of the teachers of rhetoric. Aristotle prefaced that discussion by stating that an audience is not to learn from the litigants; namely, it is not
for the litigants to “teach” the audience about what is important or just. The discussion of legislation establishes that the proper place of oratory is subordinate to collective judgment, which in turn must operate only within the space afforded to it by the law. The treatment of judicial speech establishes a rhetorical practice that is fully in keeping with this view. It encourages a practice of rhetoric that calls upon jurors to make determinations about cases before them, but to do so within the framework of the existing legislation. It is a practice that does not raise alternate views of justice, but rather focuses its efforts on establishing one’s guilt or innocence. The law itself is never called into question, only its applicability to a specific case. The lack of any instruction as to how one might use emotional appeals is also significant. It was not uncommon at the time for litigants to make such appeals, and nor were there always laws in place to protect against their use. To counteract these practices, Aristotle has described a rhetoric that does not drag collective judgment from its intended function, which is to make the kinds of specific determinations that the day-to-day application of the law requires. By placing all of his emphasis on wrongdoing, Aristotle teaching his readers a rhetoric that fulfills its proper place in respect to both the laws and collective judgment: it shows speakers how to argue in a way that does not undercut the law, and it also provides a pathway does not rely upon manipulative emotional appeals.

It is possible that the full significance of Aristotle’s efforts here may be diminished in the eyes of the contemporary reader because it might all appear to be somewhat obvious, given that his strictures resemble those that exist in present-day courtrooms. Contemporary courts have stringent rules that govern the types of arguments, and the kind of evidence, that it is permissible to present. The purpose of these rules is,
on the one hand, to protect the jury from undue influence. Such rules insulate the jury from specious arguments and any evidence that is not immediately relevant to the specific case and the specific indictments being tried. On the other hand, but not unrelatingly, these rules are also designed to ensure that the litigants restrict their arguments to whatever specific legal matter is at issue in given case. In this way the discussion remains focused only on the question of whether or not one is indeed guilty of violating a specific law, and on establishing the degree of one's offense if they are. All of these things are of crucial importance if one is to preserve the integrity of a given trial and, by extension, the larger legal system. Aristotle’s treatment of judicial rhetoric, when one pauses to think about it in this way, reads like an effort in contemporary jurisprudence. When Aristotle focuses the reader’s attention on the question of wrongdoing, and when he explains how to construct arguments that establish or defend against accusations of wrongdoing, he is, in effect, teaching his readers a more disciplined approach to judicial argument. The rules governing the presentation of evidence in Greek courts were not rigidly defined. As Aristotle points out in the first chapter of the work, that is much of the problem with existing rhetorical practices: litigants are permitted to construct speeches and address the jury in all manner of ways, and they take advantage of that opportunity. Given the largely unregulated character of many Greek courts, the specific account of judicial speech that Aristotle offers is especially significant. His arguments may seem evident today, but the idea that judicial speech ought to be so strictly regulated was not a view that was entirely obvious at the time. David Ross famously proclaimed the *Rhetoric* to be a “curious jumble” of mediocre musings about many different subjects. He specifically included jurisprudence in the
mish-mash of subjects that the work undertakes to discuss. What particular part of Aristotle's argument he is referring to, and whether Ross had in mind the first part Aristotle's treatment of judicial rhetoric, is not clear. He dismissed the value of the work entirely. Even so, Ross recognized that Aristotle was, in some capacity, concerned not just with describing an art of speech, but that he was also interested in the legal implications of rhetorical practice. Ross correctly identified an important facet of Aristotle's argument, but since he could not reconcile this aspect of the *Rhetoric* with his own assumptions about what a careful and intentional argument looks like, he discarded the one insight that might have enabled him to descry the outlines of the work’s larger project. This dissertation has been arguing that Aristotle’s primary concern is with establishing a rhetoric that does not interfere with the rules that govern a political society. This will become still clearer in the next stage of his discussion.

The first stage of Aristotle's argument in his chapters on judicial rhetoric, as has been explained, is concerned with showing readers how to argue cases where the violation of a specific written law is in question. The second stage shows readers how to approach violations of the common law and how to address matters about which the written laws do not speak. This argument is found in chapter thirteen, but it only begins in earnest halfway through it. Chapter thirteen distinguishes between the various types of just and unjust actions. Unlike earlier chapters, here he frames the discussion in terms of the stated ends of judicial speech. He discusses the just and the unjust more directly here than anywhere else in the text. Even so, one should note that Aristotle is not primarily concerned with providing readers with the kind of discussion outlined at the end of chapter three. That is to say, he does not provide his readers with lists of propositions.

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designed to enable them to more easily construct arguments about the just and the unjust. His discussion in chapter thirteen is more tightly circumscribed. This discussion distinguishes between two types of law and two different categories of wrongdoing. Its overarching purpose is not to instruct readers in all the available means of persuasion in regards to matters of justice. The objective is to lay down a specific definition of justice and to describe how one ought to argue in situations where written laws are deficient or altogether lacking. Even in such circumstances, it will be argued, Aristotle works to direct his readers to consider legislative intent in deciding what they are going to argue. Altogether, this part of the *Rhetoric* provides some of the clearest evidence of his attempts at directing rhetorical practice in a politically salutary direction.

Chapter thirteen begins by classifying all of the different types of just and unjust actions. Aristotle begins by distinguishing, yet again, between two different types of law: specific law and common law. Specific law, he explains, is the written law that is defined by and governs a people living in a particular political community. Common law, in contrast, is unwritten and more general in that it describes principles that all people tend to recognize, not just those that live in a given political society. Aristotle’s treatment of common law in chapter thirteen is somewhat stronger than the definition he had offered earlier. In chapter ten, common law was defined as law that is “agreed to among all.” The definition at the beginning of chapter thirteen is sharper as it describes the principles of common law as being rooted in nature: common law is “that which is based on nature; for there is in nature a common principle of the just and unjust that all people

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341 *On Rhetoric*, 1.10.3.
in some way divine, even if they have no association or commerce with each other.”

The authority of common law, according to this later account, is not derived from any general agreement about its principles. Rather, its authority is derived from the rooting of its principles in nature, which in turn is also the basis for human agreement about the principles of common law. To clarify what he means by common law, Aristotle makes reference to Sophocles’ play *Antigone*. In that play, Antigone ventures to argue that it is just to bury Polyneices, even though such an act has been forbidden by decree.

Common law, in this example, is the unwritten law that maintains that individuals ought to be buried. Antigone maintains that common law supersedes the particular law, in this case Creon's decrees that Polyneices remain unburied on the battlefield. Aristotle has chosen a very powerful example to illustrate the difference between written and common law. It is also a potentially subversive example, as Antigone provides an excellent example of how one could go about challenging the law and political authority should one be inclined to do so. Aristotle does not address any potential difficulties at this point in the text; he simply proceeds with his classification of the different types of just and unjust actions. Next, he differentiates between different kinds of offenses. There are two main types: offenses against the community and offenses against the individual. An example of the former is refusing to serve in the military, and of the latter, adultery or physical assault. Altogether this serves as basic classification of all of the various types of unjust actions: all types of wrongdoing are violations of the written laws or the unwritten laws, and are against either the individual or the larger community. Having distinguished

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342 *On Rhetoric*, 1.13.2.
343 *On Rhetoric*, 1.13.2. Cf.: *Antigone* 456-57 Not only does Aristotle provide the example of Antigone, he also quotes Empedocles and references Alcidamas. But, he provides no quotation in the latter two cases.
between the different types of just and unjust actions, Aristotle then teaches his readers how to argue about these things.

Aristotle will proceed to explain what it means to “be wronged.” This section will repeat many of the earlier assertions about wrongdoing. He states plainly, “to be wronged is to suffer injustice at the hands of one who acts voluntarily.” He adds only a few lines later that any act that is committed “voluntarily and knowingly” is done “either with deliberate choice or through emotion.” Aristotle here identifies two specific sources of human action. The significance and implications of this last statement will be considered in greater detail in the next chapter of this dissertation. There are several aspects of this chapter that are worthy of special consideration, but for the present one should note that Aristotle once again frames the issue in terms of wrongdoing. Having so focused the discussion, he then goes on to provide readers with specific advice about how to construct arguments that establish wrongdoing or defend against such a charge.

The challenge, he explains, is that people will often admit to having done an act, but they will deny having engaged in any wrongdoing: “people often admit having done an action and yet do not admit to the specific terms of an indictment or the crime with which it deals.” Aristotle lists a number of different examples of this:

For example, they confess to having “taken” something but not to have “stolen” it or to have struck the first blow but not to have committed “violent assault” or to have had sexual relations but not to have committed “adultery” or to have stolen something but not to have committed “sacrilege” ((claiming) what they took from a temple did not belong to the god) or to have trespassed but not on state property or to have had conversations with the enemy but not to have committed “treason”…

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344 *On Rhetoric.*
345 *On Rhetoric,* 1.13.5-7.
346 *On Rhetoric,* 1.13.9.
347 *On Rhetoric,* 1.13.9.
The way to approach this, he suggests, is to provide clear definitions of what the crimes in question are. He advises his speakers to begin their arguments by first defining the specific “legal term” in question, proceeding only then to establish whether or not that term applies to the case in question.\(^{348}\) This advice is telling. The only strategy Aristotle provides for dealing with the aforementioned obstacle is one that encourages speakers to focus their attention on the legal definitions that would apply to a given situation. Unlike other rhetorical strategies, which might undertake to influence the audience by using personal attack and emotional appeals, Aristotle teaches his readers to focus on the law. He points out that in this way one will “be able to make clear what is a just verdict.”\(^{349}\) He is careful to stress that the entire question in such situations comes down to one issue: “In all such cases the question at issue (amphisbêtesis) relates to whether a person is unjust or wicked or not unjust; for wickedness and being unjust involve deliberate choice, and all such terms as violent assault and theft signify deliberate choice.”\(^{350}\) Here he reiterates his chief point: that the speaker’s attention is to be focused on the behavior of the individual in question, and on establishing their culpability under existing laws. This entire discussion, it is important to recognize, is still only addressing the question of how to argue cases where there are already written laws in place. Up to this point, Aristotle has focused only on that species of just and unjust actions that belongs to specific, or written, law. Next he will go on discuss the second category of just and unjust actions, namely those that relate to unwritten law.

\(^{348}\) As Kennedy points out in his notes to the Rhetoric, this part of Aristotle's discussion was picked up on and further developed by later rhetoricians: "Aristotle's observations here were further developed by Hermagoras (2d century B.C.) and later rhetoricians into what is called stasis of definition. E.g., a defendant on a murder charge can perhaps deny that he killed anyone (stasis of fact) but, if unable to do that, can plead that his actions were justifiable homicide not fitting the legal definition of murder." On Rhetoric, note 237, p. 104.

\(^{349}\) On Rhetoric, 1.13.9.

\(^{350}\) On Rhetoric, 1.13.10.
Midway through chapter thirteen the focus shifts to unwritten law, at which point Aristotle distinguishes between two different species of unwritten law. It is a point about which he is very explicit: “there remain two different species of unwritten law.” This species of unwritten law is concerned with human behavior and seems, based on the limited treatment that Aristotle offers here, to describe the kinds of behaviors that human beings are thought to owe to one another, such as gratitude and helping friends. Such behaviors are not usually codified in written laws. This species of unwritten law seems to be the same sort that Antigone appealed to when she argued that it was just to bury Polyneices. Interestingly, Aristotle does not go on to say very much more about this particular species of unwritten law. It is not entirely clear whether the subsequent discussion of fairness (*epieikes*) relates to this first species of unwritten laws, if at all. In any case, he says nothing more and instead turns his attention to the second species of unwritten law. The second type of unwritten law encompasses "things omitted by the specific and written law.” The example that he gives of such a law is fairness: “Fairness, for example, seems to be just; but fairness is justice that goes beyond the written law.” Aristotle identifies fairness as an unwritten type of justice, but he will go on to suggest that it is also the very principle that legislators aim to preserve when they formulate laws. It is a fascinating line of reasoning.

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351 *On Rhetoric*, 1.13.11.
355 *On Rhetoric*, 1.13.13. Fairness, Aristotle here seems to suggest, is a principle of justice that is relied upon to ensure the just application of written laws, although it is not itself a part of written law.
Legislation, Aristotle argues, is almost never perfect. As he explains, there are two reasons for the various deficiencies and imprecisions that are found within existing legislation: sometimes they occur through the intent of the legislator, and sometimes they are the result of legislative oversight. Legislative oversight is self-explanatory. The first case is more the interesting one, and it figures more prominently in Aristotle’s argument.

In the first case, the legislator intentionally creates gaps or leaves matters vague when he in framing laws. They do this because, in some cases, it is impossible to codify laws so that they will be able to speak to and cover every particular and every variation of every single case that will ever have to be decided upon. Since a perfect degree of precision is not always possible, legislators will instead intentionally frame laws with vague terms, so that the law can be stretched to cover a multitude of different situations. So, for example, legislators will deliberately use terms like ‘deadly’ or ‘excessive’ force to cover all instances where great force is used. The legislator simply cannot foresee, or precisely enumerate, all of the various ways in which someone can exert deadly force. As Aristotle puts it: “a lifetime would not suffice to enumerate the possibilities.”

It is therefore necessary to speak in general terms when framing laws. Aristotle suggests that legislators do this specifically in order to ensure fairness. He states:

If, then, the action is undefinable when a law must be framed, it is necessary to speak in general terms, so that if someone wearing a ring raises his hand or strikes, by the written law he is violating the law and does wrong, when in truth he has (perhaps) not done any harm, and this (latter judgment) is fair.

So, it is necessary to speak in general terms in order to preserve fairness. The implication is that fairness is the unwritten principle of justice that lies behind the efforts of the

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legislator. In any case, this is how Aristotle introduces the principle of fairness into his argument. It is an interesting approach since it allows him to connect fairness to law and to the efforts of the legislator. Fairness, then, is not something that is inherently opposed to these things. In the next part of this discussion Aristotle will make this connection tighter by identifying legislative intent with fairness more explicitly.

It is, of course, not inconsequential that he establishes fairness as the primary principle that one should look to in circumstances where the specific laws are lacking. To the contemporary reader, fairness seems like an entirely reasonable principle. Still, one should consider other possible principles that could have been used. In the entire account there is no explicit reference to divine law, natural law, or general consensus as a potential source of guidance in situations where existing laws are insufficient or inadequate.358 These alternatives are all intimated by his very argument. In distinguishing between specific law and common law Aristotle uses the example of Antigone, who justifies her actions through appeal to divine law.359 When he initially defined common law, Aristotle described it as “that which is based on nature” and which “all people in some way divine.”360 Nevertheless, there is no mention of nature or consensus as potential indicator of how to address gaps in legislation. Instead, the focus is on fairness, and this is the only source of common law that Aristotle addresses specifically and in detail. The discussion then proceeds to elaborate upon the different way in which fairness can be

358 In the Rhetoric Aristotle give a very narrow account of the ways in which specific laws can fall short. He gives a very different account in the Politics.

359 “[450] Yes, since it was not Zeus that published me that edict, and since not of that kind are the laws which Justice who dwells with the gods below established among men. Nor did I think that your decrees were of such force, that a mortal could override the unwritten [455] and unfailing statutes given us by the gods. For their life is not of today or yesterday, but for all time, and no man knows when they were first put forth. Not for fear of any man's pride was I about to owe a penalty to the gods for breaking these.” Antigone.

360 Aristotle, On Rhetoric, 1.13.2.
used when arguing cases where the written law is deficient or lacking. A list of fair and
unfair actions is presented, which also serves as a list of propositions about fairness.
Whether Aristotle’s concern lies with elaborating all of the available means of
persuasion, or whether his concern is somewhat different is apparent in this discussion.

Aristotle identifies several different types of fair and unfair actions. For example,
he states that “those actions that another person should pardon are fair, and it is not fair to
regard personal failings (hamartēmata) and mistakes (atykhēmata) as of equal
seriousness with unjust actions.”361 This list focuses mainly on individuals, and describes
the kinds of allowances that should be made in order to ensure that they are treated fairly.
This makes sense because judicial rhetoric is concerned primarily with arguing specific
cases in which an individual is accused of some kind of offense. In the midst of this list
he argues that it is fair to “look not to the law but to the legislator and not to the word but
to the intent of the legislator, and not to the action but to the deliberate purpose.”362 The
reintroduction of the legislator in this context is especially revealing of Aristotle’s
political project. At issue in this part of the text is the question of how one should argue
cases where written laws are deficient or lacking. Rather than looking elsewhere for
sources of right, Aristotle here once again directs his readers to look to the aims and
intent of the legislator when formulating their speeches. What is the significance of this?
The principle of equity, if employed as Aristotle describes, extends the reach of the
legislator by establishing legislative intent as a source of fairness. In other words, it gives

361 On Rhetoric, 1.13.16.
362 On Rhetoric, 1.13.17. Aristotle has been emphasizing deliberate purpose, or deliberate choice, all
through his treatment of judicial rhetoric. So, this part of his discussion is entirely consistent with his earlier
account. He adds to his earlier discussion here by suggesting that it is fair to look not at the act, but at the
deliberate purpose. This seems to imply that the manner in which he structures judicial rhetoric, with its
emphasis on deliberate choice, is one that ensures and preserves fairness.
speakers reason to look to the law and the legislator even in situations where there is no written law to look to.

Before leaving this discussion it is important to say something about chapter fifteen, which is often criticized for being “too tolerant of sophistry.” This chapter discusses the various kinds of evidence that might be used in arguing a case, Aristotle identifies five types: laws, witnesses, contract, the evidence of slaves acquired through torture, and oaths. It is his advice about how to use the law to one’s advantage that perplexes many commentators. Aristotle advises his readers to appeal to either written laws or common laws, depending upon which better suits their purpose. He states: “for it is evident that if the written law is contrary to the facts one must use common law and arguments based on fairness as being more just.” Nor is this the only piece of problematic advice: this section of the text provides readers with a list of similar propositions all of which show readers how to use “common law and arguments based on fairness” against the written laws. His willingness to describe for his readers precisely how to use common law seems especially problematic for the present thesis. For it suggests that Aristotle is not primarily concerned with establishing a rhetorical practice that respects the authority of the law. Some might suggest that it shows that Aristotle’s ultimate concern, and effectively his only concern, is describing all of the “available means of persuasion,” which is entirely consistent with the definition of rhetoric presented in chapter two. That Aristotle explains how to use common law against written law does not, by itself, disprove the present thesis.

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364 *On Rhetoric*, 1.15.4.
365 *On Rhetoric*, 1.15.4.
366 Kennedy makes this point, as do others. *On Rhetoric*, chapter preface, p. 109.
When Aristotle teaches his readers how to use written and common law to their advantage, he is not teaching his students anything new. Evidence suggests that this part of Aristotle’s discussion, specifically his account the atechic pisteis at the end of his discussion of judicial rhetoric, might very well be based upon an older handbook. If this is true, then Aristotle is not guilty of inventing and then teaching his readers how to make arguments that subvert the law. Even so, including well-known rhetorical techniques in his argument should not be taken as an endorsement of sophistry, nor does it prove that the work is a purely technical account of the various means of persuasion. It does not repudiate the presence of a political project. If Aristotle’s teaching is to succeed in replacing the rhetoric of the handbook writers, then it will need to be a more complete and effective teaching than the courses in rhetoric currently on offer. Or at the very least, it should appear to be the superior teaching. To accomplish this he will need to incorporate any especially effective rhetorical techniques that have already been discovered, even if he might consider them to be questionable. An overtly moral work, one that eschews mention of such techniques, would appear notably deficient and would win few students. The simple inclusion of these techniques, therefore, reveals little or nothing. Careful attention to how Aristotle introduces these techniques, and how he treats them, is more telling.

367 As Kennedy notes: “Resemblances between this chapter and the discussion of ‘supplementary’ pisteis in the Rhetoric to Alexander (1431b3ff) suggest that Aristotle is drawing on some earlier handbook on the subject.” For more on this Kennedy directs readers to the following sources: Manfred Fuhrmann, Das Systematische Lehrbuch (Göttingen: Vandenhoek & Ruprecht, 1960); Gerhard Thür, Beweisführung Vor Den Schwurgerichtöfen Athens (Vienna: Oesterreichische Akademie der Wissenschaften, 1977); David Mirhady, “Non-Technical Pisteis in Aristotle and Anaximenes ” American Journal of Philology 112(1991).

368 Alan G. Gross points to other instances in which Aristotle seems to promote sophistry (1.9.28-29 and 3.7.4). He concludes that Aristotle is simply not consistent as to whether rhetoric is “a tool always to be used for the good of the citizen and the city state” or whether “there are no ethical limits to rhetorical practice.” What this means, according to Gross, is that “we learn from his work only that, not how, rhetoric must be subordinate to the good of a well-ordered city-state.” Alan G. Gross, “What Aristotle Meant by Rhetoric ” in Rereading Aristotle's Rhetoric, ed. Alan G. Gross and Arthur E. Walzer (Carbondale: Southern Illinois University Press, 2000), 34-35.
How to use the common law against the written law, and vice versa, is a discussion that is largely relegated to chapter fifteen, the very last chapter of the first book. These techniques are included among the rest of the atehnic pisteis: “Following on what has been said, (the next subject is) to run through what are called ‘atechnic’ pisteis.”³⁶⁹ This grouping, in and of itself, consigns these arguments to a position of lesser importance since they are not properly artistic. The distinction between artistic and inartistic pisteis was introduced early in the text:

Of the pisteis, some are atechnic (“nonartistic”), some entechnic (“embodied in art, artistic”). I call atechnic those that are not provided by “us” (i.e., the potential speaker) but are preexisting: for example, witnesses, testimony of slaves taken under torture, contracts, and such like; and artistic whatever can be prepared by method and by “us”; thus, on must use the former and invent the latter.³⁷⁰

This passage is found at the beginning of chapter two, where Aristotle was particularly concerned with establishing what a truly artistic type of rhetoric would look like. The identification of certain types of pisteis as atechnic effectively subordinates them to the more properly artistic modes of persuasion.³⁷¹ This passage lists all of the atechnic pisteis treated in chapter fifteen, and in the same general order, except that it does not mention the laws or oaths. It is possible that Aristotle does not introduce or list the laws here, precisely because he does not want his readers to think about how law, and especially common law, can be used. This very likely is because emphasizing how the laws can be used as a tool to effect persuasion would detract from the overall tenor of the entire first book, which treats legislation as a fixed point that speakers are to use to guide their

³⁷⁰ Brackets, quotations, and emphasis are Kennedy’s. *On Rhetoric*, 1.2.2.
³⁷¹ Heuresis, or rhetorical invention, was championed by some of Aristotle’s contemporaries as the cornerstone of artful persuasion. Aristotle may be leveraging this view of rhetoric in the formulation of his argument in chapter two.
arguments. That Aristotle does not specifically mention oaths might also be by design. To mention oaths would be to remind readers of the gods, the most important source of unwritten law. Aristotle makes no distinction between written and unwritten laws for almost the entire first book of the *Rhetoric*, but relegates this discussion to its final pages. Of course, it is only in chapter fifteen that he talks about how the different types of law can be used against each other. Even then Aristotle is keen to limit the applicability of the techniques he will go on to describe. The first sentence of chapter fifteen makes very clear that it is describing techniques applicable only to judicial rhetoric: “Following on what has been said, (the next subject is) to run through what are called “atechnic” *pisteis*; for they are specifics (*idia*) of judicial rhetoric.”372 Because Aristotle wants to accept this restriction, he reverts once again to the technical language that had characterized his arguments in chapters two and three of the text. One should consider whether these strategies might not also be used in other contexts. Is it not possible, for example, to appeal to common law, whether it is divine law or some more general appeal to justice, when arguing in a deliberative assembly? Couldn’t oaths be used in the same way? Despite assertions that these types of *pisteis* belong to judicial rhetoric, Aristotle will go on to give examples of witnesses being used in deliberative contexts, when he describes Themistocles as a witness about a past event when he “(interpreted) the ‘wooden wall’ to mean that a naval battle must be fought.”373 In any case, Aristotle does not put this discussion in a prominent place; he diminishes it by drawing attention to its inartistic nature, and makes an effort to restrict it to just one species of rhetoric. The specific way

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in which Aristotle goes on to talk about how laws are to be used is also revealing, as it shows just how sanitized the advice that he offers to his readers here really is.

In the treatment of the laws, he returns to the subject of Antigone. When using laws, Aristotle explains that, one can use “common law and arguments based on fairness” if it is “evident” that the “written law is contrary to the facts.” He adds to this that one can also argue that “fairness always remains and ever changes nor does the common law (for it is in accordance with nature) but written laws often change.” It is in this context that he refers to Antigone. He states: “This is the source of what is said in Sophocles’ Antigone; for she defends herself as having performed in the burial in violation of the law of Creon, but not in violation of what is unwritten.” Aristotle locates one example of this rhetorical strategy, the strategy of appealing to common law to oppose particular law, in Sophocles. In this way, he makes it clear that this is an established and well-known strategy, and not one that he has invented. One should also note how carefully he treats the example of Antigone in this part of his discussion: he is careful never to give more than a very general account. He only says that she was acting in obedience to unwritten laws that do not change. He gets no more specific than that. There is no mention of divine law; even the quotation he provides is conveniently scrubbed of any reference to the gods. This is but one sign of Aristotle’s restraint: he introduces common law into

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374 *On Rhetoric*, 1.15.4.
375 *On Rhetoric*, 1.15.6.
376 *On Rhetoric*, 1.15.6.
377 The lines that Aristotle quotes, using Kennedy’s translation, are as follows:

> For not now and yesterday, but always, ever

> This I was not likely [to infringe] because of any man. (1.15.6) (cf. with 1.13.2)

If one looks at the larger context of this quote, one will find that Aristotle has omitted Antigone’s reference to the gods.
his argument and shows readers how it can be used against written laws, but his
discussion of it is extremely careful in that he does not also identify common law with
divine law.\(^{378}\) In contrast, he does not hesitate to identify the principle of fairness with
common law. In one place he states that “one must use common law and arguments based
on fairness.”\(^{379}\) Just before the Sophocles reference he states that "fairness always remains
and never changes nor does the common law (for it is in accordance with nature).”\(^{380}\)
Aristotle hesitates to name all the potential sources of common law, but he does not
hesitate to identify the concept of fairness with the common law. Why? It is because the
definition developed in the preceding section is one that explicitly identifies the
legislative intent as a source of fairness.

**Towards a Political Rhetoric**

Aristotle’s basic taxonomy of rhetoric, his attempts at distinguishing between the
different parts of speech, are often thought to form the core of his teaching. This is
especially true in the case of Aristotle’s account of the three species of rhetoric. It is not
difficult to understand why: in a work as difficult as the *Rhetoric* these parts of his
argument have a clear structure and seem to form a coherent teaching. This chapter has
attempted to show why this part of his argument should not be read as a strictly scientific
or technical account. Aristotle’s chief aim, it has been argued, is not to describe rhetoric,
but to transform it. His goal is to establish, in the place of the current teaching, a
responsible rhetorical practice: one that serves the laws and the aims of the legislator. To
make its case, this chapter attempted to show how Aristotle’s treatment of the different

\(^{378}\) This is likely one of the reasons why Hobbes likes the *Rhetoric.*

\(^{379}\) Aristotle, *On Rhetoric,* 1.15.4.

\(^{380}\) *On Rhetoric,* 1.15.6.
species of rhetoric works to address the concerns about rhetoric that were initially presented in the first chapter. The *Rhetoric*'s opening arguments identify two chief problems with existing rhetorical practice. The first problem is that speakers do not restrict themselves to discussing the facts of the matter at hand, and instead focus their efforts on appealing to the emotions of the audience. The second problem is that, in some instances, speakers will overstep their proper role by defining what is “important or trivial or just or unjust.” The practitioners of such rhetoric fail to fulfill their proper function. As the brief digression on legislation, also in the first chapter, explains: the judgment of the legislator is to be authoritative, the audience is to decide specific matters and determine those things that the legislator could not foresee, and the orator is to discuss only the facts of the matter at hand. The present chapter has attempted to show how Aristotle has tailored his treatment of each of the three species of rhetoric so as to correct for these problems and to put speech in the service of the legislative art.

In the case of deliberative rhetoric, these objectives were accomplished in the following way. In order to ensure that speakers focus their attention on only the issues at hand, Aristotle begins this section by providing his readers with a list of the main subjects about which people deliberate. The purpose of this is to impress upon readers the necessity of studying political science if they are to attain any knowledge, and therefore give good advice, about these things. Aristotle shows his readers what they need to know, and how they should go about learning it: in this way, he encourages his readers to learn something specific about the political issues about which they would speak. Just to make sure his message is not lost, he also explicitly instructs his readers to study politics, and more than once. The aim is to focus the reader's attention, and thereby hopefully also his

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381 *On Rhetoric*, 1.1.6.
future speeches, on the actual subject matter of political deliberations. Aristotle, however, also wants to ensure that political speeches are still attuned to the legislative principles that define and maintain a given political society. To this end, he specifically directs his readers to learn about the various types of constitutions, and he urges his readers to construct speeches that will preserve the constitution rather than weaken it. He suggests, most tellingly, that this is how to give good advice and how to be most persuasive to one's audience. Aristotle's treatment of epideictic rhetoric attempts to discipline this entire class of speeches by identifying the praiseworthy, and by extension the *kalon*, with a very specific definition of virtue. To ensure that readers embrace this new definition, Aristotle argues that this entire discussion will also “incidentally” describe the second mode of rhetorical persuasion, or persuasion through *ethos*. He attempts to push ceremonial speech in a more politically salutary direction by defining virtue as actions that are, on the one hand, consistent with the laws, and on the other hand, as actions that are undertaken for the benefit of others, rather than oneself. Finally, to ensure that this class of speeches lines up with deliberative rhetoric, and to ensure thereby that epideictic speeches commend the same things that the deliberative speaker ought to advise, Aristotle maintains that these two types of speech are “part of a common species.”

Aristotle's chapters on judicial rhetoric are very clearly designed to address the two chief problems posed by existing rhetorical practices. In this part of his discussion, he teaches his readers exactly how to formulate arguments that focus on establishing guilt and intent. It is an early effort in jurisprudence, albeit one that attempts to transform the practice of rhetoric not through he establishment of law, but by teaching litigants how to make better arguments. In cases where there is no specific law to look to,

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382 *On Rhetoric*, 1.9.35.
there Aristotle establishes fairness, or equity, as the chief principle that ought to be looked to. Nevertheless, it is also a principle that he explicitly identifies with legislative intent.

This dissertation has offered an interpretation of the *Rhetoric* that differs from most others in that it reads much of Aristotle’s most explicit instruction in public speech as an attempt at promulgating a specific type of rhetorical practice. That is to say, it reads Aristotle’s efforts in this part of his argument as an attempt at constraining and directing rhetorical practice by carving out new, more politically wholesome, pathways for public speech. As it is, the teachers of rhetoric have developed certain other approaches to public speechmaking, approaches that Aristotle considers to be inimical to the objectives of the political institutions in which rhetoric primarily operates. The *Rhetoric*, on this reading, constitutes Aristotle’s attempt at addressing the political problem posed by the existing teaching and practice of rhetoric. Even though interpreters are now more willing to read the *Rhetoric* as a political work, and even though some are willing to go further arguing that it is an attempt at improving rhetorical practice, in most cases these readings are still committed to the idea that Aristotle is still providing some kind of a descriptive account, whether it is an account of the nature of rhetorical persuasion, or practical reason, or some other variation of these things. What differentiates this reading from these others is that it does not consider Aristotle’s most explicit attempts at structuring rhetoric to be anything more than an attempt at constraining rhetorical practice.

The teachers of rhetoric are not confused or mistaken about their own art: the problem is not that they got things wrong, but that they got it so terribly right. Their methods are problematic because they have correctly tapped into some of the key drivers
of human behavior and human choice. The *Rhetoric*, unlike any of Aristotle’s other works, says more about the mechanisms of choice than any other. This, and not the reasoning process, constitutes the core of Aristotle’s teaching. The next chapter will undertake to elucidate this deeper teaching.
The opening lines of the *Rhetoric* undertake to suggest that an art of rhetoric is indeed possible. Aristotle begins the entire work with the assertion that: “Rhetoric is an antistrophos to dialectic.” This statement cannot but remind readers of Plato’s *Gorgias*, a text in which Socrates flatly denies that rhetoric is an art. In that work, Socrates counts rhetoric among the sham arts, that is, “arts” that are learned through experience and ultimately amount to a kind of knack for doing things. The sham arts are not true arts because, unlike the latter, they lack a reasoned account of their own activity. What this means is that these arts cannot properly identify the causes of failure and success in their respective spheres. As Socrates puts it: such arts give “no heed to the best but [hunt] after folly with what is ever most pleasant.” Aristotle seems to directly challenge this view. In the first few lines of the *Rhetoric* he not only compares rhetoric to dialectic, he also goes on to suggest that it is possible to identify the causes of failure and success in the sphere of rhetorical persuasion. The latter point is especially significant as it establishes, in his view, that an art of rhetoric is theoretically possible. There is, however, an important difference between what Socrates is arguing and the assertions that Aristotle makes at the beginning of the *Rhetoric*. Aristotle appropriates the language of the

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383 *On Rhetoric*, 1.1.1.
384 Plato, *Gorgias*, 465a. Mary Margaret McCabe argues that with this opening line Aristotle throws the “gauntlet...at the feet of Plato” and Isocrates at the same time. In her view the entire *Rhetoric* is concerned with “negotiating a middle ground” between the competing positions argued for by Plato and Isocrates, and coming to “a solution” that “consists in the discovery of a new approach or understanding.” McCabe, "Arguments in Context: Aristotle's Defense of Rhetoric," 139, 138.
386 *Gorgias*, 464d.
"Gorgias, but only to liberate his subject matter from the confines of that dialogue." 387 The opening lines of the *Rhetoric* associate oratory with dialectic, and establish that the causes of persuasion are things that can be known and taught to others. Having distanced himself from Socrates, Aristotle then proceeds to denigrate all teachers of rhetoric for failing to describe a proper art of speech.

Most contemporary readers view the *Rhetoric* as an attempt at delivering on the promise of the first chapter; that is to say, they read it as an attempt at setting down an art of speech. 388 Although interpreters disagree about the specifics of Aristotle’s argument, there is general agreement about where to locate his primary teaching: his attempts at defining rhetoric and structuring its various parts, along with his more explicit advice about how to go about constructing rhetorical arguments, are commonly identified as constituting the main core of Aristotle’s teaching. So while their conclusions may differ, most interpreters base their interpretations on the same parts of the text. The present reading takes a different view of the work. Parts of the *Rhetoric* that are often taken as key statements of doctrine are not always identified as such in the present reading. The last two chapters of this dissertation have undertaken to show why some of Aristotle’s arguments are better read as parts of his political project, rather than being read as descriptive statements about the nature of rhetoric. This does not imply, however, that the *Rhetoric* lacks a core teaching about the nature of rhetorical persuasion. The present reading just locates that teaching elsewhere. Aristotle’s attempts at structuring rhetoric

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387 That is, at least he does so initially. The political project of Aristotle’s *Rhetoric* is very much in line with the arguments of the *Gorgias*.

388 Although there has been some discussion as to whether or not Aristotle actually manages to articulate such an art, most contemporary readers conclude that he succeeds in doing so.
are but one layer of argument. To grasp his complete account one must look to more than just his most explicit attempts at describing an art of speech.

The *Rhetoric*, it will be argued, contains a second layer of argument that contains Aristotle’s deepest insights about how persuasion works. This level of argument is not concerned with describing the particular parts or arrangements of a speech that make it more or less persuasive; it is not concerned with the *pisteis*. Instead, this layer of argument focuses on describing the mechanisms of human motivation. It describes the main drivers of human choice, and as such it explains why people ultimately choose to behave in one way rather than another. It is a primary account of how human beings work. The challenge, however, lies with locating this teaching and recognizing it for what it really is. For Aristotle does not draw much attention to this particular layer of argument: it is buried within his overarching discussion and is slowly developed over the course of the first book. Understanding Aristotle's entire effort in the *Rhetoric* depends, in many ways, upon grasping the significance of this argument. The present chapter will undertake to do three things: first, it will attempt to explain the deficiencies with Aristotle’s most explicit teaching; second, it will locate the work’s core teaching; and third, it will endeavor to explain its larger significance.

**The Art of Speech and the Causes of Persuasion**

To properly follow the contours of Aristotle’s argument, one must begin with a fresh look at the opening lines of the work. At the very beginning of the *Rhetoric* Aristotle argues
that an art of speech is possible. To understand what Aristotle is saying about how rhetoric operates, one needs to begin with a careful look at his initial arguments establishing rhetoric as an art.

In the first few lines of the *Rhetoric* Aristotle undertakes to establish that an art of speech is indeed possible. He reasons as follows. Both rhetoric and dialectic, he states, are concerned with things that, to some extent, are within the understanding of all people. All men partake in both: “for all, to some extent, try both to test and maintain an argument (as in dialectic) and to defend themselves and attack (others, as in rhetoric).” While some people do these things entirely at random, other people do these things “through an ability acquired by habit” [sunētheian apo hexeōs]. That both ways are possible is significant: “since both ways are possible, it is clear that it would also be possible to do the same by (following) a path; for it is possible to observe the cause why some succeed by habit and others accidentally, and all would at once agree that such observation is the activity of an art (technē).” Why does it matter that both ways are

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389 How does rhetoric persuade? Most answers to this question are rather incomplete. Some, for example, have argued that the structure of argument, in particular its enthymematic structure, is what makes a given speech persuasive. Others have suggested that it is character that persuades. Still, neither answer explains exactly what it is about a given speech, in a given speech situation, that makes it persuade. That is to say, it does not explain what is going on in the individual that leads them to agree with, and therefore choose, the end that is being argued for. Describing the structures of a speech is not the same thing as providing a psychological account of how persuasion works.


391 *On Rhetoric*, 1.1.2.

392 *On Rhetoric*, 1.1.2.
possible? Aristotle does not say, but it is possible to reconstruct his reasoning without too much conjecture. That some people are successful at defending themselves and attacking others on account of an ability that has been honed through repeated experience does not imply that it would be possible to teach others how to be successful at doing these same things. This kind of ability might simply be a knack, or a divine gift, that only certain people possess and that therefore only certain people can develop. It is the instances of accidental success that tell. Instances of accidental success reveal that persuasion is something that can be achieved by people more generally, and that it is not the product of some kind of gift possessed by only the anointed few. It reveals that sources or causes of persuasion are external to the speaker. The person who successfully persuades others but does so by accident rather than through habit does so not because of some exclusive ability. They succeed because they correctly hit upon certain causes of persuasion. All of this means that successful persuasion is not dependent upon the possession of some exclusive gift, it is simply a matter of hitting upon the rights things either by accident or by following a certain “path.” Aristotle goes on to argue that it is possible to discern this path by observing and comparing instances of failure and success,

Garver argues that aforementioned passage is not at all indicative of Aristotle’s view of rhetoric. He reads this passage as offering a definition of art: it is saying that, in order for an activity to be an art, it must be the kind of thing that can be done by habit and accidentally. Garver reasons that this cannot be Aristotle’s actual position because there are many activities that meet both of these conditions that Aristotle would not consider to be arts. Indeed, he reads the first chapter as entirely concerned with arguing against such a view. As he puts it: such a view makes the inference “from practice to art…too casually.” Garver, Aristotle's Rhetoric: An Art of Character, 22-24. The difficulty with Garver’s reading is that it misconstrues the definition of art that is being presented in this passage. When Aristotle specifies that rhetoric is the kind of thing that can be done both by habit and accidentally, he is not describing the basic criteria of what makes an activity an art. The point of this argument is to establish that an art of rhetoric is indeed possible, and that it is the kind of thing that can be taught to others. This is an important argument because it counters Plato’s basic argument in the Gorgias and the older view of rhetoric, both of which deny that facility in public speech is the kind of thing that can be taught to others. The possibility of identifying the causes of failure and success is the salient point of this passage. This reading will be developed more fully in Chapter 4 of the present work.
and identifying the specific causes of failure and success in each case. Discerning these causes, Aristotle states, is the activity of an art. In this compact argument Aristotle breaks with Socrates: he suggests that the causes of failure and success in rhetoric are things that can be known, and he implies that this knowledge can be taught to others.

In his opening remarks, Aristotle establishes that there are at least two ways in which one can achieve success in rhetoric: one may do so accidentally, or one may do so by following a specific path. This statement warrants closer consideration, because this is Aristotle’s first statement about what it means to truly possess the art of speech. This passage, however, requires some unpacking. Those who achieve success accidentally cannot be said to possess the art of speech, this much is clear. For, these people lack specific knowledge of what exactly it is that they are doing. Their success or failure is entirely a matter of chance. What can be said about those that follow a specific path? Do they possess the art of speech? The answer to this question depends upon whether one is merely following some kind of path, or whether one possesses knowledge of the causes of persuasion. In the first case, one acts according to the advice and prompting of someone else, or one acts in accordance with a strategy that has worked for them in the past. In both cases one is simply following a path. In the second case, one acts, not according to training or habit, but in accordance with knowledge. If the activity of an art is, as Aristotle here proclaims, observing the causes of success and failure, then the person who possesses that art will know what the causes of persuasion are, and they will act in accordance with that knowledge. The distinction between those who follow a path and those who truly possess the art of speech is also found in Aristotle’s other writings. A still stronger statement of this same distinction is present in the Ethics. In the Ethics he

394 Aristotle, On Rhetoric, 1.1.2.
states that: “it is possible for a man to write a piece correctly by chance or at the prompting of another: but he will be literate only if he produces a piece of writing in a literate way, and that means doing it in accordance with the skill of literate composition which he has in himself.” 395 Even though Aristotle does not go so far as to make this distinction entirely explicit in the Rhetoric, the basic components are present: there are those who succeed accidentally, those who achieve success following a path, and then there is the observation of the causes of persuasion, which is the activity of the art and those who possess it. The opening of the Rhetoric is ambiguous as to whether or not Aristotle will concern himself with describing a path for his readers to follow, or whether he will undertake to instruct his readers in the causes of persuasion more directly, or whether he will undertake to do both. He implies that he will instruct his readers in the causes of persuasion, for, according to his reasoning, this is "the activity of an art." That he then immediately proceeds to criticize the teachers of rhetoric for failing to teach the art of speech, all while suggesting that he possesses the more complete and superior teaching, only underscores this implication further. All signs, therefore, seem to indicate that Aristotle will go on to provide his readers with a full instruction in the art, which, by his own account, would have to include an account of the causes of persuasion. It is not, however, entirely clear that Aristotle goes all the way in this direction.

The difference between describing a path for others to follow on the one hand, and providing an account of the mechanisms of persuasion on the other, is the distinction that this dissertation has been attempting to work. Thus far this dissertation has argued that Aristotle's efforts in the first book are largely concerned with instituting a specific type of rhetorical practice. His concern, it was said, lies with describing a specific set of

395 Nicomachean Ethics, 1105a20-1105a25.
pathways for the practice of public speech. What he offers is one set of pathways: a set that has been deliberately crafted to encourage the kind of discourse that supports the laws and legislative principles that uphold a political society, rather than the kind of discourse that generates persuasion at the expense of these things. Aristotle, one might say, is the civil engineer of public speech: he bulldozes all existing highways and then proceeds to map out and pave clear new roadways complete with guardrails and directional signage to keep travelers on course where he deems it most crucial. The success of this project requires that he elucidate routes that are so clearly defined, and so apparently comprehensive, that readers will choose to traverse them rather than the alternate roadways paved by others. This is the political project of Aristotle's Rhetoric. This part of his argument, it has been suggested, is not an account of the nature of rhetorical persuasion. Up to this point, this dissertation has tried to show why Aristotle’s arguments are better read as an attempt at addressing the political problem of rhetoric. The present discussion will take a slightly different tack. It will endeavor to explain why the Rhetoric's most explicit attempts at describing an art of speech fail to meet the description of what constitutes the “activity of an art” that is presented at the very beginning of the work. It provides a path, but not a satisfactory account of the causes of persuasion.

How is Aristotle’s account incomplete? In the first place, Aristotle does not seem to provide his readers with a sufficiently clear statement of the causes of successful persuasion. Here is what Aristotle does do: he distinguishes between three different types of rhetoric, identifies the distinctive end of each, and provides curated lists of propositions designed to help his readers construct speeches that speak to these ends. In
addition, he identifies different modes of rhetorical persuasion, and he explains how to construct arguments that undertake to persuade via ethos, pathos, logos, or some combination thereof. As helpful as all of this may be, these parts of Aristotle’s argument do not, in and of themselves, clearly pinpoint the mechanisms of persuasion. Lists of propositions do not, by themselves, entirely account for how and when certain propositions are to be used. Aristotle criticized the teachers of rhetoric for merely describing what the different parts of a speech ought to contain, and for not instead describing a proper art of speech. Insofar as Aristotle is merely providing his readers with curated lists of propositions, punctuated as they are with occasional advice about how to select among them, it is not evident that he is offering his readers all that much more than the teachers of rhetoric. Providing readers with useful material is not by itself sufficient, a full account of the nature of rhetorical persuasion requires something more. It requires, according to Aristotle’s own criteria, an account of the causes of successful persuasion. Or, to put it differently, it requires an account of exactly the kinds of things that move an audience. It amounts to the difference between providing someone with plans for how to build a bridge, compared with teaching them why some bridge designs are stronger and more effective than others.

Some might object to the above argument because it puts too much emphasis on Aristotle's treatment of the different species of rhetoric and not enough emphasis on his discussion of the different modes of persuasion, namely ethos, pathos, and logos. It might be said that this presentation reads the treatment of the different species of rhetoric as the central component of Aristotle's account when that distinction belongs to the pisteis.

396 “...it is clear that matters external to the subject are described as an art by those who define other things: for example, what the introduction (proomion) or the narration (diēgēsis)...and each of the other parts” of a speech ought to contain. On Rhetoric, 1.1.3.
There are reasonable grounds for such an objection, as Aristotle associates the *pisteis* with artistic persuasion. He reiterates these assertions in chapter two.\(^{397}\) Given this emphasis, one might argue that it is necessary to look to Aristotle’s treatment of the *pisteis* in order to locate Aristotle’s account of the causes of persuasion. There are some difficulties with this position as well. In the first place, Aristotle’s treatment of the various *pisteis* is rather uneven. He presents *logos* as the gold standard of rhetorical persuasion, only to later reveal it is of limited use and to concede that it is not as effective as the other modes of rhetorical persuasion. The same thing happens in his treatment of *pathos*, but in reverse: initially the work criticizes persuasion through emotion, but the use of the emotions figures ever more prominently as the work progresses. The more substantial concern is that Aristotle’s treatment of the *pisteis* does not really account for how or why persuasion happens. That is to say, it does not yet explain what it is in each case that triggers persuasion.\(^{398}\) Teaching students how to put words into the structure of an enthymeme, or showing them how to cultivate the appearance of good character, is not the same thing as explaining what the causes of persuasion are. If one understands the latter, they will know which propositions to plug into a rhetorical syllogism, and they will know exactly how to construct a favorable view of themselves in any given speech situation. The obverse is not true. Knowing what a syllogism is, and understanding how to construct one, does not mean that one knows what kind of argument will be compelling in any given situation. That is a function of knowing what kind of reasoning

\(^{397}\) *On Rhetoric*, 1.2.2-3.

\(^{398}\) At issue here is not the difference between “properly artistic” persuasion as compared with “mere” persuasion, the sort practiced by professional orators and demagogues. For the possibility of an art depends, at least according to Aristotle’s presentation, upon the possibility of discerning the causes of failure and success in all instances of persuasion whether they meet his standards for the most appropriate types of rhetorical persuasion or not. To ascribe to Aristotle the distinction between a “properly artistic” type of rhetoric and merely mercenary one is to posit a distinction that Aristotle does not himself make.
one should use, in what situations, and at what time. This ability requires that one understand something about how persuasion operates, and what the precise causes of persuasion are. Aristotle's treatment of the *pisteis*, since it neglects to teach these things, does not add up to a full account of the nature of rhetorical persuasion.

Some will object that Aristotle does provide his readers with all the guidance that they need in order to construct effective speeches. They might point out that he does teach his readers how to choose from among all of the available means of persuasion. In doing so, it might be argued, he does indeed provide his readers with a full instruction in the art of speech. It is true that Aristotle does provide his readers with more general advice of this sort. He does so in two different ways. In some places, he actively encourages his readers to speak to certain ends and to employ certain propositions over others. One especially evident example of this, although there are others, is found in his treatment of deliberative rhetoric when he argues that: “all people are persuaded by the advantageous,” and that speeches that preserve the constitution are therefore persuasive.³⁹⁹ Besides actively encouraging his readers to favor and employ certain propositions, Aristotle also occasionally offers some more general advice about how to choose which propositions to employ. This is the second way in which he instructs his readers in the finer points about how to select materials when constructing arguments. One example of this more general advice is as follows: “And most of all, each category of people (values as a good) that to which their character is disposed, for example, those fond of victory (value something) if it will be a victory, those fond of honor if it will be an honor, those fond of money if there will be money, and others similarly.”⁴⁰⁰ Rather

⁴⁰⁰ *On Rhetoric*, 1.6.30.
than advising readers to employ certain types of propositions or to direct their speeches to certain ends, here Aristotle provides readers with a principle to help them choose from among the many different propositions about the good that might potentially be employed in the construction of deliberative arguments. In a similar way, Aristotle's assertions about how good character, or at least the appearance of it, contributes to successful persuasion provides additional examples of Aristotle's more general advice about how to effect persuasion. This emphasis on character and, in general, persuasion through ethos, is an especially prominent line of argument that runs through most of the first book. One might argue that this thread of argument, along with the other examples of general guidance just described, is much closer to the kind of instruction that one would need in order to fully possess the art of rhetoric. Appearances aside, all of this advice still does not amount to a complete account of the causes of persuasion.

In the first place, such a view runs up against this dissertation's thesis and the reading of the Rhetoric that has been presented thus far. Separated from the arguments of the first chapter and looked at in abstraction, the two types of advice that Aristotle offers about how to make a speech persuasive might appear to be a more robust account of the nature of persuasive speech than they really are. As this dissertation has attempted to show, these statements should not be taken at face value, for all of the reasons already mentioned. There is, beginning in the first chapter, a very evident concern with the

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401 This is Garver’s argument. Following Aristotle’s treatment of ethos over the course of the work, Garver ultimately concludes that, for Aristotle, ethos is the source of rhetorical persuasion. This is also why rhetoric is, in his view, “internally subordinate” to politics. Garver does a very careful job of tracing ethos through the Rhetoric, and his ultimate conclusions are largely consistent with this layer of Aristotle’s argument. Aristotle does give ethos a significant degree of emphasis, and he repeatedly stresses its place in rhetorical persuasion. This entire layer of argument, at least according to the present reading, is not to be accepted at face value. It is all a part of Aristotle’s political project. That being said, anyone who takes a straightforward reading of the text should give serious attention to Garver’s account, as it offers a careful and thoroughly consistent reading of this layer of Aristotle’s argument.
political implications of the existing teaching and practice of rhetoric. Moreover, this initial concern remains a persistent theme that weaves through the whole first book of the *Rhetoric*. As much as Aristotle attempts to shroud his efforts behind a scientific veneer, much of his account of the different species of rhetoric is, as has been argued, better read as an attempt at establishing and propagating a type of rhetoric that is less at odds, and even serves, the aims and objectives of the legislative art. So, when Aristotle tells readers that people are persuaded by the advantageous, and that therefore one should present arguments that are preservative of the regime, he is directing readers to give politically salutary advice—advice that looks to the good of the regime above all. This does not amount to a description of how persuasion works.

The second difficulty with such a reading is that it is undermined by other parts of Aristotle’s own argument. He maintains that collective advantage and good character are persuasive, but these assertions are not borne out by the text. For the *Rhetoric* also contains a second, more primary, account of human motivation, one that offers a rather different explanation of the kinds of things that move human beings. What is that more primary account? Where is it to be found? That is the concern of the next two sections.

**Movement in Aristotle’s Argument**

Aristotle’s most important teaching is his account of the causes of human motivation. It is presented in its complete form in chapter ten of the work, which begins the section on judicial speech. When viewed in isolation, it might not seem to be an especially significant part of the work. It might appear to be just a useful primer for establishing motive in judicial arguments. There are indications, however, that the significance of this part of Aristotle’s argument extends beyond just that narrow concern. To see this requires
attention to how it relates to the *Rhetoric’s* larger argument. Aristotle’s argument is anything but consistent. It is a mistake to think that these inconsistencies, which at one time were grounds for dismissing the work out of hand, are haphazard. They have a trajectory, and taken together they push a view of rhetorical persuasion that emphasizes the diminished role of reason. Many of the initial structures of Aristotle’s argument, his attempts at defining and differentiating between the different parts of speech, are methodically undercut as the argument progresses. A point that is often missed, however, is that they are slowly replaced with a different and more fundamental organizing structure—a structure that finally breaks the surface in the chapters on judicial speech.

The discussion of human motivation, it will be argued, is the point at which Aristotle fully reveals what is only quietly intimated in other parts of the work. Since the entryway to Aristotle’s deeper argument requires attention to alterations in the *Rhetoric’s* argument, it is useful to begin with an account of some of the main ones.

The most obvious, and most noted, change in the work’s larger argument concerns Aristotle’s treatment of the modes of persuasion. At the beginning of the work, Aristotle holds out the enthymeme as the archetype of rhetorical persuasion. This emphasis is not borne out by the rest of his argument. Later in the first book, the enthymeme is revealed as not especially useful for deliberative discussions, and the power of *ethos* is emphasized instead. At the beginning of book two, Aristotle prefaces his treatment of the emotions by reiterating the importance of *ethos*, but now he also stresses the significance of *pathos* in rhetorical persuasion. As he puts it: it is “necessary not only to look to the argument, that it may be demonstrative and persuasive but also (for the speaker) to construct a view of
himself as a certain kind of person and to prepare the judge.” It makes “much difference in regard to persuasion” that a speaker succeed in both cultivating the appearance of good character, and in convincing the audience that he is favorably disposed towards them. By the time the reader reaches his more detailed discussion of the enthymeme at the end of book two, *logos*, and with it the enthymeme, has effectively been displaced as the most important mode of rhetorical persuasion. This general movement away from the strictly logical type of rhetoric championed in the first chapter is only further solidified in book three, where Aristotle admits that style and delivery contributes a great deal to persuasion. He even goes so far as to assert that delivery is the thing “that has the greatest force.” As Aristotle states:

But since the whole business of rhetoric is with opinion, one should pay attention to delivery, not because it is right but because it is necessary, since true justice seeks nothing more in a speech than neither to offend nor to entertain; for to contend by means of the facts themselves is just, with the result that everything except demonstration is incidental; but, nevertheless, (delivery) has great power, as has been said, because of the corruption of the audience.

That Aristotle’s argument slowly moves away from his initial emphasis on logical persuasion to increasingly less rational modes of persuasion is significant. It means, on the one hand, that Aristotle’s initial position, which stressed the importance and power of logical persuasion, might not be his settled view. On the other hand, it raises questions about the overall significance of the *pisteis* more generally. This shift within the argument, from championing *logos*, to less rational modes of persuasion, and ultimately to “non-artistic” modes of persuasion, such as style and delivery, reveals that the

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403 *On Rhetoric*, 2.1.3.
404 *On Rhetoric*, 3.1.2-10.
405 *On Rhetoric*, 3.1.5.
mechanisms of persuasion—literally, what makes persuasion work—are not necessarily associated with reason or with the three species of *pisteis*. It suggests that there is a different set of causes, or a more primary set of causes, that could explain how persuasion works. These considerations aside, the important point to recognize is that Aristotle's initial commitment to logical persuasion wanes as the work progresses. Besides this more obvious shift in Aristotle's argument there other subtle shifts that point the way to Aristotle's core teaching.

A second set of changes in Aristotle’s argument is found between his original treatment of the three species of rhetoric and the subsequent unfolding of that same argument. In chapter three Aristotle identifies and distinguishes between the different types of rhetoric on the basis of audience, manner of address, ‘time,’ and their respective ends. The present work has already challenged the veracity of these distinctions. Among other things, it was argued that the overall presentation is just too neat: for example, there seem to be more than three possible timeframes, more than just three types of audience, and more than three possible types of speeches. In addition, it was also argued that these distinctions do not necessarily reflect some kind of natural cleavage in the subject matter: the types of rhetoric that Aristotle describes exist as a consequence of specific political institutions, and are therefore not necessarily fundamental categories. The truth of these initial distinctions, however, is not the focus of the present discussion; at issue is Aristotle’s commitment to these distinctions. When he first distinguishes between the different species of rhetoric, he emphasizes the differences between their various ends most of all, arguing that they are sufficiently distinct so as not to be simply
interchangeable. For example, in comparing the ends of deliberative and epidictic speeches Aristotle states that:

Deliberative speakers often grant other factors, but they would never admit that they are advising things that are not advantageous (to the audience) or that they are dissuading (the audience) from what is beneficial; and often they do not insist that it is not unjust to enslave neighbor or those who have done no wrong. And similarly, those who praise or blame do not consider whether someone has done actions that are advantageous or harmful (to himself) but often they include it even as a source of praise that he did what was honorable without regard to the cost to himself.

The distinctions that Aristotle introduces in this chapter go on to provide the overarching structure for the rest of the first book. He will treat each type of rhetoric in turn, providing his readers with list of propositions useful for speaking to the stated end of each. Aristotle’s initial treatment of the different species of rhetoric establishes what appear to be hard and fast distinctions that also reveal something significant about the nature of rhetorical persuasion. As it turns out, however, this specific classification is revealed as not an especially precise statement of what exactly it is that speeches must aim at if persuasion is to be achieved. That is to say, it becomes apparent that these are not the crucial distinctions.

The earliest indication of movement in this part of the argument is found in the chapter on epideictic speech. That discussion begins in a way that is faithful to Aristotle’s original account: epideictic rhetoric is said to employ praise and blame, and its ends are identified as the noble and the ignoble. What changes is that Aristotle does not uphold his initial distinctions between the ends of the different species of rhetoric. Specifically, he blurs the distinction between the ends of epideictic and deliberative rhetoric. These two

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406 Aristotle reiterates these initial distinctions again, albeit briefly, at 2.18.2.
types of rhetoric, Aristotle argues, “are part of common species (eidos) in that what one
might propose in deliberation becomes encomia when the form of expression is
changed.” This dissertation has already attempted to establish that this line of argument
is firmly a part of the work’s political project. By encouraging speakers to praise what
they would advise, and to advise only what they would also praise, Aristotle is working
to align epideictic speech with the legislative principles that define a political society.
Nonetheless, it is important not to lose sight of what else this means: in arguing that these
two types of rhetoric belong to a common species, he relinquishes a key distinction and
an important set of claims about how rhetorical persuasion works. The initial treatment
maintains that there is a distinctive end for each species of rhetoric: the advantageous, the
noble, and the just, are treated as if they are essentially different. As Aristotle states:

The “end” of each of these is different, and there are three ends for three
(species): for the deliberative speaker (the end) is the advantageous
(sympheron) and the harmful (for someone urging something advises it as the
better course and one dissuading dissuades on the ground that it is worse),
and he includes other factors as incidental: whether it is just or unjust, or
honorable or disgraceful.\footnote{On Rhetoric, 1.9.35.}

At first, these distinctions are presented as representing certain basic cleavages in the
subject matter. Since there are three different types of hearers of speeches, or so the
argument goes, there are three different species of rhetoric. The crucial point to
recognize, however, is that Aristotle’s’ identification of the specific end of each type of
speech is intended to reveal something about how to speak to each type of audience, and
how to go about persuading each type of audience. When he later argues that praise and
deliberations are part of a common species, he is saying that there is no real difference
between the ends of deliberative and epideictic speech, it is only the manner of speaking

\footnote{On Rhetoric, 1.3.5.}
that differs: one will exhort and dissuade, the other praise and blame. Aristotle’s presentation, in other words, seems to imply that there is no substantial difference between the advantageous and the noble that would make one uniquely appropriate for certain speech situations and not others. One should not lose sight of what this means for his argument. Aristotle, it is commonly thought, is revealing something about rhetorical persuasion when he identifies the specific ends of each species of rhetoric. Assimilating the advantageous and the noble in this way throws into question the value of his original distinctions, and with it swaths of the first book of the *Rhetoric*. These movements and adjustments in argument could be more easily explained away if they were not also followed by the subsequent disclosure of what appears to be an alternate organizing structure for the entire work. Rather than separating out the different species of rhetoric, this new structure ties them together more closely. It does so by pointing to, and then offering, a more basic and primary account of the main drivers of human behavior.

In his treatment of judicial rhetoric Aristotle offers an account of the main drivers of human action, the specifics of that discussion will be discussed in short order, but for present one should note the degree of importance that Aristotle places on this discussion. He lists all of the different causes of human action, and then proceeds to identify what he considers to be the two main drivers of human choice: advantage and pleasure. Aristotle then speaks as if his entire argument can be understood as a treatment of these two main drivers: “Things that are advantageous and pleasurable, their number and nature should therefore be understood. Since the subject of the advantageous in deliberative oratory has been discussed earlier, let us now speak about the pleasurable.”410 What is especially striking about this comment is that it takes a bird's eye view of the entire argument. It

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410 *On Rhetoric*, 1.10.19.
looks backward as well as forward, and in the process redraws the organizing structure of the work.\textsuperscript{411} The sections on deliberative rhetoric are presented as concerned with describing the first main driver of human choice, namely, the advantageous or the good. The second driver, pleasure, is presented as the primary concern of the discussion that follows. This statement would be less significant if it did not shine a light on an aspect of the \textit{Rhetoric} that has been quietly present all along. The work is divided in this way. The beginning, including the first chapter, focuses on advantage and reason, which that calculates it. Later parts of the first book, and most of the second book, focus on pleasure and the emotions, which are accompanied by pleasure and pain.\textsuperscript{412} More than this, this appears to be the work’s guiding structure. The entire trajectory of the argument, especially when one includes book three, pushes more towards the consideration of how pleasure functions in rhetorical persuasion. The discussion of advantage is largely restricted to the first part of the work, and its actual significance in rhetorical persuasion is on the wane thereafter. Even though Aristotle had initially worked to differentiate the different species of rhetoric, his commitment to those structures erodes as the work progresses. In contrast, the discussion of judicial speech uncovers a structure that seems to tie the different types of rhetoric together by pointing the reader’s attention to the primary drivers of human motivation and choice. This invites the reader to reconsider what they think they know about Aristotle’s larger argument.

Shifts in argument prepare the ground for Aristotle’s core teaching, but it only takes a more defined form in the chapters on judicial speech. Like each section that came

\textsuperscript{411} There are a number of places in this chapter where Aristotle looks at his argument from above, and where he makes general assertions about what the different parts of his argument have already shown, or will go on to show. See also: 1.10.5, 1.10.11, 1.10.17.

before it, the chapters on judicial rhetoric show readers how to formulate speeches of this specific type. The political effort of this section, as has already been argued, is geared towards encouraging speakers to craft speeches that focus exclusively on establishing guilt or innocence under the existing laws. In cases where there are no laws, or where the laws are in question, it establishes principles that guide speeches into alignment with the intentions of the legislator as much as possible. In this way, this part of the *Rhetoric* fulfills its share of the work’s political project. There is, however, another facet to this section of argument, one that goes beyond the work’s political project and that seems even to push at the boundaries of the *Rhetoric* itself. This discussion makes important claims about the primary sources of all human motivation. To quote Rorty: in this part of his argument Aristotle “introduces psychological generalizations that Aristotle had not elsewhere treated in a more rigorous and philosophical manner.”

In the process this discussion also casts a new light on the work’s organizing structure. In doing so it points the careful reader’s attention to Aristotle’s most important insights about rhetoric in general, and human beings in particular. To appreciate this facet of the argument it is necessary to retrace Aristotle’s treatment of judicial rhetoric, but this time focusing more on the section in which he discusses the specific causes of wrongdoing.

**Aristotle on Human Motivation**

Aristotle begins his treatment of judicial rhetoric with an account of wrongdoing, which he defines as: “doing harm willingly in contravention of the law.” As he goes on to explain, not all actions that are ‘willingly’ done equate to instances of wrongdoing, but only those that are the result of deliberate choice: “Now everything that they do willingly

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they do not do by deliberate choice, but whatever they do by deliberate choice they do willingly; for no one is ignorant of what they have chosen.” Deliberate choice, therefore, entails two things: it means that one is acting by one’s own volition, and that one is acting with full knowledge of the specific end that they are choosing. It is Aristotle’s account of the reasons why people deliberately choose to engage in wrongdoing that is of present interest. There are two stages to this discussion. Having offered a definition of wrongdoing, Aristotle first proceeds to offer a perfectly predictable account of the causes of bad behavior. Vice (kakia) and moral weakness (akrasia) are presented as the primary reasons why people choose to engage in wrongdoing:

For if certain people have one depravity or more, it is in relation to this that they are in fact wicked and are wrongdoers; for example, one is ungenerous with money, another is indulgent in the pleasures of the body, another is soft in regard to exertions, another cowardly in dangers (they abandon comrades in danger through fear)…and similarly each of the others in regard to each of their underlying vices.

Depravity, as Aristotle puts it here, is at the root of wrongdoing. He underscores this point by explaining that miserly, licentious, soft, or cowardly behavior, are all due to “underlying” vices. This account of wrongdoing is entirely expected as it aligns rather nicely with much of the argument of the Ethics. The more important point, however, is that this statement also aligns with what was argued earlier in the Rhetoric. Aristotle reminds his readers of these arguments with a statement that ties the assertions that he makes here to earlier parts of the text: “These things,” he states, “are clear, partly from what has been said about the virtues, partly from what will be said about the emotions.” Of course, this statement also looks forward to the treatment of the emotions. Aristotle is

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415 On Rhetoric, 1.10.3.
416 On Rhetoric, 1.10.4.
417 On Rhetoric, 1.10.4.
418 On Rhetoric, 1.10.5.
confirming for his readers that this account of human behavior is nothing more than what has already been established in his earlier account of the virtues, presumably in the chapter on epidictic rhetoric, and that it is nothing more than what will be said in the account of the emotions in book two.

The second stage of the discussion of wrongdoing takes a different turn and proceeds to consider the sources of wrongdoing in a more precise way. A full account of wrongdoing, Aristotle argues, must look to three things: it must consider the reasons why people do wrong, it must consider the wrongdoer’s state of mind, and it must consider the type of people who are wronged. What distinguishes this discussion from the immediately preceding remarks, which associate wrongdoing with depravity, is that this discussion speaks about the ‘causes’ of human action. This usage is significant as he is sparing in his use of the term: he did not use it when he discussed how vice and depravity factor into wrongdoing. There he only states that those who engage in wrongdoing do so “in relation to” and “in regards” to these kinds of things. Aristotle reserves the word for his account of the state of mind of one who engages in wrongdoing. Had he been freer in making claims about causality, this would undermine the significance of its use in this place. The manner in which Aristotle organizes this discussion is also distinctive. The approach of dividing the causes of wrongdoing under three heads, is not exclusive to just this part of the Rhetoric. He uses the same schema in his analysis of the emotions in book two. He states:

There is need to divide the discussion of each into three headings. I mean, for example, in speaking of anger, what is their state of mind when people are angry and against whom they usually angry, for what sorts of reasons;

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419 On Rhetoric, 1.10.4.
for if we understood one or two of these but not all, it would be impossible to create anger (in someone).\textsuperscript{420}

As this passage shows, the claim is that understanding these three things will enable one to successfully “create anger,” and presumably any of the other emotions, in a person.\textsuperscript{421}

This is not a vague statement describing how a specific state of mind might be associated with an emotional response. It is a causal claim. A similar model is used in the Politics. There, similarly, Aristotle is discussing why people make the choice of engaging in wrongdoing. These things suggest that this discussion might be something more than just a useful enumeration of the subject matter designed to assist students of rhetoric, and that perhaps a greater degree of weight ought to be granted to this discussion.

What then does Aristotle ultimately say about the causes of wrongdoing? As it turns out he will go on to provide more than just an account of the causes of wrongdoing—instead he makes general assertions about the causes of all human action. He argues as follows. “All people,” he states, “do all things either not on their own initiative or on their own initiative.”\textsuperscript{422} He identifies seven causes of all human action: “Thus, necessarily, people do everything they do for seven causes: through chance, through nature, through compulsion, through habit, through reason, through anger, through longing.”\textsuperscript{423} Chance, nature, and compulsion are identified as the three main causes of actions that cannot be traced back to individual initiative. Habit, reason, anger, and longing are all identified as the causes of actions that people are said to do on their own initiative. In the immediately following discussion Aristotle will proceed to quickly

\textsuperscript{420} On Rhetoric, 2.1.9.
\textsuperscript{421} On Rhetoric, 2.1.9.
\textsuperscript{422} On Rhetoric, 1.10.7.
\textsuperscript{423} On Rhetoric, 1.10.7.
pare down this list still further, but not before adding an important qualification—one that potentially undermines one of the chief claims he has been developing thus far.

Before continuing further, Aristotle stops to explain why additional distinctions, made on the basis of things like age and habitual character, are unnecessary. He argues that distinctions of this sort do not add anything to his account of the causes of persuasion: “To distinguish actions further on the basis of age or habitual character or other things is beyond the present task; for if it incidentally results that that the young are prone to anger or longing, they do not act this way because of their youth but because of anger or longing.”

He gives another example to demonstrate this point:

Nor (do those disposed to longing feel this desire) because of wealth or poverty, but it incidentally results that the poor long for money because of a lack of it and (that) the rich long for unnecessary pleasures because of excess (of money). But these too will act not because of wealth or poverty but because of longing.

Perhaps the most significant statement is his explanation of what drives those who are “said to act by their habitual character,” such as the just and the unjust. Aristotle explains that even those who are thought to act by habitual character are still only acting through reason or emotion. Therefore, it is not necessary to make add any further distinctions to his classification of the causes of human action. The implications of these arguments will be discussed more fully later. At present, however, it is important to note what exactly it is that Aristotle is saying here about the causes of human action. He is reasserting the significance of his account of the main causes of human persuasion, and

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424 *On Rhetoric*, 1.10.9.
425 *On Rhetoric*, 1.10.9.
426 *On Rhetoric*, 1.10.9.
427 He immediately goes on to stipulate that this does not mean that character is without significance. As he explains, it has consequences for one’s reputation and in regards to the pleasure that experiences when acting in accordance with habit. This does not, however, alter his account of what it is that is causing someone to act in a certain way.
establishing that it is intended to serve as an exhaustive account of all of the possible causes of human behavior.

In the next stage of his discussion Aristotle goes on to discuss the seven causes in greater detail. He explains what exactly it means to say that something happens by chance, nature, compulsion, habit, reasoning, anger, or longing. It is his treatment of the last four causes that is of particular note, for Aristotle will ultimately reduce these four causes down to two main drivers of human action, advantage and pleasure. His reasoning proceeds as follows. Things occurring by habit, Aristotle explains, are done because one often does them. He counts things done by habit among the pleasurable things: “The familiar and the habitual are among the pleasurable; for people even do with pleasure many things that are not pleasurable when they have grown accustomed to them.”

Next, Aristotle considers actions that are done through reason. Actions of this sort are undertaken because they seem to be advantageous. They either lead directly to some good, of help to secure the means to a good. He stipulates that any action occurring through reason is undertaken purely for the sake of advantage: “Through reasoning (occur) things that seem to be advantageous on the basis of goods that have been mentioned or as an ‘end’ or as means to an ‘end,’ whenever they are done for the sake of advantage.” This is an important qualification, for the intemperate also do advantageous things but for the sake of pleasure, not advantage. Next, Aristotle proceeds to explain what motivates actions that are done either anger or desire (orexis). He will conclude that both of these things are ultimately motivated by pleasure. Aristotle identifies anger with vengeance, and he explains that the aim of revenge is to provide a

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428 Aristotle, On Rhetoric, 1.10.18.
429 On Rhetoric, 1.10.16.
430 On Rhetoric, 1.10.17.
kind of fulfillment to the angry party. This is supported by what he says in his treatment of the emotions in book two, where he clearly associates anger with pleasure: “a kind of pleasure follows all experience of anger from the hope of getting retaliation.” Longing, the final cause of human behavior, is described as pursuing whatever appears to be pleasurable. Aristotle concludes this discussion with a sweeping conclusion about the main drivers of all human action. He states: “In short, all things that people do of their own volition are either goods or apparent goods or pleasures or apparent pleasures.”

This part of Aristotle’s argument is striking not just because it offers a primary statement of the causes of all human action, but also because of what it reveals about the Rhetoric’s larger argument. Having reduced the drivers of human action to just two main causes, Aristotle then proceeds to speak as if the entire work up until this point has essentially been concerned with discussing just these two things.

If Aristotle provides his readers with an account of the causes of persuasion, this is surely it. This is the first place in the text where Aristotle discusses what causes people to act in given way, and it is also his most universal statement about human motivation. Moreover, in this section he describes the argument of the entire Rhetoric as being organized around advantage and pleasure. This is significant because his account of human motivation establishes advantage and pleasure as the two main drivers of all voluntary action. In so doing this teaching provides the missing components to Aristotle's account of public speech, in that it points to the causes of persuasion. Aristotle's account of human motivation identifies the various causes that impel people to act in a given way. Some of the things that people do are not done by their own initiative; these are things

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431 On Rhetoric, 2.2.2. Cf. 2.1.4.
432 On Rhetoric, 1.10.18.
that are done by necessity, compulsion, and nature. Some actions are undertaken by one's own initiative. The causes of voluntary action are habit, reason, anger, and longing. The latter four causes explain why an individual makes the choice of acting in a specific way. If this is a comprehensive account, as Aristotle suggests it is, then these causes can also be used to explain how persuasion works. Rhetoric, despite what Aristotle wants to argue in chapter two, is about persuasion. Whether one is simply contemplating the various means of persuasion, or whether one is actively seeking to persuade others, one is thinking about the different ways in which it is possible to effect persuasion. To put it differently, one is still contemplating the specific points at which, and ways in which, speech can be used to move people. An account of the causes of human behavior explains what exactly is going on when people are persuaded to choose one course of action, or to make one judgment, over another. Some of the things that people undertake to do have their source in some bodily drive, such as hunger and thirst. Other things people undertake to do have their source in “some opinion of the mind.” These opinions of the mind may be formed in various ways; they might be the result of experience, custom, and education. That being said, some “opinions of the mind” may come directly from listening to what other people say. This is what speakers do: they undertake to show their audience why they ought to choose to pursue a given course of action, or why they should come to a specific assessment or judgment. The account of human motivation explains what kinds of things will ultimately move people. Speeches that correctly hit upon the two main drivers of human action, it may be surmised, will be more successful than those that do not. This discussion identifies the causes of failure and success that,

\[433\] *On Rhetoric*, 1.11.5.
according to Aristotle’s own argument, is essential knowledge if one is to fully possess the art of speech.

Advantage, Pleasure, and Aristotle's Art of Speech

The discussion of human motivation is not readily confined to the chapters on judicial speech. While these chapters provide a logical occasion for a treatment of human motivation, the specific account that Aristotle offers pushes beyond the boundaries of their principal focus. The discussion of human motivation makes important generalizations about the main drivers of human action, and it redefines the arrangement of the Rhetoric in terms of these generalizations. For these reasons, a narrow consideration of its implications, one that considers only its direct relevance to the chapters on judicial rhetoric, is insufficient. On the contrary, one should take Aristotle’s direction and consider what his assertions about advantage and pleasure mean for his larger argument. Only then does the full significance of this discussion come into focus. That being said, a full account of how it relates to Aristotle’s’ argument in the Rhetoric, and what it might mean for his arguments in the Ethics, is beyond the scope of the present work. At present it will be enough to suggest what the account of human motivation means for the thesis being defended herein. The account of motivation, it will be argued, provides further support for the claim that the Rhetoric contains a political project, which is not to be confused with Aristotle's actual views about how rhetorical persuasion operates. It corroborates the present thesis as it refines and counters some of Aristotle's more explicit arguments in several ways. In the first place, it establishes pleasure as a primary driver of most human behavior, and it significantly circumscribes the scope of rational persuasion. So much so, that it undermines Aristotle's most sanguine claims
about the persuasive power of reason. Second, this discussion offers a more precise way of looking at how persuasion through *ethos* works. In so doing it provides clearer evidence of the divide between Aristotle’s salutary arguments and his deeper views about what moves people. Third, it helps to further elucidate Aristotle’s reasons for writing the *Rhetoric*, and it helps to explain the manner in which he chooses to write it.

The first thing to consider is how Aristotle’s account of human motivation squares with what he says about persuasion through reason. The first chapter of the *Rhetoric* had argued strongly in favor of a strictly rational approach to public speech. There, Aristotle had argued that human beings are not always vulnerable to emotional appeals. In deliberative situations people were presented as being especially on guard against the use of irrelevant speech: when matters directly affect one’s own interests one can expect that individuals will stand guard against manipulative speech and seek to hear the facts of the matter at hand. This all goes along with the general emphasis on the power and efficacy of reason, which permeates the arguments of the first chapter. The account of human motivation undercuts these early arguments as it reveals pleasure to be an especially important driver of human action. Pleasure, it is suggested, is the cause of actions that are done by habit, anger, and longing. It can also be the object of logical or reasoned discourse. Aristotle explains that it is possible to use arguments to persuade the intemperate man to choose the advantageous course, simply by making the advantageous appear pleasurable.\(^434\) In contrast, actions that are caused by reason, strictly speaking, are

\(^{434}\) This means that the advantageous and the disadvantageous are not the only viable means of generating persuasion in deliberative assemblies. This reveals, in yet another way, that the initial distinctions that Aristotle draws between the different species of rhetoric are not nearly as authoritative as he at first makes them seem.
actions that are undertaken for the sake of a specific advantage. So despite initial indications to the contrary, the account of human motivation shows that pleasure has a significant role in determining human action: the pathways provided by pleasure are just broader and more abundant. This is an especially significant point when the audience consists of large groups of people with competing interests. In such situations it is more likely that one will be able to leverage pleasure more readily, rather than getting a large and diverse audience to agree to a single view of the advantageous. All of this suggests that pleasure is a greater determinant of human action, and that it provides a wider avenue to persuasion than the opening pages of the *Rhetoric* are willing to admit.

The account of human motivation has more important implications for Aristotle’s arguments about persuasion through ethos. Aristotle has attempted to work character, and with it virtue and vice, into his argument in numerous different ways. Character first finds its way into the argument as a specific mode of rhetorical persuasion that occurs entirely through speech. What matters here is the character of the speech, not one’s preexisting reputation. If a speaker happens to have a reputation for being a just man, this is not persuasion through ethos. Persuasion through ethos occurs when a speaker succeeds, over

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435 The picture gets more complicated here. If one looks back to Aristotle’s treatment of the advantageous in the chapters on deliberative speech, one finds there things that are later identified as things that are pursued because they are pleasant. One should compare Aristotle’s treatment of the kalon in the discussion of deliberative speech, with treatment of the kalon in the chapters on judicial speech. In the latter discussion he counts the kalon among the most pleasant things.

436 The general significance of pleasure and pain is a major point of disagreement between the present reading and Garsten’s reading of the *Rhetoric*. Garsten acknowledges that both pleasure and pain interfere with one’s ability to judge well. He argues that, “part of Aristotle’s achievement in the *Rhetoric* was to show how pleasure could be brought into a technical art of deliberative rhetoric.” Aristotle’s treatment of emotion, as Garsten reads it, reveals the “subordinate status of pleasure and pain.” There is no disagreement with this assertion, insofar as he is arguing that pleasures and pain are susceptible to reason. The difficulty is that Garsten also seems to think that this somehow underscores “Aristotle’s faith in practical judgment.” This relationship is not exactly clear. Pleasures and pains may be susceptible to reason, but this does place reason above them. Reason may help to frame an emotion, but it is the attendant pleasures and pains that ultimately move the hearer. Simply put, to persuade through emotion is to persuade via pleasure and pain. Garsten, *Saving Persuasion*, 136-137, cf. 122.
the course of a given speech, in cultivating a view of himself that disposes a given audience to be receptive to their arguments. How does one incline an audience in this way? Aristotle offers two different answers to this question. In some parts of his argument, he suggests that persuasion through ethos requires that one make arguments that exemplify moral virtue. This take on persuasion through ethos is evident in his treatment of epideictic speech when he states that: an account of the virtues will also “make clear those things from which we (as speakers) shall be regarded as persons of a certain quality in character, which was the second form of pistis.” The overriding point that Aristotle seeks to establish here is that speeches that exude moral virtue are more persuasive than those that do not, because virtue is inherently persuasive. Other parts of Aristotle’s argument seem to offer a different, and conflicting, account of what the effective cultivation of character, or persuasion through ethos, looks like. In some places, Aristotle emphasizes the importance of crafting an image that would appeal to an audience, not because the image that is being presented is the image of a moral man, but because it reflects the character of the audience, whatever that may be. This argument is present in his treatment of deliberative and epideictic rhetoric, and is to be found wherever Aristotle argues some variation of the claim that people are persuaded by characters that resemble their own. It is also the view of ethos presented in the latter

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437 “Students of the Rhetoric have taken differing views as to whether the brief passage in 2.1.5-7 or the longer passage 2.12-17 should be regarded as Aristotle's principal discussion of character presentation as a mode of persuasion. It seems clear that 2.1.5-7 resumes the original statement of 1.2.3-5, noted also in 1.9.1, and that 2.12-17 is aimed at something rather different: the adaptation of a speech to the character of the audience, which was anticipated in 1.8.6....At the end of 2.18.1, the preceding discussion is described as a matter of making speech ‘ethical.’” Aristotle, On Rhetoric, Notes to chapters 12-17, p. 163-4.

438 On Rhetoric, 1.9.1.

439 Garver makes much of this line of argument.

440 Aristotle, On Rhetoric, 1.8.6.
part of book two. Aristotle’s treatment of ethos may be uneven, but his general emphasis on ethos, character, and virtue is not. He works all of these things rather assertively into his argument, and thereby rather assertively into his art of speech. When he qualifies his assertions about virtue in chapter ten he undermines some of his chief assertions about how rhetorical persuasion operates. In the process he also undercuts his first account of persuasion through ethos and corroborates the second.

The section on human motivation qualifies an earlier statement in which had identified depravity, or vice, as the root of wrongdoing. Aristotle begins the discussion of judicial rhetoric by placing vice at the root of wrongdoing. Although he does not use the word ‘cause’ to describe how vice relates to wrongdoing, he does attribute the one to the other in more general terms. This, however, is not his final word on the matter. The discussion becomes more precise when it turns to the question of human motivation more generally, where the term ‘cause’ is used. The concepts of virtue and vice, as it turns out, do not fit within this new framework for explaining human behavior. After identifying seven causes of all human motivation, Aristotle explains that it is unnecessary to proceed to make further distinctions on the basis of “age or habitual character or other things.” Such distinctions are not needed since they do not add anything to the account of human motivation. This is because age, character, or other such things, are not in themselves primary causes of action. It is, for example, imprecise to argue that a just man does good things on account of the fact that he is just. As Aristotle explains: it is not justice, strictly speaking, that causes a man to behave in a certain way. If he acts this way it is because of one of the four causes of voluntary action that have been enumerated. ‘Virtue' and ‘vice,'

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441 *On Rhetoric*, 1.2.12-17.
442 *On Rhetoric*, 1.10.9-11.
then, function as placeholders for a more primary set of causes. Given that the four causes of voluntary action ultimately reduce to two chief drivers of action, it would be still more precise to say that the just man is motivated by either advantage or pleasure. Of course, Aristotle does not quite put it this way; likely because he does not want to present the just man as one who is driven by such motives. For this reason he frames this argument slightly differently: "And similarly, both the just and the unjust (and other said to act by habitual character) will do things either through reason or through emotion; but the former will do good things by character or emotion, the latter the opposite." Aristotle clouds the issue by saying that the just man acts through “reason” and “emotion,” instead of saying that he is motivated by advantage and pleasure. If, however, one proceeds to tally up the argument this is the conclusion being forwarded. For, as Aristotle goes on to explain, things that are done by reason are done because they “seem to be advantageous,” and things done through emotion or habit are motivated by pleasure. One only needs to look a few lines ahead to realize what exactly it is that drives the just man.

What does this mean for the way in which Aristotle uses virtue in his art of speech? It means that one needs to consider more critically any points in the text where he identifies virtue as a cause of human motivation. Aristotle’s account of persuasion through ethos is one such point. Persuasion through ethos occurs when people cultivate a view of themselves that exemplifies moral virtue. At least this is one of the two ways in which Aristotle handles ethos. At the beginning of the discussion of epideictic speech Aristotle speaks as if virtue is inherently persuasive. Speakers who seem possess certain

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443 On Rhetoric, 1.10.9.
444 On Rhetoric, 1.10.16, 1.10.17-19.
character traits are likely to appear more trustworthy to their audience. The difficulty is that this explanation, when considered from the perspective of Aristotle’s treatment of human motivation, appears to be rather imprecise. For Aristotle seems to be suggesting that the virtues initiate a certain kind of response in human beings. This account does not really explain how, or why, *ethos* creates such a response. It speaks about virtue as if it is a cause of human behavior. If it is the case that virtues move people to act in certain ways, then it is possible to account for how this occurs more directly. It should be explained in terms of habit, reason, anger, or longing—or in terms of advantage and pleasure. Simply asserting that virtue is the cause of persuasion through *ethos* obfuscates how persuasion through *ethos* actually operates. In the end, Aristotle’s second account of *ethos*, which emphasizes the importance of reflecting the character of the audience, provides the better account of why character persuades. For it explains why audiences react favorably to speakers who reflect their own character and place in life: they react favorably because that character is familiar to them and is therefore pleasant. It is pleasant for the very same reasons why acting in accordance with one’s own habits is pleasurable. Indeed, one might argue that there is no real difference between the two treatments of *ethos*, if one uses the account of human motivation to explain why *ethos* persuades. For if a speaker exudes moral virtue, and if those moral virtues happen to also reflect the character of the audience, then one can surmise that they will be able to influence their audience with a degree of success. That Aristotle wants to present certain virtues as inherently persuasive, when he is able to provide a more specific account of why virtue persuades, only shows that he is striving to direct rhetorical practice in a given
direction. Of course, when one looks back at the treatment of the virtues in the chapter on epideictic rhetoric the political bent of that concern becomes only too clear.

Finally, and perhaps most importantly, the discussion of motivation discloses the nature of Aristotle's concern with rhetoric. It reveals that the teachers of rhetoric had it right. It shows that they are teaching their students exactly how to manipulate one of the key drivers of human action. Their rhetoric is not as weak as Aristotle tries to make it seem. The problem, of course, is that such rhetoric is entirely undisciplined with regards to how it sets about persuading an audience. The problem is that it can play upon the emotions of the audience in a way interferes with the objectives of the legislative art. Aristotle's hope is that he can persuade his readers to transform their rhetorical practice by convincing them to adopt his teaching. What does Aristotle do? In the case of deliberative rhetoric he impresses upon his readers the importance of first learning about politics, as a way of stemming irresponsible speech. Then he directs his readers to construct arguments that promote civic notions of the common good, and arguments that uphold the laws and constitution of the state. In the case of epideictic speech he strives to direct speeches towards civic conceptions of virtue, and away from existing rhetorical practice, which tends to emphasize invention above all else. Finally, the treatment of judicial speech works to focus arguments on the question of wronging, and it encourages speakers to look to the aims and intentions of the legislator wherever the clarity of the laws is itself in doubt. This level of Aristotle's argument should not be mistaken for his deepest teachings about how rhetorical persuasion works.
Chapter 6

Conclusion

This dissertation has offered an interpretation of Aristotle’s *Rhetoric* in three interrelated parts.

The first part of its discussion focused on the *Rhetoric*’s opening chapter. There it strived to distinguish the rhetorical components of Aristotle’s argument, from his more serious concerns about the place of rhetoric in political society. It argued that the work’s opening attacks on the teachers of rhetoric are not to be accepted at face value. For, the purpose of these attacks is not to specify the nature of Aristotle’s concerns with rhetoric, but to clear the ground in preparation for his political project. This dissertation locates his more serious concerns in a brief treatment of legislation that that intrudes upon the rhetorical argument. The account of legislation is important because it urges the reader to consider how the existing teaching and practice of rhetoric interferes with the legislative art. The problem of rhetoric, it was argued, is not just that it interferes with human reason. Aristotle does not advocate, as the discussion of legislation shows, the emancipation of reason to its own devices. He is skeptical about the reliability of collective judgment, and is doubly critical of collective judgment when it is placed in the hands of orators who are left free to lead the audience to think and judge in accordance with arbitrary principles. In the passage on legislation, Aristotle clarifies how law, collective judgment, and rhetoric should relate to each other. Rhetoric, as he sees it, fulfills its proper function, and holds its proper place with respect to the laws and individual judgment, only when it is guided by the aims and intentions of the legislative
art. This, however, does not mean that rhetorical practice should take an austere form, and only concern itself with the facts of the matter at hand. What it means is that orators should actively work to construct arguments that look to the laws. Aristotle, it was argued, spends the better part the first book establishing just such a rhetoric.

The second part of this dissertation strived to show that Aristotle’s most explicit attempts at structuring an art of speech are largely concerned with establishing a rhetorical practice that maintains its proper place in relation to the laws. In so doing, it was suggested, he works to establish an art of speech that corrects or avoids many of the problems posed by the existing teaching. How does he do this? In the first place, he accomplishes this by defining rhetoric as an intellectual activity rather than a strictly productive art. Then he proceeds to articulate a detailed taxonomy of rhetoric that divides the subject into different species, articulating a specific end for each specific type. Having identified a specific end for each species of rhetoric, Aristotle then proceeds to show his readers how to make arguments that speak to this end. The work’s political project is highlighted by the manner in which he takes the given end of each species of rhetoric and defines it in such a way that bolsters the law and legislative intent. He defines the advantageous, the praiseworthy, and the just and the unjust, in a way that leads readers to construct speeches that hold their place in relation to the law and collective judgment. In deliberative rhetoric, for example, he states that speeches that uphold the constitution are the most advantageous and most persuasive. He equates the praiseworthy with a highly civic form of virtue, one in which acting virtuously consists largely in acting in accordance with existing laws. When he treats judicial speech, Aristotle says nothing about the just and the unjust, but instead focuses his efforts on
showing readers how to establish culpability under existing laws. These are but a few examples of the many discussed that show how Aristotle is working to bring rhetorical practice into line with politics. This dissertation has contended that this level of Aristotle’s argument is largely concerned with convincing readers to adopt the rhetorical practice that he describes. These parts of his argument, however, are not to be mistaken for a strictly scientific or technical account of the nature of rhetorical persuasion. For Aristotle’s arguments, at least at this level, cannot withstand closer scrutiny. Indeed, as the third part of this dissertation has strived to show, Aristotle will go on to undercut many of the arguments that he makes here.

The third part of this dissertation has argued that there is a deeper teaching that points the reader to his real views about rhetoric. It maintains that Aristotle’s discussion of human motivation, which is contained within the chapters on judicial speech, is the true core of his argument. This dissertation builds its case by tracing the basic trajectory of Aristotle’s argument, which culminates in the account of motivation. It showed that Aristotle is not quite so committed to the initial structures of his own argument, and it showed that his argument unfolds in such a way as to corroborate the importance of the discussion of human motivation. This teaching identifies advantage and pleasure as important drivers of all human action. Why does this specific part of Aristotle’s argument matter so much? It contains, or so it was argued, his deepest understandings about what ultimately moves human beings, and so also explains the causes of human choice. This is the crucial teaching for a number of different reasons. First, it provides the missing component to Aristotle’s art of speech. To know why some speeches persuade, one needs to know exactly what kinds of things move people. Although it may be useful for
speakers to have lists of propositions at hand, one needs to understand the causes of failure and success if one is to know how to choose from among them. The account of motivation helps to explain the causes of failure and success, which is the knowledge that one needs if one is to truly possess the art of speech. The second reason why this teaching matters is because it explains why Aristotle is so concerned with the existing teaching and practice. It reveals that the teachers of rhetoric, with their emphasis on non-rational modes of persuasion, have correctly discerned something about how human beings operate and that they do in fact possess a powerful teaching.


